

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho  
No. 37-23459

RECEIVED  
OCT 17 2023  
DEPT OF WATER RESOURCES  
SOUTHERN REGION

**1. Applicant(s)**

DANIEL RATLIFF  
16 BASELINE EXT  
BELLEVUE ID 83313-5094  
208-720-5634, dan@svins.net

AND/OR ALI SHERBINE RATLIFF  
16 BASELINE EXT  
BELLEVUE ID 83313-5094  
208-720-5634, dan@svins.net

**2. Representative(s) N/A**

**3. Source of Water Supply:**

Source : GROUND WATER

**4. Location of Point(s) of Diversion:**

Heading	Point of Diversion # 1
Source	GROUND WATER
Tributary of	
Township	01S
Range	19E
Section	7
Govt. Lot	
QQQ/qq/Quarter	SW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub>
County	BLAINE
Diversion Type	
Local name or Tag#	
Type and size of devices	Proposed well to be drilled pursuant to drilling permit # 912856
Height of storage dam	
Active/ Total Reservoir capacity	
Dam Application required?	No
Proposed well diameter/ depth	6 inches / 160 feet
Water Temp > 85°F?	No
Drilled Date	
Drilling firm	
Property Owner	Applicant
Access Arrangement Description	N/A

**5. Water will be used for the following purposes:**

Purposes	Season	Rate	Volume	Description
DOMESTIC	01/01 to 12/31	0.04 CFS		1 Home(s)

**6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) Not Stated acre-feet / year (af).**

**7. Proposed diverting works:**

a. If an existing well, who was the well drilled for? Drilling Permit No. New well proposed under drilling permit # 912856.

**8. Describe other proposed water uses :** Domestic in house use for a single home

For Department Use

Received by A. SKINNER Date 10/17/2023 Time 9:30 AM Preliminary check by \_\_\_\_\_  
 Fee \$ 100.00 Received by SG Receipt No. 5039967 Date 10/17/2023

**9. Description of place of use:**

**Place of Use:** DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
01S	19E	7			X																

**10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?**  
 Domestic in house use for a single home, Irrigation use covered by right 37-21271

- 11.**
- a. Who owns the land to be irrigated or place of use? Applicant.
  - b. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

**12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.**  
 Application is for domestic water use for in house use only for one new home being constructed. Wastewater is discharged via a private septic system. Irrigation use from the well is covered by existing irrigation right 37-21271.

