

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80763

This is to certify that: ROMAN II RANCH LLC
1098 N ROOSEVELT ST
BOISE, ID 83706

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
65-2508	WR/DECREED	5/6/1949	0.680 cfs	N/A	N/A	34.0	PAYETTE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-2508	YES	YES	NO	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
65-2508	65-23693	0.080 cfs	N/A	N/A	4.0	N/A	N/A	N/A	N/A	N/A
65-2508	65-23644	0.340 cfs	N/A	N/A	17.0	65-2508	0.240 cfs	N/A	N/A	12.0
COMBINED TOTALS		0.420 cfs	N/A	N/A	21.0		0.240 cfs	N/A	N/A	12.0

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 22nd day of May, 2017.



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 65-2508

Transfer No. 80763

WATER RIGHT NO. 65-2508

As Modified by Transfer No. 80763

In accordance with the approval of Transfer No. 80763, Water Right No. 65-2508 is now described as follows:

Right Holder: GAIL A MC DONOUGH
10775 N HWY 52
HORSESHOE BEND, ID 83629

Priority Date: 5/6/1949

Source: PAYETTE RIVER **Tributary:** SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

4/01

to 11/01

To

Diversion Rate

0.240 cfs

0.240 cfs

LOCATION OF POINT(S) OF DIVERSION

PAYETTE RIVER L1 (NENE) Sec 23 Twp 07N Rge 01E GEM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	23		5.0			1.0												6.0
07N	01E	23		2.0			4.0												6.0
				L 2			L 2												

POU Total Acres: 12.0

CONDITIONS OF APPROVAL

- Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 65-23644

As Modified by Transfer No. 80763

In accordance with the approval of Transfer No. 80763, Water Right No. 65-23644 is now described as follows:

Right Holder: ROMAN II RANCH LLC
1098 N ROOSEVELT ST
BOISE, ID 83706

Priority Date: 5/6/1949

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

4/01

To

to 11/01

Diversion Rate

0.340 cfs

0.340 cfs

LOCATION OF POINT(S) OF DIVERSION

PAYETTE RIVER

L2 (NWNE)

Sec 23 Twp 07N Rge 01E GEM County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	14												6.0			1.0		7.0
07N	01E	23		5.0			5.0												10.0
				L2			L2												

POU Total Acres: 17.0

CONDITIONS OF APPROVAL

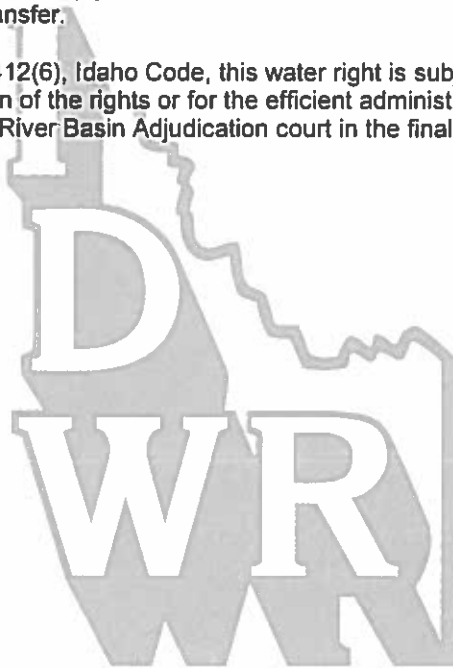
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
3. 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. 65.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Transfer No. 80763

WATER RIGHT NO. 65-23644
As Modified by Transfer No. 80763

CONDITIONS OF APPROVAL

5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 65-23693
As Modified by Transfer No. 80763

In accordance with the approval of Transfer No. 80763, Water Right No. 65-23693 is now described as follows:

Right Holder: GAIL A MC DONOUGH
 10775 N HWY 52
 HORSESHOE BEND, ID 83629

Priority Date: 5/6/1949

Source: PAYETTE RIVER **Tributary:** SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	4/01	to 11/01	0.080 cfs 0.080 cfs

LOCATION OF POINT(S) OF DIVERSION

PAYETTE RIVER L2 (NWNE) Sec 23 Twp 07N Rge 01E GEM County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	23		4															4
				L 2															

POU Total Acres: 4.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. 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 diversion.
3. 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. 65.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
5. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 80763

