

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 47-17705

Priority: June 12, 2019

Maximum Diversion Rate: 0.04 CFS

This is to certify that

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
SAWTOOTH NATIONAL FOREST
370 AMERICAN AVE JEROME ID 83338

has applied for a permit to appropriate water from:

Source : GROUND WATER

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

Beneficial Use

DOMESTIC

Period of Use

05/15 to 10/31

Rate of Diversion

0.04 CFS

Location of Point(s) of DiversionGROUND WATER L4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 30, Twp 14S, Rge 19E, B.M. CASSIA 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		
14S	18E	24				X									X					
14S	18E	25	X			X														
14S	19E	30											X L4							
14S	19E	31	X					X L1												
14S	19E	32					X	X	X											

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2024**.
2. Subject to all prior water rights.
3. Domestic use is for 5 campgrounds (Upper & Lower Penstemon; Petit; Diamondfield Jack and Porcupine Spring) and the Rock Creek Guard Station.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
5. Rights 47-4169 and 47-17705 when combined shall not exceed a total diversion of 13,000 gallons per day.
6. Rights 47-2562, 47-17247, and 47-17705 when combined shall not exceed a total diversion of 13,000 gallons per day.

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7. Rights 47-2564, 47-17246, and 47-17705 when combined shall not exceed a total diversion of 13,000 gallons per day.
8. Rights 47-7911, 47-17248, and 47-17705 when combined shall not exceed a total diversion of 13,000 gallons per day.
9. 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 25th day of July, 2019.



COREY SKINNER
Southern Regional Manager

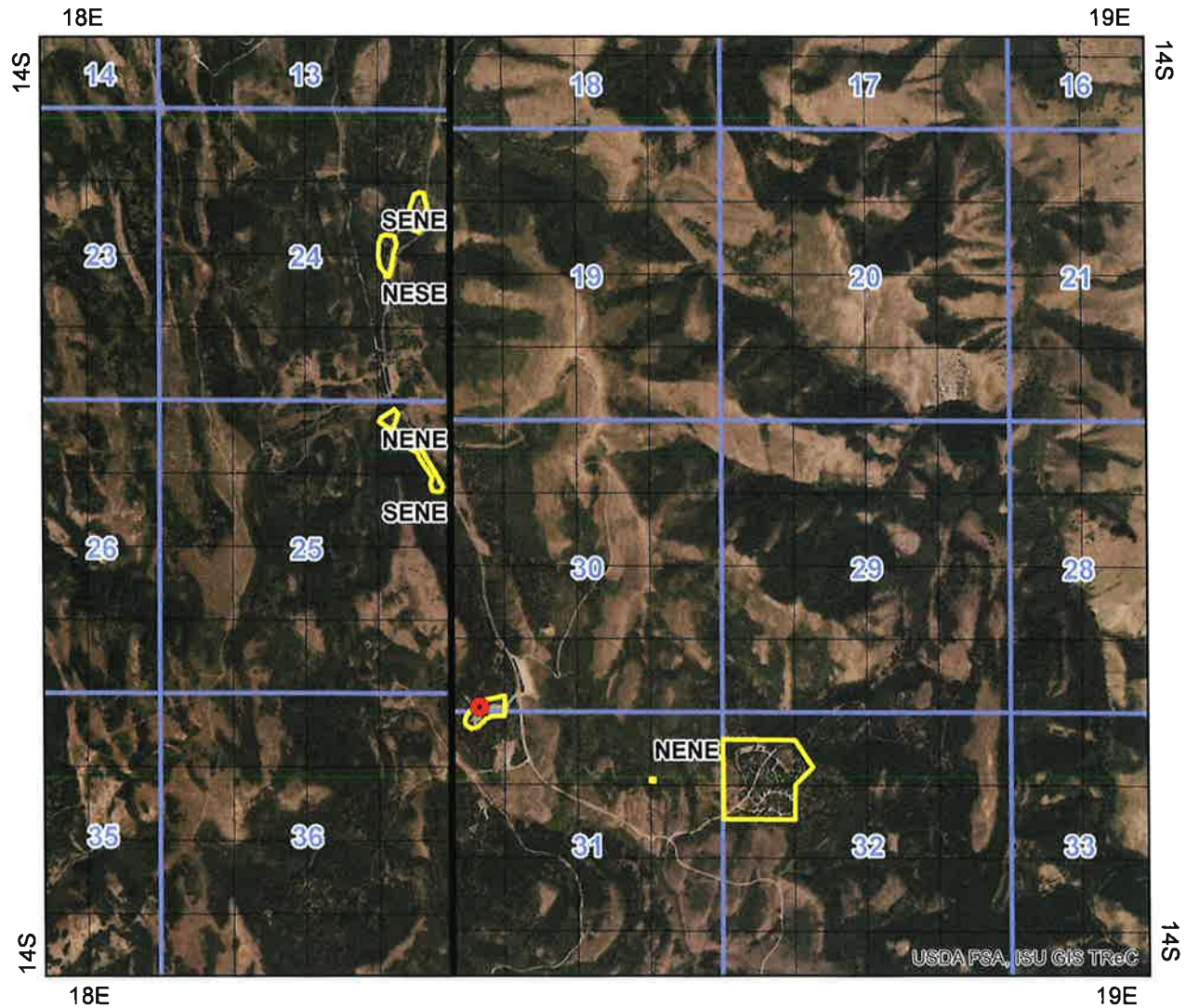


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

47-17705

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.