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

**14. MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

**The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.**

Signature of Applicant

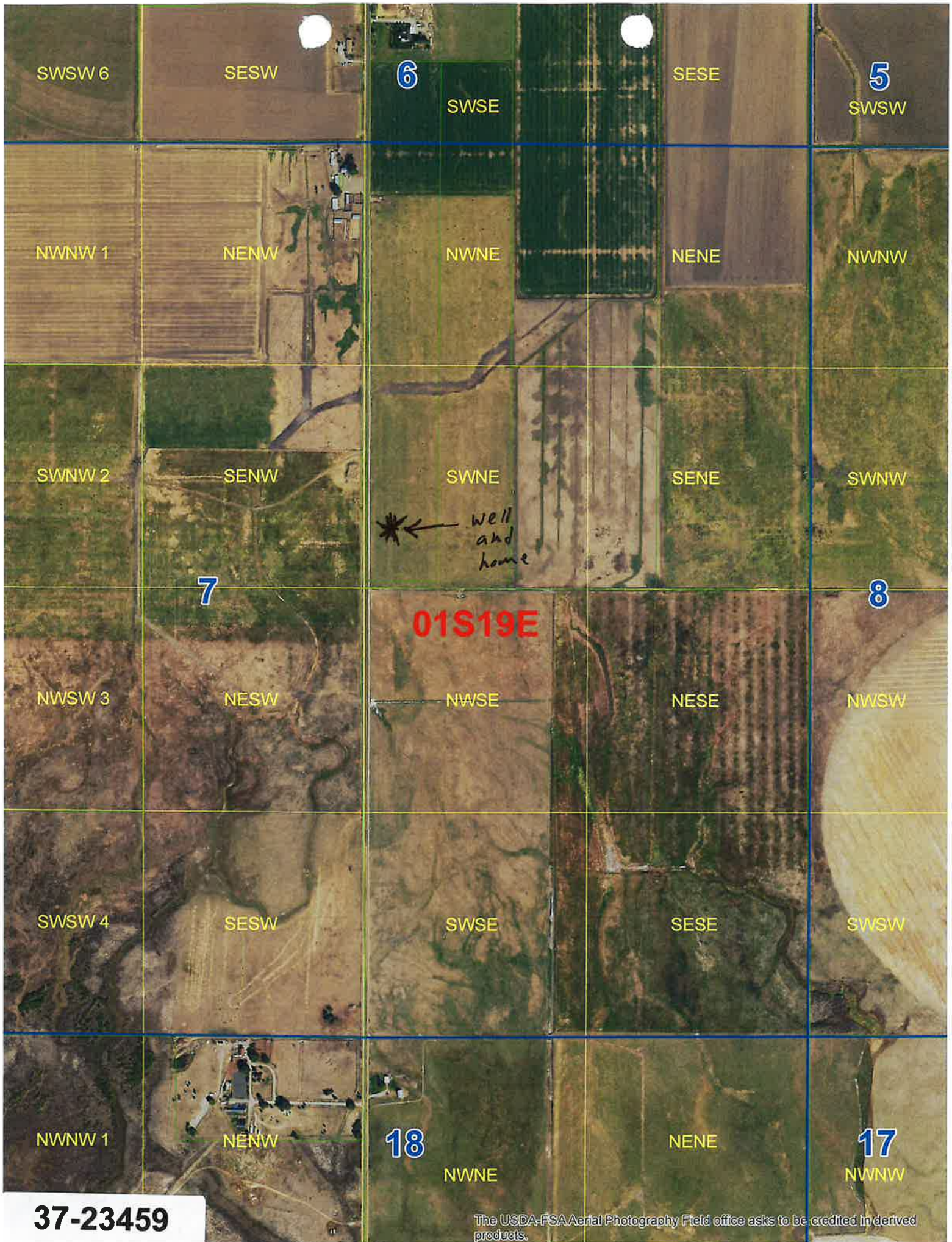


DANIEL RATLIFFE

Signature of Applicant



ALI SHERBINE RATLIFFE



SWSW 6

SESW

6

SWSE

SESE

5

SWSW

NWNW 1

NENW

NWNE

NENE

NWNW

SWNW 2

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NWSW 3

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NWNW 1

NENW

18

NWNE

NENE

17

NWNW

37-23459

The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

## Maline, Denise

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**From:** Maline, Denise  
**Sent:** Friday, December 1, 2023 9:58 AM  
**To:** Sunny Healey (WD37)  
**Cc:** Brittany Gailey (WD37)  
**Subject:** Comment Letter for Application for Permit 37-23459 (Ratliffe)  
**Attachments:** Comment letter to WD37 for 37-23459.docx; Application for Permit 37-23459 (Ratliffe).pdf

Good morning Sunny,

Attached is an application for permit currently being processed by the department within WD37. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this application, please feel free to contact Kent Aasa at our office.

Thank you in advance & have a good weekend,

Denise @ IDWR Twin Falls



**Denise Maline, Administrative Assistant I**  
Idaho Dept. of Water Resources, Southern Region  
650 Addison Ave W Ste 500  
Twin Falls ID 83301-5858  
(208) 293-9908  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Mathew Weaver**

December 1, 2023

SUNNY HEALEY  
WATER DISTRICT 37  
107 W 1ST  
SHOSHONE, ID 83352

Re: Application for Permit No(s). 37-23459 (Ratliffe)

Dear Sunny:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant 1

Enclosure(s)

email to [planning@blaine-cityhall.org](mailto:planning@blaine-cityhall.org). For special accommodation or to participate in the noticed meeting, please contact the City Clerk 208.788.4221.

**PUBLISH  
IDAHO MOUNTAIN EXPRESS  
DECEMBER 6, 2023**

**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that on Monday, December 18th, 2023 at 7:00 P.M., at Carey City Hall, the Carey City Council will hold a public hearing upon the following:

- Zoning Regulations – Text Amendment:

Chapter 19  
All proposed amendments identified by underlining for addition and strikethrough for removal.

