

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho
No. 47-17709

RECEIVED

AUG 28 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION**1. Applicant(s)**

CAROL STOTTS
19034 HIGHWAY 30
BUHL ID 83316-5060
530-209-4979

2. Representative(s) N/A**3. Source of Water Supply:**

Source : GROUND WATER

4. Location of Point(s) of Diversion:

Heading	Point of Diversion # 1
Source	GROUND WATER
Tributary of	
Township	08S
Range	14E
Section	30
Govt. Lot	
QQQ/qq/Quarter	NW¼SE¼
County	TWIN FALLS
Diversion Type	
Local name or Tag#	
Type and size of devices	Existing well
Height of storage dam	
Active/ Total Reservoir capacity	
Dam Application required?	No
Proposed well diameter/ depth	8 inches / 450 feet
Water Temp > 85°F?	Yes
Drilled Date	5/1/1979 12:00:00 AM
Drilling firm	Elsing
Property Owner	Applicant
Access Arrangement Description	N/A

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
DOMESTIC	01/01 to 12/31	0.04 CFS		1 Home(s)

6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) Not Stated acre-feet / year (af).**7. Proposed diverting works:**

a. If an existing well, who was the well drilled for? none Drilling Permit No. unknown well was drilled in 1979.

8. Describe other proposed water uses : domestic (including heating) of one residence**9. Description of place of use:**

For Department Use

Received by BW/CS Date 8.28.2019 Time 3 PM Preliminary check by BW
 Fee \$ 100- Received by dm Receipt No. 5037522 Date 8.28.2019

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				

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?
none, yes

- 11.
- Who owns the land to be irrigated or place of use? Applicant.
 - 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.

Filing made for domestic use (including heating) for an existing development that was developed prior to April 17, 2008. The well was drilled in 1979 and a small residence was constructed on the property in 1995. Water from the well was used for domestic use and heating of the building (See attached photos). I purchased the property in 1999.

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.

Signature of Applicant

Carol Stotts

CAROL STOTTS

Signature of Applicant

Duwayne Wilson
4821 W Talamore Dr
Meridian, ID 83646
(208) 898-9054

August 26, 2019

Department of Water Resources
650 Addison Ave W
Twin Falls, ID 83301

RE: Regarding parcel # RPOS8514E307250

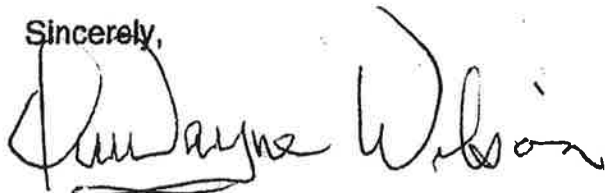
To Whom it may concern:

I purchased the above-referenced parcel of property from Robert Ring. In May of 1979 a hot water well was installed on the property.

In September 1994, I sold the parcel to David A. Breen. David Breen built a 16x20 building in 1995. He built the building to accommodate heating with hot water from the well and the building was heated with hot water from the well from 1995-1998.

In 1998, I received the parcel back and sold it to William and Carol Stotts in August of 1999. The well was still functioning in August of 1999 when I sold the property to the Stotts.

Sincerely,



STATE OF IDAHO

)

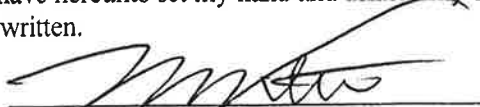
) ss.