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

0 0.375 0.75 1.5 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

July 26, 2019

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
SAWTOOTH NATIONAL FOREST
370 AMERICAN AVE
JEROME ID 83338

RE: Permit No. 47-17705

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 water master 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, appearing to read "Corey Skinner", is written over a light blue horizontal line.

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2019, I served a true and correct copy of Permit to Appropriate Water No. 47-17705 by U.S. Mail, postage prepaid, to the following:

UNITED STATES OF AMERICA ACTING THROUGH (Current Owner)
USDA FOREST SERVICE
SAWTOOTH NATIONAL FOREST
370 AMERICAN AVE
JEROME ID 83338

UNITED STATES OF AMERICA ACTING THROUGH (Representative)
USDA FOREST SERVICE
324 25TH ST
OGDEN UT 84401-2310



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.

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

RECEIVED

JUL 17 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

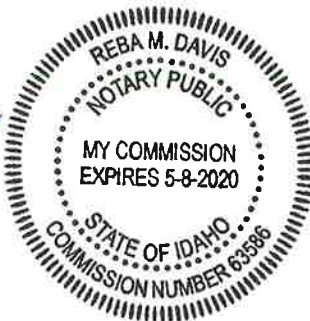
ORDER NUMBER 87798

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
SS
COUNTY OF TWIN FALLS)

On this 11th day of July in the year of 2019 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: 5/8/2020



Section: Legals

Category: 50 Legal

PUBLISHED ON: 07/04/2019, 07/11/2019

TOTAL AD COST: 238.89
FILED ON: 7/11/2019

✓ DM 7/22/2019



RECEIVED

JUL 17 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

47-17704

GARY N NELSON

2591 SUNGLOW CIR

TWIN FALLS, ID 83301-8266

Point of Diversion NWSW S29 T07S R13E TWIN FALLS County

Source GROUND WATER Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 5/16/2019

Place Of Use: DOMESTIC

T07S R13E S29 NESW NWSW

Application for permit proposes to divert up to 0.04 cfs of low temperature geothermal water from an existing well for domestic uses. The property and point of diversion are located approximately 1.9 to 2.0 miles south and 3.0 to 3.5 miles west of Hagerman.

47-17705

UNITED STATES OF AMERICA ACTING THROUGH

USDA FOREST SERVICE

SAWTOOTH NATIONAL FOREST

370 AMERICAN AVE

JEROME, ID 83338

Point of Diversion L4(SWSW) S30 T14S R19E CASSIA County

Source GROUND WATER Tributary

Use: DOMESTIC 05/15 to 10/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/12/2019

Place Of Use: DOMESTIC

T14S R18E S24 SENE NESE

T14S R18E S25 NENE SENE

T14S R19E S30 SWSW

T14S R19E S31 NENE NWNW

T14S R19E S32 NENW NWNW SWNW

Application proposes to appropriate up to 0.04 cfs of ground water from an existing well for domestic purposes associated with five campgrounds (Upper & Lower Penstemon; Petit; Diamondfield Jack & Porcupine Spring) and Rock Creek Guard Station. Point of diversion is located approximately 25 miles south and 4.1 miles east, and the places of use are generally located within approximately 23 to 26 miles south and 4 to 5.3 miles east of the city center of Kimberly. 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. 83344**

FIVE RIVERS CATTLE FEEDING LLC, 4848 THOMPSON PKWY STE 410, JOHNSTOWN, CO 80534-6511; has filed Application No. 83344 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2436A, 43-2437, 43-2438A, 43-2442, 43-4006. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the place of use and nature of use of stockwater, commercial, and industrial components of five water rights to allow for flexibility in use between the stockwater, commercial, and industrial components. The five water rights allow for a combined total of 6.92 cfs and 1239.05 AF for the stockwater, commercial, and industrial components. Points of diversion and place of use are located approximately 2.4 to 2.8 miles east and 1.0 to 2.0 miles south of the intersection of Hwy 81 (Main St) and Hwy 77 (Center St) in Malta.

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 July 22, 2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,

Director

Published on July 4th & 11th, 2019

✓ OK dm 7/22/2019

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 87798

Publication Times News

Contact ID DEPARTMENT OF WATER RESOURCES

Address 1 650 ADDISON AVE W, STE 500

Address 2

City St Zip TWIN FALLS ID 83301

Phone 2087363033

Fax

Section Legals

SubSection

Category 50 Legal

Ad Key 87798-1

Keywords Applications: 47-17704 & 47-17705

Notes

Ad Proof

PO Number

Rate Legal Notice

Order Price 238.89

Amount Paid 0.00

Amount Due 238.89

Start/End Dates 07/04/2019 - 07/11/2019

Insertions 2

Size 158

Salesperson(s) Ruby Aufderheide

Taken By Sherri Davis

Proof of legal notice received
from Times News 7/1/2019 (2 pgs)

✓ dm 7-1-2019

Customer Ad Proof

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T14S R18E S24 SENE NESE
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T14S R19E S30 SWSW
T14S R19E S31 NENE NWNW
T14S R19E S32 NENW NWNW SWNW

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GARY SPACKMAN,
Director

Published on July 4th & 11th, 2019

✓ DM
7-1-2019