

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 78578**

This is to certify that: **MIKE SIRUCEK**
472 S 1000 E
JEROME, ID 83338

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 Right</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>
36-16956	WR/DECREED	5/13/1926	0.620 cfs	N/A	31.0	204.0	WASTE WATER
36-16957	WR/DECREED	5/13/1926	0.580 cfs	N/A	29.0	191.0	WASTE WATER
36-16958	WR/DECREED	6/15/1962	3.040 cfs	N/A	152.5	204.0	WASTE WATER
36-16959	WR/DECREED	6/15/1962	2.860 cfs	N/A	143.0	191.0	WASTE WATER
36-16960	WR/DECREED	5/19/1918	0.410 cfs	N/A	20.5	204.0	WASTE WATER
36-16961	WR/DECREED	5/19/1918	0.390 cfs	N/A	19.0	191.0	WASTE WATER

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>
36-16956	NO	YES	YES	NO	YES	YES
36-16957	NO	YES	YES	NO	YES	YES
36-16958	NO	YES	YES	NO	YES	YES
36-16959	NO	YES	YES	NO	YES	YES
36-16960	NO	YES	YES	NO	YES	YES
36-16961	NO	YES	YES	NO	YES	YES

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>
36-16956	36-16956	0.510 cfs	N/A	25.3	476.0	N/A	N/A	N/A	N/A	N/A
36-16957	36-16957	0.470 cfs	N/A	23.7	476.0	N/A	N/A	N/A	N/A	N/A
36-16958	36-16958	2.490 cfs	N/A	124.7	476.0	N/A	N/A	N/A	N/A	N/A
36-16959	36-16959	2.340 cfs	N/A	116.9	476.0	N/A	N/A	N/A	N/A	N/A
36-16960	36-16960	0.340 cfs	N/A	16.8	476.0	N/A	N/A	N/A	N/A	N/A
36-16961	36-16961	0.320 cfs	N/A	16.0	476.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.460 cfs	N/A	323.0	476.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 36-16956

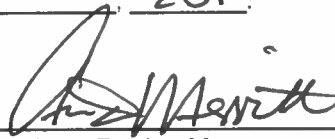
Transfer No. 78578

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78578

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 28th day of August, 2013



Southern Region Manager



WATER RIGHT NO. 36-16956**As Modified by Transfer No. 78578**

In accordance with the approval of Transfer No. 78578, Water Right No. 36-16956 is now described as follows:

Right Holder: MIKE SIRUCEK
472 S 1000 E
JEROME, ID 83338

Priority Date: 5/13/1926

Source: WASTE WATER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION
RECREATION STORAGE
AESTHETIC STORAGE

From

03/15
01/01
01/01

To

to 11/15
to 12/31
to 12/31

Diversion Rate

0.510 cfs

0.510 cfs

Diversion Volume

14.8 af

14.8 af

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER	NWNE	Sec 14 Twp 09S Rge 18E	JEROME County
WASTE WATER	SENEW	Sec 14 Twp 09S Rge 18E	JEROME County
WASTE WATER	NENW	Sec 14 Twp 09S Rge 18E	JEROME County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				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

Twp	Rng	Sec	NE				NW				SW				SE				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
09S	18E	14		27.0			17.0	25.0	40.0	24.0	40.0	40.0							213
09S	18E	15	40.0	40.0	40.0	40.0									40.0	40.0			240

Right Acre Limit: 25.3

POU Total Acres: 476

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	14		X	X		X			X									

Transfer No. 78578

WATER RIGHT NO. 36-16956
As Modified by Transfer No. 78578

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 25.3 acres within the authorized place of use in a single irrigation season.
2. Rights 36-16956, 36-16958, and 36-16960 when combined shall not exceed the irrigation of 166.8 acres.
3. Rights 36-4193, 36-8569, 36-16956, 36-16958, and 36-16960 when combined shall not exceed the irrigation of 166.8 acres.
4. Rights 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, and 36-16961 when combined shall not exceed a total diversion rate of 6.46 cfs and the irrigation of 323.0 acres.
5. Rights 36-16982, 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.
6. The reservoir established by the storage of water under Rights 36-16982, 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, 36-16961 shall not exceed a total capacity of 143.0 acre-feet or a total surface area of 18.9 acres.
7. 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 Right 36-16982. The 945 acre-feet of recreation and aesthetic storage use described by Right 36-16982 accounts for the annual seepage losses associated with the reservoir. In combination, Rights 36-16982, 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 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, Rights 36-16982, 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.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. The source of this water right includes waste water. The right remains 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 or manner of wasting it, or to recapture it.
10. 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.
11. 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(s).

