

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 29-14267

Priority: June 29, 2018

Maximum Diversion Rate: 0.02 CFS

Maximum Diversion Volume: 1.2 AF

It is hereby certified that:

STANLEY BURKE AND/OR
AMBER BURKE
23429 S MARSH VALLEY RD
DOWNEY ID 83234-1613

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 29, 2018, and has submitted Proof of Beneficial Use on September 13, 2022. An examination confirms water is diverted from:

Source : SPRING

Tributary: SINKS

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.02 CFS

Annual Volume

1.2 AF

Location of Point(s) of Diversion

SPRING SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, Twp 11S, Rge 36E, B.M. BANNOCK County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
11S	36E	35			X													

Conditions of Approval

1. Domestic use is for 1 home.
2. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
4. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 29th day of June, 2023.



JAMES CEFALO
Eastern Regional Manager

SCANNED
JUN 30 2023

State of Idaho
Department of Water Resources

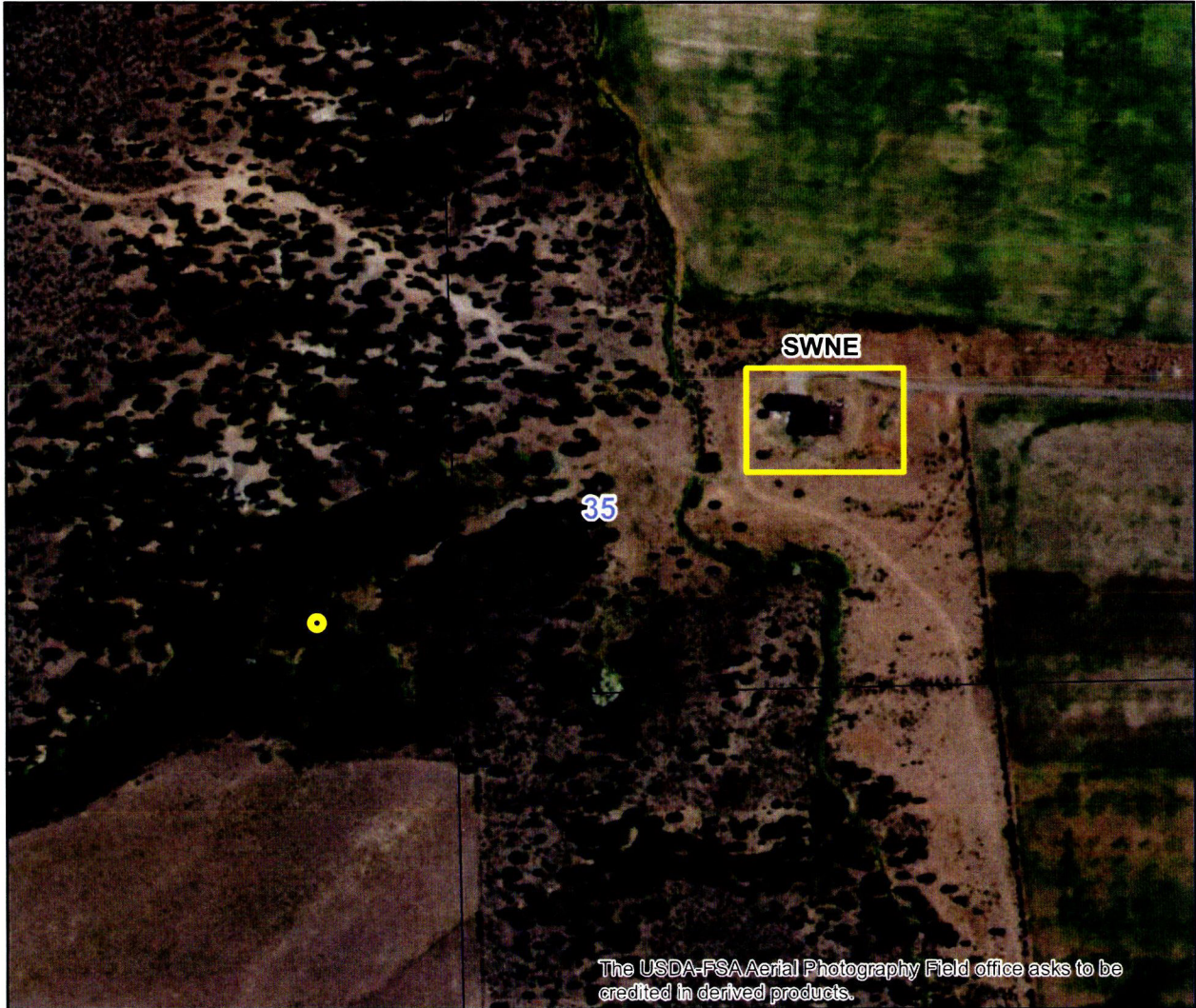
Water Right

29-14267

June 29, 2023

36E

11S



0 0.035 0.07 0.14 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion



SCANNED
JUN 30 2023



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

June 29, 2023

AMBER BURKE
STANLEY BURKE
23429 S MARSH VALLEY RD
DOWNEY ID 83234-1613

RE: License No. 29-14267

ISSUANCE OF LICENSE

