

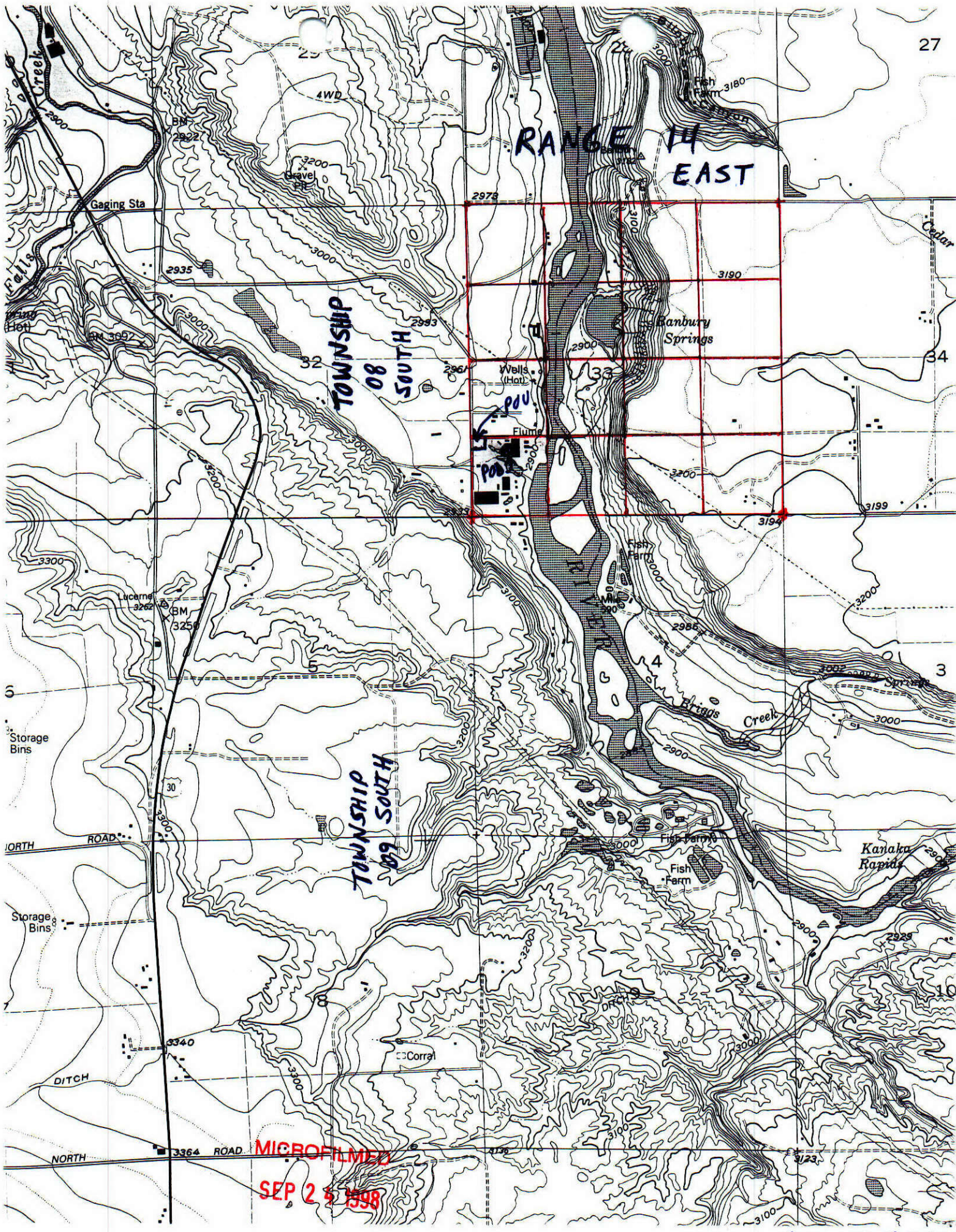
RANGE 14
EAST

TOWNSHIP
08 SOUTH

TOWNSHIP
09 SOUTH

MICROFILMED
SEP 25 1998

47-08423



RECEIVED
SEP 26 2000
Department of Water Resources
Southern Region

FOR OFFICE USE ONLY
Amt. of Fee \$: NONE
Receipt No. NONE
Receipt By: NONE
Date Received: NONE C.S.KIMB

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

SEP 27 2000

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 47-08423 Telephone No. 543-4205
2. Name of Permit Holder(s): SHANE & NICOLE SURBER Shane & Nicole Surber
3. Mailing Address: 4806A RIVER RD
City BLUHL State ID Zip 83316
4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. Nov. / yr. 1974
Well Driller: Boxen & Heven Drilling Permit Number: 47-7278
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock):
Irrigation (No. of acres): _____ Other: DOMESTIC HEATING
6. Total rate of diversion and/or volume for which proof is submitted: 0.89 cfs OR _____ acre-feet
.02 cfs
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?
Has the measuring device been installed?

