

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

85074
45-14538
Ident. No. **RECEIVED**
JUN 25 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

1. Name of applicant(s) Patrick and Lisa Field Phone (208) 431-9816
 Name connector (check one): ☐ and ☐ or ☒ and/or
 Mailing address PO BOX 848 City BURLEY
 State ID ZIP 83318 Email patlisafeld@live.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	1/4	1/4	1/4	County	Source	Local name or tag #
12S	25E	18	4		SW	SW	Cassia	Ground Water	

5. Water will be used for the following purposes:
- Amount 0.04 for Domestic purposes from 01/01 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. Existing Well w/submersible pump
- 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 6 inches; proposed depth of well is 400 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 09/03/1994; drilling firm Thomas LLOYD Drilling;
 well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 75.00 Received by SG Receipt No. 5038658 Date 6/25/21
25.00 SG 5038659 6/25/21

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households one _____
 - Other; describe fully. _____
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - 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	
12S	25E	18											D						

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? Yes
11. a. Who owns the property at the point of diversion? Applicants
- b. Who owns the land to be irrigated or place of use? Applicants
- 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. Existing Well and pump.
13. Time required for completion of works and application of water to proposed beneficial use is 1 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.

Lisa D. Field 6-25-2021
 Signature of Applicant
Lisa D. Field
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)



 Parcels
 Sections
 Township/Range
 QQ

45-14538

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 118952

Publication Times News

Contact ID DEPARTMENT OF WATER RESOURCES

Address 1 650 ADDISON AVE W, STE 500

Address 2

City St Zip TWIN FALLS ID 83301

Phone 2087363033

Fax

Section Legals

SubSection

Category 50 Legal

Ad Key 118952-1

Keywords Transfer No. 85256

Notes

Ad Proof

PO Number

Rate

Legal Notice

Order Price

171.96

Amount Paid

0.00

Amount Due

171.96

Start/End Dates

09/16/2021 - 09/23/2021

Insertions

2

Size

112

Salesperson(s)

Legal Notices

Taken By

Sherri Davis

*Proof of legal notice received from
Times News 9-10-2021 (2 pgs)*

✓ DM

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 118952

The following application(s) have been filed to appropriate
the public waters of the State of Idaho:
45-14538

PATRICK FIELD
LISA FIELD
PO BOX 848
BURLEY, ID 83318-0848
Point of Diversion L4(SWSW) S18 T12S R25E CASSIA County
Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 06-25-2021
Place Of Use: DOMESTIC
T12S R25E S18 L4(SWSW)
Application proposes to divert 0.04 cfs of ground water for
domestic use from an existing well. The Point of Diversion and
Place of Use is located approximately 0.4 miles west and 2.6
miles south of Albion. 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. 85256

MOUNTAIN VIEW LAND LLC, 695 N 700 E, RUPERT, ID
83350-8407 has filed Application No. 85256 for changes to the
following water rights within LINCOLN, MINIDOKA County(s):
Right No(s). 36-13610, 36-13611, 36-16376, 36-7273B,
36-7460L, 36-7646. 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), point of diversion
(POD), and add points of diversion for a 0.20 cfs (100.00
acre-foot) portion of ground water right 36-7646 (stockwater &
commercial) which is currently appurtenant to a CAFO located
approximately 16.0 miles west and 1.8 miles north of Minidoka.
The proposed POU is a CAFO located approximately 2.8 miles
south and 2.1 miles west of Minidoka. Eight existing wells
located within the proposed POU will be utilized as PODs for
the transferred portion. The transfer will also modify the
stockwater and/or commercial place of use of the five existing
rights (2.72 cfs combined flow rate) at the proposed POU. Post
transfer, the six rights will have eight authorized PODS (wells)
with a total flow rate of 2.92 cfs at the proposed POU.
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://re-search.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 **October 4, 2021**. The protestant must also send a copy
of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 16th & 23rd, 2021



