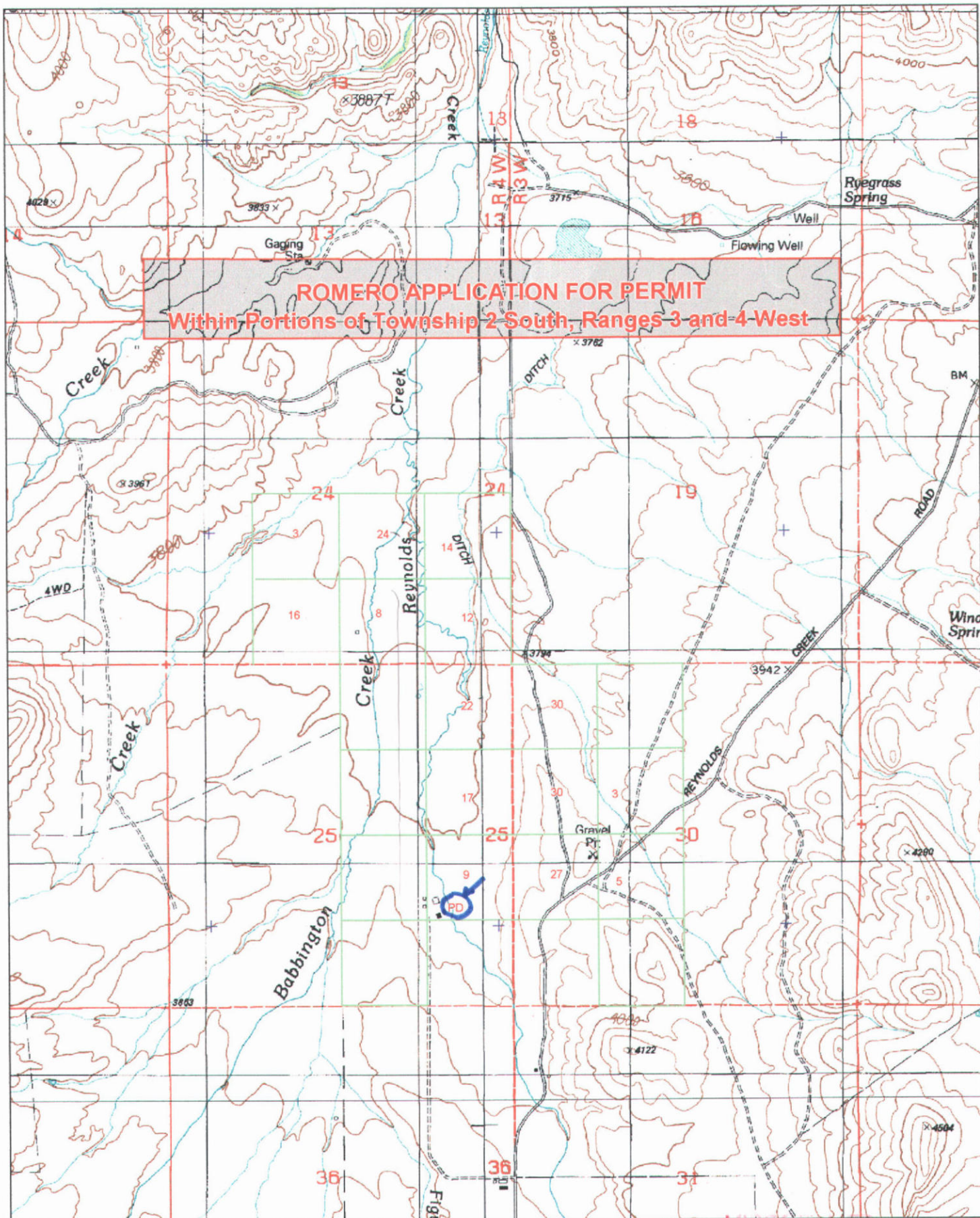




57-11596
MAR 2004

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

DEC 31 2001

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

December 19 & 26, 2001

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 27th day of December in the year of 2001 before me, a

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



Shirley MacKenney
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: 10/10/06

APPLICATION FOR PERMIT NO. 57-11596

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

57-11596
JOHN P ROMERO
HC 88 BOX 1045
MURPHY ID 83650
CATHERINE A ROMERO
HC 88 BOX 1045
MURPHY ID 83650

Point(s) of Diversion NESE
S25 T02S R04W OWYHEE
County

Source GROUND WATER
Use: IRRIGATION 04/01 To
10/31 2 CFS

Total Diversion: 2 CFS
Date Filed: 11/28/2001
Place of Use: IRRIGATION
T02S R03W S30 NWNW Lot
1 SWNW Lot 2 SENW NESW
NWSW Lot 3

T02S R04W S25 NESW
SESW NESE NWSE SWSE
SESE

TO 2S R04W S25 NENE
SESE NESE

Number of Acres 200

Remark: Applicant agrees to
mitigate consumptive use in
the future as needed.

