

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 47-17712

Priority: January 13, 2020

Maximum Diversion Rate: 0.04 CFS

This is to certify that

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

have applied for a permit to appropriate water from:

**Source :** GROUND WATER

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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
DOMESTIC	01/01 to 12/31	0.04 CFS

**Location of Point(s) of Diversion**

GROUND WATER 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 **June 01, 2021**.
2. Subject to all prior water rights.
3. Domestic use is for 1 home.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
5. Low temperature geothermal water diverted under this right shall not be used for domestic purposes unless it is first used for heating purposes.
6. Irrigation use under this right is authorized only in connection with a domestic use.
7. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
8. 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.
9. Point of diversion and place of use is located within Parcel 1 of Lot 14 of Salmon River Ranches #1 Subdivision.
10. 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.

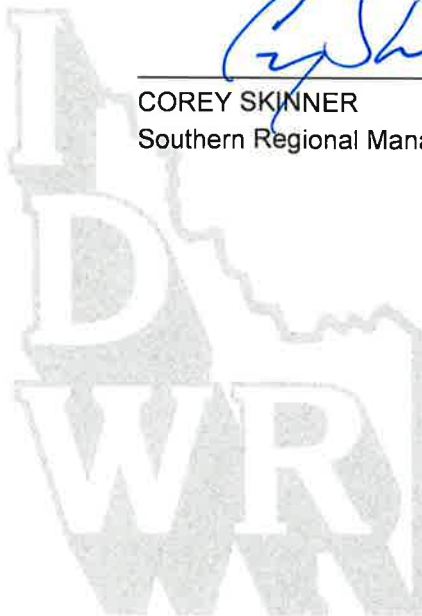
State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**  
No. 47-17712

11. 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.

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

Signed this 21<sup>st</sup> day of May, 2020.

  
\_\_\_\_\_  
COREY SKINNER  
Southern Regional Manager



State of Idaho  
Department of Water Resources

# Attachment to Permit to Appropriate Water

47-17712

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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

May 22, 2020

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

RE: Permit No. 47-17712

### 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 divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") 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. If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.

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](http://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, appearing to read "Corey Skinner", with a stylized flourish at the end.

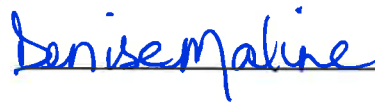
Corey Skinner  
Southern Regional Manager

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2020, I served a true and correct copy of Permit to Appropriate Water No. 47-17712 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:

RECEIVED

MAR 09 2020

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500  
TWIN FALLS ID 83301

ORDER NUMBER 98460

Ruby Aufderheide  
(Legals Clerk)

STATE OF IDAHO )  
                          .SS  
COUNTY OF TWIN FALLS )

On this 27 day of February 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.

Erica Izaguirre  
Notary Public FOR Idaho  
Residing at: Twin Falls, Idaho  
My Commission expires: 8/7/25

Section: Legals

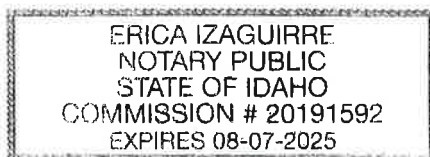
Category: 50 Legal

PUBLISHED ON: 02/20/2020, 02/27/2020

✓ DM 3-11-2020

See Next Page

TOTAL AD COST: 227.25  
FILED ON: 2/27/2020



\* Proof of Publication \*

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

✓ 47-17712

LOUIS N BERG  
TERRISA J BERG

19032 HIGHWAY 30

BUHL, ID 83316-5060

Point of Diversion NWSE S30 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: 1/13/2020

Place Of Use: DOMESTIC

T08S R14E S30 NWSE

Application proposes diverting up to 0.04 cfs from an existing well for domestic uses associated with an existing home. The Place of Use (POU) and Point of Diversion (POD) are located approximately 4.7 miles west and 6.8 miles north of 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. 83657**

✓ PATRICIA ASHER, PO BOX 143, ALBION, ID 83311; has filed Application No. 83657 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14312. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion for a 0.22 cfs ground water irrigation right currently diverted from a well located approximately 0.6 miles south and 0.1 mile east from the northwest corner of the Albion City Park in Albion. The proposed new point of diversion is an existing well located approximately 0.4 miles south and 0.4 miles east from the northwest corner of the Albion City Park.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 83658**

✓ PATRICIA ASHER, PO BOX 143, ALBION, ID 83311; has filed Application No. 83658 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14313. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion for a 0.19 cfs Marsh Creek irrigation right to a new location approximately 1.8 miles downstream. The right is currently diverted at a point located approximately 1.0 mile south and 1.0 mile west from the northwest corner of the Albion City Park in Albion. The proposed new diversion location is an existing diversion point located approximately 0.1 mile north and 0.5 mile east from the northwest corner of the Albion City Park.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 83880**

✓ DANIEL G WARD, 227 E 400 S, BURLEY, ID 83318; has filed Application No. 83880 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14422. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add a point of diversion (add a new well to an existing system) to a 0.06 cfs ground water right for commercial and stockwater uses for a facility located approximately 5.25 to 5.5 miles south and 4.8 to 5.0 miles west of the center of Burley. The new well is intended to be a backup well to two existing wells and will be drilled approximately 600 feet east of the facility.

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 **March 9, 2020**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH:** February 20 and 27, 2020

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MAR 09 2020

DEPT OF WATER RESOURCES  
SOUTHERN REGION

✓ dm 3/11/2020