Yes _____ or No ☒
Yes _____ or No ☒

8. Fee Enclosed: \$ ~~15.00~~ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: MIKE ARCHIBALD Telephone Number: 543-5083
Address: 4806 RIVER ROAD BLUHL IDAHO
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Nicole Surber Date: 9-26-00
(include your title, if on behalf of company or organization)

MICROFILMED

OCT 23 2000

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 47-08423

Proposed Priority: July 24, 1998

Maximum Diversion Rate:

0.02 CFS

This is to certify, that **SHANE SURBER**
NICOLE SURBER
4806 RIVER RD
BUHL ID 83316

has applied for a permit to appropriate water from: **GROUNDWATER**

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	01/01 to 12/31	0.02 CFS
----------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: Lot 7(SWSW), Sec. 33, Township 08S, Range 14E
TWIN FALLS County

PLACE OF USE: DOMESTIC

TWN RGE SEC

08S 14E 33 Lot 7(SWSW)

CONDITIONS OF APPROVAL AND REMARKS

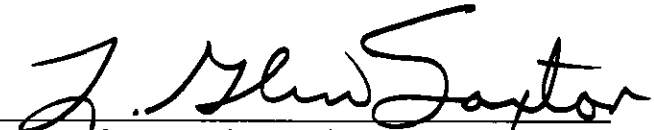
1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 2000.**
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. This permit does not authorize the construction of any new well or the deepening or enlargement of any existing well.
6. Two points of diversion located are within Lot 7 (SWSW), S33, T08S, R14E.
7. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.
8. The domestic use authorized under this right shall not exceed 13,000 gallons per day.

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, 1998.

MICROFILMED

SEP 24 1998


for Karl J. Dreher, Director

RECEIVED
JUL 24 1998
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

SEP 16 1998

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant SHANE OR NICOLE SURBER Phone 543-5083
Mailing address 4806 RIVER ROAD, BURL IDAHO 83316

2. Source of water supply GROUND WATER which is a tributary of _____

3. Location of point of diversion is Township 8S Range 14E Sec. 33 in the _____ 1/4
S.W. 14, S.W. 14, Govt. Lot 7, B.M., TWIN FALLS County

* additional points of diversion if any: 2ND EXISTING POD IN SWSW 1/4 (LOT 7) OF SECTION 33 (T8S, R14E) COULD SERVE AS BACKUP IF NEEDED.

4. Water will be used for the following purposes:

* Amount 0.02 0.04 cfs for DOMESTIC purposes from JAN 1 to OCT 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.04 0.02* and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source EXISTING SPATHERMAN WELL
IN LOT 7. P.U.C. PIPELINE TO NEW RESIDENCE.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is 6 inches; proposed depth of well is 510 feet

d. Is ground water with a temperature of greater than 85°F being sought? YES

e. If well is already drilled, when? 1974?; Drilling firm BOLEY - HENRY MURTAGH
Well was drilled for (well owner) MIKE ARCHIBALD; Drilling Permit No. 17-7278

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (If irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. 1

e. Other; describe fully. _____

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SEP 24 1998

* ADDED BY C. SKINNER PER 08/03/98 TELECOM WITH MIKE ARCHIBALD

* maximum allowable for in-house use. 9/18/98 c3.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	14E	33											0						
													LOT 7						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. SEE REMARKS

11. a. Who owns the property at the point of diversion? MIKE & CAROL HORNBERG

b. Who owns the land to be irrigated or place of use? SHANE & NICOLE SUGER

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: ALL ACTIONS ARE PENDING PERMIT TO DRILL CANAL.

12. Remarks: A STOCK CERTIFICATE WILL BE ISSUED ON THIS
ACRE OF GRANT FOR A SHARE OF BAUGHN PIPE CO.
SO THE WATER FOR THE HOUSEHOLD WILL ONLY BE
USED INSIDE THE HOME. NO HEATING USE FOR HOME WILL
BE COVERED UNDER LICENSE 47-07577. THE MOBILE HOME LISTED UNDER
THIS LICENSE WAS REMOVED IN 1994. THIS NEW HOME (UNDER THIS APPLICATION)
WILL REPLACE THE MOBILE HOME. IS.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