Maline, Denise

From: Maline, Denise
Sent: Friday, September 10, 2021 3:19 PM
To: Adam Mc Coy (WD140)
Subject: Comment Letter for Application for Permit 45-14538
Attachments: Comment letter to WD140 for 45-14538.docx; 45-14538 Patrick & Lisa Field.pdf

Good afternoon Adam,

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 Kent Aasa at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

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



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

September 10, 2021

WATER DISTRICT 140
ADAM MC COY
355 W 500 S
BURLEY ID 83318-5229

RE: Application for Permit No. 45-14538 (Patrick & Lisa Field)

Dear Alan:

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)



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

September 10, 2021

WATER DISTRICT 45F
ALAN LLOYD
939 S 950 E
ALBION ID 83311-9705

RE: Application for Permit No. 45-14538 (Patrick & Lisa Field)

Dear Alan:

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)



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

September 9, 2021

PATRICK FIELD
LISA FIELD
PO BOX 848
BURLEY, ID 83318-0848

RE: Application for Permit No. 45-14538

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 9/16/2021 and 9/23/2021**. 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 **October 4, 2021**.

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

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 9, 2021 1:47 PM
To: Times News
Subject: LEGAL NOTICES
Attachments: Times News cover letter.docx; Water Mitigation Coalition Mit Plan Legal Notice 9-2-2021.docx; Times News ad.docx

Attached please find **(2)** legal notices being submitted for publication on September 16th & 23rd, 2021. 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



IDAHO DEPARTMENT OF
WATER RESOURCES

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

Director Gary Spackman

September 9, 2021

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

RE: Notice of Mitigation Agreement Submitted by the Water Mitigation Coalition and Senior Water Users' Coalition

RE: Application for Permit No. 45-14538

RE: Transfer No. 85256
Water Right No(s). 36-13610, 36-13611, 36-16376, 36-7273B, 36-7460L, 36-7646

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 October 4, 2021. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

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

45-14538

PATRICK FIELD

LISA FIELD

PO BOX 848

BURLEY, ID 83318-0848

Point of Diversion L4(SWSW) S18 T12S R25E CASSIA County Source GROUND WATER Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 06-25-2021

Place Of Use: DOMESTIC

T12S R25E S18 L4(SWSW)

Application proposes to divert 0.04 cfs of ground water for domestic use from an existing well. The Point of Diversion and Place of Use is located approximately 0.4 miles west and 2.6 miles south of Albion. 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. 85256**

MOUNTAIN VIEW LAND LLC, 695 N 700 E, RUPERT, ID 83350-8407 has filed Application No. 85256 for changes to the following water rights within LINCOLN, MINIDOKA County(s): Right No(s). 36-13610, 36-13611, 36-16376, 36-7273B, 36-7460L, 36-7646. 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), point of diversion (POD), and add points of diversion for a 0.20 cfs (100.00 acre-foot) portion of ground water right 36-7646 (stockwater & commercial) which is currently appurtenant to a CAFO located approximately 16.0 miles west and 1.8 miles north of Minidoka. The proposed POU is a CAFO located approximately 2.8 miles south and 2.1 miles west of Minidoka. Eight existing wells located within the proposed POU will be utilized as PODs for the transferred portion. The transfer will also modify the stockwater and/or commercial place of use of the five existing rights (2.72 cfs combined flow rate) at the proposed POU. Post transfer, the six rights will have eight authorized PODS (wells) with a total flow rate of 2.92 cfs at the proposed POU.

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 **October 4, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 16th & 23rd, 2021



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 3, 2021

PATRICK AND LISA FIELD
PO BOX 848
BURLEY ID 83318

RE: Application for Permit to Appropriate Trust Water – No. 45-14538

Dear Applicants:

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

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/>.

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 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.

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.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Aasa'.

Kent Aasa
Water Resource Agent, Senior

Enclosure: Withdrawal of Application form