

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 47-17649

Priority: October 26, 2015

Maximum Diversion Rate: 0.02 CFS

This is to certify, that JAY BLACKHURST
4813 RIVER RD
BUHL ID 83316

And

AMY WESTOVER
4813 RIVER RD
BUHL ID 83316

have applied for a permit to appropriate water from:

Source: WASTE 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>
HEATING	01/01 to 12/31	0.02 CFS
RECREATION	01/01 to 12/31	0.02 CFS
DOMESTIC	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER NW1/4NW1/4SW1/4 Sec. 33, Twp 08S, Rge 14E, B.M.
TWIN FALLS County

PLACE OF USE: HEATING

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 33											X						
											L 6						

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 14E 33											X						
											L 6						

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 47-17649

PLACE OF USE: DOMESTIC

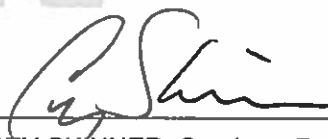
Twp	Rge	Sec	NE				NW				SW				SE				Totals
08S	14E	33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
												X							
												L	6						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2017**.
2. Subject to all prior water rights.
3. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
4. Rights 47-17629 and 47-17649 when combined shall not exceed a total diversion rate of 0.02 cfs and a total annual maximum diversion volume of 6.0 af.
5. This right does not grant any right-of-way or easement across the land of another.
6. Domestic use is for 1 home.
7. 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 Section 42-204, Idaho Code.

Signed this 21st day of November, 20 16.


COREY SKINNER, Southern Region Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

47-17649

This map depicts the DOMESTIC, HEATING, and RECREATION 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

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 21, 2016

JAY BLACKHURST
AMY WESTOVER
4813 RIVER RD
BUHL ID 83316

RE: Permit No. 47-17649

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

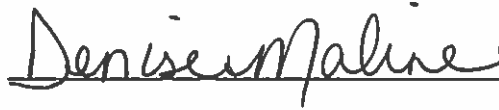
CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

47-17649

**JAY BLACKHURST
AMY WESTOVER
4813 RIVER RD
BUHL ID 83316**

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid horizontal line.

**Denise Maline
Administrative Assistant**

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 ***

RECEIVED

APR 18 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

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:

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

✓ 36-17066
BLUE LAKES COUNTRY CLUB INC
PO BOX 5729
TWIN FALLS, ID 83303-5729
Point of Diversion NWSE S28 T09S R17E JEROME County
Source ALPHEUS CREEK Tributary SNAKE RIVER
Point of Diversion L6(NWNE) S33 T09S R17E JEROME County
Source ALPHEUS CREEK Tributary SNAKE RIVER
Use: AESTHETIC 03/15 to 11/15 1.11 CFS
Use: RECREATION 03/15 to 11/15 1.11 CFS
Use: WATER QUALITY IMPROVEMENT 03/15 to 11/15 1.11 CFS
Total Diversion: 1.11 CFS
Date Filed: 3/21/2016
Place Of Use: AESTHETIC, RECREATION, WATER QUALITY IMPROVEMENT T09S R17E S33 NENE
Application for Permit proposes to divert a total of 1.11 cfs for Water Quality Improvement, Recreation, and Aesthetic purposes from Alpheus Creek via two existing points of diversion. Proposed place of use is Bass Lake at Blue Lakes Country Club. Application includes a mitigation plan to address increased evaporation at Bass Lake.

ID DEPARTMENT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

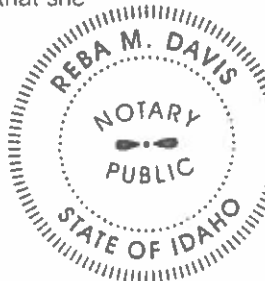
ORDER NUMBER 21299

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 14th day of April in the year of 2016 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: May 8, 2020



PUBLISHED ON: 04/07/2016, 04/14/2016

TOTAL AD COST: 302.91
FILED ON: 4/14/2016

✓ 47-17649
JAY BLACKHURST
AMY WESTOVER
4813 RIVER RD
BUHL, ID 83316
Point of Diversion NWNWSW S33 T08S R14E TWIN FALLS County Source WASTE WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.02 CFS 0.7 AF
Use: HEATING 01/01 to 12/31 0.02 CFS 0.7 AF
Use: RECREATION 01/01 to 12/31 0.02 CFS 0.7 AF
Total Diversion: 0.02 CFS
Date Filed: 10/26/2015
Place Of Use: DOMESTIC, HEATING, RECREATION T08S R14E S33 L6(NWSW)
Application proposes to divert up to 0.02 cfs of low temperature geothermal waste water for heating, recreation, and in-house domestic purposes for use on a property located along River Road approximately 3.3 miles west and 5.7 miles north of the city center of Buhl.

