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FORM 202 Rev. 09/16

FEB 01 2024

DEPT OF WATER RESOURCES  
SOUTHERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Ident. No. 43-13923  
88759

## APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Bryce and Felicia Packer Phone 208-312-2022  
Name connector (check one): ☐ and ☐ or ☒ and/or  
Mailing address P.O. Box 133 City ALMO  
State Idaho ZIP 83312 Email brycepacker1992@gmail.com
2. Name of representative, if any \_\_\_\_\_ Phone \_\_\_\_\_  
Mailing address \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ ZIP \_\_\_\_\_ Email \_\_\_\_\_
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR  
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR  
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Ground Water which is a tributary of \_\_\_\_\_
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
15S	24E	23			NW	NW	Cassia	Ground Water	D01200548
15S	24E	23			NW	NW	Cassia	Ground Water	D0100780

5. Water will be used for the following purposes:
- Amount 0.04 cfs for Domestic purposes from 01/01 to 12/31 (both dates inclusive)  
(cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) \_\_\_\_\_ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Two existing wells
- b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No
- c. Proposed well diameter is Six inches; proposed depth of well is \_\_\_\_\_ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? 2023 and 2024; drilling firm Apex Drilling; well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. 912197, 913687

## For Department Use

Received by A. SKINNER Date 2/1/2024 Time 3:00pm Preliminary check by \_\_\_\_\_  
Fee \$ 100.00 Received by SG Receipt No. 5040077 Date 2/1/2024

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
  - Stockwatering; list number and kind of livestock. \_\_\_\_\_
  - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
  - Domestic; show number of households One
  - Other; describe fully. \_\_\_\_\_
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
  - 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	
15S	24E	23						X											

Total number of acres to be irrigated: \_\_\_\_\_

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 for in house only
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. 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 for a new home to be constructed. Wastewater will be discharged to a private septic system. The water in the two existing, recently drilled, wells is above 85 degrees. The heat value of the water will be utilized before water will be used for culinary use.
13. Time required for completion of works and application of water to proposed beneficial use is 2 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.

Bryce Parker  
Signature of Applicant

Bryce Parker  
Signature of Applicant

\_\_\_\_\_  
Print Name (and title, if applicable)

\_\_\_\_\_  
Print Name (and title, if applicable)





## Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 149845

### Publication

### Times News

Contact ID DEPARTMENT OF WATER RESOURCES  
Address 1 650 ADDISON AVE W, STE 500  
Address 2  
City St Zip TWIN FALLS ID 83301  
Phone 2087363033  
Fax

PO Number  
Rate Legal Notice  
Order Price 220.88  
Amount Paid 0.00  
Amount Due 220.88

Section Legals  
SubSection  
Category 50 Legal

Start/End Dates 03/07/2024 - 03/14/2024  
Insertions 2  
Size 125

Ad Key 149845-1  
Keywords TRANSFER NO. 84027  
APP FOR PERMIT NO. 43-13923

Salesperson(s) Legal Notices  
Taken By James Meadows - NWI

Notes

### Ad Proof

Proof of legal notice received from Times News 3/1/2024

✓ dm 3/1/2024



## Customer Ad Proof

164-60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 149845

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

43-13923

BRYCE PACKER

FELICIA PACKER

PO BOX 133

ALMO, ID 83312-0133

Point of Diversion NWNW S23 T15S R24E CASSIA County  
Source GROUND WATER Tributary

Point of Diversion NWNW S23 T15S R24E CASSIA County  
Source GROUND WATER Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 02-01-2024

Place Of Use: DOMESTIC

T15S R24E S23 NWNW

Application proposes to divert 0.04 cfs from two existing wells for domestic use. The water is for in-house use for a new home to be constructed. Wastewater will be discharged to a private septic system. The property is located approximately 1.0 miles North and 0.4 miles East of Almo. 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.