County of Twin Falls

)

On this 27th day of August, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Duwayne Wilson, Trustee, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

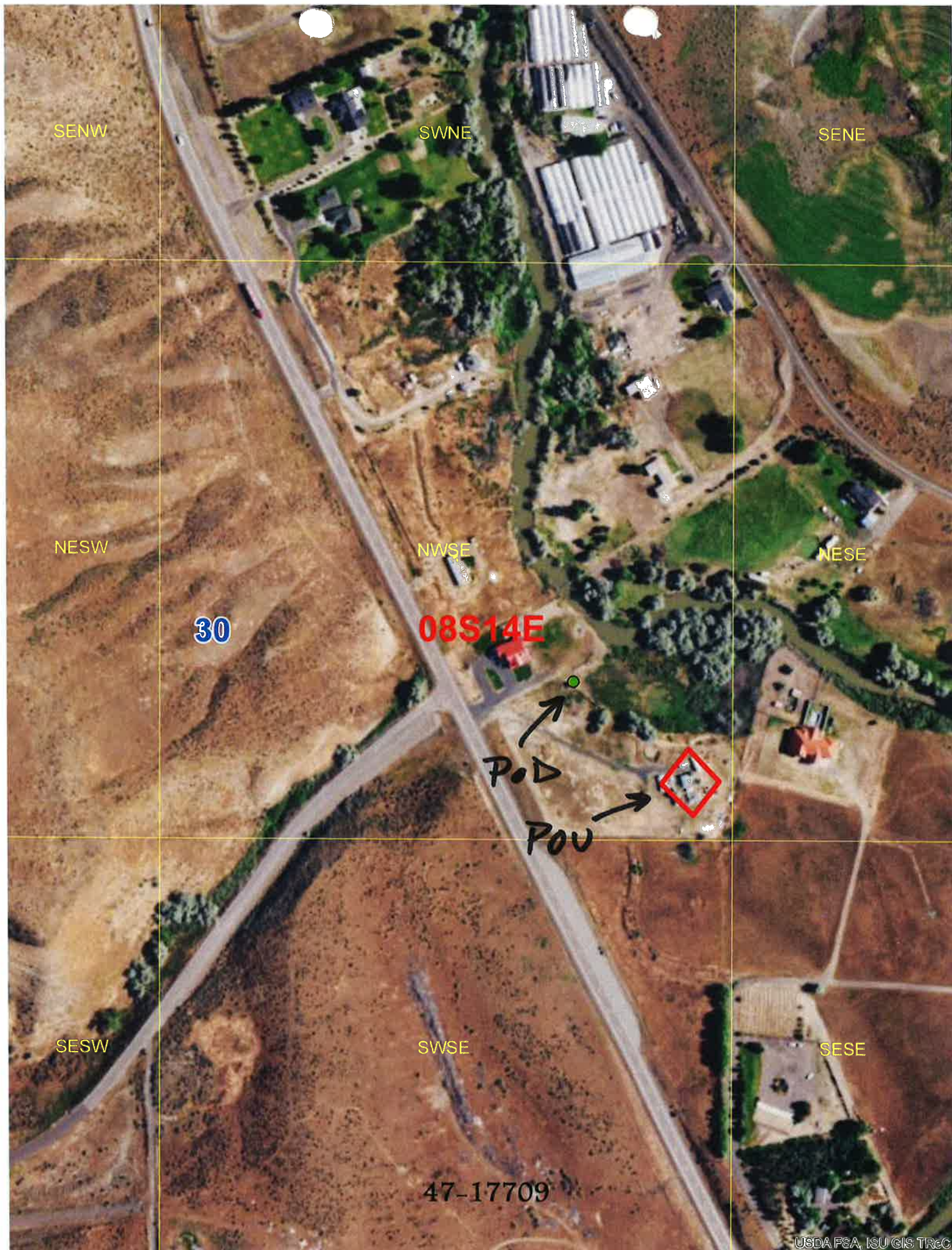


NOTARY PUBLIC FOR IDAHO

Residence: Buhl

My Commission Expires: 9-29-21





SENW

SWNE

SENE

NESW

NWSE

NESE

30

08S14E

POD
POV

SESW

SWSE

SESE

47-17709

TWIN FALLS COUNTY, IDAHO

FIRST AMERICAN TITLE COMPANY

BOOKED 20 P 121

19940165951

T-16751CJK E11407RG

300

WARRANTY DEED

For Value Received DUWAYNE WILSON and SHARYN WILSON, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
DAVID A. BREEN and FRANCIS BREEN, husband and wife
whose address is: 6603 South 287th
Kent WA 98032

