

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 47-17713

Priority: March 05, 2020

Maximum Diversion Rate: 0.04 CFS

This is to certify that

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

has applied for a permit to appropriate water from:

Source : SALMON FALLS CREEK

Tributary: SNAKE RIVER

and a permit is APPROVED for development of water as follows:

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Location of Point(s) of Diversion

SALMON FALLS CREEK NW¼ SE¼, Sec. 30, Twp 08S, Rge 14E, B.M. TWIN FALLS County

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		
08S	14E	30														X				

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **July 01, 2022**.
2. Subject to all prior water rights.
3. Domestic use is for uses associated with one home.
4. The quantity of water under this right shall not exceed 13,000 gallons per day.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
6. Domestic use under this right when combined with any other domestic use shall not exceed 13,000 gallons per day and 1/2 acre of irrigation.
7. Point of diversion and place of use is located within Parcel 1 of Lot 14 of Salmon River Ranches #1 Subdivision.
8. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 47G.
9. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.

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10. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
11. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
12. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

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

Signed this 16th day of June, 20 20.



COREY SKINNER
Southern Regional Manager



State of Idaho
Department of Water Resources






Attachment to Permit to Appropriate Water

47-17713

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

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

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

June 17, 2020

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

RE: Permit No. 47-17713

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

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

Sincerely,

A handwritten signature in blue ink, reading "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" and last name "Skinner" clearly distinguishable.

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2020, I served a true and correct copy of Permit to Appropriate Water No. 47-17713 by U.S. Mail, postage prepaid, to the following:

LOUIS N BERG (Current Owner)
TERRISA J BERG (Current Owner)
19032 HIGHWAY 30
BUHL ID 83316-5060



Denise Maline
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

** Proof of Publication **

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

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 101792

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 28th day of May 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: 05/21/2020, 05/28/2020

TOTAL AD COST: 107.94

FILED ON: 5/28/2020

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

47-17713

LOUIS N BERG

TERRISA J BERG

19032 HIGHWAY 30

BUHL, ID 83316-5060

Point of Diversion NWSE S30 T08S R14E TWIN FALLS County

Source SALMON FALLS CREEK Tributary SNAKE RIVER

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

Total Diversion: 0.04 CFS

Date Filed: 03-05-2020

Place Of Use: DOMESTIC

T08S R14E S30 NWSE

Application for permit proposes to divert 0.04 cfs for domestic use from Salmon Falls Creek. The proposed place of use is approximately 7.9 miles south and 2.3 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/WRApplicationResults/>. 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 June 8, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on May 21st & 28th, 2020

RECEIVED

JUN 01 2020

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ DM 6/4/2020

Maline, Denise

From: Conley, Keats <keats.conley@idfg.idaho.gov>
Sent: Monday, May 18, 2020 12:29 PM
To: Maline, Denise
Subject: RE: Comment Letter for 47-17713 New Water Right Application

Denise,

Thank you for the opportunity to review the Application for Permit No. 47-17713, which seeks to appropriate 0.04 cfs from Salmon Falls Creek for irrigation and one off-stream pond. The Idaho Department of Fish and Game (IDFG) offers the following comments for your consideration:

The application does not state if the intended use of the pond includes stocking fish. If so, please note that the Applicant will be required to apply for and receive a private fish pond permit from IDFG, which may restrict species and sources of fish for stocking. Additionally, the Applicant will be required to pass an inspection of the facilities and to screen any inflow to or outflow associated with the ponds to prevent fish entrainment and escapement.

Any inlet to a private pond must be screened at the point of diversion as provided in section 36-906(b), Idaho Code, to prevent the entrance of wild fish into the private pond. The pump intake shall be screened with ¼" mesh or smaller. Please call 208-756-6022 for specifications.

The pump placement in the stream shall be away from potential fish refugia like stream banks with overhanging vegetation or accumulated large woody debris.

All equipment involved with transporting water shall be treated/sterilized to avoid spread of invasive aquatic species prior to use. If equipment involved with transporting water has been moved into Idaho from another state (Particularly from NV, CO, UT, AZ, CA or TX) contact ISDA for an inspection. We recommend contacting ISDA (208-332-8686) for treatment recommendations.

Best regards,

Keats

Keats Conley
Environmental Staff Biologist
Idaho Department of Fish and Game – Magic Valley Region
324 South 417 East, Suite 1
Jerome, ID 83338
Office: (208) 644-6310
Cell: (208) 484-9099*



<https://idfg.idaho.gov>

*Please use cell phone during COVID19 Statewide Stay-Home Order.

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 101792

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	107.94
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	107.94
Fax			
Section	Legals	Start/End Dates	05/21/2020 - 05/28/2020
SubSection		Insertions	2
Category	50 Legal	Size	68
Ad Key	101792-1	Salesperson(s)	Ruby Aufderheide
Keywords	47-17713 Berg	Taken By	Ruby Aufderheide
Notes			

Ad Proof

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GARY SPACKMAN, Director

Published on May 21st & 28th, 2020

✓ *LM* 5-18-2020

Proof of legal notice received
from Times News 5/18/2020