

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 47-17645

PRIORITY: August 13, 2015

Maximum Diversion Rate: 0.04 CFS

Maximum Diversion Volume: 1.6 AF

It is hereby certified that:

CITY OF TWIN FALLS
PO BOX 1907
TWIN FALLS ID 83303-1907

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 13, 2015, and has submitted Proof of Beneficial Use on December 15, 2017. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE
INDUSTRIAL

PERIOD OF USE
01/01 to 12/31

DIVERSION RATE
0.04 CFS

ANNUAL DIVERSION VOLUME
1.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Twp 09S, Rge 17E, B.M. TWIN FALLS County

PLACE OF USE: INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	17E	33									X								

CONDITIONS OF APPROVAL

1. Industrial use is for an odor control facility.
2. Use of water under this right shall be non-consumptive.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. 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
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WATER RIGHT NO. 47-17645

5. Use of water pursuant to this right is either nonconsumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.
6. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 24th day of September, 2018.

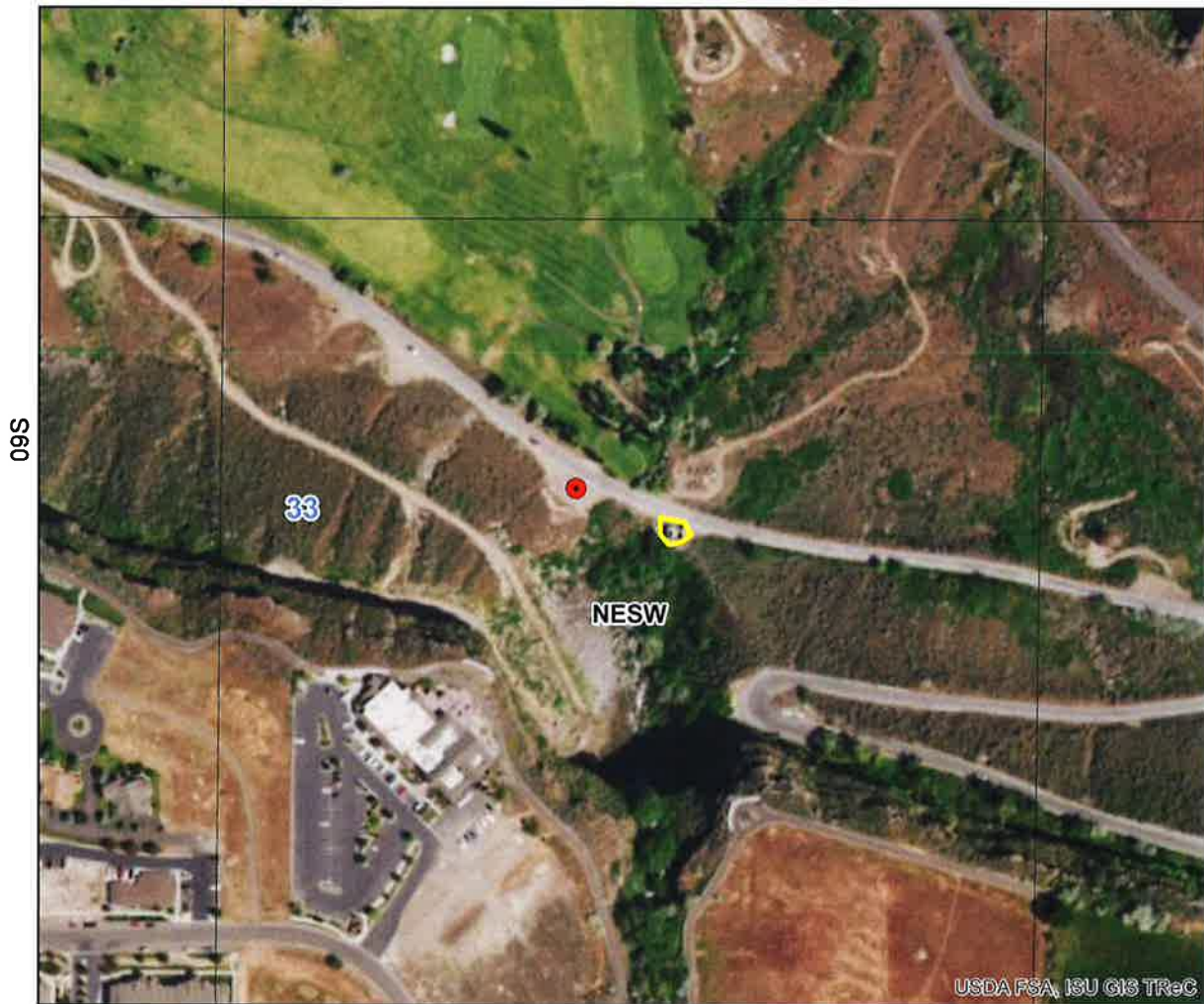


COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
47-17645

This map depicts the INDUSTRIAL 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.

