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Print Single Sided Only

Ident. No. 15-7495

FORM 202 Rev. 09/16
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Stacy L. Burton Phone 435-671-8989
Name connector (check one): and or and/or
Mailing address 2906 W 1000 N City Malad
State ID _____ ZIP 83252 Email stacy@twoheartspinting.com

2. Name of representative, if any _____ Phone _____
Mailing address _____ City _____
State _____ ZIP _____ Email _____

- a. Send all correspondence for this application to the representative and not to the applicant OR
 Send original correspondence to the applicant and copies to the representative.
- b. The representative may submit information for the applicant but is not authorized to sign for the applicant OR
 The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.

3. Source of water supply Ground water which is a tributary of _____

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
16S	36E	2	3		SE	NW	Oneida	Ground water	

5. Water will be used for the following purposes:

Amount 0.04 cfs for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Pump in existing well to 1 home.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? Yes No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? Yes No
- e. If well is already drilled, when? no record; drilling firm no record; well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ 100.00 Received by M. Potts Receipt No. E048609 Date 10-6-22

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8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - d. Domestic; show number of households 1
 - e. Other; describe fully. _____

9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
16S	36E	2																			

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____
 The well will be used for a residence on my property and to irrigate a lawn/garden. _____
11. a. Who owns the property at the point of diversion? Applicant
 b. Who owns the land to be irrigated or place of use? Applicant
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. This well was originally drilled for a residence on my property. I would like to update the well and replace the existing home with a new one. I have attached the warranty deed showing ownership of the property and a map showing the location of the well and the place of use.
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Stacy Burton
 Signature of Applicant
 Stacy L. Burton
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

Burton Application for Permit



Legend

- Point of diversion
- ▨ Place of use
- ▭ Parcels
- ▭ Township/Range
- ▭ Sections
- QQ

0 205 410 820 Feet



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OCT 12 2022

CLH RANCHES, LLC
RP0355600 A
T-3404

Old homestead
on property



current well on this property
which I am trying to file a
water share for is located here

MOON, IRA GALE
RP0355501 A
T-3455

WARD, GARY P

001 12 2022

ED

163770

Microfilm No. 163770
17 Day Aug 20 22
 At 12 47 O'clock PM

 Oneida Co. Recorder
 Fee \$ 15.00 Deputy
 Recorded at Request of
Northern Title Company- Malad

NTO-121392
 Stacy L Burton
 8045 South Old Highway 191
 Malad City, ID 83252

WARRANTY DEED

Ira Gale Moon and Iva Lou B. Moon, husband and wife ,

Grantor(s) of Malad City, County of Oneida, State of Idaho, hereby **CONVEY AND WARRANT** to

Stacy L. Burton, a single woman

Grantee(s) of Malad City, County of Oneida, State of Idaho, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Oneida County, State of ID:

See Exhibit "A" attached and made a part hereto

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

Witness, the hand(s) of said Grantor(s), this August 10, 2022.

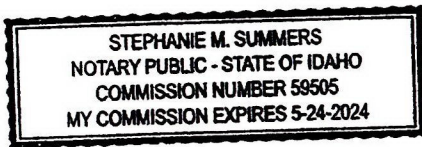
SCANNED
 8/10/2022, 2:34 PM
 OCT 12 2022

Adele Lewis

Adele Lewis, appointed Personal Representative of the Estate of Ira Gale Moon and Iva Lou Moon on title as Iva Lou B. Moon pursuant to Probate Case No. CV10-21-0252 in Seventh District Court in the State of Idaho

State of: *Idaho*)
County of: *Bonneville*)§

On August 10, 2022, before me the undersigned, a Notary Public in and for said state, personally appeared Adele Lewis, appointed Personal Representative of the Estate of Ira Gale Moon and Iva Lou Moon on title as Iva Lou B. Moon pursuant to Probate Case No. CV10-21-0252 in Seventh District Court in the State of Idaho, known or proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same. IN WITNESS WHEREOF I have set my hand and official seal on the date shown above.



Stephanie M. Summers
Notary Public
Residing: *Beehive Falls*
Idaho Falls, ID. 83404

EXHIBIT A

Township 16 South, Range 36 East, Boise Meridian, Oneida County, Idaho
Section 2: Beginning at a point 1320 feet East and 172 feet South of the Northwest Corner of Section 2: thence running South 503.68 feet, more or less; thence East 1100 feet, more or less, to the West boundary of the INterstate Highway I-15; thence North along said highway right of way 503.68 feet, more or less; thence West 1100 feet more or less to the point of beginning. (T-3455)



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 28, 2022

STACY L BURTON
2906 W 1000 N
MALAD CITY ID 83252-6660

RE: Permit No. 15-7495

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources (“Department”) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department’s Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department’s website at idwr.idaho.gov for more information about these programs.

