

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 37-22965

Priority: May 15, 2015

Maximum Diversion Rate: 0.03 CFS

This is to certify, that KYLE BENNETT
110 RIDGEVIEW DR
BELLEVUE ID 83313

And

ANNA BENNETT
110 RIDGEVIEW DR
BELLEVUE ID 83313

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>
IRRIGATION	04/15 to 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SW1/4NE1/4 Sec. 31, Twp 02N, Rge 19E, B.M.
BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N 19E 31			1.2														1.2

Total Acres: 1.2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2020**.
2. Subject to all prior water rights.
3. Proof of application of water to beneficial use shall be submitted no sooner than April 1, 2020, and received no later than the beneficial use due date of October 1, 2020.
4. The use of water under this right is mitigated by the ground water recharge authorized pursuant to water right 37-22830. See Transfer 80245. The water right holder shall maintain control of right 37-22830 for mitigation purposes.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

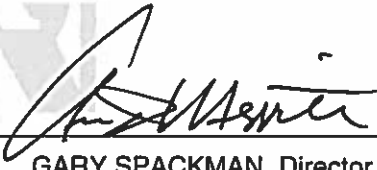
State of Idaho
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6. The right holder shall maintain a measuring device with totalizing meter and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. Diversion of ground water under this right is limited to those times water is delivered for ground water recharge under right 37-22830 from Seamans Creek.
8. If deliveries under 37-22830 are reduced or cease during the season, this right shall be reduced or curtailed proportionately.
9. The amount of water diverted under this right each year shall not exceed the amount of water delivered into the recharge reservoir for ground water recharge in the same year under right 37-22830 as measured at the point of recharge.
10. There will be no credit for recharge carryover in accordance with Transfer 80245 applied to this right in future pumping years.
11. The diversion and use of water described in this right may be subject to additional limitations agreed to by the owner of the 37-22830 point of diversion and place of use and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
12. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review 5 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
13. Point of diversion and place of use are located within Lot 34, Muldoon Ranch Subdivision # 2.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 23rd day of September, 2015.


FOR _____
GARY SPACKMAN, Director

State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

37-22965

This map depicts the IRRIGATION 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.

19E



- 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. "BUTCIP" OTTER
Governor

GARY SPACKMAN
Director

September 24, 2015

KYLE BENNETT
ANNA BENNETT
110 RIDGEVIEW DR
BELLEVUE ID 83313

RE: Permit No. 37-22965

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)

cc: BROCKWAY ENGINEERING PLLC
KEVIN LAKEY, WATERMASTER

CERTIFICATE OF SERVICE

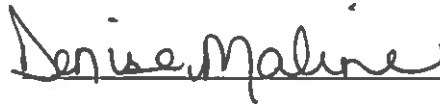
I hereby certify that on September 24, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 37-22965

**KYLE BENNETT
ANNA BENNETT
110 RIDGEVIEW DR
BELLEVUE ID 83313**

**BROCKWAY ENGINEERING PLLC
C/O CHARLES E BROCKWAY
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301**

**KEVIN LAKEY WATERMASTER *Via e-mail*
WATER DISTRICT 37
107 W 1ST
SHOSHONE ID 83352**

A handwritten signature in cursive script, reading "Denise Maline", is written over a 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

AFFIDAVIT of PUBLICATION

AUG 14 2015

COPY OF NOTICE ①

State of Idaho
County of BlaineDEPT OF WATER RESOURCES
SOUTHERN REGIONPam Morris

being the first duly

sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

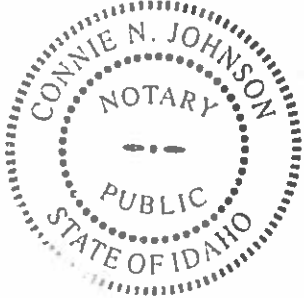
publication of said advertisement was on the 5 day of

Aug., 20 15, and the date of the last publication was on the 12 day of Aug., 20 15

Subscribed and sworn to before me this 12 day of

Aug., 20 15.

