

RECEIVED

FEB 05 2021

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 47-17724

1. Name of applicant(s) Tumbleweed Villa, LLC Phone 208-329-5935
 Mailing address 255 Blue Lakes Blvd N. Unit #679 City Twin Falls
 State Idaho ZIP 83301 Email chelsea@forageventures.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 Salmon Falls Creek which is a tributary of Snake River

4. Location of point(s) of diversion: KA* changes made per 02/10/21 email from Chelsea James

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
8S	14E	30		~~SE~~	NE	SE	Twin Falls	Salmon Falls Creek	

5. Water will be used for the following purposes:

Amount 0.02 cfs for Domestic purposes from 3/15 to 11/15 (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) 0.02 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. Small Ditch 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 _____ 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? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by BM Date 2.5.2021 Time 12:35pm Preliminary check by _____
 Fee \$ 100- Received by sq Receipt No. 5038384 Date 2/5/2021

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 Household
 - 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	
8S	14E	30																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? This water will be used for domestic landscaping. No other water rights will be used for this purpose.
11. a. Who owns the property at the point of diversion? Brady and Whitney Devey
- b. Who owns the land to be irrigated or place of use? Tumbleweed Villa, LLC
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: There is a utility easement with access to Salmon Falls Creek.
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Filing for domestic use, no more than 0.5 acre.
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.

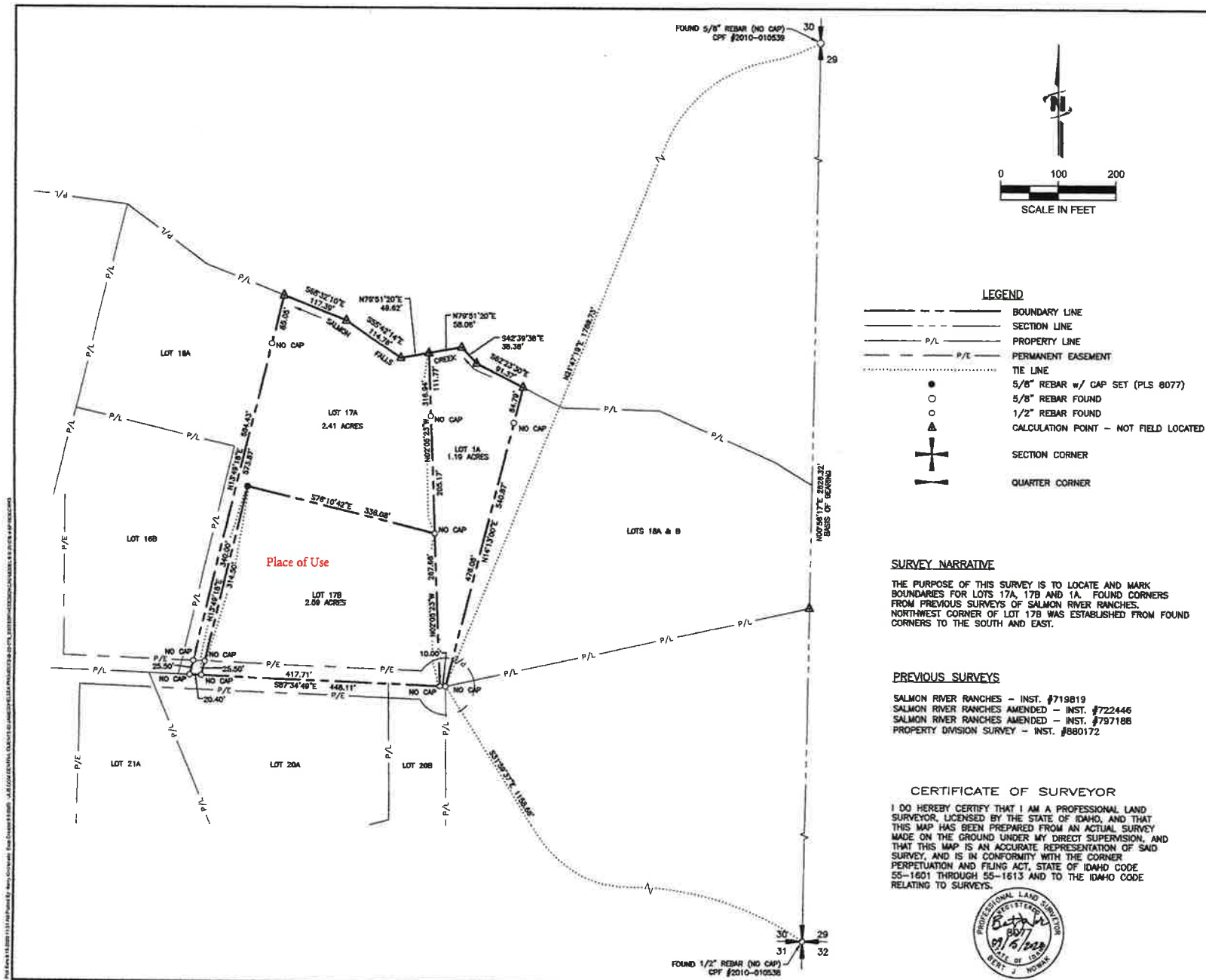
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Chelsea James
 Signature of Applicant
Chelsea James, Manager
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)