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department 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.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at 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)

SCANNED
JUN 30 2023

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2023, I served a true and correct copy of Water Right License No. 29-14267 by U.S. Mail, postage prepaid, to the following:

AMBER BURKE
STANLEY BURKE
23429 S MARSH VALLEY RD
DOWNEY ID 83234-1613

WATER DISTRICT #29G
KENT WINWARD
699 E BIG HOLLOW RD
DOWNEY ID 83234



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.

Permit No. 29-14267
Name Amber and/or Stanley
Burke

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
In-Office Beneficial Use Examination

1. ☒ Copy of Permit
2. ☒ Copy of proof of beneficial use
3. ☒ Copies of amendments/orders
4. ☒ Qualifies under Rule 35.01.r (IDAPA 37.03.02)
5. ☒ Point of Diversion

Township 11S, Range 36E, Section 35, QQ SESENW

Method used to determine POD: Pipeline visible in aerial imagery

6. ☒ Place of Use

Diagram of system from permit holder

Township 11S, Range 36E, Section 35, QQ SWNE

Method used to determine POU: House visible in aerial imagery

7. ☒ POD and POU match Permit Approval
8. ☒ Aerial photo of place of use
9. N/A Well driller's report
10. ☒ Within a water district? (WD# 29G)
11. ☒ Volume Calculation

Home built. Landscaping visible in 2021 imagery.

Standard domestic volume = 1.2 af/yr.

12. ☒ Other information

Spring located on neighbor's property.

Application included written easement from neighbor
for spring access.