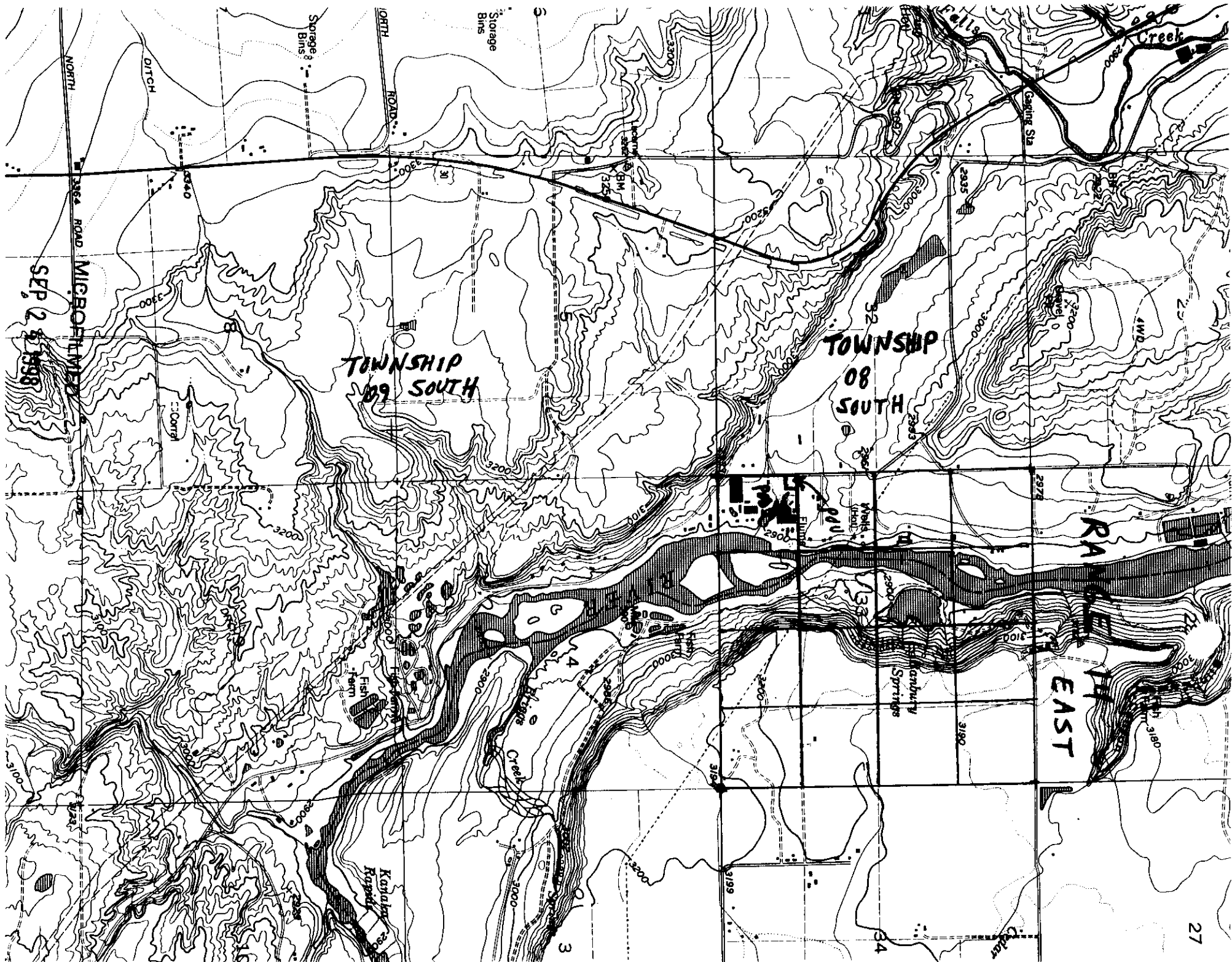
Mike Suger

Signature of Applicant (and title, if applicable)

Received by C. SKINNER Date 07/24/98 Time 11:00 Preliminary check by C. SKINNER
 Fee \$ 50.00 Received by C. SKINNER # 8021361 Date 07/24/98
 Publication prepared by TR Date 8/5/98 Published in The Times News
 Publication approved TR Date _____