WATER RIGHT NO. 65-23693
As Modified by Transfer No. 80763

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



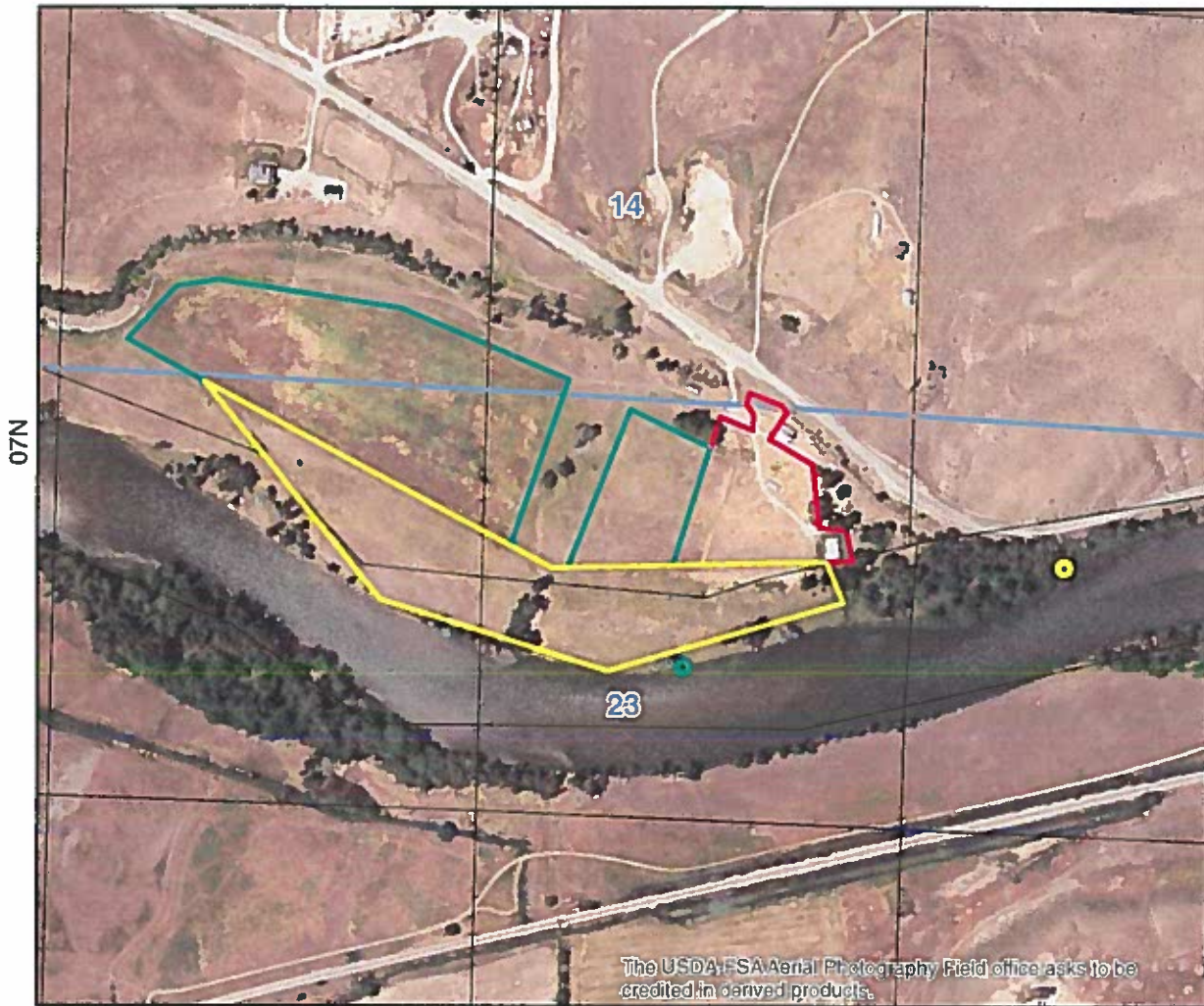
State of Idaho
Department of Water Resources

Attachment to Water Right Transfer No. 80763

65-2508, 65-23644 and 65-23693

This map depicts the IRRIGATION 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.

01E



● Proposed Point of Diversion

● Existing Point of Diversion

65-2508 Place of Use

65-23644 Place of Use

65-23693 Place of Use

Townships

PLS Sections

Quarter Quarters

0 0.05 0.1 0.2 Miles



RECEIVED
MAR 22 2016
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☒ Ownership change ☐ Ownership split

1. APPLICANT(S) Roman II Ranch LLC Phone 208-841-1054

2. MAILING ADDRESS 1098 N. Roosevelt St. City Boise

State Id Zip 83706 Email mcdonoughgeorge15@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☒ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 65-2508

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.68 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

[illegible]

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pump in river to handlines.

- b. Who owns the property at the point(s) of diversion? Bureau of Reclamation

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

assessment provided by Bureau of Reclamation

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and '1/4' of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts, provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of applicant or authorized agent

George McDonough, Manager
Print name and title if applicable

March 22, 2016
Date

Gail A. McDonough
Signature of applicant or authorized agent

Gail A. McDonough
Print name and title if applicable

May 21, 2016
Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 6 pages of attachments.

Received by [Signature]

Date 3/22/16

Fee paid \$250 Date 3/22/16

Received by [Signature]

Receipt # W043992

Preliminary review by DM

Date 4-18-16

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒

Name on W-9 X

W-9 forwarded to fiscal? Yes ☐ No ☒

(Do NOT scan the W-9 - confidential information is held by fiscal only)

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pump in river to handlines.

- b. Who owns the property at the point(s) of diversion? Bureau of Reclamation

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

easement provided by Bureau of Reclamation

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The Map Tool, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature]
Signature of applicant or authorized agent

George McDonough/ Manager
Print name and title if applicable

March 22, 2016
Date

Signature of applicant or authorized agent

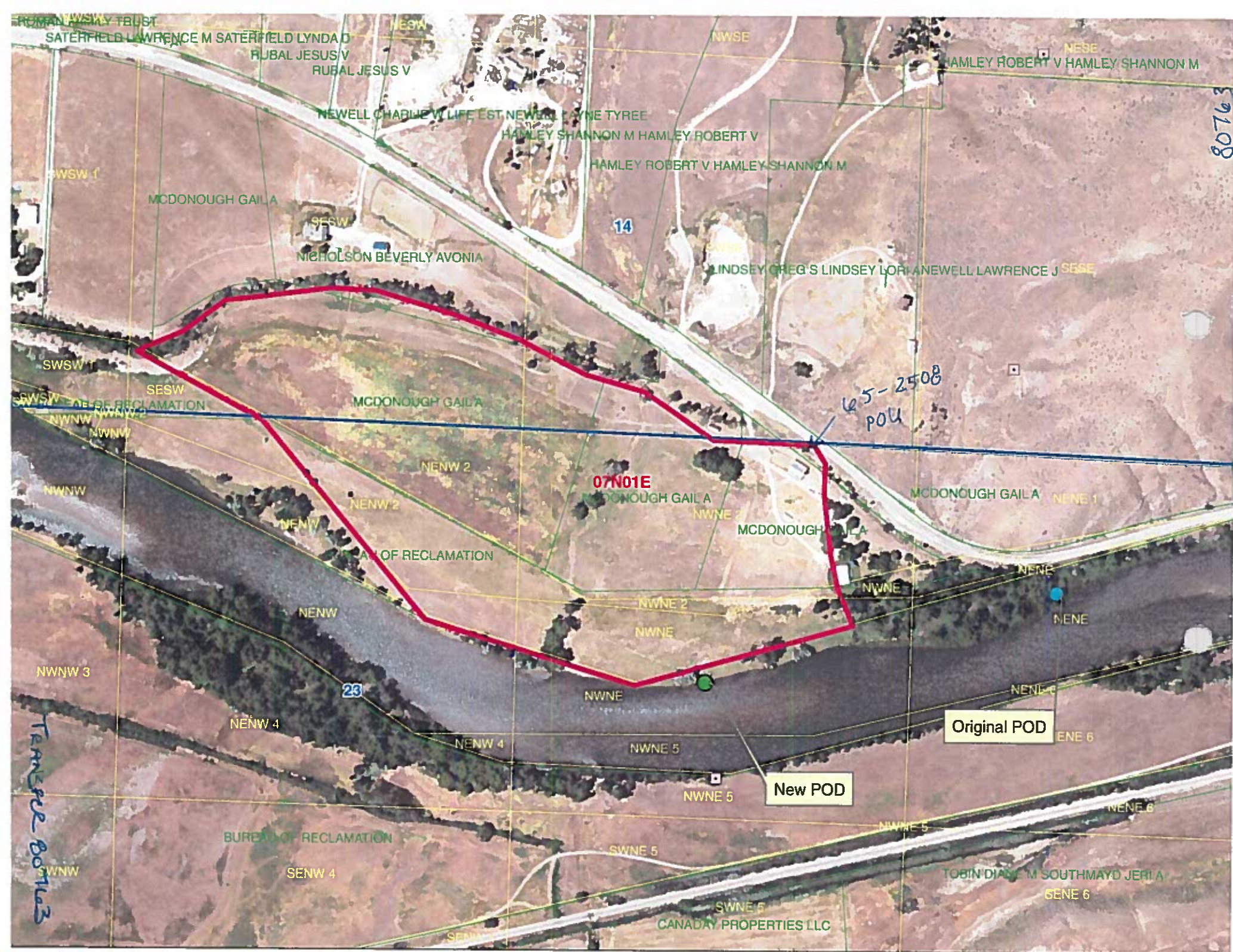
Print name and title if applicable

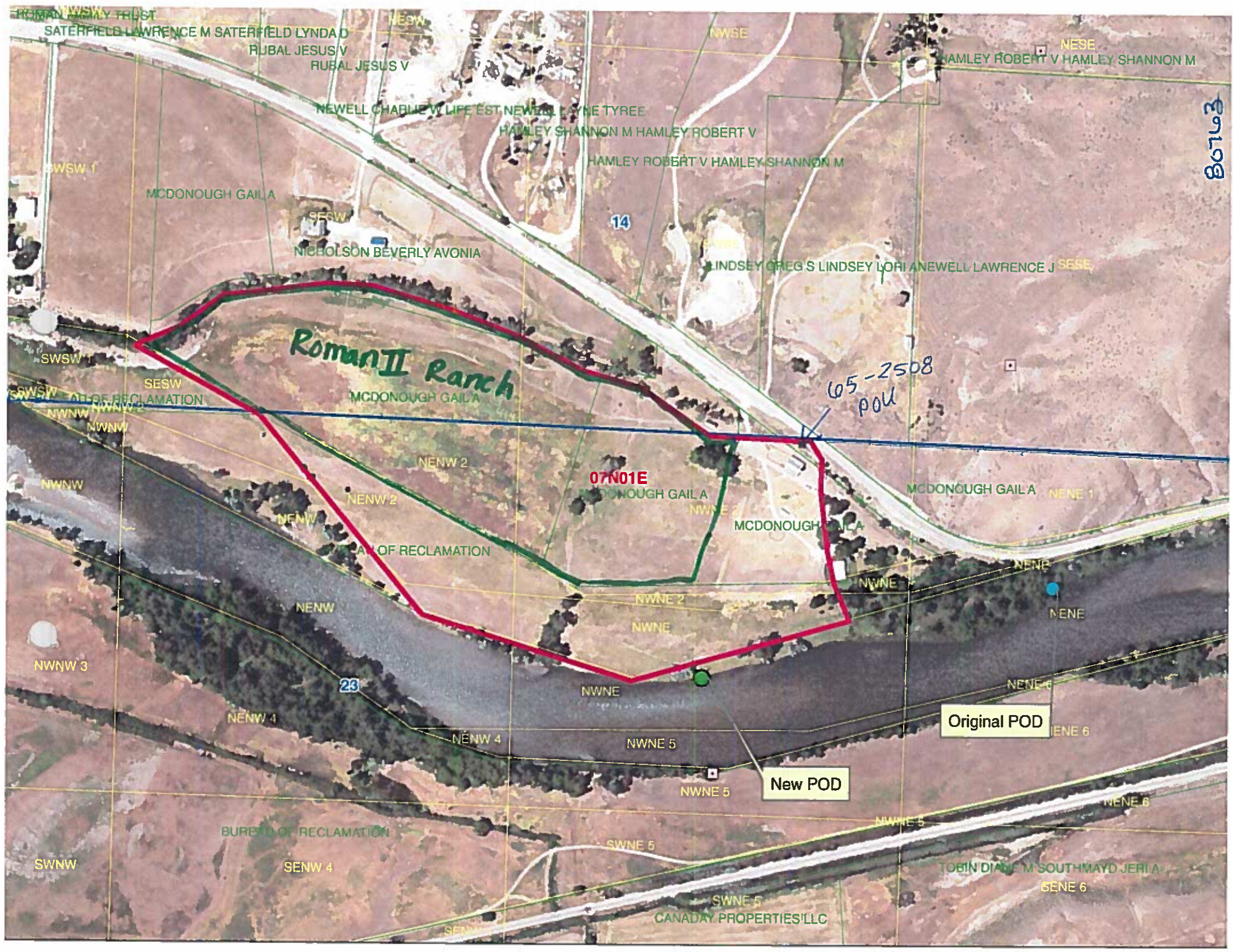
Date

9. FEE - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 6 pages of attachments. Received by [Signature] Date 3/22/16
Fee paid \$350.00 Date 3/22/16 Received by [Signature] Receipt # W043992
Preliminary review by DM Date 4-18-16 Active in the Water Supply Bank? Yes ☐ No ☒
W-9 received? Yes ☐ No ☒ Name on W-9 X W-9 forwarded to fiscal? Yes ☐ No ☒
(Do NOT scan the W-9 - confidential information is held by fiscal only)





From: Ron McDonough <ronmcdonoughrealestate@gmail.com>

Subject: **New Doc 12**

Date: March 9, 2016 1:47:02 PM MST

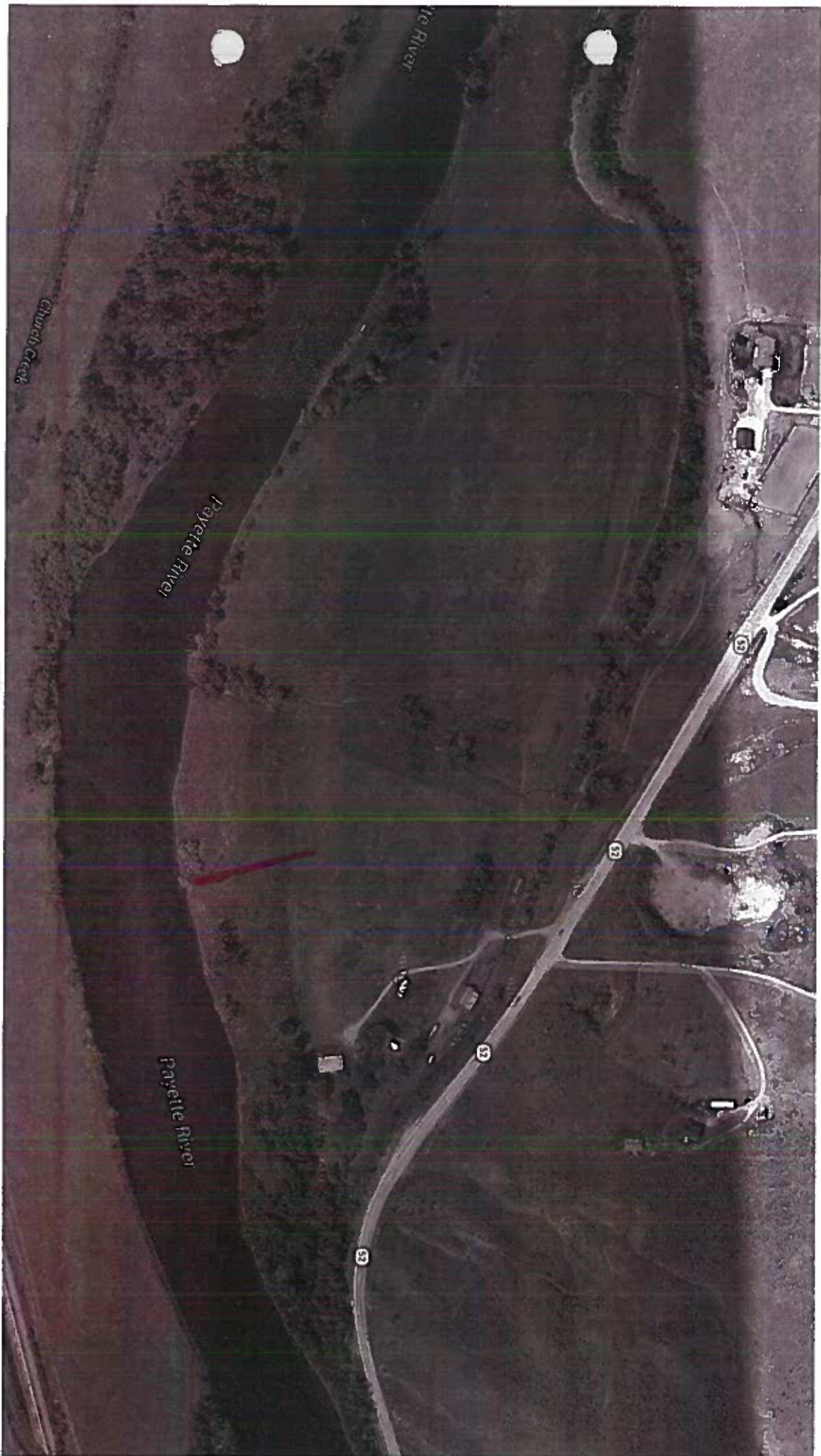
To: George McDonough <mcdonoughgeorge15@gmail.com>, Ron McDonough <ronmcdonoughrealestate@gmail.com>

▶ 1 Attachment, 871 KB



Point of diversion

R0763



80763

water right. H
65-2508

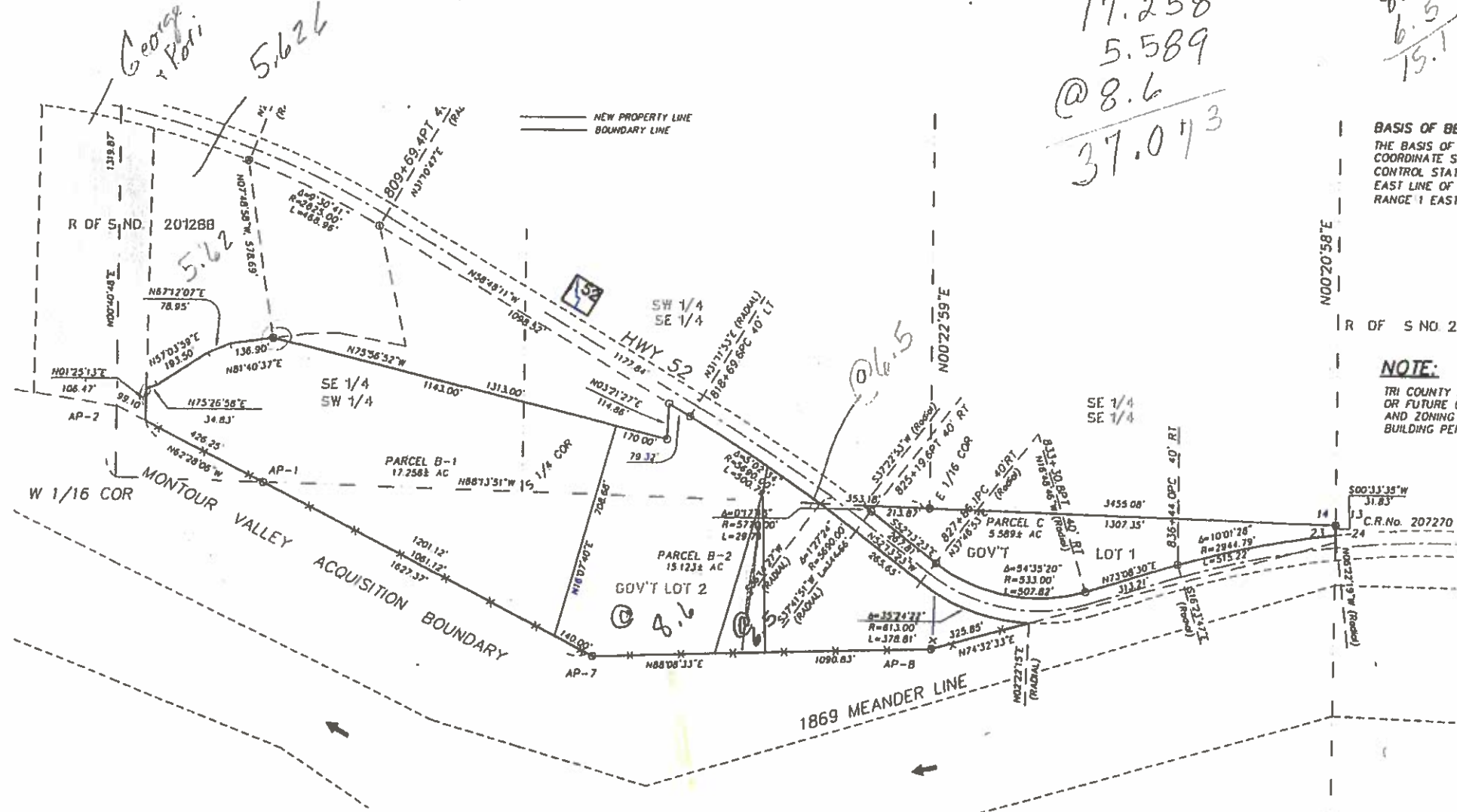
5.626
17.258
5.589
@ 8.6
37.073

split
15.123
8.6
6.5
15.1

BASIS OF BE
THE BASIS OF
COORDINATE S'
CONTROL STAT.
EAST LINE OF
RANGE 1 EAST,

R OF S NO. 2

NOTE:
TRI COUNTY
OR FUTURE (AND ZONING
BUILDING PER



80763

80763

N Highway 52

07N01E23NENE

ID-52

N Highway 52

10310

07N01E23NENE

Gem

65-2380065-2508

65-22282

65-22281

07N01E23NENE

Payette River

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 65-2508

Current Owner: GAIL A MC DONOUGH

Priority Date: 5/6/1949

Origin: Water Right

Status: Active

Basis: Decreed

Source

PAYETTE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

4/01 to 11/01

Total Diversion

Diversion Rate

0.68 CFS

0.68 CFS

Annual Volume

Location of Point(s) of Diversion

PAYETTE RIVER

GEM County

L1(NE1/4NE1/4)

Sec. 23, Twp 07N, Rge 01E B.M.

Place of Use

IRRIGATION Within GEM County

T07N R01E S14

SESW

8.00

T07N R01E S14

SWSE

2.00

T07N R01E S23

Lot 2

NWNE

24.00

Total Acres: 34

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Decreed Date: 6/28/2002

80763



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 22, 2017

ROMAN II RANCH LLC
1098 N ROOSEVELT ST
BOISE ID 83706

Re: Transfer No: 80763
Water Right No(s): 65-2508, 65-23693
Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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)334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller

Western Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 80763
Water Right No(s): 65-2508, 65-23693**

**ROMAN II RANCH LLC
1098 N ROOSEVELT ST
BOISE ID 83706**

**RON SHURTLEFF
WATERMASTER OF DISTRICT 65
102 N MAIN
PAYETTE ID 83661**



**Rachel Neely
Administrative Assistant**

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.

MEMORANDUM

TO: Transfer No. 80763
FROM: Patrick Kelly
DATE: 4/11/2017
RE: Evaluation of Application

Summary of Information Submitted

Roman II Ranches filed transfer no. 80763 in March of 2016 with an ownership change to split right 65-2508 and change the point of diversion to an existing pump station a quarter mile downstream from the old diversion station. The transfer was later amended, adding Gail McDonough (original owner) to the application. This way they could move the full right (0.68 cfs) to the new pump station.

Review of water right 65-2508 finds that a 12 acre portion of the right is pertinent to land owned by the Bureau of Reclamation (BOR). BOR did not acknowledge their interest in changing the POD requested by transfer 80763. The applicants do not have the authority to make changes to the right pertinent to BOR land.

A letter dated 3/1/2017 was sent to BOR requesting an ownership change or comment in regards to 65-2508 and transfer 80763. A response to this letter was not received. 65-2508 was split to create 65-23644 which would recognize Roman II Ranch LLC and the new point of diversion. 65-2508 was split again to create 65-23693 which acknowledges Gail's current parcel of land. Original right 65-2508 will now describe the unchanged portions related to BOR land and the old POD but remain in Gail McDonough's name. The 2 child rights will describe the proposed POD under Roman Ranches and Gail McDonough land.

Partial forfeiture is found on the transfer applicants' property (Roman II Ranch LLC). Total irrigation practices total 21 acres according to historical imagery since 2011. There appears to be no irrigation use on BOR land, however that land is not subject to review at this time since BOR has not acknowledged any interest in the transfer or right.

Authority to File

The application was filed in the name of Roman II Ranches LLC and Gail McDonough. Gail McDonough is the current owner to water right 65-2508. George and Gail McDonough signed the application. ID SOS records indicate Mr. McDonough is Manager and Registered Agent with Roman II Ranches LLC.

Water Right Validity

65-2508 was decreed in 2002 for a total of 34 acres. Historical imagery shows irrigation practices totaling around 21 acres. Acres pertinent to Roman II Ranches and Gail McDonough were reduced to match the irrigation practice on the land. Area was measured using ArcMap tools. The 12 acres pertinent to BOR land is not subject to review and is left unchanged. 65-2508 is being reduced by 1 acre, and as a result losing 0.02 cfs.

Overlap Analysis

65-2508 is the only irrigation right on property relevant to the property. McDonough owns other water rights in Sec 14 that are north of Hwy 52.

65-22281, 65-22282, 65-23600 & 65-23677 are rights with a diversion at the old diversion site. 65-2508 is the only right being proposed at the new point of diversion at this time.

Injury to Other Water Rights

None anticipated. There are no water rights between the old and proposed diversion point. A change in irrigation practice or nature of use is not proposed.

Enlargement of Use

Review of historical irrigation use was completed and reduced the original right by 0.02 cfs and 1 acre. There are no combined use limits to consider with the right. Supply or enhancement of the right is not a concern at this point of the Payette River.

Local Public Interest

No information has been made available to suggest a conflict with public interest.

Beneficial Use/Conservation of Water Resources

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 1, 2017

COPY

BUREAU OF RECLAMATION
ATTN WATER RIGHTS SECTION
1150 N CURTIS RD
BOISE ID 83706

RE: Application for Transfer of Water Right 65-2508

To whom it may concern:

On March 22, 2016, an application for transfer of water right 65-2508 was received to change the point of diversion a quarter mile downstream to an existing pump station on the Payette River. Review of the water right finds that a portion of the right is pertinent to land owned by the Bureau of Reclamation (Bureau). I am contacting you today requesting the Bureau claim any interest in the right.

If the Bureau carries an interest in a portion of the right, please provide consent to the POD change proposed in the transfer. Also, a change of ownership form has been included with this letter. To avoid partial forfeiture of the right, please provide evidence of any irrigation practices that have occurred on land owned by the Bureau within the place of use.

You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. If no comment is received in the next 30 days, it will be assumed that the Bureau carries no interest in the right.

Please contact me at 208-334-2190 for more information. Thank you for your attention to this matter.

Respectfully,

Patrick Kelly

Water Resource Agent, Sr.