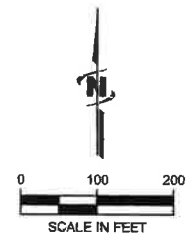
J-U-B ENGINEERS, INC.
115 Northstar Avenue
Twin Falls, Idaho 83301
Phone: 208.733.2414
www.jub.com

RECORD OF SURVEY FOR
CHELSEA JAMES
LOCATED IN LOTS 1A, 17A & 17B OF SALMON RIVER RANCHES
IN THE SE4 OF SECTION 30, T. 8 S., R. 14 E., B.M.
COUNTY OF TWIN FALLS, STATE OF IDAHO

TWIN FALLS COUNTY
Recorded for:
JUB ENGINEERS
4:35:40 PM 09-15-2020
2020-018153
No. Pages: 1 Fee: \$ 5.00
KIRSTINA GLASCOCK
County Clerk
Dreher: SBAJZJAC

FILE: 50-30-078-V-SPR08
JUB PROJ #: 00-20-078
DRAWN BY: KJK
DESIGN BY: SUN
CHECKED BY: TNR

AT FULL SIZE IF NOT ONE
INCH SCALE ACCORDINGLY
LAST UPDATED: 9/15/2020
SHEET NUMBER:
1



- LEGEND**
- BOUNDARY LINE
 - SECTION LINE
 - P/L PROPERTY LINE
 - P/E PERMANENT EASEMENT
 - TIE LINE
 - 5/8" REBAR w/ CAP SET (PLS 8077)
 - 5/8" REBAR FOUND
 - △ 1/2" REBAR FOUND
 - CALCULATION POINT - NOT FIELD LOCATED
 - SECTION CORNER
 - QUARTER CORNER

SURVEY NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO LOCATE AND MARK BOUNDARIES FOR LOTS 17A, 17B AND 1A. FOUND CORNERS FROM PREVIOUS SURVEYS OF SALMON RIVER RANCHES. NORTHWEST CORNER OF LOT 17B WAS ESTABLISHED FROM FOUND CORNERS TO THE SOUTH AND EAST.

PREVIOUS SURVEYS

SALMON RIVER RANCHES - INST. #719819
SALMON RIVER RANCHES AMENDED - INST. #722446
SALMON RIVER RANCHES AMENDED - INST. #797188
PROPERTY DIVISION SURVEY - INST. #880172

CERTIFICATE OF SURVEYOR

I DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CORNER PERPETUATION AND FILING ACT, STATE OF IDAHO CODE 55-1601 THROUGH 55-1613 AND TO THE IDAHO CODE RELATING TO SURVEYS.



