

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho
No. 2-10633

RECEIVED

DEC 08 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION**1. Applicant(s)**

THERESA POLLARD
4732 RIVER RD
BUHL ID 83316-5103
208-644-0564, faith12day@gmail.com

2. Representative(s) N/A**3. Source of Water Supply:**

Source : SNAKE RIVER

Tributary:

COLUMBIA RIVER

4. Location of Point(s) of Diversion:

Heading	Point of Diversion # 1
Source	SNAKE RIVER
Tributary of	COLUMBIA RIVER
Township	09S
Range	14E
Section	4
Govt. Lot	4
QQQ/QQ/Quarter	SE¼NW¼
County	TWIN FALLS
Diversion Type	
Local name or Tag#	
Type and size of devices	Pump in the river
Height of storage dam	
Active/ Total Reservoir capacity	
Dam Application required?	No
Proposed well diameter/ depth	
Water Temp > 85°F?	
Drilled Date	
Drilling firm	
Property Owner	Applicant
Access Arrangement Description	N/A

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
DOMESTIC	01/01 to 12/31	0.04 CFS		N/A Home(s)

6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) Not Stated acre-feet / year (af).**7. Proposed diverting works:**

a. If an existing well, who was the well drilled for? Drilling Permit No.

8. Describe other proposed water uses : N/A**9. Description of place of use:****For Department Use**

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 125.00 Received by SG Receipt No. 5038980 Date 12/8/21
100.00 for this app. \$25.00 for o/c C.S.

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
09S	14E	4								X L4										

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?
47-7312B, Half acre of irrigation from this application

- 11.
- Who owns the land to be irrigated or place of use? Applicant.
 - 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.
Diminished delivery from shared LTG well under Domestic Water Right 47-7312B (0.028 cfs, 1.2 af); This application for permit seeks to augment and/or replace water from the well as needed.
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.

Signature of Applicant



THERESA POLLARD

Signature of Applicant

Application for Permit 02-10633



Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 123474

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	148.68
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	148.68
Fax			
Section	Legals	Start/End Dates	01/20/2022 - 01/27/2022
SubSection		Insertions	2
Category	50 Legal	Size	96
Ad Key	123474-1	Salesperson(s)	Legal Notices
Keywords	NTC/2-10633	Taken By	Seana Chapman
Notes			

Ad Proof

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

2-10633
THERESA POLLARD
 4732 RIVER RD
 BUHL, ID 83316-5103
 Point of Diversion L4(SENW) S4 T09S R14E TWIN FALLS County
 Source SNAKE RIVER Tributary COLUMBIA RIVER
 Use: DOMESTIC 01/01 to 12/31 0.04 CFS
 Total Diversion: 0.04 CFS
 Date Filed: 12-08-2021
 Place Of Use: DOMESTIC
 T09S R14E S4 L4(SENW)
 Application proposes to divert up to 0.04 cfs from the Snake River for domestic use. Place of use and Point of diversion are located approximately 5.4 miles north and 3.2 miles west of the intersection of Main St and Broadway Ave in Buhl. 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. 85049

VERBREE LAND HOLDINGS LLC, PO BOX 30, WENDELL, ID 83355-0030 has filed Application No. 85049 for changes to the following water rights within GOODING County(s): Right No(s). 36-10147, 36-10668, 36-7318A, 36-7318B, 36-7318C. The purpose of the transfer is to change a portion of the above rights as follows: This transfer application proposes to change the place of use (POU) for 5 ground water rights with a total diversion rate of 0.67cfs, for domestic, stockwater, and commercial uses, at an existing dairy. The transfer also proposes to identify 4 existing wells as authorized points of diversion (PODs) for all 5 water rights. The POU and PODs are located approximately 0.5 to 1.0 miles north and 3.4 to 4.0 miles west of the City of Wendell.

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 **February 7, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on January 20th & 27th, 2022

**Proof of legal notice received
from Times News 1/13/2022**

✓ dm 1-13-2022



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

January 13, 2022

THERESA POLLARD
4732 RIVER RD
BUHL, ID 83316-5103

RE: Application for Permit No. 2-10633

Dear Applicant(s):

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 **TIMES NEWS on 1/20/2022 and 1/27/2022**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **February 7, 2022**.

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,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 13, 2022 12:08 PM
To: Whitney, Rob
Subject: Comment letter for Application for Permit 2-10633
Attachments: Comment letter to WD02 for 2-10633.docx; 2-10633 Pollard.pdf

Hi Rob,

Attached is an application for permit currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Water Resource Agent Bill Mills.

Thank you,

Denise



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Director Gary Spackman

January 13, 2022

WATER DISTRICT 02
ROB WHITNEY
PO BOX 83720
BOISE ID 83720-0098

RE: Application for Permit No(s): 2-10633 (Theresa Pollard)

Dear Rob:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 13, 2022 12:11 PM
To: Dawson,Bradley
Subject: Comment Letter for Application for Permit # 2-10633
Attachments: Comment letter to F&G for 2-10633.docx; 2-10633 Pollard.pdf

Hi Bradley,

Attached is an application for permit currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Water Resource Agent Bill Mills at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant I

Idaho Dept. of Water Resources

650 Addison Ave W Ste 500

Twin Falls ID 83301-5858

(208) 293-9908

denise.maline@idwr.idaho.gov



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Governor Brad Little

Director Gary Spackman

January 13, 2022

IDAHO DEPT OF FISH & GAME
BRADLEY DAWSON
324 S 417 E STE 1
JEROME ID 83338-6206

RE: Application for Permit No. 2-10633 (Theresa Pollard)

Dear Mr. Dawson:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at:* <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**on or before February 7, 2022**).

