

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 36-16999

Priority: December 17, 2013

Maximum Diversion Rate: 0.06 CFS

This is to certify, that RETHA ANDERSON
752 FALLS VIEW DR
TWIN FALLS ID 83301-3072

And

LARREY ANDERSON SR
752 FALLS VIEW DR
TWIN FALLS ID 83301-3072

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>
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HEATING	01/01 to 12/31	0.06 CFS
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DOMESTIC	01/01 to 12/31	0.06 CFS
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LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L9 (NW1/4SW1/4)	Sec. 31, Twp 09S, Rge 18E, B.M.
JEROME County		

PLACE OF USE: HEATING

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S 18E 31											X						
											L 9						

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
09S 18E 31											X						
											L 9						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2015**.
2. Subject to all prior water rights.

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3. Domestic use is for 1 home.
4. Point of diversion is located within Lot 1, Subdivision No. 3, Country Club Estates. A portion of what was formerly known as Lot 10, Block 2, Country Club Estates.
5. Place of use is located within Lot 17, Blk. 2, Country Club Estates.
6. The quantity of water under this right shall not exceed 13,000 gallons per day.
7. Domestic and heating use under this right when combined with any other domestic use shall not exceed 13,000 gallons per day.
8. Return flow discharged to the Snake River may require a separate discharge permit from the EPA.
9. This permit authorizes the use of low temperature geothermal water that was developed prior to the April 17, 2008 final order extending the moratorium for the Twin Falls Ground Water Management Area.
10. This right does not grant any right-of-way or easement across the land of another.
11. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 13th day of February, 20 14.

FOR



GARY SPACKMAN, Director

State of Idaho
Department of Water Resources

Attachment To Permit to Appropriate Water

36-16999

This map depicts the HEATING and 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.

18E



- Point of Diversion
- Place Of Use Boundary

- Townships
- PLS Sections
- Quarter Quarters

0 0.0125 0.025 0.05 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5851

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 14, 2014

LARREY ANDERSON SR
RETHA ANDERSON
752 FALLS VIEW DR
TWIN FALLS ID 83301-3072

RE: Permit No. 36-16999

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.

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 fluid and cursive, with a large initial "A" and "M".

Allen Merritt
Southern Region Manager

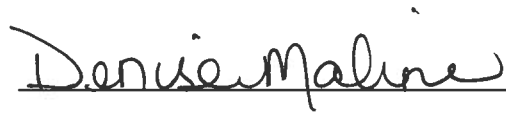
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2014 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. 36-16999

**LARREY ANDERSON SR
RETHA ANDERSON
752 FALLS VIEW DR
TWIN FALLS ID 83301-3072**

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.

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 2nd day of January, 2014 and ending with the issue dated 9th day of January, 2014

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterrupted during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterrupted.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 9th day of January, 2014, before me,

a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Joyce A. Engleman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
6/28/19
My commission expires: _____



✓ ok AM
1/29/2014

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

✓ **36-16999**

LARREY ANDERSON SR

RETHA ANDERSON

752 FALLS VIEW DR

TWIN FALLS, ID 83301-3072

Point of Diversion L9(NWSW) S31 T09S R18E JEROME County

Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Use: HEATING 01/01 to 12/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 12/17/2013

Place Of Use: HEATING & DOMESTIC

T09S R18E S31 L9(NWSW)

Application seeks to appropriate 0.06 cfs of ground water for heating and domestic use from an existing well. The total use for both heating and domestic will be limited to 13,000 gallons per day. The proposed place of use and point of diversion are located approximately 2.3 miles east and 3 miles south of the intersection of US Highway 93 and Interstate 84.

✓ **36-17000**

LARREY ANDERSON JR

732 FALLS VIEW DR

TWIN FALLS, ID 83301

Point of Diversion L9(NWSW) S31 T09S R18E JEROME County

Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Use: HEATING 1/01 to 12/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 12/17/2013

Place Of Use: HEATING & DOMESTIC

T09S R18E S31 L9(NWSW)

Application seeks to appropriate 0.06 cfs of ground water for heating and domestic use from an existing well. The total use for both heating and domestic will be limited to 13,000 gallons per day. The proposed place of use and point of diversion are located approximately 2.3 miles east and 3 miles south of the intersection of US Highway 93 and Interstate 84.

✓ **36-17001**

WAYDE STANGER

MELISSA STANGER

726 FALLS VIEW DR

TWIN FALLS, ID 83301

Point of Diversion L9(NWSW) S31 T09S R18E JEROME County

Source WASTE WATER Tributary SNAKE RIVER

Use: DOMESTIC 01/01 to 12/31 0.06 CFS

Use: HEATING 01/01 to 12/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 12/17/2013

Place Of Use: HEATING & DOMESTIC

T09S R18E S31 L9(NWSW)

Application seeks to appropriate 0.06 cfs of waste water for heating and domestic use. The total use for both heating and domestic will be limited to 13,000 gallons per day. The proposed place of use and point of diversion are located approximately 2.3 miles east and 3 miles south of the intersection of US Highway 93 and Interstate 84.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests

may be submitted based on the criteria of Idaho Code 42-203A.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before January 21, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: January 2 and 9, 2014

✓ ok
AM 1/29/2014