

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 84147**

This is to certify that: LOUIS N BERG AND  
TERRISA J BERG  
19032 HIGHWAY 30  
BUHL, ID 83316-5060

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Changes**

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
47-7520	WR/LICENSE	4/25/1979	0.510 cfs	82.3 af	N/A	N/A	GROUND WATER

**Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)**

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
47-17657	WR/LICENSE	4/25/1979	0.130 cfs	22.4 af		N/A	GROUND WATER

**Purpose of Transfer (Changes Proposed)**

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
47-7520	YES	YES	NO	NO	NO	NO

**Summary Of Water Rights After the Approved Change**

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
47-7520	47-17718	0.060 cfs	9.1 af	N/A	N/A	47-7520	0.450 cfs	73.2 af	N/A	N/A
<b>COMBINED TOTALS</b>		<b>0.060 cfs</b>	<b>9.1 af</b>	<b>N/A</b>	<b>N/A</b>		<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 25<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
Southern Region Manager

**SUPPORT DATA**

Transfer No. 84147

**IN FILE # 47-7520**

**WATER RIGHT NO. 47-7520****As Modified by Transfer No. 84147**

In accordance with the approval of Transfer No. 84147, Water Right No. 47-7520 is now described as follows:

**Right Holder:** GLEN D DEPEW  
RT 2 BOX 115A  
WENDELL, ID 83355  
AND/OR  
RAY G DEPEW  
2825 S 850 E  
HAGERMAN, ID 83332-5615

**Priority Date:** 4/25/1979

**Source:** GROUND WATER

**BENEFICIAL USE**

HEATING

**From**

01/01

**To**

to 12/31

**Diversion Rate**

0.450 cfs

0.450 cfs

**Diversion Volume**

73.2 af

73.2 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER

NWSE

Sec 30 Twp 08S Rge 14E TWIN FALLS County

**PLACE OF USE: HEATING**

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	30			X										X	X			

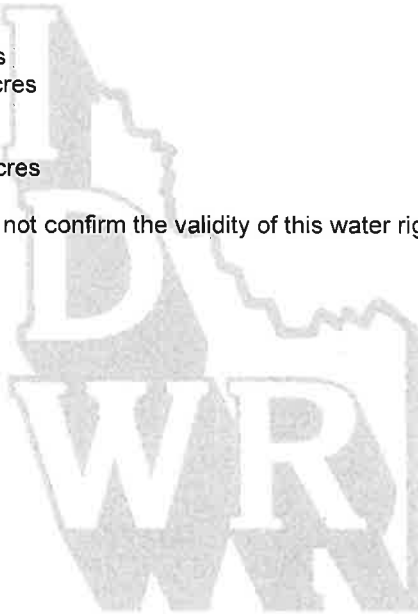
**CONDITIONS OF APPROVAL**

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. The heating use authorized by rights 47-7451B, 47-7520 and 47-17657 when combined shall not exceed a total annual maximum diversion volume of 93.8 af.
3. Point of diversion is located within Parcel 2 of Lot 14 Salmon River Ranches #1 Subdivision.

**WATER RIGHT NO. 47-7520**  
**As Modified by Transfer No. 84147**

**CONDITIONS OF APPROVAL**

4. Heating place of use described by right 47-7520 is located on eight parcels within Lots 2, 3, 11, and 12 of Salmon River Ranches #1 Subdivision. These eight parcels are further described as follows:
  - Lot 2 - Excluding West ½
  - Lot 2 - West ½
  - Lot 3 - SE 2.2 acres
  - Lot 3 - Excluding SE 2.2 acres
  - Lot 11 - Excluding SE 2.55 acres
  - Lot 11 - SE 2.55 acres
  - Lot 12 - NE 2.71 acres
  - Lot 12 - Excluding NE 2.71 acres
5. Approval of this transfer does not confirm the validity of this water right.



