

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 47-17648

Priority: October 29, 2015

Maximum Diversion Rate: 0.04 CFS

This is to certify, that JAMES L WELLS And RUTH T WELLS
790 E 3800 N
BUHL ID 83316

has 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>
STOCKWATER	01/01 to 12/31	0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE1/4SW1/4 Sec. 12, Twp 10S, Rge 13E, B.M.
TWIN FALLS County

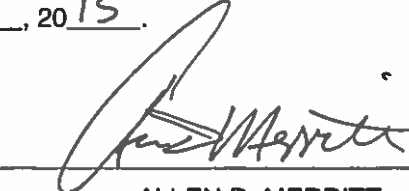
PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S 13E 12												X					
10S 13E 13					X												

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2021**.
2. Subject to all prior water rights.
3. Stockwater use is for 200 range cattle.
4. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. 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.

Dated this 21st day of December, 2015.


ALLEN D. MERRITT
Southern Region Manager

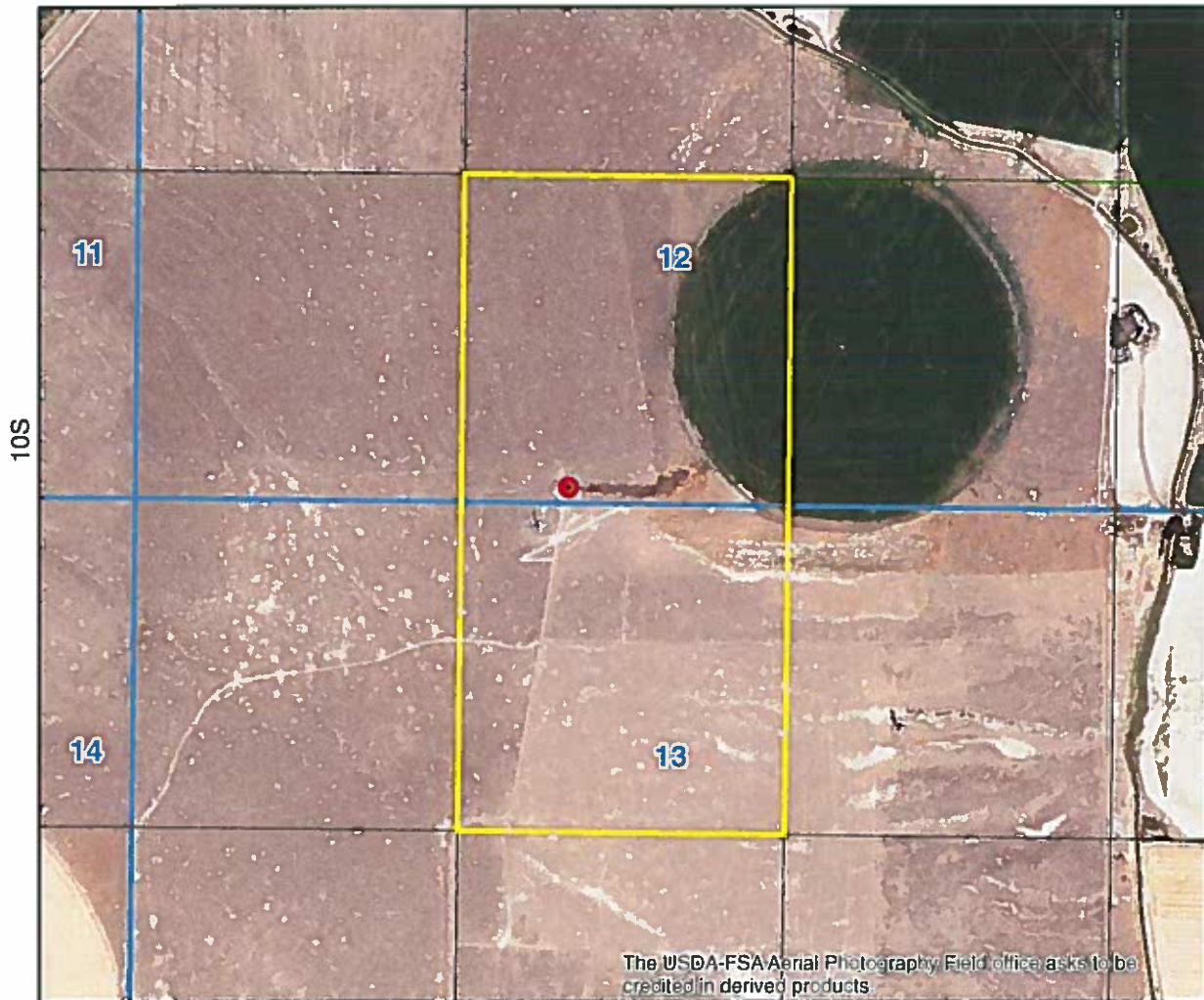
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