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 13, 2022 11:07 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find (1) legal notice being submitted for publication on January 20th & 27th, 2022. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



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Governor Brad Little

Director Gary Spackman

January 13, 2022

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 2-10633

RE: Transfer No. 85049

Water Right No(s). 36-10147, 36-10668, 36-7318A, 36-7318B, 36-7318C

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 February 7, 2022. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

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4732 RIVER RD

BUHL, ID 83316-5103

Point of Diversion L4(SENW) S4 T09S R14E TWIN FALLS County Source SNAKE RIVER Tributary
COLUMBIA RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 12-08-2021

Place Of Use: DOMESTIC

T09S R14E S4 L4(SENW)

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GARY SPACKMAN, Director

Published on January 20th & 27th, 2022



State of Idaho

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Brad Little
Governor

Gary Spackman
Director

December 8, 2021

Theresa Pollard
4732 River RD
Buhl ID 833316

RECEIVED

DEC 08 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

RE: Application for Permit to Appropriate Trust Water – No. 02-10633

Dear Applicant:

The Department of Water Resources ("Department") has received your application for permit to appropriate water and has accepted it for filing. Your application has been assigned the identification number referenced in the subject line of this letter. Please refer to that number in all future correspondence regarding this application.

Your application proposes to appropriate Trust Water as described in this letter. The special nature of the trust affects how the Department will process your application as well as some aspects of the water right that may result. The purpose of this letter is to inform you of three items specific to applications proposing to appropriate Trust Water:

1. Your application will be subject to additional evaluation compared to applications that do not propose the use of Trust Water. This may require you to submit additional information and to demonstrate that your application meets the statutory evaluation criteria for appropriating Trust Water.
2. If a water right is issued to you, it could be subject to curtailment to satisfy senior minimum stream flow water rights on the Snake River at the Murphy Gage.
3. If a water right is issued to you, it will be subject to a periodic term review that may impact the future use of the right.

To understand better these three items and why they apply to your application, it helps to understand what Trust Water is and how it came about.

Trust Water arose from the 1984 Swan Falls Settlement between Idaho Power Company ("IPC") and the State of Idaho ("State").¹ Prior to the Swan Falls Settlement, the Idaho Supreme Court determined IPC held water rights for use at Swan Falls Dam that exceeded the entire flow of the Snake River at times. This limited future upstream development of water resources in the Snake River Basin. The Swan Falls Settlement resulted in changes to Idaho Law² and to IPC's water rights. As a result of the Swan Falls Settlement and subsequent legislation and court decrees, IPC's hydropower water rights in excess of the minimum flows at Murphy Gage are held in trust by the State. This change allows future development using water that would have previously been delivered to satisfy IPC water rights at Swan Falls Dam and, therefore, would have been unavailable for upstream appropriation. The purpose of this trust is defined in Idaho Code § 42-203B as follows:

The purposes of the trust established by ... this section are to assure an adequate supply of water for all future beneficial uses and to clarify and protect the right of a user of water

¹ For more information, including a more complete description of the Swan Falls Settlement and resulting legislation, please see the Department's web page: <https://idwr.idaho.gov/legal-actions/settlements/swan-falls/>.

² Although several sections of the Idaho Code were affected, the addition of Sections 42-203B and 42-203C, Idaho Code are the changes most relevant to this discussion.

for power purposes ... to continue using the water pending approval of depletionary future beneficial uses.

Your application proposes a use of water that could deplete the rights placed in trust, so the State, through the Department must evaluate your proposal under the laws and rules that came after the Swan Falls Settlement.³ In addition to the usual statutory process and evaluation criteria, the Department must also evaluate whether your application will deplete Trust Water and, if so, whether your depletion of Trust Water is in the public interest.

In addition, the availability of Trust Water and the public's interest in the use of Trust Water could change over time. The Department will periodically review rights to use Trust Water to determine if Trust Water remains available for use and if the continued use of Trust Water is in the public interest. The periodic review will occur for any right that issues from your application. A future review by the Department could terminate or limit your ability to use the right in the future.

An important aspect of the Swan Falls Settlement is that the State agreed to protect the minimum stream flows in the Snake River at the Murphy Gage. Should the flows at the Murphy Gage fall below these minimums, the water rights that use Trust Water could be curtailed to restore flow to meet those minimums.

The Department will hold your application for 14 days to allow you time to contact us if you have further questions on this topic or if you choose to withdraw your application. If the Department does not hear from you within 14 days, the Department will process your application and prepare it for publication. If you choose to withdraw your application before it is submitted for publication, you will receive a full refund of your filing fee. Refunds are not available if an application is withdrawn after advertising.

Please contact this office if you have questions regarding this matter.

Sincerely,



Bill Mills
Water Resource Agent, Senior

Enclosure: Withdrawal of Application form

I wish to proceed with this
Theresa Pallant 12/8/21

³ See Sections 42-203C and the Department's Water Appropriation Rules (IDAPA 37.03.08).