Hereinafter called the Grantee, the following described premises situated in Twin Falls County, Idaho, to-wit:

Township 8 South, Range 14 East of the Boise Meridian, Twin Falls County,
Idaho

Section 30: A portion of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ known as
Lot 15 Salmon River Ranches described as
follows:

COMMENCING at the Southeast corner of said Section 30; Thence South
89°11'26" West 1022.01 feet along the Southerly boundary of said Section 30
to the Easterly right of way boundary of U.S. Highway 30; Thence North
27°16'27" West 651.31 feet along said right of way boundary to the Westerly
boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 30; Thence North 0°02'59" West
729.32 feet to the Northwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ the TRUE POINT OF
BEGINNING; Thence South 89°10'17" West 389.39 feet; Thence North 27°16'27"
West 322.27 feet; Thence North 61°35'23" East 402.71 feet; Thence North
56°38'13" East 94.64 feet; Thence South 86°03'06" East 222.75 feet; Thence
South 13°05'47" West 522.72 feet to the POINT OF BEGINNING.

TOGETHER WITH appurtenant Salmon Falls Creek water.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee
simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and
except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will
warrant and defend the same from all claims whatsoever.

Dated: September 19, 1994

Duwayne Wilson
DUWAYNE WILSON

Sharyn Wilson
SHARYN WILSON

STATE OF IDAHO

)

COUNTY OF TWIN FALLS

: ss

)

On this 19th of September, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared
DUWAYNE WILSON and SHARYN WILSON, personally known to me (or proved to me on the basis of satisfactory evidence)
to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed
the same.

WITNESS my hand and official seal.

[Signature]
Notary Public
Residing at: Twin Falls
My commission expires: 4-28-98

Parcel Comments:

(none)

Ownership History:

1999 - 2016 STOTTS, WILLIAM L

1998 WILSON, DUWAYNE

1996 - 1997 BREEN, DAVID A

1994 BREEN, DAVID A ET UX

Scanned Worksheets:

(none)

Additional Property Sheets:

(none)

Calculate taxes due- Interest as of date: (do not use hyphens, enter as mmddyyyy)

Tax Payment History												
Year/Type	Date	Half	Batch/Tran#	Tax	Penalty	Interest	Total	Remark	Payor	User	PUP	
2012 Payment	12-20-2012	1	5040 - 66	253.06	0.00	0.00	253.06	CK-4627-M	STOTTS, WILLIAM L	SHERIH		
2012 Payment	12-20-2012	2	5040 - 66	253.06	0.00	0.00	253.06	CK-4627-M	STOTTS, WILLIAM L	SHERIH		
2013 Payment	12-16-2013	1	60 - 63	255.55	0.00	0.00	255.55	CK 4758 M	STOTTS, WILLIAM L	BPETERSEN		
2013 Payment	06-19-2014	2	10 - 81	255.55	0.00	0.00	255.55	CC 14125041 P&PONLIN	STOTTS, CAROL	KPRYDE		
2014 Payment	12-20-2014	1	2010 - 38	245.43	0.00	0.00	245.43	CK 1025 M	STOTTS, WILLIAM L	CAROL		
2014 Payment	06-15-2015	2	50 - 55	245.43	0.00	0.00	245.43	CK-1033-M	STOTTS, WILLIAM L	SHERIH		
2015 Payment	12-20-2015	1	8010 - 238	400.71	0.00	0.00	400.71	CK 1046 M	STOTTS, WILLIAM L	SHARIH		
2015 Payment	05-25-2016	2	50 - 3	400.71	0.00	0.00	400.71	CASH-P .93 CHANGE	STOTTS, CAROL	SHERIH		
2015 Payment	05-25-2016	1	50 - 3	2.36	0.00	0.00	2.36	CASH-P .93 CHANGE	STOTTS, CAROL	SHERIH		
2015 Payment	06-20-2016	2	4030 - 54	2.36	0.00	0.00	2.36	CK 1058 M	STOTTS, CAROL A	JWILSON		