19.22 The Commission shall consist of ~~five (5) thro (3) or up to five (5)~~ voting members, each appointed by the Mayor and confirmed of the majority vote of the Council. The Council shall insure that the interests of the entire city and its zone of impact ~~(thereby designated as all real property within one (1) mile of the municipal boundaries of said city under Idaho Code 50-1306 or until otherwise established as provided by law)~~ are broadly represented on the Commission and shall select the members without respect to political affiliation. Each member has been a resident of Blaine County, Idaho, for two (2) years and shall be and must remain a resident of the City, except one member may reside within ~~five (5) miles of Carey City limits, the zone of impact.~~

- Adopting the 2012 International Building Code with amendments.

The City of Carey, pursuant to Idaho Code §39-4116(2) and as a local government building permits and performs building code enforcement activities, shall adopt the following codes as published by the International Code Council and amended by the Idaho building code board through the negotiated rulemaking process; by providing for a repealer clause; by providing for a severability clause and by providing an effective date of December 18, 2023.

NOTICE IS FURTHER GIVEN that at the mentioned time and place, all interested people may appear and shall be given an opportunity to com-

ment on the matters stated above. Comments and questions, prior to the hearings, should be directed to the Administrative Assistant – Brandi Hennessee 20482 N Main St, Carey, ID 83320 or call 208-720-9981

**PUBLISH  
IDAHO MOUNTAIN EXPRESS  
DECEMBER 6 & 13, 2023**

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

**IN THE MATTER OF THE ESTATE OF JEAN C. JENSON  
Deceased,**

**Case No. CV07-23-00662  
NOTICE TO CREDITORS**

Idaho Code Section 15-3-801

NOTICE IS HEREBY GIVEN that EMILY JEAN LANDSVERK has been appointed personal representative of the above-named decedent. All persons having claims against the decedent or his estate are required to present their claims within four (4) months after the date of the first publication of the Notice to Creditors or be forever barred.

Claims must be presented to the undersigned at the address indicated and filed with the clerk of the court; Blaine County Court Clerk, 201 2nd Ave. South, Suite 106, Hailey, ID 83333.

DATED THIS 30th day of November 2023.

/s/ Fritz X. Haemmerle  
Fritz X. Haemmerle  
Attorney For Personal Representative  
Haemmerle Law, PLLC  
P. O. Box 1800  
Hailey, ID 83333

**PUBLISH  
IDAHO MOUNTAIN EXPRESS  
DECEMBER 6, 13 & 20, 2023**

**LEGAL NOTICE**

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

37-23459  
DANIEL RATLIFF  
ALI SHERBINE RATLIFF  
16 BASELINE EXT  
BELLEVUE, ID 83313-5094

Point of Diversion SWNE S7 T01S R19E BLAINE County Source GROUND WATER Tributary Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS  
Date Filed: 10-17-2023  
Place Of Use: DOMESTIC T01S R19E S7 SWNE

Application proposes to divert 0.04 cfs from a proposed well for domestic use. The water is for in-house (culinary) use only and the wastewater is discharged into a private septic system. Irrigation is accomplished with existing ground water irrigation right 37-21271. The property is located approximately 1.7 miles east and 1.3 miles north of the Highway 20 & Highway 75 intersection south of Bellevue.

This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Southern office at (208)736-3033; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. 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, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before December 26, 2023. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

**PUBLISH  
IDAHO MOUNTAIN EXPRESS  
DECEMBER 6 & 13, 2023**

**IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

**HOME HEATING AND AIR CONDITIONING, INC., an Idaho corporation,**

Plaintiff,

vs.

**GLEN MILLER and CYNTHIA ANDERSON, individually and as Trustees of the GLEN MILLER AND**

**CYNTHIA ANDERSON REVOCABLE LIVING TRUST; and ROCKING RANCH NO. 3 PROPERTY OWNERS' ASSOCIATION, INC., an Idaho nonprofit corporation,**

Defendants.

**CASE NO. CV07-23-00630  
AMENDED SUMMONS**

Williamson, Ned C.

TO: CYNTHIA ANDERSON.

You have been sued by Home Heating and Air Conditioning, Inc., the Plaintiff, in the District Court in and for Blaine County, Idaho, Case No. CV07-23-00630.