17E



060

0 0.035 0.07 0.14 Miles

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





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

C.L. "Butch" Otter
Governor

Gary Spackman
Director

September 28, 2018

CITY OF TWIN FALLS
PO BOX 1907
TWIN FALLS ID 83303-1907

RE: License No. 47-17645

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a water master in a water district.

The license is a PRELIMINARY ORDER issued by the Department 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.

Also, 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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

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

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2018, I served a true and correct copy of Water Right License No. 47-17645 by U.S. Mail, postage prepaid, to the following:

CITY OF TWIN FALLS (Current Owner)
PO BOX 1907
TWIN FALLS ID 83303-1907



Denise Maline
Administrative Assistant I

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.

Skinner, Corey

From: Robert Bohling <Rbohling@tfid.org>
Sent: Monday, September 24, 2018 2:54 PM
To: Skinner, Corey
Subject: RE: Licensing Exam for 47-17645

Sounds good. Thanks!
Robert

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Monday, September 24, 2018 2:54 PM
To: Robert Bohling <Rbohling@tfid.org>
Subject: RE: Licensing Exam for 47-17645

Robert,

Yes. The City of Twin Falls will be the holder of the licensed right. The CH2M Hill contact was just a "tag-along" that would require copies of mailings involving the license.

Corey

From: Robert Bohling [mailto:Rbohling@tfid.org]
Sent: Monday, September 24, 2018 2:44 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: Licensing Exam for 47-17645

Corey,
That will work. Will the City of Twin Falls be the licensed holder then on the permit?
Thanks, Robert

From: Skinner, Corey [mailto:Corey.Skinner@idwr.idaho.gov]
Sent: Monday, September 24, 2018 2:39 PM
To: Robert Bohling <Rbohling@tfid.org>
Subject: RE: Licensing Exam for 47-17645

Robert,

As we discussed the Department's records for 47-17645 identify the following representative associated with the record...

CH2M HILL
KEVIN BOGGS
322 E FRONT ST STE 200
BOISE, ID 83702
(208) 383-6312

As we discussed, I believe this is the consultant who drafted the original application for permit for the city. Since we are ready to issue the license for this record, now would be an opportune time to remove this contact from the record. If you can e-mail me back your approval, we will go ahead and remove CH2M Hill from the 47-17645 record.

Corey

From: Skinner, Corey
Sent: Tuesday, September 18, 2018 8:51 AM
To: 'Robert Bohling' <Rbohling@tfid.org>
Cc: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>; Aasa, Kent <kent.aasa@idwr.idaho.gov>
Subject: RE: Licensing Exam for 47-17645

Robert,

We have a licensing exam scheduled for 1:00 tomorrow (Wednesday) with Scott Fuller. We will be meeting him at the site at 1:00. I was not sure if you, or someone else would want to participate also.

Let me know if you have any questions,

Corey,

From: Robert Bohling [<mailto:Rbohling@tfid.org>]
Sent: Tuesday, September 04, 2018 4:18 PM
To: Skinner, Corey <Corey.Skinner@idwr.idaho.gov>
Subject: RE: Licensing Exam for 47-17645

Corey,

I would be glad to help out. I think you may want to contact CH2M as they take care of that facility though. I would give Shawn Mofitt a call at 734-9933. If he can't help you out give me a shout I've been out on vacation all last week and we'll get it figured out. I have never even been to that facility so I'm probably not much help.....

Thanks,

Robert Bohling
Superintendent
City of Twin Falls Water Dept.

(208) 736-1540 Work
Rbohling@tfid.org

From: Skinner, Corey [<mailto:Corey.Skinner@idwr.idaho.gov>]
Sent: Friday, August 24, 2018 2:32 PM
To: Robert Bohling <Rbohling@tfid.org>
Cc: Inouye, Allison <Allison.Inouye@idwr.idaho.gov>; Aasa, Kent <Kent.Aasa@idwr.idaho.gov>
Subject: Licensing Exam for 47-17645

Robert,

IDWR is attempting to schedule a licensing exam for permit 47-17645 in the name of the City of Twin Falls. This is the permit for the recent well along the Perrine Coulee down in the canyon for the odor control facility. The licensing exam is an infield examination to determine the extent of beneficial use that was developed under the permit. We will need to visit the site, take a few pictures, and discuss the system and use with a knowledgeable person. I would like to use

this exam as a training exercise for a couple of my newer staff members so there would probably be three of us from IDWR. Could you give me a call (208)736-3033 so we can arrange a time to get this accomplished?

Thanks,

Corey Skinner
IDWR Southern Region Manager

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[Not spam](#)

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