WATER RIGHT NO. 36-16956
As Modified by Transfer No. 78578

CONDITIONS OF APPROVAL

12. Rights 36-16982, 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.
13. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 36-16957**As Modified by Transfer No. 78578**

In accordance with the approval of Transfer No. 78578, Water Right No. 36-16957 is now described as follows:

Right Holder: MIKE SIRUCEK
472 S 1000 E
JEROME, ID 83338
OR
JAMES SIRUCEK
1254 STATE HWY 25
JEROME, ID 83338

Priority Date: 5/13/1926

Source: WASTE WATER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION
AESTHETIC STORAGE
RECREATION STORAGE

From

03/15
01/01
01/01

To

to 11/15
to 12/31
to 12/31

Diversion Rate

0.470 cfs

0.470 cfs

Diversion Volume

13.8 af

13.8 af

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER NWNE Sec 14 Twp 09S Rge 18E JEROME County
WASTE WATER SENW Sec 14 Twp 09S Rge 18E JEROME County
WASTE WATER NENW Sec 14 Twp 09S Rge 18E JEROME County

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	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

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	11															22.0	1.0	23
09S	18E	14		27.0			17.0	25.0	40.0	24.0	40.0	40.0							213
09S	18E	15	40.0	40.0	40.0	40.0									40.0	40.0			240

Right Acre Limit: 25.3

POU Total Acres: 476

PLACE OF USE: RECREATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	14		X	X		X			X									

Transfer No. 78578

WATER RIGHT NO. 36-16957
As Modified by Transfer No. 78578

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 23.7 acres within the authorized place of use in a single irrigation season.
2. Rights 36-16957, 36-16959, and 36-16961 when combined shall not exceed the irrigation of 156.2 acres.
3. Rights 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, and 36-16961 when combined shall not exceed a total diversion rate of 6.46 cfs and the irrigation of 323.0 acres.
4. Rights 36-16982, 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.
5. The reservoir established by the storage of water under Rights 36-16982, 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, 36-16961 shall not exceed a total capacity of 143.0 acre-feet or a total surface area of 18.9 acres.
6. 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 Right 36-16982. The 945 acre-feet of recreation and aesthetic storage use described by Right 36-16982 accounts for the annual seepage losses associated with the reservoir. In combination, Rights 36-16982, 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 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, Rights 36-16982, 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The source of this water right includes waste water. The right remains 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 or manner of wasting it, or to recapture it.
9. 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.
10. 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(s).

WATER RIGHT NO. 36-16957
As Modified by Transfer No. 78578

CONDITIONS OF APPROVAL

11. Rights 36-16982, 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.
12. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 36-16958
As Modified by Transfer No. 78578

In accordance with the approval of Transfer No. 78578, Water Right No. 36-16958 is now described as follows:

Right Holder: MIKE SIRUCEK
 472 S 1000 E
 JEROME, ID 83338

Priority Date: 6/15/1962

Source: WASTE WATER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.490 cfs	
AESTHETIC STORAGE	01/01	to 12/31		72.3 af
RECREATION STORAGE	01/01	to 12/31	2.490 cfs	72.3 af

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER	NWNE	Sec 14 Twp 09S Rge 18E	JEROME County
WASTE WATER	SENEW	Sec 14 Twp 09S Rge 18E	JEROME County
WASTE WATER	NENW	Sec 14 Twp 09S Rge 18E	JEROME County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				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

Twp	Rng	Sec	NE				NW				SW				SE				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
09S	18E	14		27.0			17.0	25.0	40.0	24.0	40.0	40.0							213
09S	18E	15	40.0	40.0	40.0	40.0									40.0	40.0			240

Right Acre Limit: 23.7

POU Total Acres: 476

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	14		X	X		X			X									

Transfer No. 78578

WATER RIGHT NO. 36-16958
As Modified by Transfer No. 78578

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 124.7 acres within the authorized place of use in a single irrigation season.
2. Rights 36-16956, 36-16958, and 36-16960 when combined shall not exceed the irrigation of 166.8 acres.
3. Rights 36-4193, 36-8569, 36-16956, 36-16958, and 36-16960 when combined shall not exceed the irrigation of 166.8 acres.
4. Rights 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, and 36-16961 when combined shall not exceed a total diversion rate of 6.46 cfs and the irrigation of 323.0 acres.
5. Rights 36-16982, 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.
6. The reservoir established by the storage of water under Rights 36-16982, 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, 36-16961 shall not exceed a total capacity of 143.0 acre-feet or a total surface area of 18.9 acres.
7. 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 Right 36-16982. The 945 acre-feet of recreation and aesthetic storage use described by Right 36-16982 accounts for the annual seepage losses associated with the reservoir. In combination, Rights 36-16982, 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 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, Rights 36-16982, 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.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. The source of this water right includes waste water. The right remains 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 or manner of wasting it, or to recapture it.
10. 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.
11. 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(s).