The nature of the claim against you is judicial foreclosure of a labor and materialman's lien and recovery of money damages.

Any time after 21 days following the last publication of this summons, the Court may enter a judgment against you without further notice, unless prior to that time you have filed a written response in the proper form, including the Case No., and paid any required filing fee to the Clerk of the Court at 201 South 2nd Avenue, Hailey, ID 83333, (208) 788-5521; and served a copy of your response on the Plaintiff's attorney, Wright Brothers Law Office, PLLC, 1440 Blue Lakes Blvd. N., Suite A, P.O. Box 5678, Twin Falls, ID 83303, (208) 733-3107.

A copy of the Summons and Complaint can be obtained by contacting either the Clerk of the Court or the attorney for Plaintiff. If you wish legal assistance, you should immediately retain an attorney to advise you in this matter.

DATED: 11/29/2023

CLERK OF THE DISTRICT COURT

By: /s/ C. Compton  
Deputy Clerk

**PUBLISH  
IDAHO MOUNTAIN EXPRESS  
DECEMBER 6, 13, 20 & 27, 2023**

**IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BLAINE**

**HOME HEATING AND AIR CONDITIONING, INC., an Idaho corporation,**

Plaintiff,

vs.

**GLEN MILLER and CYNTHIA ANDERSON, individually and as Trustees of the GLEN MILLER AND CYNTHIA ANDERSON REVOCABLE LIVING TRUST; and ROCKING RANCH NO. 3 PROPERTY OWNERS' ASSOCIATION, INC., an Idaho nonprofit corporation,**

Defendants.

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AMENDED SUMMONS**

Williamson, Ned C.

TO: GLEN MILLER.

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DATED: 11/29/2023

CLERK OF THE DISTRICT COURT

By: /s/ C. Compton  
Deputy Clerk

**PUBLISH  
IDAHO MOUNTAIN EXPRESS  
DECEMBER 6, 13, 20 & 27, 2023**

Proof of legal notice received from Idaho Mtn Express 11-30-2023

✓ OK dm 11/30/2023



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

November 30, 2023

DANIEL RATLIFFE  
ALI SHERBINE RATLIFFE  
16 BASELINE EXT  
BELLEVUE, ID 83313-5094

RE: Application for Permit No. 37-23459

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **12/6/2023** and **12/13/2023**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **December 26, 2023**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline  
Administrative Assistant

## Maline, Denise

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**From:** Maline, Denise  
**Sent:** Thursday, November 30, 2023 8:54 AM  
**To:** Idaho Mountain Express  
**Subject:** LEGAL NOTICE  
**Attachments:** Idaho Mtn Express cover letter.docx; Idaho Mtn Express ad.docx

Good morning,

Attached please find **(1)** legal notice being submitted for publication on December 6<sup>th</sup> & 13<sup>th</sup>, 2023. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls, Idaho



**Denise Maline, Administrative Assistant I**  
Idaho Dept. of Water Resources, Southern Region  
650 Addison Ave W Ste 500  
Twin Falls ID 83301-5858  
(208) 293-9908  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Mathew Weaver**

November 30, 2023

**LEGAL NOTICE DEPARTMENT**  
IDAHO MOUNTAIN EXPRESS  
PO BOX 1013  
KETCHUM, ID 83340-0990

RE: Application for Permit No. 37-23459

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before December 26, 2023. Your cooperation is appreciated.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant

Enclosure(s)

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

**37-23459**

DANIEL RATLIFFE

ALI SHERBINE RATLIFFE

16 BASELINE EXT

BELLEVUE, ID 83313-5094

Point of Diversion SWNE S7 T01S R19E BLAINE County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 10-17-2023

Place Of Use: DOMESTIC

T01S R19E S7 SWNE

Application proposes to divert 0.04 cfs from a proposed well for domestic use. The water is for in-house (culinary) use only and the wastewater is discharged into a private septic system. Irrigation is accomplished with existing ground water irrigation right 37-21271. The property is located approximately 1.7 miles east and 1.3 miles north of the Highway 20 & Highway 75 intersection south of Bellevue.

