

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 47-17751

Priority: December 28, 2021

Maximum Diversion Rate: 0.02 CFS

This is to certify that

BRIAN TUBBS
OR
MICHELLE TUBBS
3469 E 3100 N
KIMBERLY ID 83341-5251

has applied for a permit to appropriate water from:

Source : SPRING

Tributary: COTTONWOOD CREEK

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>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.02 CFS	
DOMESTIC STORAGE	01/01 to 12/31		0.1 AF

Location of Point(s) of Diversion

SPRING NW¼ NW¼ NE¼, Sec. 29, Twp 11S, Rge 18E, B.M. TWIN FALLS County
SPRING NW¼ NW¼ NE¼, Sec. 29, Twp 11S, Rge 18E, B.M. TWIN FALLS County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	29		X															

Place of Use: DOMESTIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	18E	29		X															

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2024**.
2. Subject to all prior water rights.
3. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
5. Domestic use under this right when combined with any other domestic use shall not exceed 13,000 gallons per day and 1/2 acre of irrigation.

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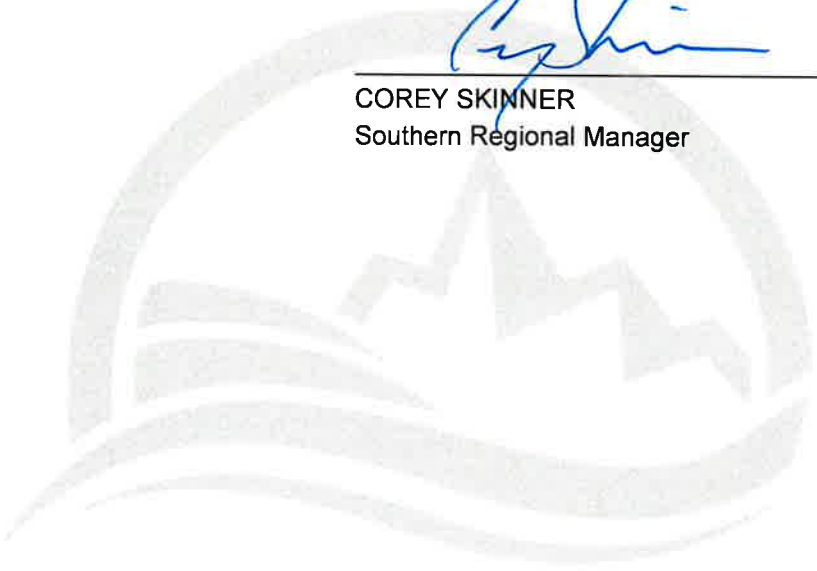
6. The pond established by the storage of water under this right shall not exceed a total capacity of 0.1 acre-feet
7. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

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

Signed this 19th day of May, 20 22.



COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

47-17751

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.035 0.07 0.14 Miles

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



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

47-17751

This map depicts the DOMESTIC STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

18E



0 0.035 0.07 0.14 Miles

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





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

May 19, 2022

BRIAN TUBBS
MICHELLE TUBBS
3469 E 3100 N
KIMBERLY ID 83341-5251

RE: Permit No. 47-17751

Permit Approval Notice

Dear Permit Holder(s):

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.

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) 736-3033.

Sincerely,

A handwritten signature in blue ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with a large initial "C" and a stylized "S".

Corey Skinner
Southern Regional Manager

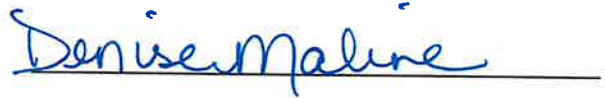
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2022, I served a true and correct copy of Permit to Appropriate Water No. 47-17751 by U.S. Mail, postage prepaid, to the following:

BRIAN TUBBS (Current Owner)
MICHELLE TUBBS (Current Owner)
3469 E 3100 N
KIMBERLY ID 83341-5251

WATER DISTRICT #470
AMIE DUKE (Watermaster)
2754 ROCK CREEK RD
HANSEN ID 83334-5258



Denise Maline
Administrative Assistant 1

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.