WATER RIGHT NO. 36-16958
As Modified by Transfer No. 78578

CONDITIONS OF APPROVAL

12. Rights 36-16982, 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.
13. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 36-16959 **As Modified by Transfer No. 78578**

In accordance with the approval of Transfer No. 78578, Water Right No. 36-16959 is now described as follows:

Right Holder: MIKE SIRUCEK
 472 S 1000 E
 JEROME, ID 83338
 OR
 JAMES SIRUCEK
 1254 STATE HWY 25
 JEROME, ID 83338

Priority Date: 6/15/1962

Source: WASTE WATER

Tributary: SINKS

BENEFICIAL USE

IRRIGATION
 AESTHETIC STORAGE
 RECREATION STORAGE

From

03/15
 01/01
 01/01

to 11/15

to 12/31

to 12/31

Diversion Rate

2.340 cfs

2.340 cfs

Diversion Volume

67.8 af

67.8 af

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER	NWNE	Sec 14 Twp 09S Rge 18E	JEROME County
WASTE WATER	SENE	Sec 14 Twp 09S Rge 18E	JEROME County
WASTE WATER	NENW	Sec 14 Twp 09S Rge 18E	JEROME County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				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

Twp	Rng	Sec	NE				NW				SW				SE				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
09S	18E	14		27.0			17.0	25.0	40.0	24.0	40.0	40.0							213
09S	18E	15	40.0	40.0	40.0	40.0									40.0	40.0			240

Right Acre Limit: 124.7

POU Total Acres: 476

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	14		X	X		X			X									

Transfer No. 78578

WATER RIGHT NO. 36-16959
As Modified by Transfer No. 78578

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 116.9 acres within the authorized place of use in a single irrigation season.
2. Rights 36-16957, 36-16959, and 36-16961 when combined shall not exceed the irrigation of 156.2 acres.
3. Rights 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, and 36-16961 when combined shall not exceed a total diversion rate of 6.46 cfs and the irrigation of 323.0 acres.
4. Rights 36-16982, 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.
5. The reservoir established by the storage of water under Rights 36-16982, 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, 36-16961 shall not exceed a total capacity of 143.0 acre-feet or a total surface area of 18.9 acres.
6. 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 Right 36-16982. The 945 acre-feet of recreation and aesthetic storage use described by Right 36-16982 accounts for the annual seepage losses associated with the reservoir. In combination, Rights 36-16982, 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 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, Rights 36-16982, 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The source of this water right includes waste water. The right remains 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 or manner of wasting it, or to recapture it.
9. 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.
10. 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(s).

WATER RIGHT NO. 36-16959
As Modified by Transfer No. 78578

CONDITIONS OF APPROVAL

11. Rights 36-16982, 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.
12. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 36-16960

As Modified by Transfer No. 78578

In accordance with the approval of Transfer No. 78578, Water Right No. 36-16960 is now described as follows:

Right Holder: MIKE SIRUCEK
472 S 1000 E
JEROME, ID 83338

Priority Date: 5/19/1918

Source: WASTE WATER

Tributary: SINKS

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.340 cfs	
STOCKWATER	01/01	to 12/31	0.020 cfs	
AESTHETIC STORAGE	01/01	to 12/31		9.7 af
RECREATION STORAGE	01/01	to 12/31		9.7 af
			0.340 cfs	

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER	NWNE	Sec 14 Twp 09S Rge 18E	JEROME County
WASTE WATER	SENE	Sec 14 Twp 09S Rge 18E	JEROME County
WASTE WATER	NENW	Sec 14 Twp 09S Rge 18E	JEROME County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				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

Twp	Rng	Sec	NE				NW				SW				SE				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
09S	18E	14		27.0			17.0	25.0	40.0	24.0	40.0	40.0							213
09S	18E	15	40.0	40.0	40.0	40.0									40.0	40.0			240

Right Acre Limit: 116.9

POU Total Acres: 476

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	14		X	X		X			X									

Transfer No. 78578

WATER RIGHT NO. 36-16960
As Modified by Transfer No. 78578

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	11															X	X	
09S	18E	14		X			X	X	X	X	X	X							
09S	18E	15	X	X	X	X									X	X			

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.8 acres within the authorized place of use in a single irrigation season.
2. Rights 36-16956, 36-16958, and 36-16960 when combined shall not exceed the irrigation of 166.8 acres.
3. Rights 36-4193, 36-8569, 36-16956, 36-16958, and 36-16960 when combined shall not exceed the irrigation of 166.8 acres.
4. Rights 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, and 36-16961 when combined shall not exceed a total diversion rate of 6.46 cfs and the irrigation of 323.0 acres.
5. Rights 36-16982, 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.
6. The reservoir established by the storage of water under Rights 36-16982, 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, 36-16961 shall not exceed a total capacity of 143.0 acre-feet or a total surface area of 18.9 acres.
7. 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 Right 36-16982. The 945 acre-feet of recreation and aesthetic storage use described by Right 36-16982 accounts for the annual seepage losses associated with the reservoir. In combination, Rights 36-16982, 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 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, Rights 36-16982, 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.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. The source of this water right includes waste water. The right remains 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 or manner of wasting it, or to recapture it.