Permits will be subject to all
prior water rights. Protests
may be submitted based on the
criteria of Sec 42-203A, Idaho
Code.

Any protest against the
approval of this application
must be filed with the Director,
Dept. of Water Resource,
Western Region, 2735 Airport
Wy, Boise ID 83705 together
with a protest fee of \$25.00 for
each application on or before
01/07/2002. The protestant
must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director
12/19 & 26/01

MICROFILMED

MAR 16 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11596

Priority September 19, 2001

Maximum Diversion Rate

2 00 CFS

This is to certify, that JOHN P ROMERO And/Or CATHERINE A ROMERO
HC 88 BOX 1045
MURPHY ID 83650

have applied for a permit to appropriate water from.

Source: GROUND WATER

and a permit is APPROVED for development of water as follows

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	2 00 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER NE¼SE¼ 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 03W 30						30 0	30 0	3 0	5 0	27 0							95 0
						L 1	L 2			L 3							
02S 04W 24									3 0			8 0	14 0	12 0	8 0	12 0	57 0
02S 04W 25	22 0			17 0									9 0				48 0

Total Acres 200

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **September 01, 2008**.
- 2 Subject to all prior water rights
- 3 Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control
- 4 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department
- 5 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
- 6 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

Iverson, Idaho

1999 11 10

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 57-11596

- 7 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above
- 8 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 11th day of September, 2003.


KARL J DREHER, Director

MAF 16 1006

RECEIVED

FORM 202
12/99

SEP 19 2001

WATER RESOURCES
WESTERN REGION

Ident No 57-11596

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

SEP 10 2003

Department of Water Resources

Phone 208-495-1316 FAX
Phone - 495-2382

- 1 Name of Applicant John P. and/or Catherine A. Romero
Mailing address HC 88, Box 1045, Murphy, Idaho 83650
- 2 Source of water supply Ground water which is a tributary of _____
- 3 Location of point of diversion is Township 2S Range 4W Sec 25, in the _____ $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt Lot _____ B M, Owyhee County, additional points of diversion if any _____
- 4 Water will be used for the following purposes 3/15 11/15 2003
Amount 2.00 cfs for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- 5 Total quantity to be appropriated is (a) 2.00 and/or (b) _____
cfs acre feet per annum
- 6 Proposed diverting works
a Describe type and size of devices used to divert water from the source well, pumps, pipelines, and ditches
b Height of storage dam _____ feet, active reservoir capacity _____ acre-feet, total reservoir capacity _____ acre-feet
c Proposed well diameter is 12 inches, proposed depth of well is 200 feet
d Is ground water with a temperature of greater than 85° F being sought? NO
e If well is already drilled, when? _____, Drilling firm _____
Well was drilled for (well owner) _____, Drilling Permit No _____
- 7 Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
- 8 Description of proposed uses (if irrigation only, go to item 9)
a Hydropower, show total feet of head and proposed capacity if kW _____
b Stockwatering, list number and kind of livestock _____
c Municipal, show name of municipality _____
d Domestic, show number of households _____
e Other, describe fully _____

MICROFILMED
MAR 11 2004

9 Description of place of use:

- a If water is for irrigation, indicate acreage in each subdivision in the tabulation below
- b If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	3W	30						30	30	3	5	27							95
2S	4W	24						30	30		3	27							77
		25	22			17									14	24	8	12	48
															9	12			

Total number of acres to be irrigated ~~220~~ 200 413

10 Describe any other water rights used for the same purposes as described above 57-243, 57-259, 57-1078, 57-1079, 57-1080, 57-1084

- 11 a Who owns the property at the point of diversion? Applicant
- b Who owns the land to be irrigated or place of use? Applicant
- c If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

12 Remarks Water will be first used on land in Section 30 As surface water supply diminishes, this water will be switched from most of Section 30 to Sections 24 and 25

13 MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range (A photocopy of a USGS 7 5 minute topographic quadrangle map is preferred)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho a herein set forth

John P. Roman
Signature of Applicant (and title, if applicable)

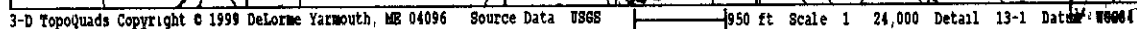
Received by HL Date 9/19/01 Time 10:53 Preliminary check by g
 Fee \$ 740.00 Receipted by HL # 10028310 Date 9/19/01
 Publication prepared by HL Date 12-29-01 Published in OWYHEE AVALANCHE
 Publication approved HL Date 2-12-02

4 Apps , 1 receipt. This one is \$290.

-g 9/24/01

MILWAUKEE

MAR 15 2004



57-11596-2084

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant

JOHN P. +/or CATHERINE A. ROMERO

Mailing Address

HC 88 BOX 1045
MURPHY ID 83650

Application No.
(if known)

57-11596, 57-11597, 57-11598, 57-11599

IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

John Romero 11/21/01
Cathy Romero 11/21/01

Date

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 15, 2003

JOHN P ROMERO
CATHERINE A ROMERO
HC 88 BOX 1045
MURPHY ID 83650

RE: Permit No. 57-11596

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

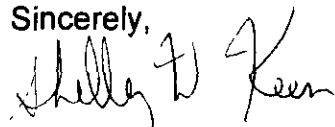
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

MICHAEL L. SMITH
MAD 15 2003

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. 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 208-327-7946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shelley W. Keen".