NW 2

SENW

2004

SWNE

SENE

SW 3

NESW

30

08S14E

NWSE

NESE

SW 4

SESW

SWSE

SESE

47-17709



Toilet in building approx 2004





sink in building approximately 2004



water line in building. goes to radiator &
toilet — taken 2019

64-80

Sheet No. 1 of 1

SALMON RIVER RANCHES #1

8 R14
HCS # 1 15
SEE NEW APPRAISAL
NEW APP

Property Address

Inspected By	MIKE S.	Date	9-19-95	Rev Yr	95
Computed By		Date		Rev Yr	
Certified Appraiser	MIKE S.	Date	10-12-95	Rev Yr	95
Assessor	GO	Date	12-5-95	Rev Yr	95
Reinspection		Date		Rev Yr	

Prebuilt		
Building Permit		
Under Construct		
IN OFFICE		
CHANGE: 11-24-95 MS		
(OUTBLOC)		
Photo No		

MARKET VALUE ■ \$ _____ \$ _____

PURCHASE INFORMATION

Price	GES land+air	Date	8-99
Price		Date	
Asking		Date	
Rent	Per	Date	

LAND + OUTLOG

01	NEIGHBORHOOD	02	OFF-SITE IMPROVEMENTS	03	TOPOGRAPHY	04	WATER FRONT PROPERTY	05	ON-SITE UTILITIES
01	Urban	06 Stable	Street	04 Asphalt/Conc.	01 Low	01 Lake	6 Beach	01 Electricity	05 Public Water
02	Suburban	07 Improving	01 None	05 Gravel/Drill	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well
03	Rural	08 Declining	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Elec/Telephone	07 Public Sewer
04	Recreational		03 Private Access	07 Curb/Gutters	04 Steep Slope	04 Built Land	P F A G E	04 Cable TV	08 Septic System
00		90		90		05 Flood Plain	90	90	Not Water Well
06	SUBJECT DIMENSIONS	07	SITE INFORMATION	08	REMARKS				
Frontage		01	Location P F A G E	90' Wet water well 24800 91' 1/2					
Depth		02	Amenities P F A G E	92' No well/septic - 300' 1/2					
Other	5.47 acres	03	Landscaping P F A G E	NEW APPRAISAL					
		04	View P F A G E	* INDEX 98 6000 4000 29					
		05	Detriments Low Many None	238					
		06	Zoned						

COMPOSITE ADJUSTMENT								10	SITE ADJUSTMENTS						
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location 60 Depth	10 Access 60 Plottage	20 View 70 Beach	30 Topography 80 Corner	40 Width 90	TOTAL FACTOR	EXT. VALUE	
12	A	15		A	5.00	33,000	34,250	%	%	%	%	%	34,250		
					.47	1,250		90 + 1,250 %	91 + 3,750 %	%	%	%	52,750		
								92 - 3,000 %	%	%	%	%	49,750		
								100 - 1,250 %	%	%	%	%	46,500		
APPRaiser: [Signature]								INSPeCTED APPR.							
DATE: 9-19-95								REVIEW YR: 95							
								DATE:							
								REVIEW YR:							
								LAND VALUE \$ 49,750							

UAD-RC
REV. 5-90

SALMON FALLS Creek



26

SCALE = 1:20

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

RECEIVED
resources
SEC

1. WELL OWNER
Name TED EASTMAN - DUANE WILSON
Address LAGERMAN, IDAHO
Owner's Permit No. _____

2. NATURE OF WORK
☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

3. PROPOSED USE
☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☒ Other HEATING HOMES (specify type) _____

4. METHOD DRILLED
☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION
Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____
Thickness _____ inches Diameter _____ inches + _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
_____ inches _____ inches _____ feet _____ feet
Was casing drive shoe used? ☐ Yes ☐ No
Was a packer or seal used? ☐ Yes ☐ No
Perforated? ☐ Yes ☐ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches
Number _____ From _____ To _____
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
_____ perforations _____ feet _____ feet
Well screen installed? ☐ Yes ☐ No
Manufacturer's name _____
Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Gravel packed? ☐ Yes ☐ No ☐ Size of gravel _____
Placed from _____ feet to _____ feet
Surface seal depth 145 Material used in seal: ☒ Cement grout
☐ Puddling clay ☐ Well cuttings
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent
☐ Cemented between strata
Describe access port _____