This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Southern office at (208)736-3033; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. 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, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **December 26, 2023**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on December 6<sup>th</sup> & 13<sup>th</sup>, 2023



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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October 18, 2023

DANIEL RATLIFF & ALI SHERBINE RATLIFF  
16 BASELINE EXT  
BELLEVUE ID 83313-5094

**RE: Application for Permit to Appropriate Trust Water – No. 37-23459**

Dear Applicant:

The Department of Water Resources (“Department”) has received your application for permit to appropriate water and has accepted it for filing. Your application has been assigned the identification number referenced in the subject line of this letter. Please refer to that number in all future correspondence regarding this application.

Your application proposes to appropriate Trust Water as described in this letter. The special nature of the trust affects how the Department will process your application as well as some aspects of the water right that may result. The purpose of this letter is to inform you of three items specific to applications proposing to appropriate Trust Water:

1. Your application will be subject to additional evaluation compared to applications that do not propose the use of Trust Water. This may require you to submit additional information and to demonstrate that your application meets the statutory evaluation criteria for appropriating Trust Water.
2. If a water right is issued to you, it could be subject to curtailment to satisfy senior minimum stream flow water rights on the Snake River at the Murphy Gage.
3. If a water right is issued to you, it will be subject to a periodic term review that may impact the future use of the right.

To understand better these three items and why they apply to your application, it helps to understand what Trust Water is and how it came about.

Trust Water arose from the 1984 Swan Falls Settlement between Idaho Power Company (“IPC”) and the State of Idaho (“State”).<sup>1</sup> Prior to the Swan Falls Settlement, the Idaho Supreme Court determined IPC held water rights for use at Swan Falls Dam that exceeded the entire flow of the Snake River at times. This limited future upstream development of water resources in the Snake River Basin. The Swan Falls Settlement resulted in changes to Idaho Law<sup>2</sup> and to IPC’s water rights. As a result of the Swan Falls Settlement and subsequent legislation and court decrees, IPC’s hydropower water rights in excess of the minimum flows at Murphy Gage are held in trust

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<sup>1</sup> For more information, including a more complete description of the Swan Falls Settlement and resulting legislation, please see the Department’s web page: <https://idwr.idaho.gov/legal-actions/settlements/swan-falls/>.

<sup>2</sup> Although several sections of the Idaho Code were affected, the addition of Sections 42-203B and 42-203C, Idaho Code are the changes most relevant to this discussion.

by the State. This change allows future development using water that would have previously been delivered to satisfy IPC water rights at Swan Falls Dam and, therefore, would have been unavailable for upstream appropriation. The purpose of this trust is defined in Idaho Code § 42-203B as follows:

The purposes of the trust established by ... this section are to assure an adequate supply of water for all future beneficial uses and to clarify and protect the right of a user of water for power purposes ... to continue using the water pending approval of depletionary future beneficial uses.

Your application proposes a use of water that could deplete the rights placed in trust, so the State, through the Department must evaluate your proposal under the laws and rules that came after the Swan Falls Settlement.<sup>3</sup> In addition to the usual statutory process and evaluation criteria, the Department must also evaluate whether your application will deplete Trust Water and, if so, whether your depletion of Trust Water is in the public interest.

In addition, the availability of Trust Water and the public's interest in the use of Trust Water could change over time. The Department will periodically review rights to use Trust Water to determine if Trust Water remains available for use and if the continued use of Trust Water is in the public interest. The periodic review will occur for any right that issues from your application. A future review by the Department could terminate or limit your ability to use the right in the future.

An important aspect of the Swan Falls Settlement is that the State agreed to protect the minimum stream flows in the Snake River at the Murphy Gage. Should the flows at the Murphy Gage fall below these minimums, the water rights that use Trust Water could be curtailed to restore flow to meet those minimums.

The Department will hold your application for 14 days to allow you time to contact us if you have further questions on this topic or if you choose to withdraw your application. If the Department does not hear from you within 14 days, the Department will process your application and prepare it for publication. If you choose to withdraw your application before it is submitted for publication, you will receive a full refund of your filing fee. Refunds are not available if an application is withdrawn after advertising.

Please contact this office if you have questions regarding this matter.

Sincerely,



Kent Aasa

Enclosure: Withdrawal of Application form

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<sup>3</sup> See Sections 42-203C and the Department's Water Appropriation Rules (IDAPA 37.03.08).