State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 57-07626

PRIORITY: April 09, 1996

Maximum Diversion Rate: 0.83 CFS
Maximum Diversion Volume: 48.0 AF

It is hereby certified that:

WARDS GREENHOUSES 1722 BANKS LOWMAN GARDEN VALLEY ID 83622

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 09, 1996, and has submitted Proof of Beneficial Use on October 27, 2003. An examination confirms water is diverted from:

SOURCE:
GROUND WATER

and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
COMMERCIAL	01/01 to 12/31	0.83 CFS	48.0 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER SE¼NW¼ Sec. 10, Twp 05S, Rge 01E, B.M. OWYHEE County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	01E	10			X					X									

CONDITIONS OF APPROVAL

1. Rights 57-2249A and 57-7626 when combined shall not exceed a total diversion rate of 2.45 cfs.
2. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (December 6, 1996) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
3. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right.
4. Commercial use is for heating, for plant watering, and chemical mixing for greenhouse.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 57-07626

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. 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 29th day of November, 2017.

Shelley W. Keen

SHELLEY W. KEEN
Water Rights Section Manager

State of Idaho
Department of Water Resources

Water Right License

57-7626

This map depicts the COMMERCIAL place of use boundary and point of diversion for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R1E

T5S

Point of Diversion
Place Of Use Boundary
Quarter Quarters

N

0 500 1,000 Feet

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

November 29, 2017

WARDS GREENHOUSES
1722 BANKS LOWMAN
GARDEN VALLEY ID 83622

RE: License No. 57-7626

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources 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 the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4951.

Sincerely,

Pamela Skaggs

Pamela Skaggs, Water Rights Supervisor
Water Right Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on **December 04, 2017** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER **(Approved License)** to the person(s) listed below:

RE: WATER RIGHT NO. 57-7626

WARDS GREENHOUSES
1722 BANKS LOWMAN
GARDEN VALLEY ID 83622

Darla Block
Technical Records Specialist

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.

RECEIVED
NOV 20 2017
DEPARTMENT OF WATER RESOURCES

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 57-07626

PRIORITY: April 09, 1996

Maximum Diversion Rate: 0.83 CFS
Maximum Diversion Volume: 48.0 AF

Comes now

WARDS GREENHOUSES 1722 BANKS LOWMAN GARDEN VALLEY ID 83622

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 57-07626, and requests that the permit be changed as follows:

SOURCE:
GROUND WATER

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
COMMERCIAL	01/01 to 12/31	0.83 CFS	48.0 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER SE¼NW¼ Sec. 10, Twp 05S, Rge 01E, B.M. OWYHEE County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	01E	10			X					X									

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 14 day of November, 2017.

David J Ward
(Signature)

David Ward for WARDS GREENHOUSE

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 57-07626

****

FOR DEPARTMENT USE ONLY

Preliminary check by TK Fee = $100.00 Receipted by TK # C10433 6 Date 11/20/2017

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 57-07626 with the following:

CONDITIONS OF APPROVAL

1. Rights 57-2249A and 57-7626 when combined shall not exceed a total diversion rate of 2.45 cfs.

2. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (December 6, 1996) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

3. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right.

4. Commercial use is for heating, for plant watering, and chemical mixing for greenhouse.

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 29th day of November, 2017.

Shelley W. Keen

SHELLEY W. KEEN
Water Rights Section Manager