

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 37-22751

Priority: June 01, 2012

Maximum Diversion Rate: 0.20 CFS

This is to certify, that CITY OF DIETRICH
35 W FIRST ST
DIETRICH ID 83324

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>
MUNICIPAL	01/01 to 12/31	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NE1/4SE1/4NW1/4	Sec. 23, Twp 06S, Rge 18E, B.M.
LINCOLN County		
GROUND WATER	NE1/4SE1/4NW1/4	Sec. 23, Twp 06S, Rge 18E, B.M.
LINCOLN County		

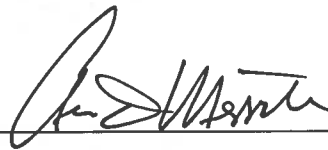
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2013**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
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 130.
6. Place of use is within the service area of the City of Dietrich municipal water supply system as provided for under Idaho law.
7. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
8. Prior to any diversion and use of water under this water right, the right holder shall (1) provide evidence of participation in a mitigation plan, approved by the director, and administered by a ground water district or other recognized organization, or (2) provide individual mitigation approved by the director.

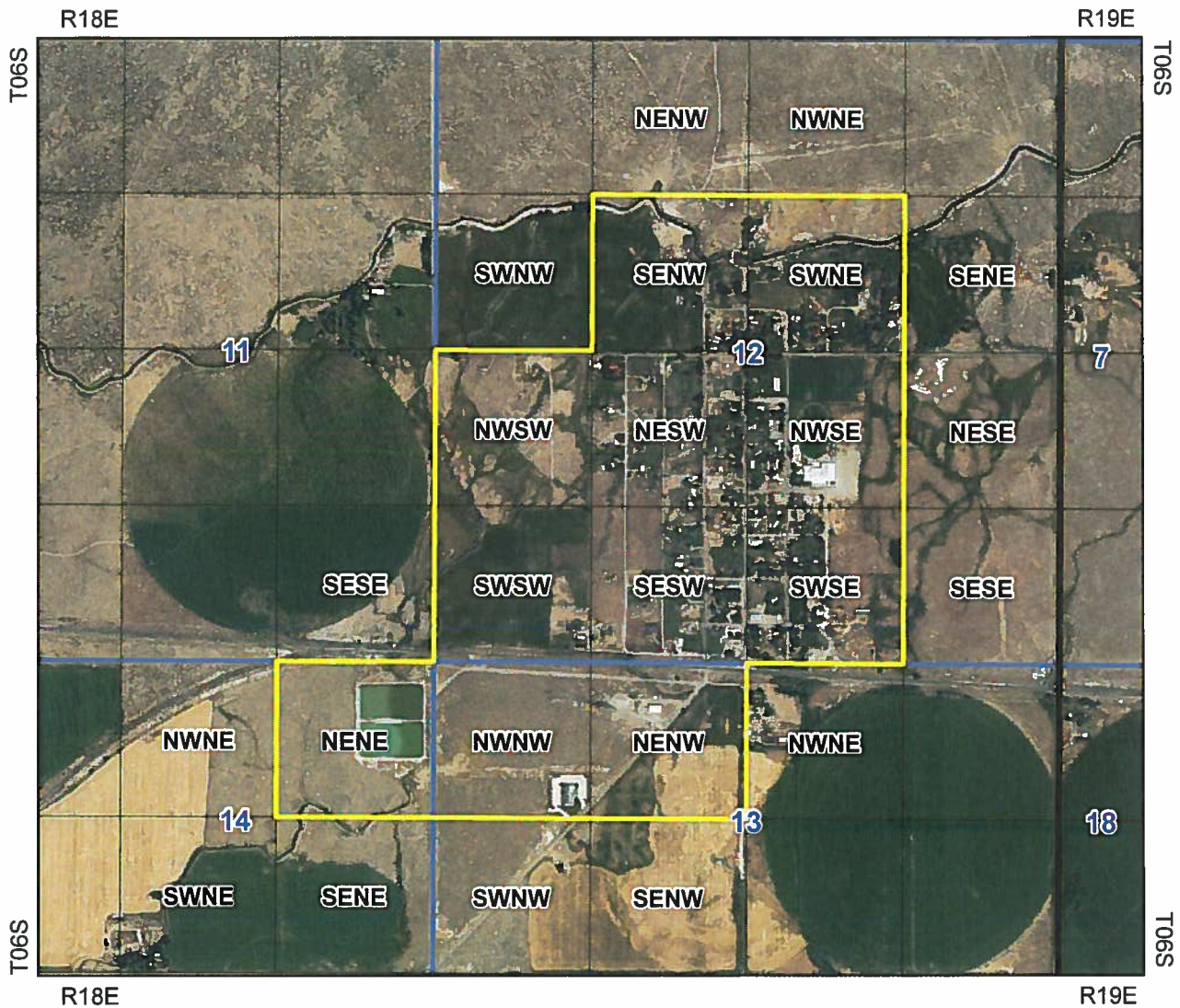
State of Idaho
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Permit to Appropriate Water
NO. 37-22751

9. Prior to diversion and use of water under this approval , the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
10. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
11. Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.
12. The daily diversion volume for non-domestic uses under this municipal right shall not exceed 2,500 gallons per use and the daily diversion volume for domestic uses under this right shall not exceed 13,000 gallons per dwelling in accordance with Section 42-111, Idaho Code.
13. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
14. Noncompliance with any condition of this right, including the requirement for mitigation, is cause for the director to issue a notice of violation, cancel or revoke the right, or, if the right is included in a water district, request that the watermaster curtail diversion and use of water.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th day of August, 20 12.

