

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 72-07526

Priority: July 23, 1994

Maximum Diversion Rate: 0.08 CFS

It is hereby certified that RANDY M SOMERVILLE
HC 67 BOX 315
STANLEY ID 83278

And/Or

DAN NUTSCH
445 SHADETREE TRAIL
TWIN FALLS ID 83301

And/Or

CHARLIE CAMPBELL
445 SHADETREE TRAIL
TWIN FALLS ID 83301

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 17, 1994; and has submitted Proof of Beneficial Use on September 13, 1999. An examination confirms that water is diverted from:

SOURCE

GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE

DOMESTIC

PERIOD OF USE

1/01 to 12/31

DIVERSION RATE

0.08 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4SE1/4SE1/4 Sec. 32, Twp 12N, Rge 15E, B.M.
CUSTER County

GROUND WATER NE1/4SE1/4SE1/4 Sec. 32, Twp 12N, Rge 15E, B.M.
CUSTER County

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	
12N	15E	32																	X

CONDITIONS OF APPROVAL

- Domestic use is for 3 homes.

State of Idaho
Department of Water Resources
Water Right License

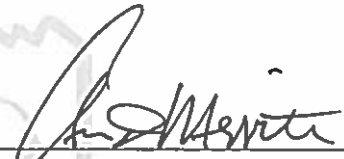
WATER RIGHT NO. 72-07526

2. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home in accordance with Section 42-111, Idaho Code.
3. The points of diversion are located within Tract 97-50 and 97-52, In Idaho Survey #2406.
4. Place of use is located within Tract 97-49, 97-50, 97-51 and 97-52, In Idaho Survey #2406.
5. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
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.

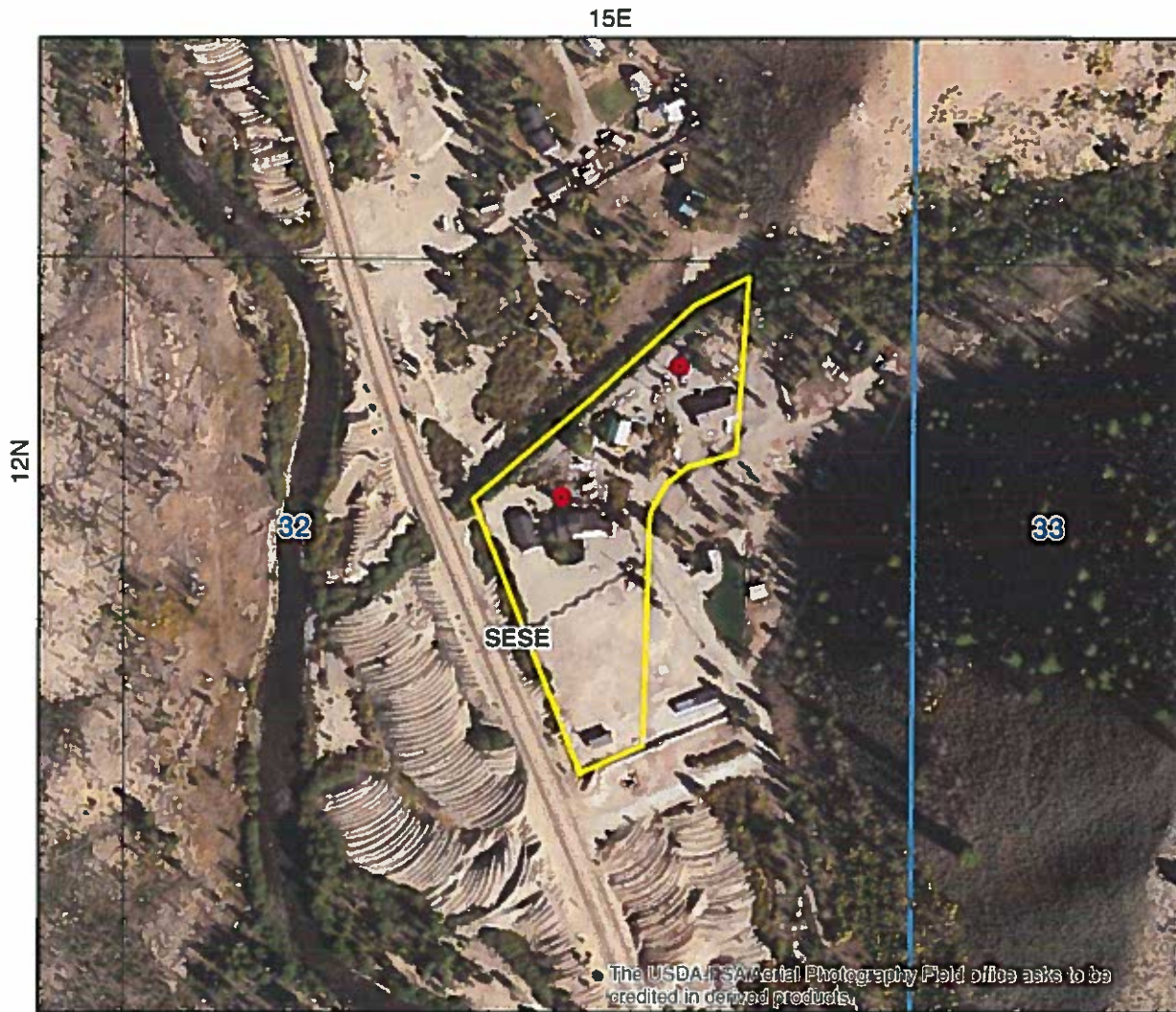
Signed this 6th day of October, 2015.

