

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 36-16982

Priority: May 01, 2013

Maximum Diversion Volume: 2,237.0 AF

It is hereby certified that:

MICHAEL J SIRUCEK
472A S 1000 E
JEROME ID 83338-6854

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 01, 2013, and has submitted Proof of Beneficial Use on December 02, 2013. An examination confirms water is diverted from:

Source : WASTE WATER

Tributary: SINKS

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	01/01 to 12/31	1,292.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15	1,292.0 AF
RECREATION STORAGE	01/01 to 12/31	945.0 AF
AESTHETIC STORAGE	01/01 to 12/31	945.0 AF

Location of Point(s) of Diversion

WASTE WATER NW¼ NE¼, Sec. 14, Twp 09S, Rge 18E, B.M. JEROME County
WASTE WATER SE¼ NW¼, Sec. 14, Twp 09S, Rge 18E, B.M. JEROME County
WASTE WATER NE¼ NW¼, Sec. 14, Twp 09S, Rge 18E, B.M. JEROME County

Place of Use: IRRIGATION STORAGE

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		
09S	18E	14		X	X		X			X										

Place of Use: IRRIGATION FROM STORAGE

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		
09S	18E	11															22.0	1.0		23.0
09S	18E	14		27.0			17.0	25.0	40.0	24.0	40.0	40.0								213.0
09S	18E	15	40.0	40.0	40.0	40.0									40.0	40.0				240.0

Right Acre Limit: 323.0

Total Acres: 476.0

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Place of Use: RECREATION STORAGE

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		
09S	18E	14		X	X		X			X										

Place of Use: AESTHETIC STORAGE

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		
09S	18E	14		X	X		X			X										

Conditions of Approval

1. This right is limited to the irrigation of 323 acres within the authorized place of use in a single irrigation season.
2. This right (36-16982) and Rights 36-4193, 36-8569, 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, 36-16961 when combined shall not exceed the irrigation of 323.0 acres.
3. This right (36-16982) and Rights 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, and 36-16961 are limited to the irrigation of a specific 323.0 acres within the 476.0 acre place of use authorized by these rights in a single irrigation season. The specific 323.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 323.0 acres to be irrigated within the 476.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. The reservoir established by the storage of water under this right (36-16982) and Rights 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, and 36-16961 shall not exceed a total capacity of 143.0 acre-feet or a total surface area of 18.9 acres.
5. Rights 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, and 36-16961 authorize the diversion of an annual total of 187.6 acre-feet to be used for recreation and aesthetic storage for the initial (annual) filling of the reservoir and for the replacement of losses caused by evaporation from the reservoir authorized under this right (36-16982). The 945 acre-feet of recreation and aesthetic storage use described by this right (36-16982) accounts for the annual seepage losses associated with the reservoir. In combination, this right (36-16982) and Rights 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, and 36-16961 allow for a combined annual total recreation and aesthetic storage volume of 1,132.6 acre-feet (enough to fill the reservoir once, and to keep the reservoir full by making up annual losses associated with seepage and evaporation). The 1,292.0 acre-feet of irrigation storage described by this right (36-16982) accounts for the volume of water that may be diverted into the reservoir and rediverted for irrigation use throughout the season as reservoir levels fluctuate. In combination, This right (36-16982) and Rights 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, and 36-16961 allow for a combined annual total storage volume of 2,424.6 acre-feet for all uses.
6. The impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.
7. 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.

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8. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
9. Upon specific notification, the right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
10. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
11. Administration of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required because use of water pursuant to this right is either non-consumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 26th day of November, 20 19.



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources

Attachment to Water Right License

36-16982

This map depicts the AESTHETIC STORAGE, IRRIGATION STORAGE & RECREATION STORAGE 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.