*** Proof of Publication ***

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RECEIVED

APR 20 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 126199

Sherri Davis

(Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF TWIN FALLS)

On this 15th day of April in the year of 2022 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M. Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5/8/2026



Section: Legals

Category: 50 Legal

PUBLISHED ON: 04/07/2022, 04/14/2022

✓ DM 4-26-2022

TOTAL AD COST: 281.08

FILED ON: 4/14/2022

*** Proof of Publication **

RECEIVED

APR 20 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

✓
36-17206
JEROME SCHOOL DISTRICT #261
125 4TH AVE W
JEROME, ID 83338
Point of Diversion NESENE S19 T08S R17E JEROME County Source
GROUND WATER Tributary
Use: COOLING 01/01 to 12/31 0.37 CFS
Use: HEATING 01/01 to 12/31 0.37 CFS
Total Diversion: 0.37 CFS
Date Filed: 02-23-2022
Place Of Use: COOLING, HEATING
T08S R17E S19 SENE
Application proposes diversion of up to 0.37 cfs for year-round non-consumptive heating and cooling uses associated with a new elementary school located approximately 0.8 mile east and 0.3 mile south of the intersection of Main Street and Lincoln Avenue in Jerome. A new well is proposed and water will be diverted, used, and re-injected into a separate well at the site. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

✓
47-17751
BRIAN TUBBS
MICHELLE TUBBS
3469 E 3100 N
KIMBERLY, ID 83341-5251
Point of Diversion NWNWNE S29 T11S R18E TWIN FALLS County Source SPRING Tributary COTTONWOOD CREEK
Point of Diversion NWNWNE S29 T11S R18E TWIN FALLS County Source SPRING Tributary COTTONWOOD CREEK
Use: DOMESTIC 01/01 to 12/31 0.02 CFS
Use: DOMESTIC STORAGE 01/01 to 12/31 0.1 AF
Total Diversion: 0.02 CFS
Date Filed: 12-28-2021
Place Of Use: DOMESTIC, DOMESTIC STORAGE
T11S R18E S29 NWNE
Application proposes to appropriate water from a spring for domestic uses, including a small pond, on property located approximately 6.0 miles south and 0.5 miles west of the center of Kimberly. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85686

✓
HENRY LYNN SCHODDE, 139 LOST TRAIL PL, IDAHO FALLS, ID 83404-8431; SHEILA K CATMULL and MICHAEL H SCHODDE and JON T SCHODDE, C/O HENRY LYNN SCHODDE, 139 LOST TRAIL PL, IDAHO FALLS, ID 83404-8431 has filed Application No. 85686 for changes to the following water rights within MINIDOKA County(s): Right No(s). 1-229. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and add a point of diversion (POD) to a Snake River irrigation water right, with a flow rate of 2.00 cfs. The additional POD will be an existing pump station on the Snake River located approximately 3.9 miles west and 1.0 mile north of the intersection of Main Street and Overland Avenue in Burley. The transfer also proposes to modify the POU, located adjacent to the proposed additional POD, to reflect changes to the irrigation system.

TRANSFER NO. 85921

✓
CRESTVIEW CALVES LLC, 756 S 2800 E, HAZELTON, ID 83335-5280 has filed Application No. 85921 for changes to the following water rights within JEROME County(s): Right No(s). 36-17180. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion and place of use for a 0.12 cfs, 20 acre-foot portion of a commercial & stockwater groundwater right that is currently diverted from 4 wells at a calf rearing facility located approximately 8.8 to 9.6 miles west and 0.2 to 0.8 miles north of Paul. The application proposes moving the right to a new place of use and diverting it from two existing wells at a CAFO facility located approximately 9.6 to 9.8 miles west and 4.4 to 4.6 miles south of Paul.

TRANSFER NO. 85949

✓
CITY OF OAKLEY, 200 W MAIN, PO BOX 266, OAKLEY, ID 83346 has filed Application No. 85949 for changes to the following water rights within CASSIA County(s): Right No(s). 45-10802, 45-10803, 45-10804, 45-2659. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding points of diversion to four municipal ground water rights (2.12 cfs total). A new well to be drilled will be added to the four rights and an existing well will be added to one of the rights so that there will be a total of three wells on all four municipal water rights. The two existing wells are located approximately 1.6 miles south and 0.1 mile east of the intersection of Center St. and Main St. in Oakley. The proposed well will be located approximately 0.6 miles south of the intersection of Center St. and Main St. in Oakley.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before April 25, 2022. The protestant must also send a copy of the protest to the applicant.

✓ Sm 4-26-2022

GARY SPACKMAN, Director

Published on April 7th & 14th, 2022