For


GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
Attachment to Water Right License
72-7526

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 0.035 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

October 7, 2015

RANDY M SOMERVILLE
HC 67 BOX 315
STANLEY ID 83278

DAN NUTSCH
445 SHADETREE TRAIL
TWIN FALLS ID 83301

CHARLIE CAMPBELL
445 SHADETREE TRAIL
TWIN FALLS ID 83301

RE: License No. 72-7526

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)

cc: DAVID E BURGESS

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 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. 72-7526

**RANDY M SOMERVILLE
HC 67 BOX 315
STANLEY ID 83278**

**DAN NUTSCH
445 SHADETREE TRAIL
TWIN FALLS ID 83301**

**CHARLIE CAMPBELL
445 SHADETREE TRAIL
TWIN FALLS ID 83301**

**DAVID E BURGESS (*Present Owner*)
47A E 100 S
JEROME ID 83338**

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.

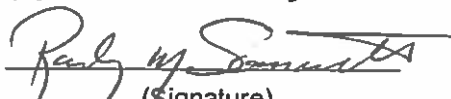
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State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 72-07526

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 20 day of August, 20015


(Signature)

\$100 - fee paid 7/23/2015 under #
S034918.

DM

RECEIVED

AUG 24 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07526

RECEIVED
JUL 23 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

Date of Priority: July 23, 1994

Maximum Diversion Rate: 0.08 CFS
Maximum Diversion Volume:

Comes now CHARLIE CAMPBELL
445 SHADETREE TRAIL
TWIN FALLS ID 83301

DAN NUTSCH
445 SHADETREE TRAIL
TWIN FALLS ID 83301

RANDY M SOMERVILLE
HC 67 BOX 315

STANLEY ID 83278 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. 72-07526, 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>
DOMESTIC	1/01 to 12/31	0.08 CFS	

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE $\frac{1}{4}$ SE1/4SE1/4	Sec. 32, Twp 12N, Rge 15E, B.M.
CUSTER County		
GROUND WATER	NE1/4SE1/4SE1/4	Sec. 32, Twp 12N, Rge 15E, B.M.
CUSTER County		

PLACE OF USE: DOMESTIC

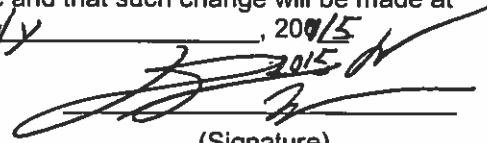
Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12N 15E 32																X	

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 72-07526

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 20th day of July, 2015


(Signature)

RECEIVED

JUL 23 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 72-07526

.....
FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$100 - Received by DM # SD34918 Date 7/23/2015

ACTION OF THE DEPARTMENT OF WATER RESOURCES

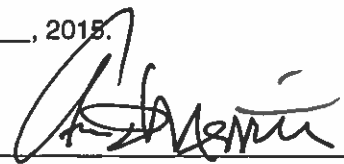
I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 72-07526 with the following:

CONDITIONS OF APPROVAL

1. Domestic use is for 3 homes.
The domestic use authorized under this right shall not exceed 13,000 gallons per day per home in accordance with Section 42-111, Idaho Code.
2. The points of diversion are located within Tract 97-50 and 97-52, In Idaho Survey #2406.
3. Place of use is located within Tract 97-49, 97-50, 97-51 and 97-52, In Idaho Survey #2406.
4. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
5. This right does not grant any right-of-way or easement across the land of another.

Witness my hand this 6th day of October, 2015.

For



GARY SPACKMAN
Director



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

July 14, 2015

Dan Nutsch
445 Shadetree Trail
Twin Falls, ID 83301

RE: Water Right Permit No. 72-7526

Dear Mr. Nutsch:

Our office has on file permit 72-7526 in the name of Dan Nutsch, Randy Somerville, and Charlie Campbell. During preliminary examination of the permit, it was discovered that the place of use and point of diversion was developed differently than described on the permit. Before a license can be issued, permit 72-7526 must be amended to depict the water use as it was actually developed.