Examiner Name James Cefalo Date 6/29/23

SCANNED
JUN 30 2023

State of Idaho
Department of Water Resources

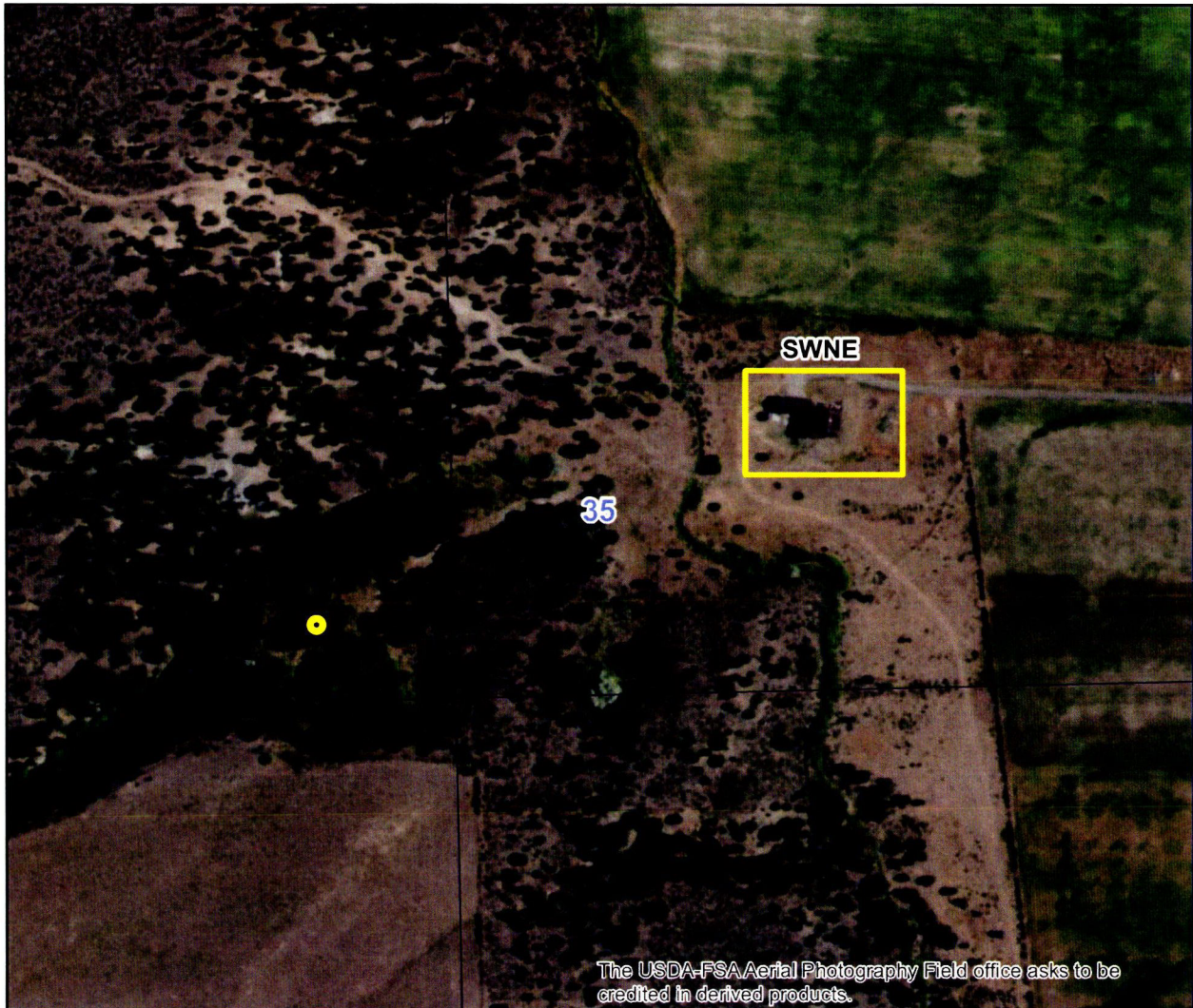
Water Right

29-14267

June 29, 2023

36E

11S



0 0.035 0.07 0.14 Miles

-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion



SCANNED
JUN 30 2023

2-1
21807163

AFTER RECORDING MAIL TO:

RECORDED
21807163
2018 MAY 17 P 3:57
Amber Celisse Burke

Space Above This Line for Recorder's Use Only

QUITCLAIM DEED

Date: 5/17/2018

For Value Received
Louis Bloxham Family Trust

do(es) hereby convey, release, remise, and forever quit claim unto ,
Stanley W Burke and Amber Celisse Burke

whose address is ,
1811 N 75 E, Layton, Utah 84041

herein after called the Grantee, the following described premises situated in Bannock

County, Idaho, to-wit:

Parcel #R4431014200; S35-T11S-R36E TR SW4NE4 TAX 10 16.90AC.

Easement to the above mentioned property for a 20' wide road on the north side of Parcel
R4431013901 exact location to be agreed upon between the Grantee and Mark Bloxham, executor
of the Louis Bloxham Family Trust . Up keep on this road will be the responsibility of the Grantee.

Utility easement (Power, Water, Telephone) on the north side of the above mentioned road.