6. LOCATION OF WELL
Sketch map location must agree with written location.
N
W 30' E
Subdivision Name _____
Lot No. _____ Block No. _____
County TWIN FALLS 30
S 1/4 SE 1/4 Sec. 3 T. 8 N. 14 W.

7. WATER LEVEL
Static water level _____ feet below land surface
Flowing? ☒ Yes ☐ No
Artesian closed-in pressure 110 p.s.i.
Controlled by: ☒ Valve ☐ Cap ☐ Plug
Temperature 160 °F. Quality _____

8. WELL TEST DATA
☐ Pump ☐ Bailer ☐ Air ☐ Other _____
Discharge G.P.M. _____ Pumping Level _____ Hours Pumped _____

9. LITHOLOGIC LOG 85291
Hole Diam. _____ Depth From _____ To _____ Material _____ Water Yes No
8" 0 15 TOP SOIL ☒ ☒
15 25 MED HARD ROCK + GRAVEL ☐ ☒
25 85 CLAY + ROCK ☐ ☒
85 110 MED HARD BLACK ROCK ☒ ☒
110 120 CLAY + BLACK ROCK ☐ ☒
120 180 ROCK + CLAY MIX ☐ ☒
180 215 HARD SOLED LAVA ☐ ☒
215 435 CLAY - QUATER STRAS ☒ ☒
435 440 CLAY + ROCK MIX ☒ ☒
440 450 HARD BLACK ROCK ☐ ☒

10. Work started 4-26-79 finished 5-1-79

11. DRILLERS CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name EASTMAN DRILLING Firm No. 31
Address P.O. BOX 919 T.F. Date 7/20/79
Signed by (Firm Official) Arnold Elong
and
(Operator) Pat Williams



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 • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 12, 2019

CAROL STOTTS
19034 HIGHWAY 30
BUHL, ID 83316-5060

Re: Application For Permit No. 47-17709

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 9/19/2019 and 9/26/2019**. 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 7, 2019**.

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,

A handwritten signature in blue ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 12, 2019 1:54 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.doc

Attached please find **(1)** legal notice being submitted for publication on September 19th & 26th, 2019. 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 • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 12, 2019

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 47-17709

RE: Transfer No. 83597
Water Right No(s): 36-17108

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 7, 2019. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

47-17709

CAROL STOTTS

19034 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: 8/28/2019

Place Of Use: DOMESTIC

T08S R14E S30 NWSE

Application for permit proposes to divert 0.04 cfs for domestic use from an existing well. The location of the well and proposed place of use are approximately 7.0 miles south and 2.0 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. 83597**

3 STRING CATTLE OF IDAHO LLC, PO BOX 675, HEYBURN, ID 83336-0675; has filed Application No. 83597 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-17108. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 25.3 acre portion (0.5 cfs) of a groundwater irrigation right from a farm located approximately 3.3 to 4.0 miles north and 7.0 to 7.5 miles east of Rupert to commercial and stockwater use at an existing CAFO located 1.0 to 2.2 miles west and 6.5 to 7.0 miles north of Shoshone. The transferred portion (0.5 cfs) will be diverted from two wells at the CAFO site, one existing and one to be drilled.

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 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 7, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 19 & 26, 2019



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

CAROL STOTTS
19034 HIGHWAY 30
BUHL ID 83316-5060

August 29, 2019

RE: Application for Permit to Appropriate Trust Water – No. 47-17709

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 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

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/>.

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.

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,



Benny Walker
Water Resource Agent, Senior

Enclosure: Withdrawal of Application form

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