WATER RIGHT NO. 36-16960
As Modified by Transfer No. 78578

CONDITIONS OF APPROVAL

10. 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.
11. 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(s).
12. Rights 36-16982, 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.
13. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 36-16961**As Modified by Transfer No. 78578**

In accordance with the approval of Transfer No. 78578, Water Right No. 36-16961 is now described as follows:

Right Holder: MIKE SIRUCEK
472 S 1000 E
JEROME, ID 83338
OR
JAMES SIRUCEK
1254 STATE HWY 25
JEROME, ID 83338

Priority Date: 5/19/1918

Source: WASTE WATER

Tributary: SINKS

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.320 cfs	
STOCKWATER	01/01	to 12/31	0.020 cfs	
AESTHETIC STORAGE	01/01	to 12/31		9.2 af
RECREATION STORAGE	01/01	to 12/31		9.2 af
			0.320 cfs	

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER	NWNE	Sec 14 Twp 09S Rge 18E JEROME County
WASTE WATER	SENE	Sec 14 Twp 09S Rge 18E JEROME County
WASTE WATER	NENW	Sec 14 Twp 09S Rge 18E JEROME County

PLACE OF USE: AESTHETIC STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				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

Twp	Rng	Sec	NE				NW				SW				SE				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
09S	18E	14		27.0			17.0	25.0	40.0	24.0	40.0	40.0							213
09S	18E	15	40.0	40.0	40.0	40.0									40.0	40.0			240

Right Acre Limit: 16.8

POU Total Acres: 476

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	14		X	X		X			X									

Transfer No. 78578

WATER RIGHT NO. 36-16961
As Modified by Transfer No. 78578

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	11															X	X	
09S	18E	14		X			X	X	X	X	X	X							
09S	18E	15	X	X	X	X									X	X			

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 16.0 acres within the authorized place of use in a single irrigation season.
2. Rights 36-16957, 36-16959, and 36-16961 when combined shall not exceed the irrigation of 156.2 acres.
3. Rights 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, and 36-16961 when combined shall not exceed a total diversion rate of 6.46 cfs and the irrigation of 323.0 acres.
4. Rights 36-16982, 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.
5. The reservoir established by the storage of water under Rights 36-16982, 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, 36-16961 shall not exceed a total capacity of 143.0 acre-feet or a total surface area of 18.9 acres.
6. 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 Right 36-16982. The 945 acre-feet of recreation and aesthetic storage use described by Right 36-16982 accounts for the annual seepage losses associated with the reservoir. In combination, Rights 36-16982, 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 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, Rights 36-16982, 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The source of this water right includes waste water. The right remains 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 or manner of wasting it, or to recapture it.

WATER RIGHT NO. 36-16961
As Modified by Transfer No. 78578

CONDITIONS OF APPROVAL

9. 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.
10. 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(s).
11. Rights 36-16982, 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.
12. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Attachment To Transfer No. 78578



State of Idaho
Department of Water Resources

Attachment To Transfer No. 78578

Rights: 36-16956, 36-16957, 36-16958, 36-16959, 36-16960 and 36-16961

This map depicts the RECREATION STORAGE and AESTHETIC 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.



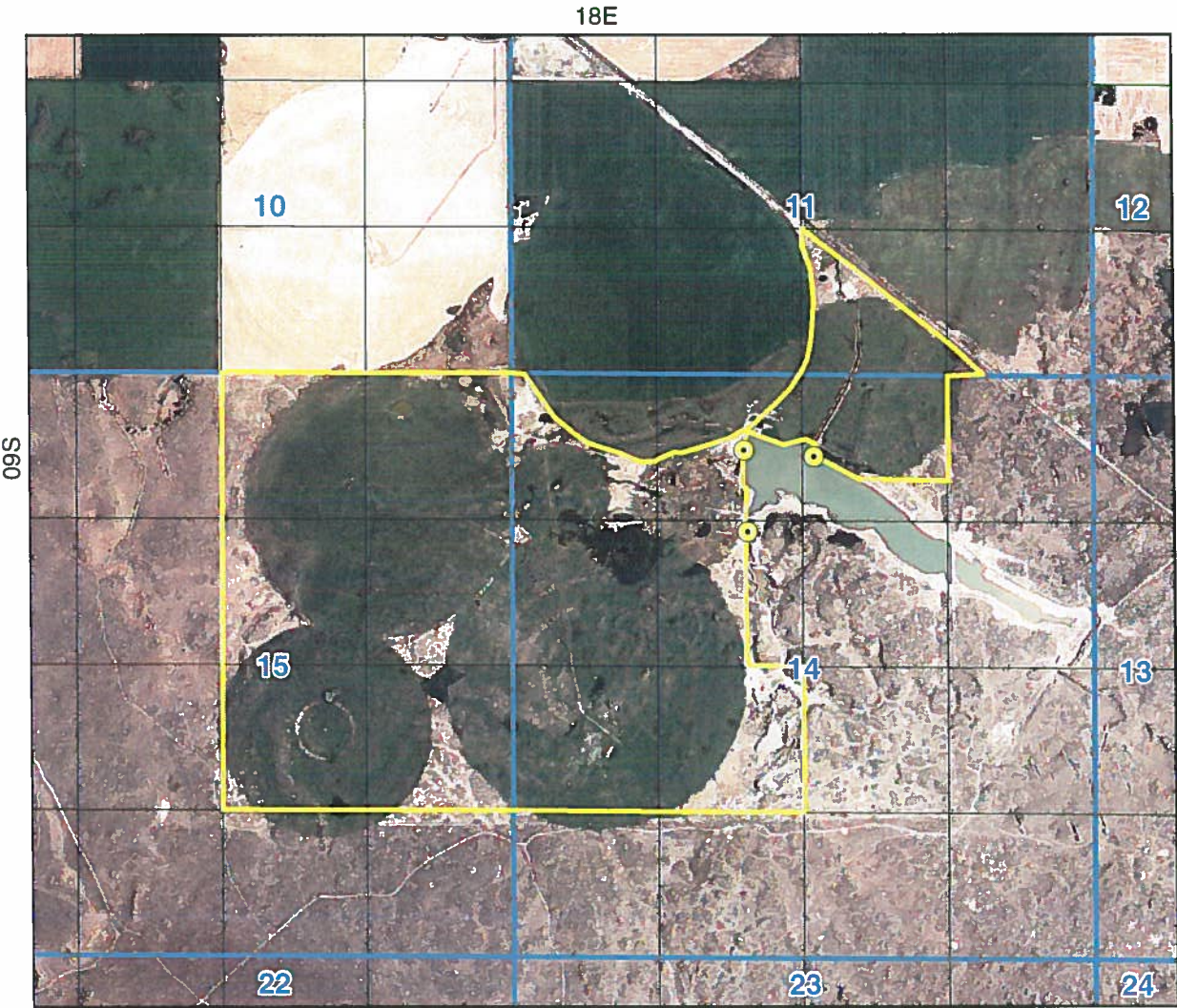
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles



State of Idaho
Department of Water Resources
Attachment To Transfer No. 78578
Rights: 36-16960 and 36-16961

This map depicts the STOCKWATER 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 0.2 0.4 0.8 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 3, 2013

MIKE SIRUCEK
472 S 1000 E
JEROME ID 83338

Re: Transfer No: 78578
Water Right No(s): 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, 36-16961

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) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

Enclosure

cc:

BARKER ROSHOLT & SIMPSON LLP
ATTN: PAUL L ARRINGTON
195 RIVER VISTA PLACE STE 204
TWIN FALLS ID 83301-3029

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2013 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78578

Water Right No(s): 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, 36-16961

**MIKE SIRUCEK
472 S 1000 E
JEROME ID 83338**

**BARKER ROSHOLT & SIMPSON LLP
ATTN: PAUL L ARRINGTON
195 RIVER VISTA PLACE STE 204
TWIN FALLS ID 83301-3029**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 3, 2013

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301

Hand-delivered

Re: **APPROVED Transfer No. 78578 (Mike Sirucek)**
Re: **APPROVED Permit No. 36-16982 (Mike Sirucek)**

Dear Ms. Yenter:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer and APPROVED Application for Permit within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 78578
Water Right No: 36-16956
Applicant Name: Sirucek, Mike

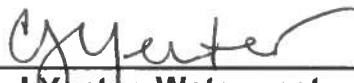
Watermaster's Recommendation:

- 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:

In accordance with permit conditions, right holder is coordinating with watermaster on measuring device requirements.

Dated: August 27, 2013

Water District 130



Cindy J Yenter, Watermaster

RECEIVED

JUL 22 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

July 17, 2013

Cindy Yenter
Corey Skinner
Idaho Department of Water Resources, Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RE: Amendment to Applications

Dear Cindy and Corey:

In a letter dated July 11, 2013, my attorney, Paul Arrington, submitted revisions to the *Application for Permit* and *Application for Transfer* that are pending. Those revisions include amendments to the permissible place of use for irrigation and a revised map.

Please amend my existing application consistent with the information provided in Mr. Arrington's letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Sirucek", written over the word "Sincerely,".

Mike Sirucek

Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington
Sarah W. Higer
Scott A. Magnuson



Paul L. Arrington
pla@idahowaters.com

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JUL 15 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

July 11, 2013

Cindy Yenter
Idaho Dept. of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

RE: *Transfer and Application for Permit – Mike Sirucek*

Dear Cindy:

As we discussed, I have attached an amendment to the PPU acreage for the Transfer and Application for Permit filed by Mike Sirucek. Essentially, we removed the acreage that was irrigated through the separate system. Also attached is a revised PPU map and irrigated acreage identification.

Please let me know if we need new signatures.

Thanks,


Paul Arrington

Cc: Corey Skinner (without attachments)
Mike Sirucek (without attachments)

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JUL 12 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Via E-mail



NORTH SIDE CANAL COMPANY, LTD.