✓ NOTICE OF PROPOSED CHANGE OF WATER RIGHT
AMENDED TRANSFER NO. 79943
ALBION 12 INVESTMENTS LLC, 7595 E MC DONALD DR STE 130, SCOTTSDALE, AZ 85250, has filed Amended Application No. 79943 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14284. The purpose of the transfer is to change a portion of the above rights as follows: Amended application for transfer proposes to change the place of use and add two new points of diversion to ground water right 45-14284 (1.31 cfs), which currently supplements three surface water rights (45-14288, 45-14286, and 45-10912) on 67.0 acres of farm ground located approximately 0.8 to 1.3 miles west and 0.7 to 1.2 miles south of the intersection of Main and Market Streets in Albion. The new place of use will be on farm ground located approximately 1.4 to 2.4 miles east and 1.8 to 3.2 miles south of Albion, supplementing surface water right 45-284B (1.50 cfs, 90.0 acres), which is within a 399.2 acre permissible place of use. Right 45-14284 is currently diverted from two wells located approximately 1.3 miles west and 1.1 miles south of Albion. The proposed transfer will relocate the points of diversion to two new wells located approximately 1.7 miles east and 3.2 miles south of Albion.

✓ OK DM 4/22/2016

over →

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80309**

✓
HANK T HIGLEY and LACEY G HIGLEY, PO BOX 652, MALTA, ID 83342; has filed Application No. 80309 for changes to the following water rights within CASSIA County(s): Right No(s) 43-13287, 43-13289, 43-13291, 43-13738, 43-13739, 43-2277, 43-2354A. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 0.23 cfs & 21.5 acre portion of a groundwater right from the northwest edge of Malta to a farm located 2.7 to 3.2 miles south 0.0 to 0.5 miles east of Malta. The transferred right will be combined with six other ground water rights on the farm southeast of Malta to create a 100 acre permissible place of use. The transferred right and the existing rights will divert up to 1.19 cfs from an existing well located on the farm southeast of 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 www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. 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 together with a protest fee of \$25.00 for each application on or before April 25, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH: April 7 and 14, 2016

✓ OK DM 4/22/2016

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 21299

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	302.91
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	302.91
Fax			
Section	Legals	Start/End Dates	04/07/2016 - 04/14/2016
SubSection		Insertions	2
Category	50 Legal	Size	202
Ad Key	21299-1	Salesperson(s)	Ruby Aufderheide
Keywords	The following application(s) h	Taken By	Ruby Aufderheide
Notes			

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 Source ALPHEUS CREEK Tributary SNAKE RIVER
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AMY WESTOVER
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 Use: HEATING 01/01 to 12/31 0.02 CFS 0.7 AF
 Use: RECREATION 01/01 to 12/31 0.02 CFS 0.7 AF
 Total Diversion: 0.02 CFS
 Date Filed: 10/26/2015
 Place Of Use: DOMESTIC, HEATING, RECREATION T08S R14E S33 L6(NWSW)
 Application proposes to divert up to 0.02 cfs of low temperature geothermal waste water for heating, recreation, and in-house domestic purposes for use on a property located along River Road approximately 3.3 miles west and 5.7 miles north of the city center of Buhl.

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Proof of legal notice received from Times News 4/1/2016 (4 pages total)

✓ OK DM 4-1-2016
 E-mail sent.

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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 www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#New_Listings. 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 together with a protest fee of \$25.00 for each application on or before April 25, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH: April 7 and 14, 2016

Customer Ad Proof

#Error

Publication	Online		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
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City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
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GARY SPACKMAN, Director
PUBLISH: April 7 and 14, 2016