18E



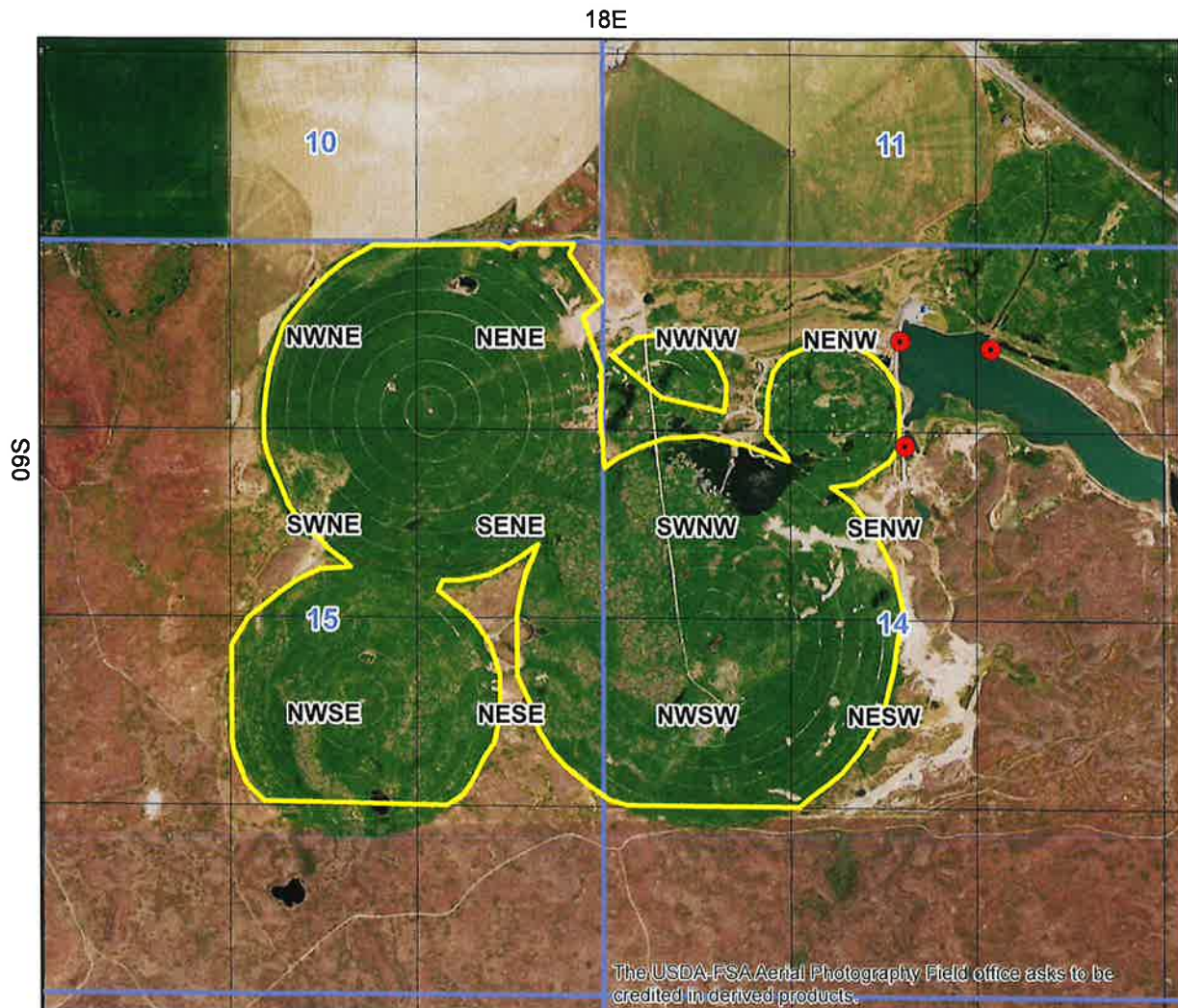
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.05 0.1 0.2 Miles



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This map depicts the IRRIGATION FROM STORAGE 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.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.15 0.3 0.6 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

November 27, 2019

MICHAEL J SIRUCEK
472A S 1000 E
JEROME ID 83338-6854

RE: License No. 36-16982

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a water master in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2019, I served a true and correct copy of Water Right License No. 36-16982 by U.S. Mail, postage prepaid, to the following:

MICHAEL J SIRUCEK (Current Owner)
472A S 1000 E
JEROME ID 83338-6854

TRAVIS L THOMPSON (Attorney)
BARKER ROSHOLT & SIMPSON LLP
PO BOX 63
TWIN FALLS ID 83303-0063

WATER DISTRICT #130
NATHAN ERICKSON (Watermaster)
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301



Denise Maline
Administrative Assistant 1

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.

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RECOMMENDATION OF WATERMASTER

Water Right No: 36-16982
Applicant Name: Michael J Sirucek

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☒ Additional comment:

The original application for permit included a condition that would require measurement of the waste water. Water District 130 has waived the requirement for the installation of a measuring device. However, a condition should remain on the water right allowing for upon specific notification the owner may be required to install a flow measuring device.

Dated: November 26, 2019

Water District 130



Nathan Erickson, Watermaster