Connie N. Johnson
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS
P.O. Box 1013
Ketchum, Idaho 83340

COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 166

Number of Insertions 2

Lines tabular at 9.0 cents/pica

166 Lines straight at 152.72 8.0 cents/pica

Subsequent lines at 133.63 7.0 cents/pica

TOTAL COST \$286.35

Legal Notice
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

LEGAL NOTICE

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

37-22964

ANDREW N KEETER

SHARON D KEETER

334 BUCKINGHAM DR

TWIN FALLS, ID 83301

Point of Diversion SWNE S31 T02N

R19E BLAINE County Source

GROUND WATER Tributary

Use: IRRIGATION 04/15 to 10/31

0.07 CFS

Total Diversion: 0.07 CFS

Date Filed: 5/15/2015

Place Of Use: IRRIGATION

T02N R19E S31 SWNE

Total Acres: 2.3

Application proposes to appropriate

0.07 cfs of groundwater from an exist-

ing well for irrigation of 2.3 acres of

land on Lot 35A of Muldoon Ranch

Subdivision # 2 just east of Bellevue.

Companion transfer # 80245 propos-

es to offset the new appropriation by

converting irrigation right 37-1201A to

allow for groundwater recharge use at

a location approximately 2.2 miles east

of the center of Bellevue.

✓ OK DM 8/17/2015

✓ 37-22965

KYLE BENNETT
ANNA BENNETT

110 RIDGEVIEW DR
BELLEVUE, ID 83313
Point of Diversion SWNE S31 T02N
R19E BLAINE County Source
GROUND WATER Tributary
Use: IRRIGATION 04/15 to 10/31
0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 5/15/2015

Place Of Use: IRRIGATION

T02N R19E S31 SWNE

Total Acres: 1.2

Application proposes to appropriate 0.03 cfs of groundwater from an existing well for irrigation of 1.2 acres of land on Lot 34 of Muldoon Ranch Subdivision # 2 just east of Bellevue. Companion transfer # 80245 proposes to offset the new appropriation by converting irrigation right 37-22830 to allow for groundwater recharge use at a location approximately 2.2 miles east of the center of Bellevue.

✓ 37-22967

CARLITA F SEVERE MC IVER

330 BAYHORSE RD
BELLEVUE, ID 83313

Point of Diversion SENW S31 T02N
R19E BLAINE County Source
GROUND WATER Tributary
Use: IRRIGATION 04/15 to 10/31
0.06 CFS

Use: STOCKWATER 01/01 to 12/31
0.02 CFS

Total Diversion: 0.06 CFS

Date Filed: 5/15/2015

Place Of Use: IRRIGATION,
STOCKWATER

T02N R19E S31 SWNE SENW

Total Acres: 3.1

Application proposes to appropriate 0.06 cfs of groundwater from an existing well for irrigation of 3.1 acres of land and stockwater use on Lot 33 of Muldoon Ranch Subdivision # 2 just east of Bellevue. Companion transfer # 80245 proposes to offset the new appropriation by converting irrigation and stockwater right 37-11850 to allow for groundwater recharge use at a location approximately 2.2 miles east of the center of Bellevue.

37-22968

GLORIA CAMILLE MC CRAY 1965
TRUST

C/O WHITTIER TRUST CO

520 PIKE ST STE 1415

SEATTLE, WA 98101-4040

Point of Diversion L6(NESW) S31
T02N R19E BLAINE County Source
GROUND WATER Tributary

Use: AESTHETIC STORAGE 01/01
to 12/31 0.3 AF

Use: DIVERSION TO STORAGE
04/15 to 10/31 0.03 CFS

Use: WILDLIFE STORAGE 01/01 to
12/31 0.3 AF

Total Diversion: 0.03 CFS

Date Filed: 5/15/2015

Place Of Use: WILDLIFE STORAGE,
AESTHETIC STORAGE

T02N R19E S31 L6(NESW)

Application proposes to appropriate 0.03 cfs and 0.3 ac-ft of groundwater from an existing well for diversion to storage and wildlife & aesthetic storage uses on Lot 28 of Muldoon Ranch Subdivision # 2 just east of Bellevue. Companion transfer # 80245 proposes to offset the new appropriation by converting storage right 37-1201B to allow for groundwater recharge use at a location approximately 2.2 miles east of the center of Bellevue.