921 NORTH LINCOLN * JEROME IDAHO 83338 * (208)324-2319 * FAX (208)324-8906

July 12, 2013

Paul Arrington
Barker, Rosholt, Simpson LLP.
195 River Vista Place, Suite 204
Twin Falls, ID 83301

RE: Mike Sirucek Water Right and Transfer Applications

Dear Mr. Arrington,

I have reviewed the Applications for Water Right and Transfer that Mike Sirucek is submitting to the Idaho Department of Water Resources. My understanding is that the point of diversion for the waste water is at his pond on his property. North Side Canal Company does not administer waste water after it leaves the Company's system. The Company's last delivery and the end of the Company's jurisdiction is located at a pond that is presently owned by Mike Gott. Waste water that leaves Mr. Gott's pond and flows to Mr. Sirucek's pond is not administered by North Side Canal Company.

Based on the information submitted, there appears to be no impact to the Company's facilities and therefore no comment with regards to these applications. If you have any questions, feel free to give me a call at (208) 324-2319.

Sincerely,

Alan W. Hansten
Manager

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JUN 14 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 6th day of June, 2013 and ending with the issue dated 13th day of June, 2013

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

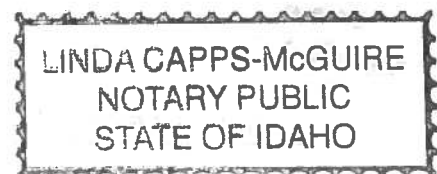
On this 13th day of June, 2013, before me,

a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Linda Capps McGuire

Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commission expires: 5-19-15



✓ OK AM 6-17-2013

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78578**

MIKE SIRUCEK, 472 S 1000 E, JEROME, ID 83338, has filed Application No. 78578 for changes to the following water rights within JEROME County(s): Right No(s). 36-16956, 36-16957, 36-16958, 36-16959, 36-16960, 36-16961. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes modifying a portion of six irrigation wastewater rights that currently authorize the diversion of 7.90 cfs for the irrigation of 395 acres on a farm located approximately 9.3 -10.6 miles east and 4.9 - 5.9 miles south of the center of Jerome. A 72 acre portion of the wastewater rights will be converted to provide 187.6 acre feet of water annually to cover water storage and evaporative losses associated with a reservoir on the farm. The remaining portion of the rights, 6.46 cfs, will be used to irrigate 323 acres within a proposed 485 acre permissible place of use on the farm. The application also proposes to change the authorized point of diversion locations to reflect the actual current diversion locations on the farm.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78555**

JENTZSCH KEARL FARMS, 20511 F ST, RUPERT, ID 83350; has filed Application No. 78555 for changes to the following water rights within LINCOLN, MINIDOKA County(s): Right No (s). 36-16416, 36-16418, 36-16420, 36-16422, 36-16424, 36-16550, 36-16556, 36-16924. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to move a 3.7 acre portion (0.07 cfs) of two ground water rights from a farm located approximately 3.3-3.7 miles north and 3.6-4.0 miles east of the City of Rupert and a 21.0 acre portion (0.29 cfs) of a ground water right from a farm located approximately 16.0-18.0 miles north and 5.0-6.0 miles east of the City of Rupert, to the proposed new place of use located approximately 13.5-15.0 miles north and 16.5-18.5 miles west of the City of Rupert. The transferred portion of the ground water rights will be diverted from two existing wells located at the proposed new place of use.

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

36-16982

MIKE SIRUCEK

472 S 1000 E

JEROME, ID 83338

Point of Diversion NENW S14 T09S R18E JEROME County
Source WASTE WATER Tributary SINKS

Point of Diversion NWNE S14 T09S R18E JEROME County
Source WASTE WATER Tributary SINKS

Point of Diversion SENW S14 T09S R18E JEROME County
Source WASTE WATER Tributary SINKS

Use: AESTHETIC STORAGE 01/01 to 12/31 1132.6 AF

Use: IRRIGATION FROM STORAGE 03/15 to 11/15 1292 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 1292 AF

Use: RECREATION STORAGE 01/01 to 12/31 1132.6 AF

Total Diversion: 2424.6 AF

Date Filed: 5/1/2013

Place Of Use: RECREATION STORAGE, IRRIGATION
STORAGE, AESTHETIC STORAGE

T09S R18E S14 NWNE SWNE NENW SENW

Place Of Use: IRRIGATION FROM STORAGE

T09S R18E S11 SESW SWSE SESE

T09S R18E S14 NWNE NW(ALL) NESW NWSW

T09S R18E S15 NE(ALL) NESE NWSW

Total Acres: 485

Irrigation is for 323 acres within a 485 acre PPU.

Application proposes appropriating 2424.6 acre-feet per year of wastewater for recreation, aesthetic, and irrigation storage uses associated with a reservoir on a farm located approximately 9.3 -10.6 miles east and 4.9 - 5.9 miles south of the center of Jerome. The application includes a mitigation plan to cover consumptive storage uses and limits irrigation from the reservoir to land covered by existing wastewater irrigation rights.