47-17724

MEMBER RESOLUTION TO
APPLY FOR NEW WATER RIGHTS PERMIT
TUMBLEWEED VILLA, LLC

Whereas the Member has determined it to be in the best interest of Tumbleweed Villa, LLC (hereinafter the "Company") to apply for a New Water Right Permit with the State of Idaho.

RESOLVED, that the Managers of the Company, known as Chelsea James and/or Persa Zula, are hereby authorized the Power of Attorney for all matters pertaining to this Application for Permit for a New Water Right.

IN WITNESS WHEREOF, each of the undersigned has executed this resolution on the respective dates set forth below, to be effective as of February 2, 2021.

MEMBERS:

FORAGE VENTURES, LLC.

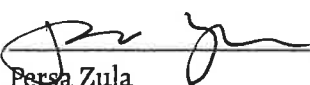
 2/2/2021
Chelsea James, Manager Date

 2/2/2021
Persa Zula, Manager Date

MANAGERS:

TUMBLEWEED VILLA, LLC.

 2/2/2021
Chelsea James Date

 2/2/2021
Persa Zula Date



0004116502

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$100.00

*For Office Use Only***-FILED-**

File #: 0004116502

Date Filed: 1/4/2021 1:38:19 PM

Certificate of Organization Limited Liability Company

Select one: Standard, Expedited or Same Day Service (see descriptions below)

Standard (filing fee \$100)

1. Limited Liability Company Name

Type of Limited Liability Company

Limited Liability Company

Entity name

Tumbleweed Villa, LLC

2. The complete street address of the principal office is:

Principal Office Address

255 BLUE LAKES BLVD. N, UNIT 679
TWIN FALLS, ID 83301

3. The mailing address of the principal office is:

Mailing Address

255 BLUE LAKES BLVD N UNIT 679
TWIN FALLS, ID 83301-5238

4. Registered Agent Name and Address

Registered Agent

KYLER, KOHLER OSTERMILLER & SORESEN, LLP
Commercial Registered Agent

Physical Address

15 S 100 E
STE 200
REXBURG, ID 83440

Mailing Address

15 S 100 E
STE 200
REXBURG, ID 83440☒ I affirm that the registered agent appointed has consented to serve as registered agent for this entity.

5. Governors

Name	Address
Chelsea James	255 BLUE LAKES BLVD. N, UNIT 679 TWIN FALLS, ID 83301

Signature of Organizer:

Chelsea James

Sign Here

01/04/2021

Date



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

February 25, 2021

TUMBLEWEED VILLA LLC
255 BLUE LAKES BLVD N PMB 679
TWIN FALLS, ID 83301-5238

RE: Application for Permit No. 47-17724

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 **3/4/2021** and **3/11/2021**. 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 **March 22, 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, February 25, 2021 9:55 AM
To: Mike Peterson
Subject: Comment Letter for Application 47-17724 Tumbleweed Villa LLC
Attachments: Comment Letter to F&G for 47-17724.docx; Application No. 47-17724 for Tumbleweed Villa LLC.pdf

Good morning,

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

Feel free to contact Water Right Agent Kent Aasa at our office if you have any questions regarding this application.

Thank you & have a good day,

Denise Maline @ IDWR Twin Falls

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



Brad Little
Governor

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

Gary Spackman
Director

February 25, 2021

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

RE: Application(s) for Permit: 47-17724 (Tumbleweed Villa LLC)

Dear Fish & Game:

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 March 22, 2021**).