MICROFILMED

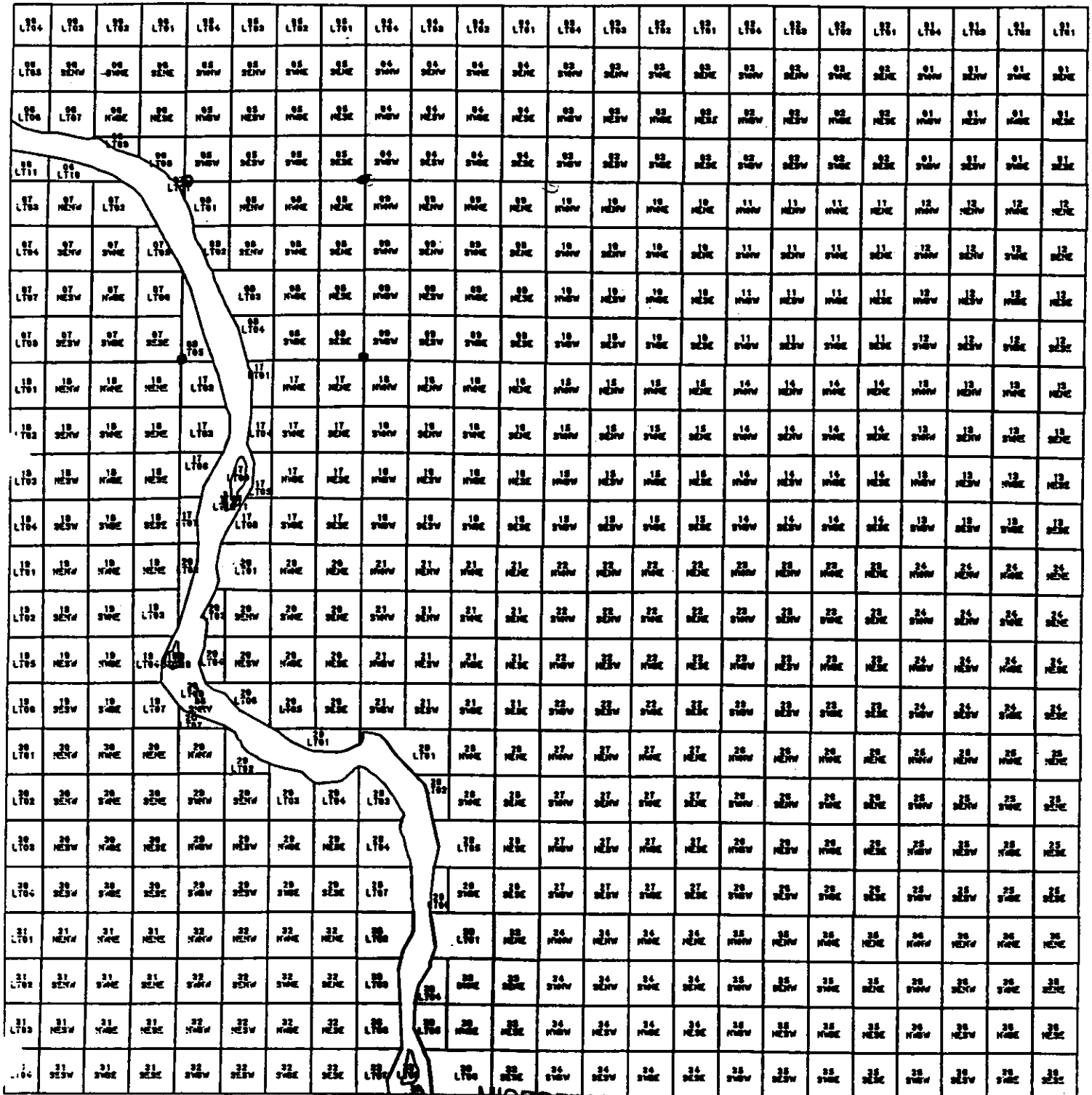
SEP 24 1998



SEP 2 5 1998

47-08423

08S14E



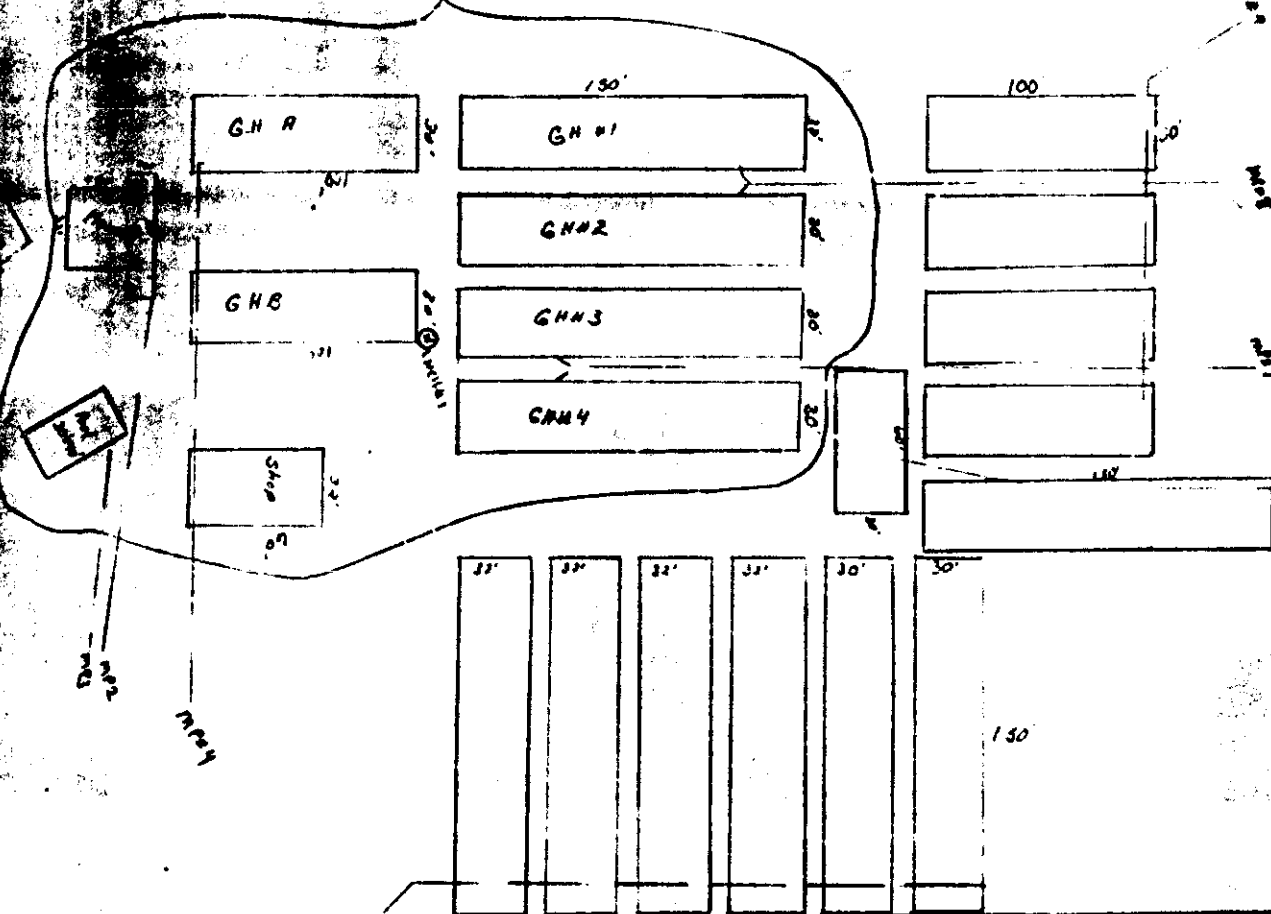
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SEP 24 1998