FOR 
GARY SPACKMAN, Director

State of Idaho
Department of Water Resources
Permit to Appropriate Water
37-22751
Water Service Area Boundary for City Of Dietrich



0 0.175 0.35 0.7 Miles

-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 9, 2012

CITY OF DIETRICH
35 W FIRST ST
DIETRICH ID 83324

RE: Permit No. 37-22751

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 stylized with a large, sweeping initial "A" and a distinct "M".

Allen Merritt
Southern Region Manager

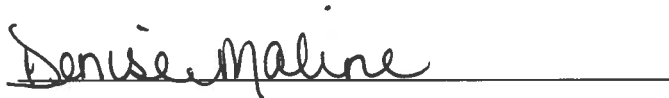
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2012 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. 37-22751

**CITY OF DIETRICH
35 W FIRST ST
DIETRICH ID 83324**

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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 9, 2012

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
1341 FILLMORE ST, STE 200
TWIN FALLS, ID 83301

Hand Delivered

RE: **APPROVED Transfer No(s). 78013 (City of Dietrich)**
APPROVED Permit No(s). 37-22751 (City of Dietrich)

Dear Ms. Yenter:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer(s) within your district.

If you have any questions, please feel free to contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in black ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

RECEIVED

JUL 30 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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, Twin 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 19th day of July, 2012 and ending with the issue dated 26th day of July, 2012

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 uninterruptedly 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 uninterruptedly.

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

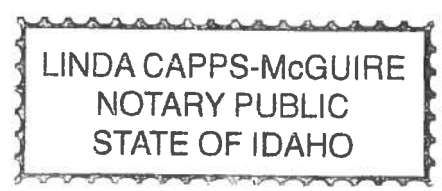
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 26th day of July, 2012, 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.

Linda Capps McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-15



✓ OK
DM 8/7/2012

RECEIVED

JUL 30 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

✓ 36-16945

**BOB SELLERS
WILMA SELLERS**

1277 S 1845 E

HAZELTON, ID 83335

Point of Diversion SESESE S24 T10S R19E JEROME County

Source WASTE WATER Tributary SNAKE RIVER

Use: IRRIGATION 03/15 to 11/15 1 CFS

Total Diversion: 1 CFS

Date Filed: 5/15/2012

Place Of Use: IRRIGATION

T10S R19E S24 NESE SWSE SESE

Total Acres: 50

Application proposes to divert up to 1.0 CFS of wastewater tributary to the Snake River, at a point of diversion located approximately 4.3 mi. S & 1.9 mi. W of Hazelton, for irrigation of 50 acres (with appurtenant North Side Canal Company (NSCC) Shares) located approximately 4.0 to 4.3 mi S & 1.8 to 2.1 mi W of Hazelton. Applicant proposes this appropriation as a recapture of NSCC wastewater that has been settled in a water quality improvement pond and plans to apply it to lands with full NSCC shares to reduce low quality water flows to the Snake River. Applicant proposes no new acres to be irrigated with the proposed appropriation.

✓ 37-22751

CITY OF DIETRICH

35 W FIRST ST

DIETRICH, ID 83324

Point of Diversion NESENW S12 T06S R18E LINCOLN County

Source GROUND WATER Tributary

Point of Diversion NESENW S12 T06S R18E LINCOLN County

Source GROUND WATER Tributary

Use: MUNICIPAL 01/01 to 12/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 6/1/2012

Place Of Use: MUNICIPAL

T06S R18E S12 SWNE SENW SW(ALL) NWSE SWSE

T06S R18E S13 NENW NWNW

T06S R18E S14 NENE

Application for permit proposes drilling a new well for the city of Dietrich. The new well and an existing well will divert up to 0.2 cfs of ground water for municipal use. The point of diversion and place of use is located with the City of Dietrich service area.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 77992

✓ HERB DEUEL and BLANCHE DEUEL, PO BOX 348, BUHL, ID 83316 has filed Application No. 77992 for changes to the following water rights within TWIN FALLS County(s): Right No (s). 47-4065. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to extend the season of use and add a point of diversion to groundwater right 47-4065 (0.77 CFS, 266 AFA), currently diverted for heating, recreation, and domestic uses at the Banbury Hot Springs facility (located approximately 6.4 mi. N & 3.3 mi. W of Buhl). The facility currently uses two wells located within or adjacent to the authorized place of use, and proposes an additional well to be drilled adjacent to the facility, approximately 6.3 mi. N & 3.4 mi. W of Buhl. The current season of use for recreation uses under this right is limited to April 1 to Sept. 15. Applicant proposes to change the season to year round use (Jan. 1 to Dec 31), without increasing the authorized instantaneous flow rate or annual diverted volume.

✓ ok DM

8/7/2012

SEE REVERSE FOR REMAINDER OF AD

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78011**

✓ GW FINANCE CO LLC, 22 N YALE RD, DECLO, ID 83323 has filed Application No. 78011 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13640, 43-13642. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to change the location of a well to be drilled on a farm located approximately 14.0 - 14.8 mi. east and 2.2 - 2.7 mi. south of Declo. The new well and an existing well will be used to divert 4.75 cfs and 976 af for the irrigation of 244 acres on the farm.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78013**

✓ CITY OF DIETRICH, 35 W FIRST ST, DIETRICH, ID 83324 has filed Application No. 78013 for changes to the following water rights within LINCOLN County(s): Right No(s). 37-20729. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes adding a new proposed well for the city of Dietrich. An existing well and the new well will up to divert 0.37 cfs of ground water for municipal use. The point of diversion and place of use is located with the City of Dietrich service area.

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 rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before August 6, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: July 19th & 26th, 2012

✓ OK DM 8/7/2012

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No:
Water Right No: 37-22751
Applicant Name: City of Dietrich

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☒ Additional comment:

companion transfer 78013, same pods

Dated: July 30, 2012

Water District 130



Cindy J Yepter, Watermaster