47-17648

This map depicts the STOCKWATER 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.

13E



0 0.075 0.15 0.3 Miles

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





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

December 22, 2015

JAMES L WELLS
RUTH T WELLS
790 E 3800 N
BUHL ID 83316

RE: Permit No. 47-17648

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large, sweeping initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

Enclosure(s)

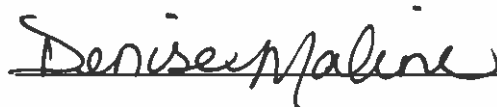
CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2015 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.

47-17648

**JAMES L WELLS
RUTH T WELLS
790 E 3800 N
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 * *

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:

2 Insertions

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

ORDER NUMBER 13042

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 30th day of Nov in the year of 2015 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.

Joyce A Engleman
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6/28/19

PUBLISHED ON: 11/19/2015, 11/26/2015

TOTAL AD COST: 233.07
FILED ON: 11/27/2015



✓ OK DM
12/9/2015

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

✓ 45-14475
GRANT CLARK
1176 S HWY 77
ALBION, ID 83311-9706
Point of Diversion SWSW S27 T12S R25E CASSIA County
Source SPRING Tributary UNAMED STREAM
Point of Diversion SESE S28 T12S R25E CASSIA County
Source SPRING Tributary UNAMED STREAM
Use: DOMESTIC 01/01 to 12/31 0.02 CFS
Use: STOCKWATER 01/01 to 12/31 0.02 CFS
Total Diversion: 0.02 CFS
Date Filed: 10/28/2015
Place Of Use: DOMESTIC
T12S R25E S27 SWSW
Place Of Use: STOCKWATER
T12S R25E S27 SWSW
T12S R25E S28 SESE

Application for permit proposes the diversion of 0.02 cfs from two springs for domestic and stockwater use. Points of diversion and place of use are located approximately 2.5 miles east and 4.4 miles south of Albion.

✓ 47-17648
JAMES L WELLS
RUTH T WELLS
790 E 3800 N
BUHL, ID 83316
Point of Diversion SESW S12 T10S R13E TWIN FALLS County
Source GROUND WATER Tributary
Use: STOCKWATER 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 10/29/2015
Place Of Use: STOCKWATER
T10S R13E S12 SESW
T10S R13E S13 NENW

Application for permit for stock water use proposes diversion of 0.04 cfs from an existing well located approximately 6.7 miles west and 2.0 miles south of the intersection of Broadway Avenue and Clear Lake Road in Buhl. Water will be piped to two troughs located within 0.25 miles of the well.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80503**

✓ HULME DAIRY LLC, 2275 E 600 S, HAZELTON, ID 83335, has filed Application No. 80503 for changes to the following water rights within JEROME County(s): Right No(s), 36-14421, 36-15666, 36-15668, 36-15670, 36-15690, 36-15692, 36-15694, 36-15702, 36-15704, 36-15706. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the nature of use; points of diversion; place of use and period of use for a combined total of 0.38 cfs and 97.2 acre foot from six irrigation ground water rights. Irrigation use will be changed to commercial stockwater use at an existing dairy facility located adjacent to the currently authorized places of use. Application also proposes changing the points of diversion and place of use for a combined total of 0.49 cfs and 69.9 af from four commercial / stockwater ground water rights associated with the existing dairy facility. All ten water rights will be diverted from three existing wells. PODs and POU are located approximately 4.6 to 5.0 miles north and 0.8 to 1.4 miles east of Hazelton.

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 December 7, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on November 19th & 26th, 2015

RECEIVED

DEC 09 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION