

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-08363

Priority: February 02, 1995

Maximum Diversion Rate: 0.28 CFS
Maximum Diversion Volume: 69.4 AF

It is hereby certified that MIKE VIERSTRA
2588 E 3500 N
TWIN FALLS ID 83301

And/Or

SUSAN VIERSTRA
2588 E 3500 N
TWIN FALLS ID 83301

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 09, 1994; and has submitted Proof of Beneficial Use on March 24, 1998. An examination confirms that water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	01/01 to 12/31	0.24 CFS	69.4 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	
COMMERCIAL	01/01 to 12/31	0.24 CFS	69.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE1/4SE1/4	Sec. 35, Twp 10S, Rge 16E, B.M.
TWIN FALLS County		
GROUND WATER	SW1/4SE1/4	Sec. 35, Twp 10S, Rge 16E, 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 16E 35															X	X	

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 47-08363

PLACE OF USE: DOMESTIC

Tw p	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	16E	35																X	

PLACE OF USE: COMMERCIAL

Tw p	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	16E	35															X	X	

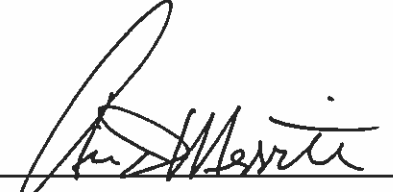
CONDITIONS OF APPROVAL

- Domestic use is for 1 home.
- Commercial and stockwater use is for a dairy.
- The right holder shall maintain ownership and control of the shares of water appurtenant to the 11.5 acres which is used as the dairy site for mitigation purposes as may be determined in the future by the department.
- The acres which are no longer to be supplied surface water by the Twin Falls Canal Company are specifically described as follows: Eleven and one-half (11.5) acres within the SE1/4SE1/4, Section 35, T10S, R16E, B.M.
- Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy and shall annually report the amount of water diverted to the department. The right holder shall obtain prior approval of the department relative to the type of measuring device.
- In accordance with applicable law, the right holder is responsible to ensure that pumpage under this approval does not reduce the water available under any prior right as determined by the Director, unless the right holder provides compensation or mitigation to the prior right holder.

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 27th day of November, 2015.

FOR


GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment To Water Right License
47-8363

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.



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

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
Attachment To Water Right License
47-8363

This map depicts the COMMERCIAL 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

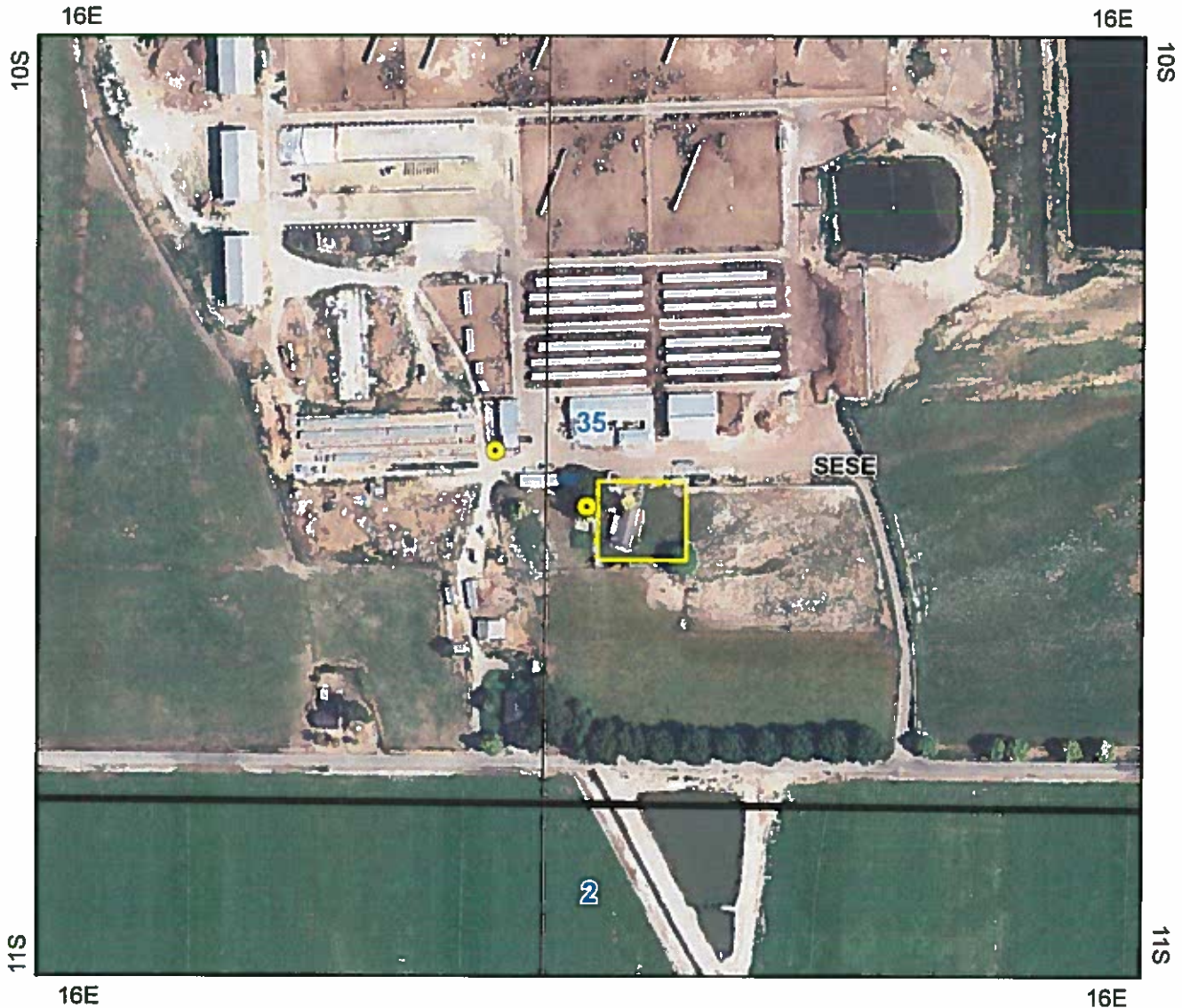
0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources

Attachment to Water Right License 47-8363

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

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 27, 2015

MIKE VIERSTRA
SUSAN VIERSTRA
2588 E 3500 N
TWIN FALLS ID 83301

RE: License No. 47-8363

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license.

The license 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.

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,

Allen Merritt
Southern Region Manager

Enclosure(s)

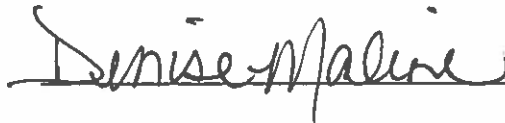
CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

47-8363

**MIKE VIERSTRA
SUSAN VIERSTRA
2588 E 3500 N
TWIN FALLS ID 83301**

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.

RECEIVED

AUG 17 2015

Page 1

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

DEPT OF WATER RESOURCES
SOUTHERN REGION

(For Licensing Purposes)

WATER RIGHT NO. 47-08363

Date of Priority: February 02, 1995

Maximum Diversion Rate: 0.28 CFS
Maximum Diversion Volume: 69.4 AF

Comes now MIKE VIERSTRA
2588 E 3500 N
TWIN FALLS ID 83301

And/Or

SUSAN VIERSTRA
2588 E 3500 N
TWIN FALLS ID 83301

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 47-08363, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.24 CFS	69.4 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	
COMMERCIAL	01/01 to 12/31	0.24 CFS	69.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SE1/4SE1/4	Sec. 35, Twp 10S, Rge 16E, B.M.
TWIN FALLS County		
GROUND WATER	SW1/4SE1/4	Sec. 35, Twp 10S, Rge 16E, 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 16E 35															X	X	

PLACE OF USE: DOMESTIC

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 16E 35																X	

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 47-08363

PLACE OF USE: COMMERCIAL

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 16E 35															X	X	

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 14 day of August, 2015.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 47-08363

.....
FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100- Received by DM # 5034960 Date 8-17-2015

ACTION OF THE DEPARTMENT OF WATER RESOURCES

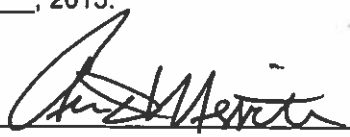
I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 47-08363 with the following:

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.
2. Commercial and stockwater use is for a dairy.
3. The right holder shall maintain ownership and control of the shares of water appurtenant to the 11.5 acres which is used as the dairy site for mitigation purposes as may be determined in the future by the department.
4. The acres which are no longer to be supplied surface water by the Twin Falls Canal Company are specifically described as follows: Eleven and one-half (11.5) acres within the SE1/4SE1/4, Section 35, T10S, R16E, B.M.
5. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy and shall annually report the amount of water diverted to the department. The right holder shall obtain prior approval of the department relative to the type of measuring device.
6. In accordance with applicable law, the right holder is responsible to ensure that pumpage under this approval does not reduce the water available under any prior right as determined by the Director, unless the right holder provides compensation or mitigation to the prior right holder.

Witness my hand this 27th day of November, 2015.

FOR


GARY SPACKMAN
Director

State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

47-8363

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.