**WATER RIGHT NO. 47-17718****As Modified by Transfer No. 84147**

In accordance with the approval of Transfer No. 84147, Water Right No. 47-17718 is now described as follows:

**Right Holder:** TERRISA J BERG AND  
LOUIS N BERG  
19032 HIGHWAY 30  
BUHL, ID 83316-5060

**Priority Date:** 4/25/1979

**Source:** GROUND WATER

**BENEFICIAL USE**

HEATING

**From**

01/01

to

**To**

12/31

**Diversion Rate**

0.060 cfs

0.060 cfs

**Diversion Volume**

9.1 af

9.1 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER

SENWSE

Sec 30 Twp 08S Rge 14E TWIN FALLS County

**PLACE OF USE: HEATING**

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	30														X			0.0

**CONDITIONS OF APPROVAL**

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Point of diversion is located within Lot 15 Salmon River Ranches #1 Subdivision.
3. Heating place of use described by right 47-17718 is located on Parcel 1 of Lot 14 of Salmon River Ranches #1 Subdivision.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 84147

**WATER RIGHT NO. 47-17657****As Modified by Transfer No. 84147**

In accordance with the approval of Transfer No. 84147, Water Right No. 47-17657 is now described as follows:

**Right Holder:** BRENT HOSMAN AND/OR  
 FARAH HOSMAN  
 1917 JULIE LN  
 TWIN FALLS, ID 83301-8303  
 AND/OR  
 JACOB BLESSING AND/OR  
 ASHA BLESSING  
 PO BOX 487  
 NAPA, CA 94559-0487  
 AND/OR  
 ARTHUR REUEL CHANDLER AND/OR  
 ELNA CHANDLER AND/OR  
 SAMUEL R LOVELESS  
 910 MOONGLO RD SPC 70  
 BUHL, ID 83316-6180

**Priority Date:** 4/25/1979

**Source:** GROUND WATER

<b>BENEFICIAL USE</b>	<b>From</b>	<b>To</b>	<b>Diversion Rate</b>	<b>Diversion Volume</b>
DOMESTIC	01/01	to 12/31	0.120 cfs	1.8 af
HEATING	01/01	to 12/31	0.130 cfs	20.6 af
			0.130 cfs	22.4 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER NWSE Sec 30 Twp 08S Rge 14E TWIN FALLS County

**PLACE OF USE: DOMESTIC**

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	30														X			

**PLACE OF USE: HEATING**

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	30														X			

Transfer No. 84147

**WATER RIGHT NO. 47-17657**

**As Modified by Transfer No. 84147**

**CONDITIONS OF APPROVAL**

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. Point of diversion is located within Parcel 2 of Lot 14 Salmon River Ranches #1 Subdivision.
3. Domestic and heating place of use is located on three parcels within Lot 14 of Salmon River Ranches #1 Subdivision. These three parcels are further described as follows:
  - Lot 14 – Parcel 2
  - Lot 14 – Parcel 3
  - Lot 14 – Parcel 4
4. Domestic use under this right is for in house use only and when combined with any other domestic use shall not exceed 13,000 gallons per day.
5. Domestic use does not include lawn, garden, landscape, or other types of irrigation.
6. The heating use authorized by rights 47-7451B, 47-7520 and 47-17657 when combined shall not exceed a total annual maximum diversion volume of 93.8 af.

State of Idaho  
Department of Water Resources

# Attachment to Transfer # 84147

47-17718

This map depicts the HEATING 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.

14E



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

0 0.035 0.07 0.14 Miles



State of Idaho  
Department of Water Resources  
**Attachment to Transfer # 84147**  
47-7520

This map depicts the HEATING 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.



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

0 0.05 0.1 0.2 Miles





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](http://www.idwr.idaho.gov) • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

September 1, 2020

LOUIS N BERG  
TERRISA J BERG  
19032 HIGHWAY 30  
BUHL ID 83316-5060

Re: Transfer No: 84147  
Water Right No(s): 47-7520, 47-17657

### Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner  
Southern Regional Manager

Enclosure

c:

Glen D Depew  
Ray G Depew  
Leslie J & Phyllis D MacFee  
Colleen T O'Laughlin & Leslie A Monroe  
Charles A & Dorothy D Hill  
Paul F & Nancy V Zimmerman  
William Harold Lloyd

## CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84147

Water Right No(s): 47-7520, 47-17657

LOUIS N BERG  
TERRISA J BERG  
19032 HIGHWAY 30  
BUHL ID 83316-5060

GLEN D DEPEW  
RT 2 BOX 115A  
WENDELL ID 83355

RAY G DEPEW  
2825 S 850 E  
HAGERMAN ID 83332-5615

LESLIE J MACFEE  
PHYLLIS D MACFEE  
19000 HIGHWAY 30  
BUHL, ID 83316-5060

COLLEEN T O LAUGHLIN  
LESLIE A MONROE  
19006 HIGHWAY 30  
BUHL, ID 83316-5060

CHARLES A HILL  
DOROTHY D HILL  
4828 N 1000 E  
BUHL, ID 83316

PAUL F ZIMMERMAN  
NANCY V ZIMMERMAN  
19010 HWY 30  
BUHL, ID 83316

WILLIAM HAROLD LLOYD  
216 E MAIN ST  
PO BOX 54  
JEROME, ID 83338



Denise Maline  
Administrative Assistant

## **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.

## MEMORANDUM

**Date:** August 18, 2020  
**To:** Transfer # 84147 File  
**From:** Kent Aasa & Michelle Richman  
**Re:** Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the point of diversion (POD) for a 1/9 portion (0.06 cfs and 9.1 AF) of a ground water right that currently authorizes heating use. The proposed new POD is an existing well located approximately 400 feet south of the current authorized POD, approximately 1.8 miles east and 7.9 miles south of Hagerman. The property is located in Water District 47G, but water master comments will not be solicited because the source of this right is ground water.

- **Authority to File:**  
The deeds supplied by the applicant prove the applicant's 1/9 ownership of the original water right, therefore, the applicants are the owners of the water right involved in the transfer. The applicant has submitted a signed well sharing agreement for the use of the applicant's neighbor's well.
- **Water Right Validity:**  
The right involved with this transfer was licensed in 2013. Aerial photography indicates that the water right has been used in recent years.
- **Injury to Other Water Rights:**  
None anticipated.
- **Enlargement of Use:**  
None anticipated. No change to the place of use is proposed.
- **Local Public Interest:**  
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**  
No change in the nature of use. Heating is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**  
No issues anticipated.
- **Effect of the Agricultural Base of the Local Area:**  
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

**\*\* Proof of Publication \*\***

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

RUBY AUFDERHEIDE, 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 103591

Ruby Aufderheide  
(Legals Clerk)

STATE OF IDAHO )  
                          SS  
COUNTY OF TWIN FALLS )

On this 23rd day of July in the year of 2020 before me, a Notary Public, personally appeared before me Ruby Aufderheide 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: 07/16/2020, 07/23/2020

TOTAL AD COST: 198.15  
FILED ON: 7/23/2020

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

47-17719 ✓  
4799A RIVER ROAD LLC  
357 MC CASLIN BLVD STE 200  
LOUISVILLE, CO 80027-2932  
Point of Diversion NWSE S32 T08S R14E TWIN FALLS  
County Source GROUND WATER Tributary  
Use: DOMESTIC 01/01 to 12/31 0.04 CFS  
Total Diversion: 0.04 CFS  
Date Filed: 06-02-2020  
Place Of Use: DOMESTIC  
T08S R14E S32 NWSE

Application for permit proposes to divert 0.04 cfs for domestic use from an existing well. The proposed well and place of use are located approximately 8.8 miles south and 2.8 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.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT** ✓  
**TRANSFER NO. 83973**

NOLAN K BRANCH and LUANN S BRANCH, PO BOX 24, MALTA, ID 83342-0024 has filed Application No. 83973 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10151, 43-4238A. 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 0.275 cfs stockwater / domestic ground water right that is currently diverted approximately 2.5 to 3.0 miles south and 1.0 to 1.5 miles east of Malta. The application proposes moving the right to a new place of use and diverting it from three existing wells at an existing dairy facility located approximately 3.0 to 3.5 miles south and 3.2 to 3.6 miles east of Malta. Application also proposes adding two of the existing wells and modifying the place of use for a 0.04 cfs domestic ground water right currently in use and diverted from the third well at the dairy facility.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT** ✓  
**TRANSFER NO. 84147**

TERRISA J BERG and LOUIS N BERG, 19032 HIGHWAY 30, BUHL, ID 83316-5060 has filed Application No. 84147 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7520. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion (POD) for a 1/9 portion (0.06 cfs and 9.1 AF) of a ground water right that currently authorizes heating use. The proposed new POD is an existing well located approximately 400 feet south of the current authorized POD, approximately 1.8 miles east and 7.9 miles south of Hagerman.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department 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 August 3, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published on July 16th & 23rd, 2020

RECEIVED

JUL 27 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

✓ OK DM  
7/30/2020