208.287.4933 phone

patrick.kelly@idwr.idaho.gov

Merriman, Danielle

From: Merriman, Danielle
Sent: Tuesday, May 17, 2016 12:26 PM
To: 'wd65@srvinet.com'
Subject: Application for Transfer 80815
Attachments: Transfer 80763.pdf; Watermaster Recommendation Form.docx

May 17, 2016

RON SHURTLEFF
WATER DISTRICT 65
102 N MAIN
PAYETTE ID 83661

RE: Applications for Transfer Nos. 80763

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water transfer application. A copy of the application is enclosed with this email for your reference. Please review the application, complete a recommendation form, and submit your reply, if any, to this office by June 17, 2016.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Danie Merriman

Water Resource Agent, Sr.

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: danie.merriman@idwr.idaho.gov

Merriman, Danielle

From: George McDonough [mcdonoughgeorge15@gmail.com]
Sent: Wednesday, June 08, 2016 10:22 AM
To: Merriman, Danielle
Subject: Re: Application for Transfer 80763 questions

Hi Danielle,

I was curious if you received the paperwork my mother signed as you requested. I will come to your office and pay the additional \$250. When I pay at the front desk is there certain reference to tell the receptionist so it gets credited properly?
Thanks very much
George

On May 19, 2016, at 9:42 AM, Merriman, Danielle wrote:

Hi George,

Yes, the fee would remain the same. If she grants permission to use this transfer to move her point of diversion, the whole 0.68 cfs would move. If she doesn't and we only move the POD for your split portion, then 0.44 cfs would be moved, which is in the same fee level. Any cfs movement greater than 0.20 cfs would require a \$500 fee.

Hope this helps!

-Danie

From: George McDonough [<mailto:mcdonoughgeorge15@gmail.com>]
Sent: Thursday, May 19, 2016 9:37 AM
To: Merriman, Danielle
Subject: Re: Application for Transfer 80763 questions

Danielle,

On the subject of the transfer fee. Is the amount of water transferred still the same [0.68 cfs] since Gail still retains part of the water rights?
Thankyou
George

On May 17, 2016, at 12:22 PM, Merriman, Danielle wrote:

Merriman, Danielle

From: Merriman, Danielle
Sent: Tuesday, May 17, 2016 12:23 PM
To: 'George McDonough'
Subject: Application for Transfer 80763 questions
Attachments: Transfer fee schedule.pdf; Transfer 80763.pdf

Good Afternoon George,

It was nice to meet you in March and go over your application to transfer your water right. I have been assigned to process your application and have found a couple of aspects of your request that need to be addressed.

First, based on our conversation and the warranty deeds submitted, it appears that Gail McDonough may have retained a portion of her property (the eastern most acres.) This means that a portion of water right 65-2508 will remain in her name and on her property. The transfer you submitted on behalf of Roman II Ranch LLC proposes to split the right and move the point of diversion (POD) of the split portion to the updated location. Unfortunately, the transfer cannot authorize the POD change for Ms. McDonough's unchanged portion of the right. In order to make that change in this transfer, we must either amend the application to add Ms. McDonough as an applicant (with her signature), or have her submit a written letter that grants Roman II Ranch LLC permission to apply for the transfer of the POD on her behalf. I will attach a copy of the application for transfer if you wish to amend it, but either option would work.

Second, it appears as though the incorrect fee was collected. Regrettably, it looks like you were charged for an application for permit rather than for an application for transfer. The fee to transfer 0.68 cfs is \$500, rather than \$250. I'm very sorry this error was made and I will attach the permit fee list to show how we determine the required fees.

Again, I'm sorry I missed these details when you came into the office. I appreciate your organization and patience as we process your transfer. Please submit the requested information and the additional \$250 fee for the application to be processed. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to these matters.

Sincerely,

Danie Merriman

Water Resource Agent, Sr.

Idaho Department of Water Resources

Phone: (208) 334-2190

Fax: (208) 334-2348

Email: danie.merriman@idwr.idaho.gov

Conversation Memo (4-18-16)

On March 22, 2016, George McDonough came to the office to review his Application for Transfer before submitting it. Mr. McDonough represents Roman II Ranch LLC and wanted the following changes reflected via transfer.

1. Change POD. The described POD in T7N R1E Sec 23 NENE has not been used in many years. The water is now pumped from a station in the NWNE, less than a half a mile downstream. The POD for 65-2508 should be changed to this quarter-quarter.
2. Split water right 65-2508. Gail A McDonough (Mr. McDonough's mother) sold part of her property to Roman II Ranch LLC on February 25, 2016. Approximately 22 of these acres are within the POU description of 65-2508 and should be put into the name of Roman II Ranch LLC. These acres will be irrigated using the same POD as 65-2508, which is to be changed in the transfer.