47-08423

Licensed by 47-7278

MIKE BRCHIBALL 47-7577



MICROFILMED

7-2-6-19

FROM 47-07577 FIELD
EXAM

47-08423



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

September 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SHANE SURBER
NICOLE SURBER
4806 RIVER RD
BUHL ID 83316

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 47-08423

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Southern** Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

SEP 23 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 47-08423 Reviewed by D. Gibson Date 9/29/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
No Address same as permit?
Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Domestic

Correct Uses? Yes

SOURCE OF WATER

No Surface water source

Yes Ground water source

Yes Drilling permit required?

No Copy in the file? Drilling Permit No. 47-7278

Amount paid for permit _____ Correct?

No Well log in the file?

LICENSE EXAMINATION FEE

No Required?
\$0 Amount Submitted
Yes Correct?

MEASURING DEVICE

_____ Required?
_____ Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received	<u>9/26/00</u>	
Date proof due	<u>10/1/00</u>	-
No. of days late	<u>/</u>	=
Priority Date	<u>/</u>	+
New Priority Date	<u>/</u>	

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address Correct address to Proof Made 9/26/00
read 4806A River Rd.

July 31, 2000

SHANE SURBER
NICOLE SURBER
4806 RIVER RD
BUHL ID 83316

PROOF DUE NOTICE

RE: PERMIT NO. 47-08423

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

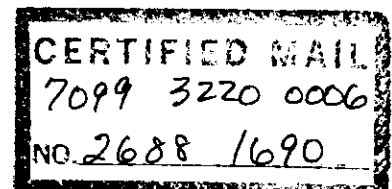
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED
OCT 23 2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 23, 1998

SHANE SURBER
NICOLE SURBER
4806 RIVER RD
BUHL ID 83316

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 47-08423

Dear Permit Holder:

The Department of Water Resources (IDWR) 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 IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief 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 right were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Groundwater Protection Section located here at this office or our regional office nearest you.

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SEP 24 1998

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

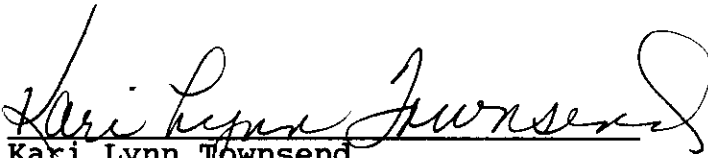
MICROFILMED
SEP 24 1998

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of **September, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 47-08423

**SHANE SURBER
NICOLE SURBER
4806 RIVER RD
BUHL ID 83316**


Kari Lynn Townsend
Secretary

MICROFILMED
SEP 24 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

SEP 24 1998

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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 issuance 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.

MICROFILMED

SEP 24 1998

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 47-8423 Name: Sunber Date: 9/18/98 Ad OK? ☒ / Gvmt Lts: ☒

AREA OF CONCERN: 42-111 *efault* No/Yes: ESRP Mor / TFalls GWMA / Trust / Non-trust
PROTESTED: ☐ 020 (Protest Agreement) or ☐ W19 (Order)

SYSTEM COMPLETED:

- > 1 year - 26A P17
- ~~≤ 1 year~~ no proof - PA

GROUNDWATER: (✓ FLO-CH)

- WMD (✓ MAP) - North / East / West
- > 0.24 cfs/5 acres - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD
- WMD Supplemental use - 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)
- > 0.24 cfs/5 acres - 01M (report when notified)
- ≤ 0.24 cfs/5 acres - No MD

DRILLING PERMIT:

- All wells (✓ WDC3) - 046 P23
- In Basin 34? - 085
- Irr. within WD - P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't* sink is regulated):

- FISH & GAME CONTACTED: - Yes / No; RESPONSE: _____
- IN/ABOVE MIN. STR. FLOW (✓ MAP) - *WB9
- WD (✓ MAP & LISTING) - R04 (WD # _____)
- > 0.10 cfs - 01J-P08 (MD & LD)
- ≤ 0.10 cfs - 01H-P01 (LD), 01P or No MD (in-stream stock)
- WMD (✓ MAP) - 067 or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

- > 0.24 cfs/5 acres - 01M or No MD (in-stream stock or power)
- ≤ 0.24 cfs/5 acres - No MD

RIVER BASINS: (*Surface water):

- Snake R (01) - *W22 - P04, NA
- (02/03-irr) - 007 (w/ remark *WB9 if above Weiser), NA
- Payette R(65) - *W22 (regulated uses), 047-P04 (Payette Lake), NA
- Salmon R (70's) - 029 (fish screens), NA
- Weiser R (67) - 086, 087

USE:

- Domestic surface - *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA
- > 1 in rest. area - 071-079 (rmk)
- Fire Protection - 077
- Fish Propagation - 029-007-042(req)-081 (WQ)-P10
- Heating/Cooling - R07 (injection well)
- Irr ≤ 5 acres - R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- > 5 acres - R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)
- Mining - 054(req)-081-P10
- Municipal - 022, 075, 004 (+memo?), NA (not in restricted area)
- Power - 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use); 17G (FERC) or 17M (FERC); 18B-P09; >25 cfs-P18
- Stockwater - R37 (BLM/USFS); NA
- Storage (✓ 3 compo.) - 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

- 42-248 area - P84 in 20/30/40/50/60/70/80 (87) basin
- Boise Front LoGeo - 058 (<85° GW temp only)
- In-stream dev. - P52 (stream channel alteration)
- Mitigation - 120

SWAN FALLS FLAG (See Code Chart)

- Trust - C
- Non-Trust (1) - 051-052-053-P74 (Consumptive Uses), NA
- 048-049 (Consumptive Uses), NA

OWNERSHIP:

OTHER CONDITIONS:

STANDARD REMARKS:

BENEFICIAL USE DUE:

COMMENTS:

0468
DWES/1 070 mod 052
10/1/2000

RECEIVED

SEP 16 1998

Shane Skinner

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY C. SKINNER DATE 07/31, 1998
APPLICATION NO. 47-08423

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions, subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works. WELL SITE TAG # A0003136
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

-----PROPOSED PRIORITY DATE
07/24, 1998

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to pre application on the back. YES, SEE MEMO)
☒ Overlapping point of diversion. YES, SEE MEMO
Yes ☒ No ☐ Field check required
Field check by _____
Yes ☒ No ☐ Field report attached
Yes ☒ No ☐ Critical Ground water area
☒ Yes ☐ No ☐ Groundwater management area
Yes ☒ No ☐ Send Dam safety information
Yes ☒ No ☐ Send power requirement letter
Yes ☒ No ☐ Send fish farm requirement letter
Yes ☒ No ☐ Power residency affidavit.
Yes ☒ No ☐ Power efficiency form
Yes ☐ No ☐ Within trustwater boundary (If yes, attach trustwater supplementary analysis sheet.
Yes ☒ No ☐ Diversion greater than 5 cfs or 500 acre ft. (If attach large diversion supplementary analysis sheet)

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

SEND COPIES TO: _____ Idaho Dept of Health & Welfare _____ USDI BLM
 _____ Idaho Dept of Fish & Game _____ USFS
 _____ Idaho Dept of Lands _____ Water Dist.
 _____ Adjudication Bureau Unit _____ Other _____

☒ Yes ☐ No Affidavit of publication received.
☒ Yes ☐ No Application published correctly. If not, record action
taken.

☒	Yes	☐	No	Publication dates and paper, recorded on App.
☐	Yes	☒	No	Protests received
				Final date for Protest
N/A	☒	☐	No	Protests, dates, resolution of protest, recorded on app.
	☒	☐	No	Recommendations attached
	☐	☒	No	Measuring device required
	☐	☒	No	Access port required
	☐	☒	No	Will water be delivered by watermaster? If yes, what dist.
	☐	☒	No	Special conditions of approval or cover letter below.

Date of priority recommended 7/24, 1998
By [Signature] Date 5/14, 1998

See below for additional information

By _____ Date _____, 19____

ADDITIONAL INFORMATION:

FROM: Allen Merritt *Am*

DATE: September 14, 1998

TO: Application No. 47-08423
In the Name of: Surber

SUBJECT: Review and Recommendation

This applications proposes an inhouse domestic use be added to an existing hot water well within the Banbury Hot Springs Groundwater Management Area. The use is for a new home that replaces a mobile home that was heated with license 47-07577. The surrounding lawn will be irrigated from shares in the Banbury Pipeline Co.