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Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,



James Cefalo
Eastern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2022, I served a true and correct copy of Permit to Appropriate Water No. 15-7495 by U.S. Mail, postage prepaid, to the following:

STACY L BURTON
2906 W 1000 N
MALAD CITY ID 83252-6660



Christina Henman
Administrative Asst. I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

#: 5462

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS
COUNTY OF ONEIDA)

Bryan D. Scott, being duly sworn, disposes and says: that he is the publisher of The Idaho Enterprise, a weekly newspaper published at Malad City, in the county of Oneida and State of Idaho; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in a regular and entire issue of said newspaper during the period of time of publication, and was published in the newspaper proper and not a supplement; and that said newspaper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with 10-20, 22 and ending with the issue of 10-27, 22.

Bryan D. Scott

STATE OF IDAHO)
) SS
COUNTY OF ONEIDA)

On this 28 day of October in the year of 2022 a Notary Public, personally appeared Bryan D. Scott, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that they statements therein are true and acknowledged to me that he executed the same.

Notary Public of Idaho Susan Wittman
Residing at Malad, Idaho
My commission expires: 2-9-2024

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

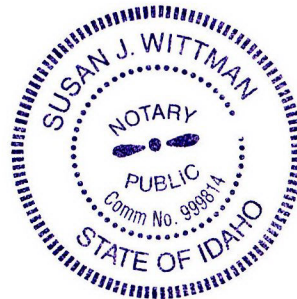
TRANSFER NO. 86707

SAVVY INVESTING, PO BOX 1374, RIVERTON, UT 84065-1374 has filed Application No. 86707 for changes to the following water rights within ONEIDA County(s): Right No(s). 15-2051, 15-7240, 15-7311, 15-7398; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add points of diversion, change points of diversion and change place of use. Proposed points of diversion are in NWNE (new) and NENW (2 wells) Sec 15, and NENE Sec 22, T14S R35E for 2.24 cfs from ground water. Proposed place of use is in Sec 15 T14S R35E for 311.6 acres of irrigation within a 330-acre permissible place of use, and in Secs 15, 16, 17 and 20 T14S R35E for stockwater.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 11/7/2022. The protestant must also send a copy of the protest to the applicant.

The following application(s) have been filed to appropriate the public waters of the State of Idaho: **15-7495**

STACY L BURTON, 2906 W 1000 N, MALAD CITY, ID 83252-6660
Point of Diversion L3(SENW) S2 T16S R36E ONEIDA County
Source GROUND WATER Tributary
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS



Department of Water Resources
Eastern Region

NOV 03 2022

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SCANNED
NOV 08 2022

Date Filed: 10-06-2022

Place Of Use: DOMESTIC

T16S R36E S2

L3(SENW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 11/7/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/20/2022 and 10/27/2022

#5462-10-20-27-22-T2

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NOV 08 2022



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

October 12, 2022

STACY L BURTON
2906 W 1000 N
MALAD CITY, ID 83252-6660

RE: Application for Permit No. 15-7495

Dear Applicant:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO ENTERPRISE on 10/20/2022 and 10/27/2022. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read "CH", is positioned above the typed name of the sender.

Christina Henman
Administrative Assistant

SCANNED
OCT 12 2022

Henman, Christina

From: Henman, Christina
Sent: Wednesday, October 12, 2022 2:01 PM
To: enterpriseneews@atcnet.net
Subject: Legal Notice for Idaho Enterprise
Attachments: 86707, 15-7495 Idaho Enterprise.docx

LEGAL NOTICE DEPARTMENT
IDAHO ENTERPRISE
PO BOX 205
MALAD CITY, ID 83252

RE: Transfer No. 86707, Permit No. 15-7495

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 11/7/2022. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86707**

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Total Diversion:
0.04 CFS
Date Filed: 10-06-2022
Place Of Use: DOMESTIC
T16S R36E S2
L3(SENW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 11/7/2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/20/2022 and 10/27/2022

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OCT 12 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

INITIAL REVIEW BY MH DATE 10/12/22 APPLICATION NO. 15-7495

APPLICANT NAME: STACY BURTON

REQUIRED INFORMATION:

- Name (business entities must show proof of organization, check Sec. of State website)
- Address
- Source (See USGS Quad for names of water sources)
- Point of Diversion (QQQ for springs, lot & block description for subdivisions)
- County
- Quantity (flow and/or volume)
- Period of Use
- Nature of proposed use (including a description of the proposed use)
- Description of diverting works
- Place of use (for subdivisions, include lot and block description)
- Time required for beneficial use of water
- Signature (if applicant is corporation, partnership, or municipality, title of signer is required)
- Map
- Fee

REGULATORY CHECKS:

- Overlapping rights at place of use
- Other rights diverted at proposed point of diversion
- Critical Ground Water Area?
- Ground Water Management Area? MALAD VALLEY
- Dam Safety Notice
- Power Use? - Is residency affidavit attached?
- Trust Water

NEIGHBOR TO N HAS BEEN USING THE WELL; NO RECORDED RT

Water District: NWD

SEND NOTICE OF APPLICATION TO:

- Id Dept of Environmental Quality
- Id Dept of Fish & Game
- Id Dept of Lands
- Adjudication Bureau Unit
- U.S. BLM
- U.S. Forest Service
- Other _____