

State of Idaho  
Department of Water Resources  
**Water Right License**

**WATER RIGHT NO. 57-11596**

**Priority:** September 19, 2001

**Maximum Diversion Rate:** 0.46 CFS

It is hereby certified that JOHN P ROMERO

And/Or

CATHERINE A ROMERO

17000 ZX RANCH RD

MURPHY ID 83650

has complied with the terms and conditions of

the permit, issued pursuant to Application for Permit dated September 19, 2001; and has submitted Proof of Beneficial Use on August 29, 2013. An examination confirms water is diverted from:

**SOURCE**

GROUND WATER

and a water right has been established as follows:

**BENEFICIAL USE**

IRRIGATION

**PERIOD OF USE**

03/15 to 11/15

**DIVERSION RATE**

0.46 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER

NW1/4SE1/4

Sec. 25, Twp 02S, Rge 04W, B.M.

OWYHEE County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |    | NW |    |    |    | SW  |    |    |      | SE  |      |      |     | Totals |
|-------------|------|------|------|----|----|----|----|----|-----|----|----|------|-----|------|------|-----|--------|
|             | NE   | NW   | SW   | SE | NE | NW | SW | SE | NE  | NW | SW | SE   | NE  | NW   | SW   | SE  |        |
| 02S 04W 24  |      |      |      |    |    |    |    |    | 1.8 |    |    | 16.0 |     | 21.0 | 20.0 | 6.2 | 65.0   |
| 02S 04W 25  | 12.0 | 22.0 | 13.0 |    |    |    |    |    |     |    |    |      | 4.0 |      |      |     | 51.0   |

Total Acres: 116

**CONDITIONS OF APPROVAL**

1. Surface water diverted under rights 57-243, 57-259, 57-1078, 57-1079, 57-1080, 57-1084, and 57-11557 is also used for irrigation of 105 acres of the 116 acres authorized under this right.
2. Rights 57-243, 57-259, 57-1078, 57-1079, 57-1080, 57-1084, 57-11557 and 57-11596 when combined shall not exceed the irrigation of 313.0 acres.
3. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 406.0 af at the field headgate for the place of use.

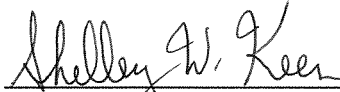
State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO.      57-11596

5. The right holder shall make full beneficial use of rights 57-243, 57-259, 57-1078, 57-1079, 57-1080, 57-1084, and 57-11557 for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. If rights 57-243, 57-259, 57-1078, 57-1079, 57-1080, 57-1084, and 57-11557 are abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. When this right is included in a water district, water withdrawals under this right shall be conjunctively managed with the delivery of surface water flows to prior water right holders receiving surface water from Reynolds Creek and its tributaries.
8. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.
9. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

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 19<sup>th</sup> day of December, 2014.

  
for GARY SPACKMAN  
Director



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 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 22, 2014

JOHN P ROMERO  
CATHERINE A ROMERO  
17000 ZX RANCH RD  
MURPHY ID 83650

RE: License No. 57-11596

### 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  
Water Rights Supervisor

Enclosure(s)

cc: SPF WATER ENGINEERING LLC

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 23, 2014, 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. **57-11596**

**CATHERINE A ROMERO  
17000 ZX RANCH RD  
MURPHY ID 83650**

**JOHN P ROMERO  
17000 ZX RANCH RD  
MURPHY ID 83650**

**SPF WATER ENGINEERING LLC  
C/O SCOTT KING  
300 E MALLARD DR STE 350  
BOISE ID 83706**

  
\_\_\_\_\_  
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.

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)

**WATER RIGHT NO. 57-11596**

**Date of Priority:** September 19, 2001

**Maximum Diversion Rate:** 0.46 CFS

Comes now JOHN P ROMERO  
17000 ZX RANCH RD  
MURPHY ID 83650

And/Or

CATHERINE A ROMERO  
17000 ZX RANCH RD  
MURPHY ID 83650

and represents to the Director of 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. 57-11596, and requests that the permit be changed as follows:

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> |
|-----------------------|----------------------|--------------------------|
| IRRIGATION            | 03/15 to 11/15       | 0.46 CFS                 |

**LOCATION OF POINT(S) OF DIVERSION:**

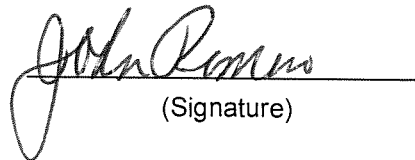
GROUND WATER NW1/4SE1/4 Sec. 25, Twp 02S, Rge 04W, B.M. OWYHEE County

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |    | NW |    |    |    | SW  |    |    |      | SE  |      |      |     | Totals |
|-------------|------|------|------|----|----|----|----|----|-----|----|----|------|-----|------|------|-----|--------|
|             | NE   | NW   | SW   | SE | NE | NW | SW | SE | NE  | NW | SW | SE   | NE  | NW   | SW   | SE  |        |
| 02S 04W 24  |      |      |      |    |    |    |    |    | 1.8 |    |    | 16.0 |     | 21.0 | 20.0 | 6.2 | 65.0   |
| 02S 04W 25  | 12.0 | 22.0 | 13.0 |    |    |    |    |    |     |    |    |      | 4.0 |      |      |     | 51.0   |

Total Acres: 116

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 10 day of December, 2014.

  
(Signature)

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 57-11596**

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FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = \$50. Received by JPL # C099690 Date 12-11-14  
\$50. 11 C099715 12-18-14

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 57-11596 with the following:

**CONDITIONS OF APPROVAL**

1. Surface water diverted under rights 57-243, 57-259, 57-1078, 57-1079, 57-1080, 57-1084, and 57-11557 is also used for irrigation of 105 acres of the 116 acres authorized under this right.
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State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

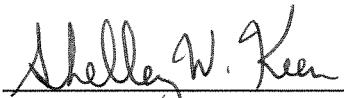
(For Licensing Purposes)

**WATER RIGHT NO. 57-11596**

**CONDITIONS OF APPROVAL**

9. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

Witness my hand this 19<sup>th</sup> day of December, 2014.

  
for GARY SPACKMAN  
Director