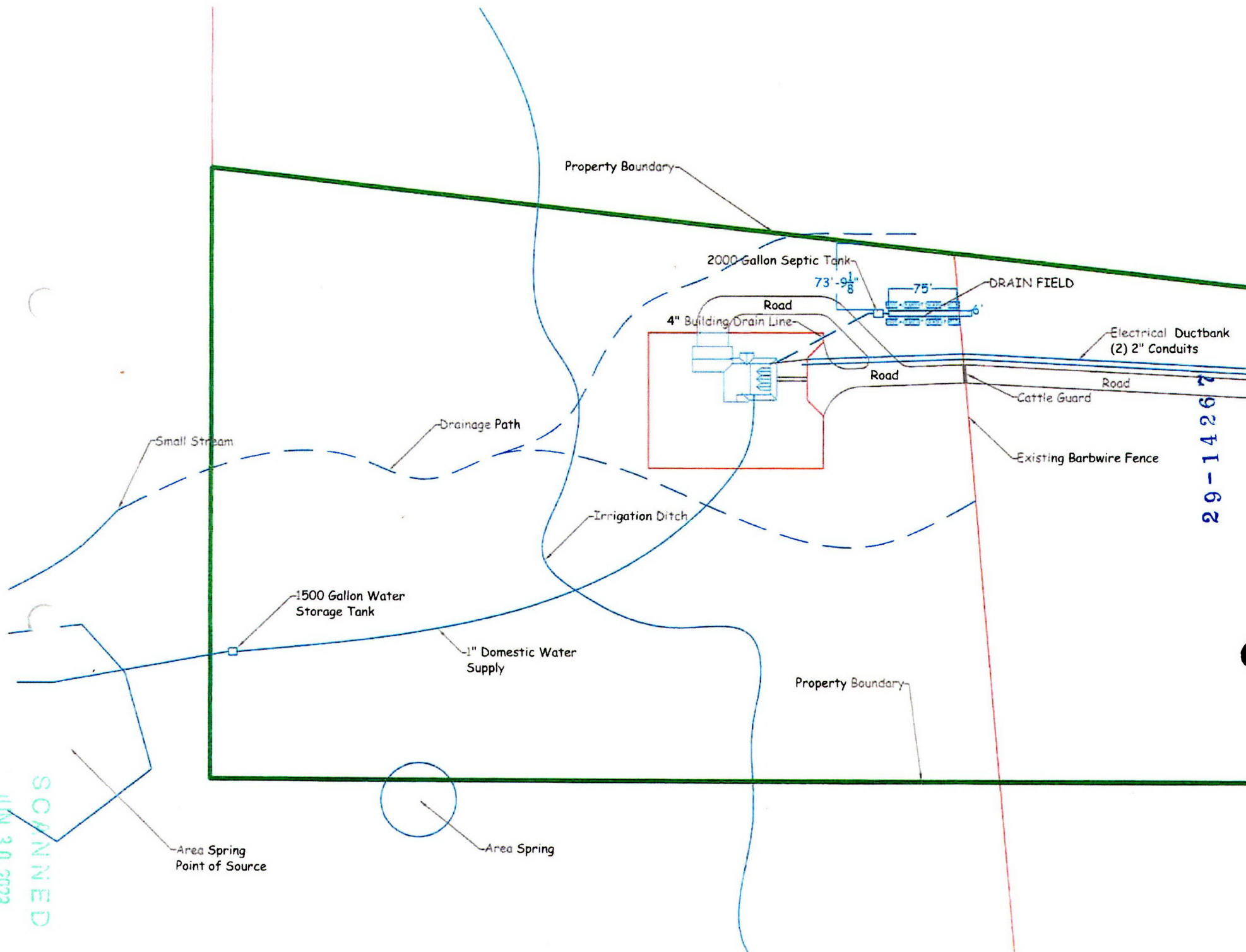
Easement for access to the spring in the south east corner of Land Parcel #4431015000 and
permission to fence said spring. Up keep on the fence will be the responsibility of Grantee.

together with its appurtenances.

29-14267

SCANNED
JUN 30 2023

SCANNED
JUN 30 2023



29-14267

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 29-14267

Priority: June 29, 2018

Maximum Diversion Rate: 0.02 CFS

This is to certify, that AMBER BURKE And/Or
STANLEY BURKE
1811 N 75 E
LAYTON UT 84041

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35 Twp 11S Rge 36E, B.M. BANNOCK County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	36E	35			X														

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2022**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
7. This right does not grant any right-of-way or easement across the land of another.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 10th day of October, 2018.



JAMES CEFALO

Water Resources Program Manager

SCANNED

JUN 30 2023

RECEIVED

SEP 13 2022

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50 -
Receipt No. C113986
Received By KL
Date Received 9.13.22

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 29-14267 Name of Permit Holder(s) Amber Burke & Stanley Burke
Telephone No. 801-706-8036 Email amber.c.burke@gmail.com
Mailing Address 23429 S. Marsh Valley Rd City Downey State ID Zip 83234

2. Source of Water Spring If Ground Water (well), Date Drilled mo. ____ / yr. ____
Drilling Permit/Tag No. ____ Drilling Company's Name ____

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) 1 Irrigation (No. acres) ____ Stockwater (No. and stock type) ____
Other ____