This use being developed is essentially in-house culinary use only.

RECOMMENDATION

I recommend that this application be approved subject to the following conditions:

- No new wells authorized to be drilled pursuant to this approval.
- This permit is for in-house culinary use only for one household. It does not include outside irrigation or heating of said house. Irrigation and heating is provided by other rights.
- The use under this permit is limited to no more than 13,000 gpd and/or 0.6 afa.

MICROFILMED

SEP 24 1998

NOTICE OF
APPLICATION FOR
WATER PERMIT

The following application
has been filed to appropriate
the public waters of the
State of Idaho:

SHANE SURBER OR
NICOLE SURBER
4806 RIVER ROAD
BUHL ID 83316

Application for Permit No.
47-08423

Source: groundwater

Diversification Pt(s): Lot 7
(SW1/4SW1/4), S33, T08S,
R14E; Twin Falls County.
(Two existing wells)

Use: 1/1-12/31

Domestic-1 home
(0.04 cfs)

In: Lot 7 (SW1/4SW1/4),
S33, T08S, R14E; Twin
Falls County.

Date Filed: 7/24/98

Any protest against the
proposed application(s)
must be filed with the
Department of Water
Resources, Southern
Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID
83301 together with a
protest fee of \$25.00 on or
before September 8, 1998
to be considered by the
Department in its decision
to grant or deny any part of
the proposed application(s).
The protestant must also
send a copy of the protest
to the applicant.

Karl J. Dreher, Director

Published in the Times
News on 8/20 & 8/27/98.

Affirmation of Publication

STATE OF IDAHO
COUNTY OF TWIN FALLS } SS.

No 30921

I, Emily McKnight being first duly sworn upon oath, depose
and say that I am principal 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 August 20, 19 98,
and ending with the issue dated August 27, 19 98.

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
published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each
issue thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 27th day of Aug. in the year of 1998, before me,
a Notary Public, personally appeared Emily McKnight,
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 made by him are true, and acknowledged to me that he executed the same.

Shirley R. Feltman
Notary Public for Idaho
Residing at Twin Falls, Idaho.
My commission expires: 5/19/2000

OK MB
9/4/98

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SEP 24 1998

THE TIMES-NEWS - LEGAL

P.O. BOX 548, TWIN FALLS, ID 83303-0548

DEPT WATER RESOURCES

187248 0050 LEGAL

5 08/29/98 0

WATER PERMIT SURBER

08/29/98 08/29/98

4 THE TIMES NEWS LEGAL

1 LGL

FLAT CHARGE

FC

50.62

TOTAL AD CHARGE

50.62

47-08423

50.62

50.62*

OK
NB
9/4/98

RECEIVED

SEP 03 1998

Department of Water Resources
Southern Region

RECEIVED

SEP 03 1998

Department of Water Resources
Southern Region

THE TIMES-NEWS - LEGAL

P.O. BOX 548, TWIN FALLS, ID 83303-0548

050

187248 LEGAL

08/29/98 08/29/98

GROSS AMOUNT OF

50.62

WATER PERMIT SURBER

08/29/98 208-736-3033

DUE AFTER

_ VISA _ MASTERCARD

CREDIT CARD NUMBER

EXPIRATION DATE: ____/____/____

SIGNATURE: _____

50.62

DEPT WATER RESOURCES
1341 FILLMORE, SUITE 200
TWIN FALLS, ID

83301

|||||

20400000001872480000000000000000506200000050624

MICROFILMED

SEP 24 1998

**N O T I C E O F
A P P L I C A T I O N F O R
W A T E R P E R M I T**

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The protestant must also
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to the applicant.

Karl J. Dreher, Director

Published in the Times
News on 8/20 & 8/27/98.
✓

MICROFILMED

SEP 24 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

August 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION LEGALS
TIMES NEWS
PO BOX 548
TWIN FALLS ID 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

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SEP 2 6 1998

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

SHANE SURBER OR
NICOLE SURBER
4806 RIVER ROAD
BUHL ID 83316

Application for Permit No. 47-08423

Source: groundwater

Diversion Pt(s): Lot 7 (SW1/4SW1/4), S33, T08S, R14E; Twin Falls County. (Two existing wells)

Use: 1/1-12/31 Domestic-1 home (0.04 cfs)

In: Lot 7 (SW1/4SW1/4), S33, T08S, R14E; Twin Falls County.

Date Filed: 7/24/98

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before September 8, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Times News on 8/20 & 8/27/98.