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, February 25, 2021 8:43 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 March 4th & 11th, 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, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 293-9908
denise.maline@idwr.idaho.gov



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

February 24, 2021

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 47-17724

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 March 22, 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:

47-17724

TUMBLEWEED VILLA LLC

255 BLUE LAKES BLVD N PMB 679

TWIN FALLS, ID 83301-5238

Point of Diversion NESE S30 T08S R14E TWIN FALLS County Source SALMON FALLS CREEK

Tributary SNAKE RIVER

Use: DOMESTIC 03/15 to 11/15 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 02-05-2021

Place Of Use: DOMESTIC

T08S R14E S30 SESE

Application proposes to divert 0.02 cfs for domestic use from Salmon Falls Creek. The proposed place of use is approximately 7.9 miles south and 2.2 miles east of Hagerman. 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.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Southern office at (208)736-3033; 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, 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 **March 22, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on March 4th & 11th, 2021

Aasa, Kent

From: Chelsea James <chelsea@forageventures.com>
Sent: Thursday, February 18, 2021 8:27 AM
To: Aasa, Kent
Subject: Re: IDWR Application for Permit from Salmon Falls Creek

Good morning Kent,

I have received the Trust Water Letter in the mail and would like to proceed with the application and advertisement. Please let me know if there is any additional information you need from me.

Thank you,
Chelsea

On Thu, Feb 18, 2021, at 8:23 AM, Aasa, Kent wrote:

Hi Chelsea,

Wednesday of next week is an advertising deadline for applications. I think it would be best if you were able to respond by email back to me about the Trust Water Letter so there is no doubt that your application can be advertised.

I will attach a copy of the letter I mailed to you. Anyway if you can respond by email before next Wednesday I will add the email to the folder and move forward with the application process.

Respectfully,

Kent

From: Chelsea James [mailto:chelsea@forageventures.com]
Sent: Wednesday, February 10, 2021 1:12 PM
To: Aasa, Kent <Kent.Aasa@idwr.idaho.gov>
Subject: Re: IDWR Application for Permit from Salmon Falls Creek

Good afternoon Kent,

Thank you for contacting me and I give you permission to correct item number 4. Please let me know if you need anything else from me.

Thanks again,
Chelsea

On Wed, Feb 10, 2021, at 11:38 AM, Aasa, Kent wrote:

Hi Chelsea,

I am processing the Application for Tumbleweed Villa, LLC and noticed a slight glitch on page one of the application.

I have attached a copy of page one with a correction for item number 4.

I can make the correction for you as long as you reply to this email giving me permission to do so. I will put a copy of the email chain in the Application folder that will eventually be scanned and be part of the permanent record.

Also, after making the correction I will send you a letter that explains appropriating Trust Water. The letter has a 14 day comment period and after that the application will be advertised in the local paper for two consecutive weeks. After the second advertisement there is a 10 day comment period for people to protest the application. Processing the application will begin after the end of the 10 day comment period (assuming there are no protests). This will lead to IDWR issuing a permit that will allow you to begin developing your proposal.

Respectfully,

Kent Aasa
Water Resource Agent
Southern Region/Twin Falls
(208) 736-3033

PS: You did a great job filling out the rest of the application!

Attachments:

- Page One_item 4_Correction to Application.docx

Attachments:

- TrustWaterNotificationLetter47-17724 1.docx



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

February 11, 2021

TUMBLEWEED VILLA LLC
255 BLUE LAKES BLVD N PMB 679
TWIN FALLS ID 83301-5238

RE: Application for Permit to Appropriate Trust Water – No. 47-17724

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

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/>.

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.

Sincerely,

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).



Kent Aasa
Water Resource Agent, Senior

Enclosure: Withdrawal of Application form

Aasa, Kent

From: Chelsea James <chelsea@forageventures.com>
Sent: Wednesday, February 10, 2021 1:12 PM
To: Aasa, Kent
Subject: Re: IDWR Application for Permit from Salmon Falls Creek

Good afternoon Kent,

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Respectfully,

Kent Aasa
Water Resource Agent
Southern Region/Twin Falls
(208) 736-3033

PS: You did a great job filling out the rest of the application!

Attachments:

- Page One_item 4_Correction to Application.docx