43-13712

RAFT RIVER GROUND WATER DISTRICT

PO BOX 122

ALMO, ID 83312

Point of Diversion NWNESE S21 T13S R26E CASSIA County
Source CASSIA CREEK Tributary RAFT RIVER

Point of Diversion NESENW S12 T13S R26E CASSIA County
Source CASSIA CREEK Tributary RAFT RIVER

Point of Diversion NENENE S14 T13S R26E CASSIA County
Source CASSIA CREEK Tributary RAFT RIVER

Use: RECHARGE FOR IRRIGATION 01/01 to 12/31 25 CFS
10000 AF

Total Diversion: 25 CFS

Date Filed: 2/14/2013

Place Of Use: RECHARGE FOR IRRIGATION

T12S R26E S36 NWNE NENW SENW

T13S R26E S1 NENE

T13S R26E S22 NWSW

Application for permit proposes diverting up to 25 cfs for recharge from three existing points of diversion along Cassia Creek located approximately 0.25 mi. east, 0.75 mi. south & 0.3 mi. west and 2.4 mi. south & 2.4 mi. west of Malta. The recharge will occur at recharge sites located approximately 2 mi. north, 1.0 mi. north & 0.5 mi. east and 2.2 mi. south & 2.0 mi. west of Malta.

43-13713

RAFT RIVER GROUND WATER DISTRICT

PO BOX 122

ALMO, ID 83312

Point of Diversion NWNWSW S20 T14S R27E CASSIA County
Source RAFT RIVER Tributary SNAKE RIVER

Point of Diversion SWSESE S24 T13S R26E CASSIA County
Source RAFT RIVER Tributary SNAKE RIVER

Point of Diversion NWSSENW S31 T13S R27E CASSIA County
Source RAFT RIVER Tributary SNAKE RIVER

Point of Diversion NWSWNE S7 T14S R27E CASSIA County
Source RAFT RIVER Tributary SNAKE RIVER

Use: RECHARGE FOR IRRIGATION 01/01 to 12/31 25 CFS
10000 AF

Total Diversion: 25 CFS

Date Filed: 2/14/2013

Place Of Use: RECHARGE FOR IRRIGATION

T13S R26E S24 SESE

T13S R27E S31 SENW

T14S R27E S8 NWNW

T14S R27E S20 SWNW SENW NWSW

Application for permit proposes diverting up to 25 cfs for recharge from four existing points of diversion from Raft River located approximately 2.5 mi. south & 0.5 mi. east, 4.0 mi. south & 1.0 mi. east, 6.0 mi. south & 1.25 mi. east, and 8.4 mi. south & 1.8 mi. east of Malta. The recharge will occur at recharge sites located approximately 2.5 mi. south & 0.5 mi. east, 4.0 mi. south & 1.0 mi. east, 6.0 mi. south & 1.8 mi. east, and 8.4 mi. south & 1.8 mi. east of Malta.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRfiling.asp. 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, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before June 24, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: June 6 and 13, 2013

✓ OK DM 6-17-2013

*Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington
Scott A. Magnuson
Sarah W. Higer*



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brs@idahowaters.com

Paul L. Arrington
pla@idahowaters.com

June 7, 2013

RECEIVED

JUN 11 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Denise Maline
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

*RE: Transfer No. 78578 & Application for Permit No. 36-16982
(Mike Sirucek)*

Dear Ms. Maline:

We received your letter, dated May 29, 2013, seeking additional information regarding the above applications. Below are Mr. Sirucek's responses to the request:

Rule 040.05.c/I.C. § 42-203A(5)(a):

The above applications involve a surface source of water. The applications each involve waste water diverted from the end of the North Side Canal Company ("NSCC") system. NSCC has a number of surface water rights that it delivers to the various shareholders – including: 01-5, 01-16, 01-210A, 01-210B, 01-212, 01-213, 01-215 and 01-220. In addition, NSCC has storage rights in Jackson Lake, American Falls Reservoir and Palisades Reservoir.

The proposed applications will have minimal impact other water users for at least the following reasons:

1. The Transferred water rights are existing partially decreed water rights. The only change being sought is to the place of use – to create a PPU that matches current irrigation practices.
2. Any impacts associated with the new water right (Permit No. 36-16982) will be mitigated by transferring a portion of the existing irrigation rights into the reservoir.
3. The water rights divert waste water. Under Idaho Law, diversions of waste water cannot interfere with diversions under the primary rights.
4. If left un-diverted, this waste water would simply flow into the desert and seep into the ground. There are no downstream users.

Rule 040.05.d/I.C. § 42-203A(5)(b):

As stated above, these water rights each divert waste water at the end of the NSCC system. As such, water availability depends on several factors. Water will be diverted as available – with any

excess water passing through the reservoir. Water is only available for diversion during the irrigation season, when NSCC has water running through its system. The quantity of water fluctuates during the season depending on the water demand in the NSCC system.

In addition, see the attached memo from Erick Powell.