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT

#### TRANSFER NO. 84027

SPRING FARMS GENERAL PARTNERSHIP, 427 N HISAW LN, AMERICAN FALLS, ID 83211-5529 has filed Application No. 84027 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13440, 43-13442, 43-13444, 43-13446, 43-13550, 43-13552, 43-13564, 43-13566, 43-13568, 43-13570, 43-13572, 43-13574, 43-2481, 43-2567A, 43-2567B, 43-2568, 43-2579, 43-7046, 43-7047, 43-7052, 43-7088A; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: The transfer application proposes to modify approximately 752 acres within the existing 2584.4 acre place of use (POU) for 17 ground water rights and 4 surface water rights from Raft River. The application also proposes to identify 7 existing wells as authorized POD's for each ground water right for a total diversion rate of 36.68 cfs. The POU and POD's are located approximately 14.4 to 17.6 miles East and 1.5 to 4.0 miles North of the I-84 and I-86 interchange.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. 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, 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 March 25, 2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Publish: March 7, 14, 2024



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

February 29, 2024

BRYCE PACKER  
FELICIA PACKER  
PO BOX 133  
ALMO, ID 83312-0133

RE: Application for Permit No. 43-13923

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 **TIMES NEWS** on **3/7/2024 and 3/14/2024**. 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 **March 25, 2024**.

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, February 29, 2024 12:11 PM  
**To:** Times News  
**Subject:** LEGAL NOTICE - Account No. 164-60002276  
**Attachments:** Times News cover letter.docx; Times News ad.docx

Good afternoon,

Attached please find **(1)** legal notice being submitted for publication on March 7<sup>th</sup> & 14<sup>th</sup>, 2024. This publication is for Idaho Dept of Water Resources in Twin Falls, Idaho, under Account No. 164-60002276.

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**

February 29, 2024

**LEGAL NOTICE DEPARTMENT**  
TIMES NEWS  
PO BOX 548  
TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 43-13923

RE: Transfer No. 84027

Water Right No(s). 43-13440, 43-13442, 43-13444, 43-13446, 43-13550,  
43-13552, 43-13564, 43-13566, 43-13568, 43-13570, 43-13572, 43-13574,  
43-2481, 43-2567A, 43-2567B, 43-2568, 43-2579, 43-7046, 43-7047, 43-7052,  
43-7088A

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 **March 25, 2024**. Your cooperation is appreciated.

Sincerely,

*Denise Maline*

Denise Maline  
Administrative Assistant 1

Enclosure(s)



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

**43-13923**

BRYCE PACKER

FELICIA PACKER

PO BOX 133

ALMO, ID 83312-0133

Point of Diversion NWNW S23 T15S R24E CASSIA County Source GROUND WATER Tributary

Point of Diversion NWNW S23 T15S R24E CASSIA County Source GROUND WATER Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 02-01-2024

Place Of Use: DOMESTIC

T15S R24E S23 NWNW

Application proposes to divert 0.04 cfs from two existing wells for domestic use. The water is for in-house use for a new home to be constructed. Wastewater will be discharged to a private septic system. The property is located approximately 1.0 miles North and 0.4 miles East of Almo. 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.

#### **NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84027**

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MATHEW WEAVER, Director

Published on March 7<sup>th</sup> & 14<sup>th</sup>, 2024

## MEMORANDUM

**Date:** February 16, 2024  
**To:** Application for Permit 43-13923  
**From:** Benny Walker  
**Re:** Legal Notice Remarks

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Application proposes to divert 0.04 cfs from two existing wells for domestic use. The water is for in-house use for a new home to be constructed. Wastewater will be discharged to a private septic system. The property is located approximately 1.0 miles north and 0.4 miles east of Almo. The 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.

## Walker, Benny

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**From:** Bryce Packer <brycepacker1992@gmail.com>  
**Sent:** Monday, February 12, 2024 9:55 PM  
**To:** Walker, Benny  
**Subject:** Well approval

**CAUTION:** This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

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I Bryce Packer want you to continue on with my approval for the well. Thank you.



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

February 6, 2024

BRYCE PACKER  
PO BOX 133  
ALMO ID 83312

**RE: Application for Permit to Appropriate Trust Water – No. 43-13923**

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 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:

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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.



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,

A handwritten signature in cursive script that reads "Benny Walker".

Benny Walker

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).