Our office has drafted an Application for Amendment of permit that will correct the place of use and points of diversion to reflect the current system. During the preliminary examination and discussions with you and Mr. David Burgess, it was determined Mr. Burgess currently owns the property that belonged to Charlie Campbell. After permit 72-7526 is licensed Mr. Burgess can file an ownership change form to add Mr. Burgess to the water right or split off a portion of the water right into a water right with single ownership.

The enclosed Application for Amendment form and map depicts the water right as it will appear on the license when it is issued. Please review the amendment form carefully. If you have any questions please feel free to call me. Otherwise, please sign the Application for Amendment and return it with a \$100.00 filing fee within 14 days.

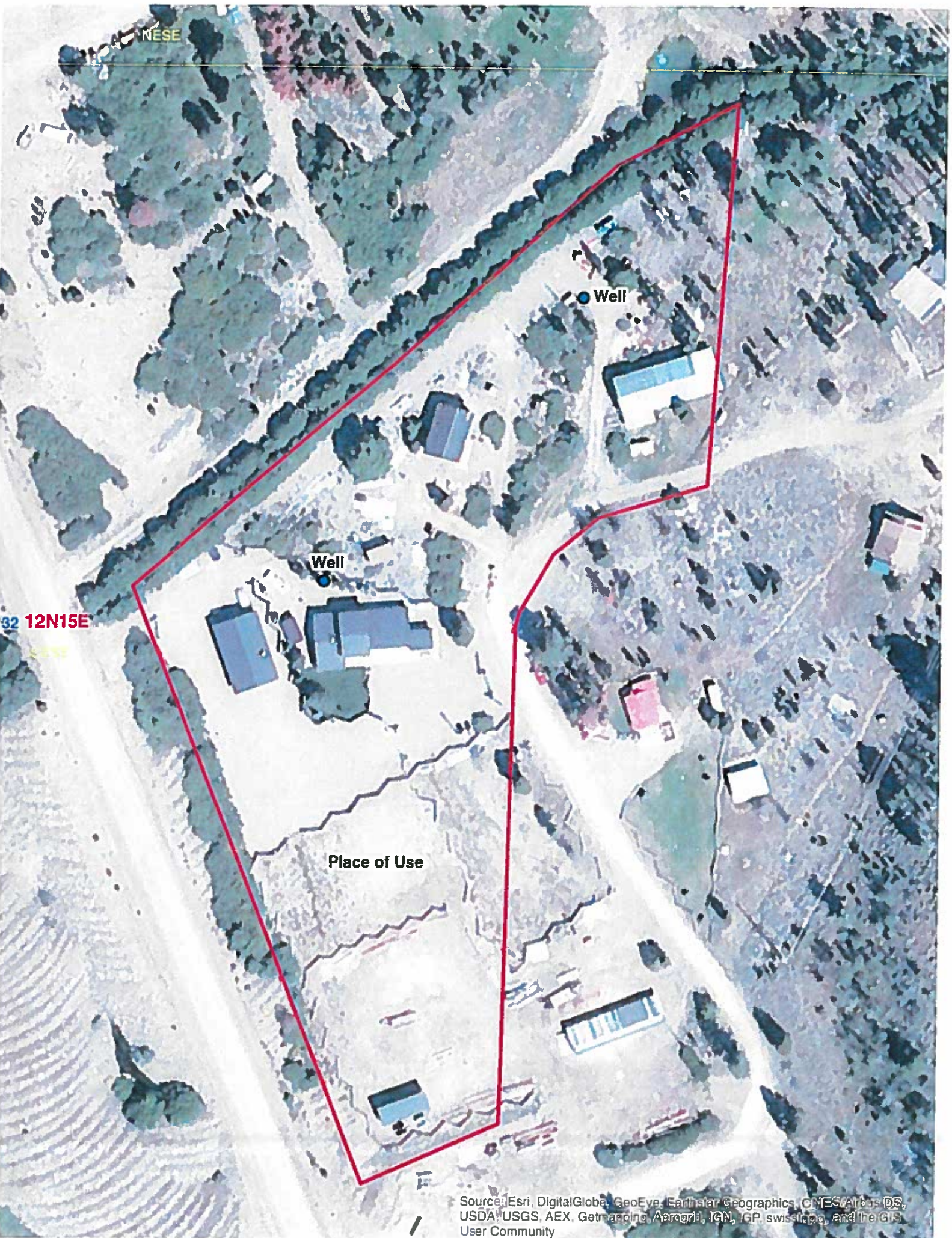
Again, if you have any questions or need further assistance, please call me at 208-736-3033.

Sincerely,

A handwritten signature in cursive script that reads "Benny Walker". The signature is written in dark ink and is positioned above the typed name and title.

Benny Walker
Sr. Water Resource Agent
IDWR

Cc: Randy Somerville
David Burgess



32 12N15E

32 12N15E

Place of Use

Well

Well