Rule 040.05.e/I.C. § 42-203A(5)(c):

Information regarding the ownership of the land was submitted with the Applications – including an agreement with James Sirucek granting authority to file these applications.

The Applicant has filed a dam construction application with IDWR, and is currently working with IDWR in that process. No other authorizations or approvals are needed for this project.

Rule 040.05.f/I.C. § 42-203A(5)(d):

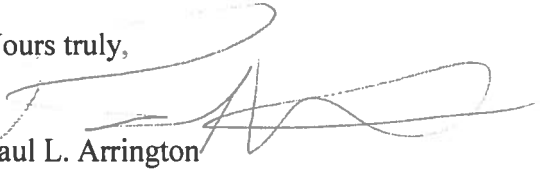
The reservoir and irrigation system are already completed. As such, there is no need for additional financial information.

Rule 040.05.g/I.C. § 42-203A(5)(e):

Since this project is within the boundaries of NSCC, Applicant will seek comments from NSCC (letter to NSCC attached). The Applicant has no reason to believe there are any additional concerns from any other state, local or tribal interests.

Should you have any more questions, please don't hesitate to give me a call.

Yours truly,


Paul L. Arrington

PLA/jn

cc: Client
Erick Powell



Memo

RECEIVED

JUN 11 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

To: Paul Arrington
From: Erick Powell
Cc:
Date: June 7, 2013
Re: Additional Information for Sirucek Application for Permit

IDWR has requested additional information regarding sufficiency of water for the Application for Permit filed on behalf of Mr. Sirucek. The application for permit includes irrigation storage and irrigation from storage for an annual volume of 1292 acft applied to 323 acres. The items requested by IDWR are as follows:

Peak Demand:

The peak demand for the water stored under this permit can be subdivided into three different categories: irrigation demand, evaporation demand, and seepage demand.

The peak irrigation demand was determined by selecting the highest ET_{act} 3-day moving average for low maintenance pasture at Jerome, which was 8.33 mm/day. It is proposed that irrigation storage can be applied on 323 acres. Therefore, the 323 acres at 75% efficiency would require 5.93 cfs for 24 hours. The peak evaporation demand was determined by selecting the highest ET_{act} 3-day moving average for open water evaporation at Jerome, which was 3.32 mm/day. Over 18.9 acres, the peak evaporation demand is 0.10 cfs. The peak seepage demand is estimated at 0.25 ft/acre/day. This seepage occurs throughout the pond area of 18.9 acres for an estimated peak seepage demand of 2.38 cfs.

The peak demand for the reservoir is anticipated to be 8.41 cfs.

Seasonal Volume:

The seasonal volume demand is calculated with the same categories as the peak demand: Irrigation volume, evaporation volume, and seepage volume.

The seasonal irrigation volume was determined by selecting the seasonal P_{def} "20% Exceedance" value from ETIdaho for low maintenance pasture at Jerome, which is 847 mm (2.78 ft). Over 323 acres, the seasonal use for irrigation is estimated to be 898 acft. The seasonal evaporation volume was determined by selecting the seasonal P_{def} "20% Exceedance" value from ETIdaho for open water-deep systems at Jerome, which is 403 mm (1.32 ft). Over the reservoir surface of 18.9 acres, the seasonal volume for evaporation is estimated to be 24.9 acft. The seasonal seepage volume is estimated at the same rate of 0.25 ft/acre/day. The area of seepage is 18.9 acres and if the reservoir is full from 4/1 through 11/1, then the seasonal seepage would be 1011 acft.

The total seasonal volume for the permit is calculated to be 1934 acft.

*Albert P. Barker
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Paul L. Arrington
pla@idahowaters.com

June 3, 2013

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JUN 11 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

SENT VIA EMAIL

Alan Hansten, Manager
North Side Canal Company

RE: Sirucek Applications

Alan:

We have spoken a few times about the applications filed by Mike Sirucek for waste water at the end of the NSCC system.

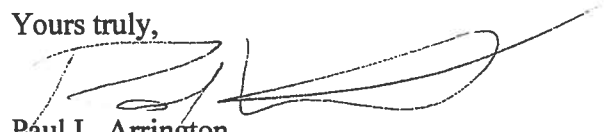
Recently, Mr. Sirucek filed an application for Transfer, seeking to correct the place of use for his irrigation water rights. In addition, he filed an Application for Permit, seeking a water right to authorize the fill of the reservoir on his property.

As we have discussed, since these rights are waste water rights, they will be subject to water availability. These water rights will not allow Mr. Sirucek to interfere, in any way, with the NSCC's water delivery practices.

Under IDWR regulations regarding these applications, Mr. Sirucek is required to seek comments from NSCC about the applications. I have attached the applications to this letter. Please review them and provide comments to IDWR. Notice of these applications will be published in the local news papers this month, with protests deadlines set for June 24, 2013.

Thank you for your prompt consideration to this matter. Feel free to give me a call if you would like to discuss further.

Yours truly,


Paul L. Arrington

PLA/jn

cc: Client (without attachments)