4. Total diversion rate or volume (storage only) for which proof is submitted .02 cfs OR ____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Water diverted by damming off Spring & transferred into a 1" pipe. From there it is stored in a 1700 gallon water tank (buried)

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- | | | | |
|--------------------------|-------------------------------------|--------------------------|--|
| ☐ | ☐ | ☐ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☐ | ☐ | Mitigation plan |
| ☐ | ☐ | ☐ | Lockable controlling works |
| ☐ | ☐ | ☐ | Measuring device |
| ☐ | ☐ | ☐ | Fish screen |
| ☐ | ☒ | ☐ | Other requirements of the water right permit <u>All requirements fulfilled</u> |
| ☐ | ☐ | ☐ | Reasonably Anticipated Future Needs ("RAFN") Municipal use |

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed \$ 50. - or ☐ CWRE field report attached or ☐ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Amber Burke Telephone No. 801-706-8036 Email amber.c.burke@gmail.com
Mailing Address 23429 S. Marsh Valley Rd City Downey State ID Zip 83234

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Amber Burke
SIGNATURE OF PERMIT HOLDER*

Amber Burke
PRINTED NAME AND TITLE

9/8/22
DATE

*Attach power of attorney if completing on behalf of permit holder.

SCANNED
JUN 30 2023

run to the house through a 2" PVC pipe.

RECEIVED

SEP 13 2022

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50 -
Receipt No. C113986
Received By ku
Date Received 9.13.22

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 29-14267 Name of Permit Holder(s) Amber Burke & Stanley Burke
Telephone No. 801-706-8036 Email amber.c.burke@gmail.com
Mailing Address 23429 S. Marsh Valley Rd City Downey State ID Zip 83234

2. Source of Water Spring If Ground Water (well), Date Drilled mo. ____ / yr. ____
Drilling Permit/Tag No. ____ Drilling Company's Name ____

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) 1 Irrigation (No. acres) ____ Stockwater (No. and stock type) ____
Other ____

4. Total diversion rate or volume (storage only) for which proof is submitted .02 cfs OR ____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Water diverted by damming off Spring & transferred into a 1" pipe. From there it is stored in a 1700 gallon water tank & ran to the house through a 1" PVC pipe. (buried)

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- | | | | |
|--------------------------|-------------------------------------|--------------------------|--|
| ☐ | ☐ | ☐ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☐ | ☐ | Mitigation plan |
| ☐ | ☐ | ☐ | Lockable controlling works |
| ☐ | ☐ | ☐ | Measuring device |
| ☐ | ☐ | ☐ | Fish screen |
| ☐ | ☒ | ☐ | Other requirements of the water right permit <u>All requirements fulfilled</u> |
| ☐ | ☐ | ☐ | Reasonably Anticipated Future Needs ("RAFN") Municipal use |
- If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed \$ 50. - or ☐ CWRE field report attached or ☐ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Amber Burke Telephone No. 801-706-8036 Email amber.c.burke@gmail.com
Mailing Address 23429 S. Marsh Valley Rd City Downey State ID Zip 83234

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Amber Burke

SIGNATURE OF PERMIT HOLDER*

Amber Burke

PRINTED NAME AND TITLE

9/8/22

DATE

*Attach power of attorney if completing on behalf of permit holder.

SCANNED
SEP 22 2022



Governor Brad Little
September 21, 2022

Director Gary Spackman

AMBER BURKE
STANLEY BURKE
23429 S MARSH VALLEY RD
DOWNEY ID 83234-1613

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 29-14267

Dear Permit Holders:

The Department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right 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 field examination, please contact the Eastern Region Office of the Department located in Idaho Falls at (208) 525-7161.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

SCANNED
SEP 22 2022

Beneficial Use Proof Evaluation

Permit Number: 29-14267 Reviewer: djudd Review Date: 9/13/2022

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 9/13/2022
- 4) Proof Due Date: 11/1/2022
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: -49
- 8) Proof received timely? Yes

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed?
 - a. Measuring Device --
 - b. Lockable Device --
 - c. Fish Screen --
- 4) Is there a request to waive the required items?
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed?
- 7) Was a well drillers report filed?
- 8) Is proof accepted?

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE?
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

E044159

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.

Diversion is spring in Eastern region. Region has requested they do exams on springs. Acknowledged proof