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

0 0.05 0.1 0.2 Miles

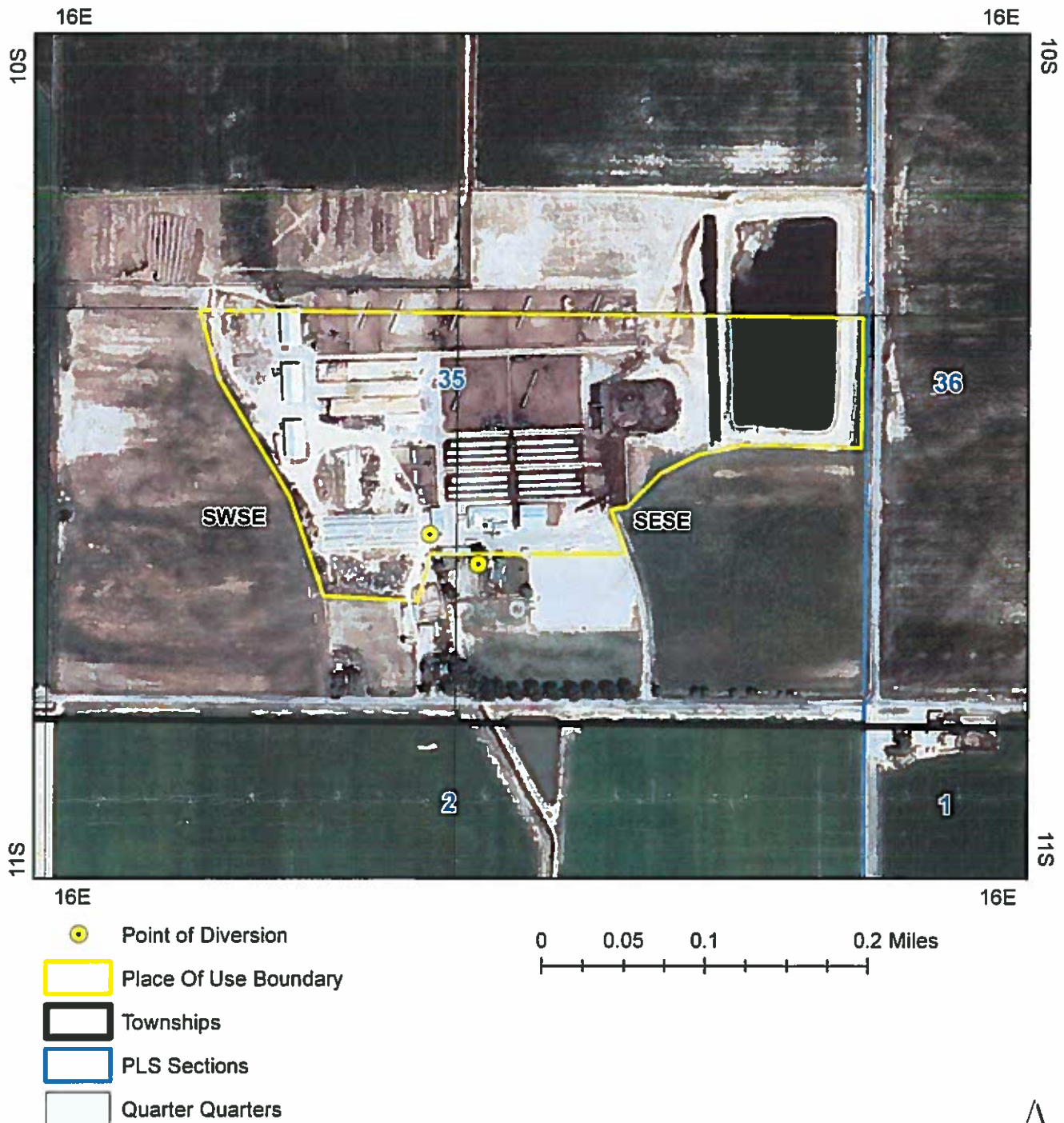


State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

47-8363

This map depicts the COMMERCIAL 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.



State of Idaho
Department of Water Resources

Attachment For Amendment To Water Right License

47-8363

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.

16E



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

0 0.015 0.03 0.06 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

June 19, 2015

Mike Vierstra
2588 E. 3500 N.
Twin Falls, ID 83301

RE: AMENDMENT TO PERMIT TO DIVERT WATER 47-8363

Dear Mike:

On May 19 of this year, I mailed to you an Application for Amendment of Permit for the water right permit on your dairy southwest of Twin Falls. As of today, I have not yet received a reply to that letter. We cannot continue the licensing process until we receive the amendment application and the \$100.00 fee. The amendment is necessary because during the field examination on your dairy, it was discovered that two points of diversion were in use instead of the single point of diversion which was permitted; and the place of use had expanded beyond the original 40 acre place of use.

I have enclosed a new amendment form in case you have misplaced the original. If you have any questions regarding the amendment or the permit, feel free to contact me at 736-3033. Thanks for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Bitzenburg', is written over a horizontal line.

Jim Bitzenburg
Water Resource Agent

Enclosures



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

May 19, 2015

Mike and/or Susan Vierstra
2588 E. 3500 N.
Twin Falls, ID 83301

RE: Water Right Permit No. 47-08363

Dear Mike:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ **Point(s) of Diversion**

☒ **Place(s) of Use**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

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

Sincerely,

Jim Bitzenburg
Water Resource Agent

Enclosure(s)