

State of Idaho  
Department of Water Resources  
**Permit to Appropriate Water**

NO. 47-17576

Priority: May 21, 2012

Maximum Diversion Rate: 0.02 CFS

This is to certify, that RICK YAVRUIAN  
4078 MEADOW RIDGE CIRCLE  
TWIN FALLS ID 83301

And/Or

JANELLE YAVRUIAN  
4078 MEADOW RIDGE CIRCLE  
TWIN FALLS ID 83301

has applied for a permit to appropriate water from:

**Source:** WASTE WATER**Tributary:** SNAKE RIVER

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> |
|-----------------------|----------------------|--------------------------|
| DOMESTIC              | 03/15 to 11/15       | 0.02 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

WASTE WATER L2 (NW1/4NE1/4) Sec. 1, Twp 10S, Rge 17E, B.M.  
TWIN FALLS 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 |        |
| 10S | 17E | 1   |    | X   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    | L 2 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

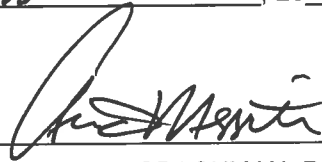
1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2016**.
2. Subject to all prior water rights.
3. Domestic use is for external use for 1 home.
4. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
5. The domestic use authorized under this right shall not exceed 13,000 gallons per day per home.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre.
7. This right when combined with any other domestic right from any source for the same place of use shall not exceed a combined total of 13,000 gallons per day and the irrigation of 1/2 acre.
8. Point of diversion and Place of use is located within Lot 19, of Meadow Ridge No. 2 Subdivision. PIN RP10S17E010770

State of Idaho  
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9. 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.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 3<sup>rd</sup> day of August, 2012.

FOR



GARY SPACKMAN, Director

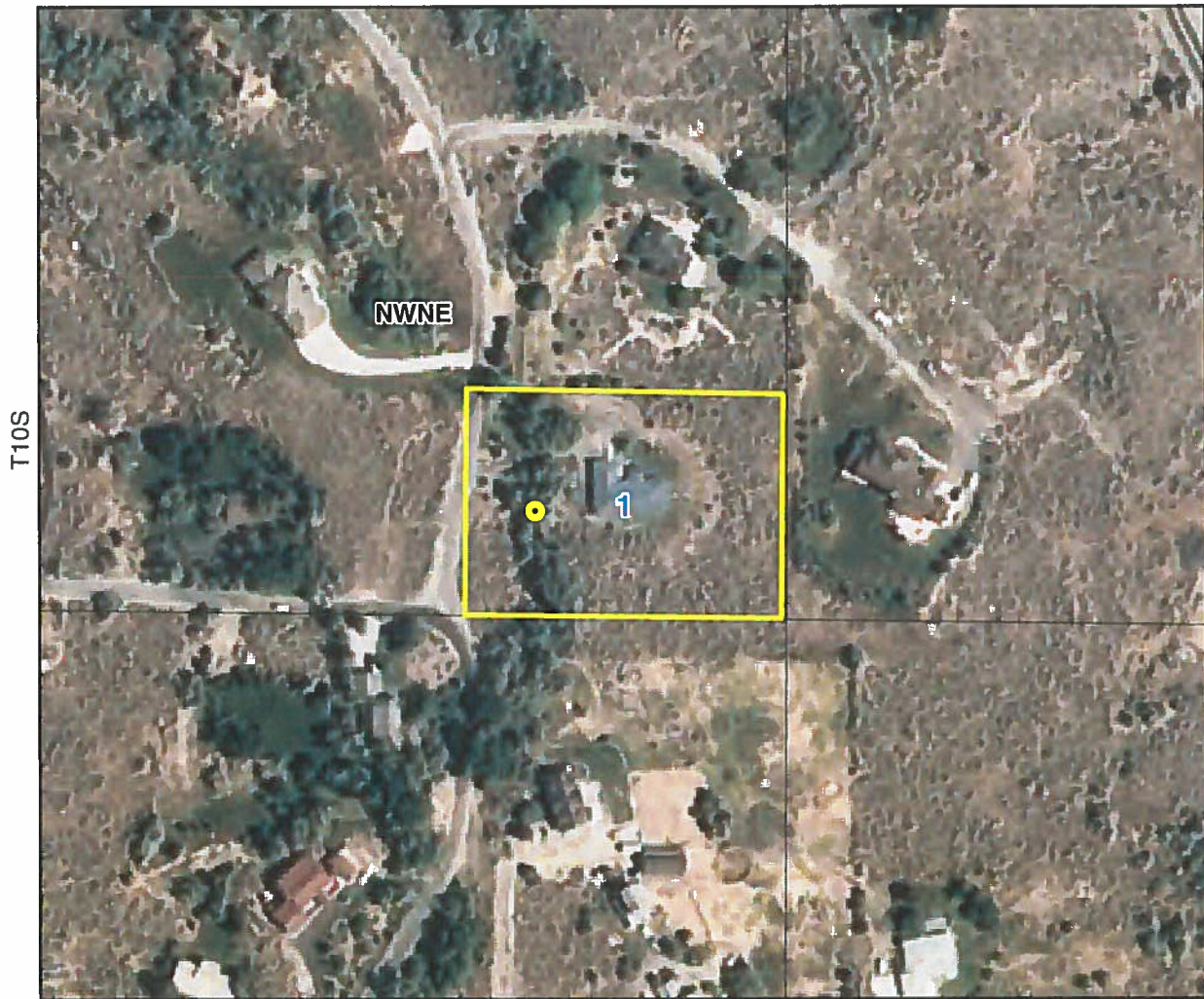
State of Idaho  
Department of Water Resources