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SEP 24 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

August 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SHANE SURBER OR
NICOLE SURBER
4806 RIVER ROAD
BUHL ID 83316

Re: Application for Permit No. 47-08423

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the Times News for 8/20 & 8/27/98. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. If a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

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SEP 24 1998

MEMORANDUM

TO: Shane or Nicole Surber Application for Permit File
FROM: Corey Skinner *CS*
DATE: August 3, 1998
SUBJECT: Staff Review

The enclosed application for permit, filed in the name of Shane or Nicole Surber, was filed by Mike Archibald. Nicole Surber is Mr. Archibald's daughter and Shane Surber is his son in law. The enclosed application seeks to develop a new domestic use, out of an existing well(s) in the Banbury Hot Springs Groundwater Management Area. Mr. Archibald is in the process of splitting off a portion of his property for his daughter and her husband to build a house on. Mr. Archibald has two hot water wells on his property. Instead of drilling a new well to serve the new home, Mr. Archibald wants to hook the new home up to his existing well(s).

One of Mr. Archibald's wells was drilled in the winter of 1974-1975. Department records indicate that the GPS site tag number for this well is A0003135. Water Right license 47-07278 lists this particular well as a point of diversion. The water use under this license is for heating use for a home, shop, pool, and six greenhouses.

Mr. Archibald's second well was drilled in 1983 and is located west of his other well. Department records indicate that the GPS site tag number for this well is A0003136. Water right license 47-07577 lists this particular well as a point of diversion. In addition, license 47-07577 mentions a second well, apparently A0003135, in the same legal description. License 47-07577 lists the water use as heating use for one mobile home and twelve greenhouses.

Since Mr. Archibald has two wells and 18 greenhouses, it initially appeared that Mr. Archibald has two hot water wells and two separate delivery systems with each well and delivery system being covered under a separate license. However, since license 47-07577 lists both wells as points of diversion, and license 47-07278 only lists one well as a point of diversion, there was some question regarding the two licenses. I spoke with Mr. Archibald about his system(s) and he said that he had hooked a valved pipeline between the two delivery systems when the second well and delivery system were developed. The wells are operated as separate systems to serve the separate uses as listed on the licenses, but the valved pipeline was installed so the two wells could serve as emergency backups to each other if one of the wells was to fail. Therefore, it is possible for either well, or both, to supply all of the water use authorized under both licenses.

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SEP 24 1998

47-08423

Mr. Archibald's idea, is to hook the Surber's new home up to the west (A0003136) well. Because the delivery systems for Mr. Archibald's two wells are tied together, both existing wells were listed as points of diversion on the enclosed application. However, the west well (A0003136) is intended to provide the water for the new home, and the east well (A0003135) is intended to be used to supply water to the new home only for emergency purposes (if the west well were to fail).

The west well (A0003136) is intended to be used for domestic and heating uses for the Surber's new home. The domestic use will be covered under the enclosed application for permit. The heating use will be covered under license 47-07577. This particular license mentions heating use for a mobile home. Mr. Archibald said that this mobile home was removed from his property in 1994, and he would like to use the heating use authorized for the mobile home for the Surber's new home.

The enclosed application should be pretty straightforward. The application seeks to record a new domestic right for the Surber's new home. The application states that any irrigation water will be provided by the Banbury Pipe Company. Both of Mr. Archibald's wells were listed as points of diversion, as previously discussed. Therefore, rights 47-07278 and 47-07577 are overlapping rights. The heating use listed under right 47-07577 for the mobile home will be used for the heating use for the Surber's new home, since the mobile home no longer exists. There is a chance that the heating use for the new home will require a greater flow rate than the mobile home, if the new home is significantly larger than the mobile home. However, the new home will more than likely have a higher efficiency value than the mobile home. This higher efficiency value could possibly offset any potential increase in required flow rate due to an increase in home size.

The Surbers could probably drill their own domestic well, without obtaining a water right, instead of filing the enclosed application. However, due to the recent problems in the Banbury area, hooking their home up to an existing well as proposed in the enclosed application, is probably the more preferable method.

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SEP 24 1998

47-08423

TOWNSHIP 08S, RANGE 14E SECTION 33 SWSW 1/4

GNT LOT # 7

AJQ4

WRQ4

AJQ5

WRQ5

A47-04065

36-02038 Banbury

* A47-07278

~~47-07168~~ Flint

* A47-07278

36-04168 Banbury

* A47-07577

~~47-07354~~ Flint & Woodman

* A47-07577

36-08141 Banbury Pipe Co.

A47-07354 } Flint

~~47-07358~~ Flint & Woodman

~~47-07263~~ Keest

A47-07358 }

* 47-07577

~~A47-07354~~ Flint

* 47-07278

~~36-08141~~

~~47-07263A~~ Flint

A47-07358 Flint

~~47-07354~~ Flint & Woodman

47-07808 Flint

R36-10906 - Banbury

47-07358 Flint & Woodman

47-08070 Flint

Pipe Co
also other
claims

* 47-07577

* 47-07278

436-02038 Banbury

47-07809A

47-07968

47-07807B

47-08070

Flint
Greenhouse

~~36-04168~~ Banbury

~~47-07852~~ Berthoff Application

Mike
* Archibald claims or
rights

Archibald
SRBA claims
Based on
permits

07/31/98

OVERLAP
ANALYSIS

BY C. SKINNER

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SEP 24 1998