✓ NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 80114

THOMAS M O GARA FAMILY

TRUST, C/O BRIAN BARSOTTI,
PO BOX 370, KETCHUM, ID 83340;
has filed Application No. 80114 for
changes to the following water rights
within BLAINE County(s): Right
No(s). 37-115F, 37-11830, 37-20635,
37-20637, 37-20639, 37-20641,
37-20643, 37-20645, 37-20647,
37-20649, 37-20651, 37-2502,
37-2568, 37-2581, 37-2599, 37-2604,
37-2616, 37-501B, 37-501C, 37-577K,
37-590B, 37-597B, 37-7758, 37-804.

The purpose of the transfer is to
change a portion of the above rights
as follows: Application for transfer pro-
poses adding two water rights, 37-804
and 37-11830, and their current 91.2
acre place of use (POU) to an existing
3,345.0 acre permissible place of use
(PPU) that is served by 12 Big Wood
River rights and 10 groundwater rights
that currently allow for the irrigation of
2028.7 acres. The transfer will also
add two existing points of diversion
(PODs) currently used as part of the
PPU ground water system to ground
water right 37-804. PODs and POU
are located 6.7 to 10.1 miles south and
1.0 to 3.7 miles east of the center of
Bellevue. After the transfer, up to 55.70
cfs will be utilized from the 24 rights to
irrigate 2119.9 acres within a proposed
3,437.0 acre PPU.

✓ OK DM 8/17/2015

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 80226**

✓ THE VALLEY CLUB INC, PO BOX 252, SUN VALLEY, ID 83353; has filed Application No. 80226 for changes to the following water rights within BLAINE County(s): Right No(s). 37-2623. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer seeks to add a proposed well as an authorized point of diversion to a 2.84 cfs irrigation (2.6 cfs) and recreation (0.24 cfs) ground water right. The location of the proposed well will be approximately 3.3 miles north and 0.5 miles west of the intersection of Bullion St. and Hwy 75 in Hailey.

✓ **NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 80245**

CARLITA F SEVERE MC IVER, 330 BAYHORSE RD, BELLEVUE, ID 83313; ALVIN V SHOEMAKER and SALLY P SHOEMAKER, PO BOX 550, BELLEVUE, ID 83313; GLORIA CAMILLE MC CRAY 1965 TRUST, C/O WHITTIER TRUST CO, 520 PIKE ST STE 1415, SEATTLE, WA 98101-4040; KYLE BENNETT and ANNA BENNETT, 110 RIDGEVIEW DR, BELLEVUE, ID 83313; ANDREW N KEETER and SHARON D KEETER, 334 BUCKINGHAM DR, TWIN FALLS, ID 83301; has filed Application No. 80245 for changes to the following water rights within BLAINE County(s): Right No(s). 37-11850, 37-1201A, 37-1201B, 37-22830. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing four Seamans Creek water rights that currently allow for irrigation and water storage on four parcels within the Muldoon Ranch Subdivision # 2 along the east edge of Bellevue. The application will change the authorized points of diversion, places of use and nature of use to allow for the rights to be diverted and used for groundwater recharge use at a location approximately 2.2 miles east of the center of Bellevue. The application proposes allowing 0.18 cfs of Seamans Creek water to be diverted and used for groundwater recharge purposes as part of a mitigation plan to offset groundwater diversion proposed by companion applications for permit 37-22964, 37-22965, 37-22967, and 37-22968.

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 August 24, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

**PUBLISH
IDAHO MOUNTAIN EXPRESS
AUG. 5 & 12, 2015**

✓ OK DM 8/17/2015