# Attachment To Permit to Appropriate Water

47-17576

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.

R17E



0 0.025 0.05 0.1 Miles

-  Point of Diversion
-  Place Of Use 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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

August 6, 2012

RICK YAVRUIAN  
JANELLE YAVRUIAN  
4078 MEADOW RIDGE CIRCLE  
TWIN FALLS ID 83301

RE: Permit No. 47-17576

**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.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

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

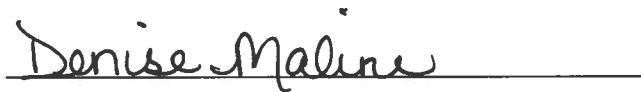
Enclosure(s)

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 6, 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. 47-17576**

**RICK YAVRUIAN  
JANELLE YAVRUIAN  
4078 MEADOW RIDGE CIRCLE  
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.

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

RECEIVED  
JUN 29 2012  
DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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 21st day of June, 2012 and ending with the issue dated 28th day of June, 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 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, Legal Clerk

STATE OF IDAHO  
COUNTY OF TWIN FALLS

On this 28th day of June, 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.

  
Notary Public for Idaho  
Residing at Twin Falls, Idaho.

My commission expires: 5-19-15

✓ OK DM  
7.5.2012

RECEIVED

JUN 29 2012

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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

47-17576

**RICK YAVRUIAN**

**JANELLE YAVRUIAN**

4078 MEADOW RIDGE CIRCLE

TWIN FALLS, ID 83301

Point of Diversion NWNE S1 T10S R17E TWIN FALLS County

Source WASTE WATER Tributary SNAKE RIVER

Use: DOMESTIC 03/15 to 11/15 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 5/21/2012

Place Of Use: DOMESTIC

T10S R17E S1 NWNE

Application proposes to divert up to 0.02 cfs from a waste water stream for domestic uses on property located approximately 1.7 miles east and 0.75 miles north of the city of Twin Falls, commonly known as 4078 Meadow Ridge Circle.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 77527**

**FARMLAND RESERVE INC**, 139 E SOUTH TEMPLE STE 600, SALT LAKE CITY, UT 84111-1175 has filed Application No. 77527 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 45-14355, 45-14358, 45-14361. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to change the point of diversion (POD), nature of use, and season of use for a portion of three groundwater irrigation rights: 45-14355 (45-2588) for 0.05 CFS; 45-14358 (45-2599) for 0.03 CFS; and 45-14361 (45-2282) for 0.02 CFS. Combined, this portion of the water rights have provided up to 4.8 acres of irrigation and 19.2 AFA at a farm located approximately 0.5 to 1.1 miles S & 0.6 to 1.5 miles W of the town of Murtaugh. Application proposes to dry up these 4.8 acres of irrigation at the current place of use (POU) and change the nature of use and season of use to provide up to 0.1 CFS & 14.5 AFA for year-round commercial use at existing potato cellars located on the same farm. Application also proposes to relinquish three (of four) authorized PODs (wells) and change the location of the remaining to a new well proposed to be located adjacent to the cellars, approximately 1.0 mi S & 1.2 mi W of Murtaugh.

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](http://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 July 9, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

**PUBLISH:** June 21st & 28th, 2012

✓ ok DM 7.5.2012