Shelley W. Keen

Water Rights Supervisor

SWK:klf

Enclosure(s)

M. C. G.
MAR 6 2006

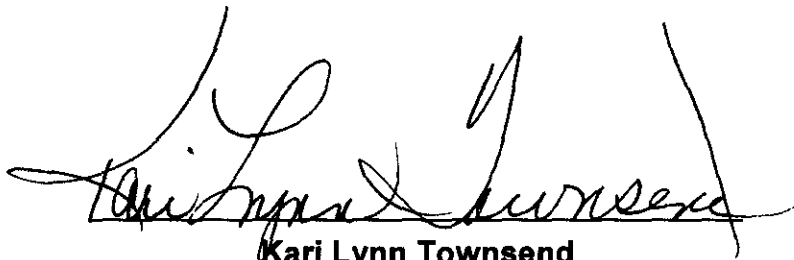
CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

57-11596

**CATHERINE A ROMERO
JOHN P ROMERO
HC 88 BOX 1045
MURPHY ID 83650**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", is written over a horizontal line.

**Kari Lynn Townsend
Secretary**

FILED
SEP 15 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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 issuance 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

W.C.F.
MAY 15 2004

Comment Report

57-11596

1. Imattson 11/28/2001 Legal Notice Remarks

Comment: Applicant agrees to mitigate consumptive use in the future as needed.

2. Imattson 11/28/2001 Comment/Analysis

Comment: Applicant reduced acres to avoid large diversion requirements. Changes made per telecon with applicants consultant, Dave Shaw 11/28/01. Priority date advanced to date acres reduced. Season of use changed to dept. standards. Government lots added in section 30.

3. kwalker 9/11/2003 Priority Date

Comment: The priority date of this right should be the date it was received and receipted. We do not normally advance a priority date when a application is reduced. I have corrected the data entry to 9/19/2001.

for

4/11/01 5 2001

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: g DATE: 11/20/01 APPLICATION: 57-11596

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use:
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Correct fee paid

RECEIVED

SEP 10 2003

Department of Water Resources

Gov't. Lots:

P/D 1/0

P/U Yes

530

Y

ADVERTISE REMARK(S)

(Reviewer identify which remarks)

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
☒ ☐ Overlapping point of diversion.
☐ ☒ Critical groundwater area:
☐ ☒ Groundwater management area:
☐ ☒ 1992 moratorium:
☐ ☒ Surface water source, IDFG letter needed.
☐ ☒ Protected river or minimum flow reach, notify water planning bureau.
☐ ☒ E-mail to SCA staff: (perennial stream, non-pump diversion &/or any mining).
☐ ☒ E-mail to Dam Safety staff: (for any storage)
☒ ☐ Mitigation plan: Check any that apply.
 ☐ immediate = acceptable plan required and submitted.
 ☒ future = open areas, acceptance of condition of approval is in file.
☐ ☒ Send power requirement letter &/or fish farm requirement letter.
☐ ☒ Power residency affidavit:
☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☒ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

*bill copy discarded
12/20*

Large Diversion info on reduced
acres.

Date Requested 11/20/01 Date Response Received 11/28/01

PROCESSING

APP. NO. 7-11596

YES NO

☒ ☐ In form for advertising:
☐ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number and date recorded on application:

SEND COPIES TO: NOTE IF E-MAIL COMMENT LETTER USED.

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

☒ ☐ Publication dates and paper recorded on application:
☐ ☐ Final date for protest 1-7-02
☐ ☒ Protests received.
☐ ☒ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Water delivered by water master? District # _____
☒ ☐ Special conditions of approval or cover letter: 046, 121, 020

See below for additional information

Recommended Date or Priority 9/19/01
Recommended by: Gay S Date: 9/8/03

ADDITIONAL INFORMATION:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

July 8, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN P &/OR CATHERINE A ROMERO
HC 88 BOX 1045
MURPHY ID 83650

SEVEN HIGH RANCH
JERRY HOAGLAND
HC 79 BOX 44
MELBA ID 83641

Re: Application for Permit No. 57-11596 in the Name of John P. &/or Catherine A. Romero

Dear Parties:

This letter is to acknowledge the withdrawal of protest of the above referenced application for permit.

The department will now continue to process this application, subject to certain conditions of approval.

If you have any questions please call this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary Spackman', written over a horizontal line.

Gary Spackman

GS:st

MICHAEL REVELL

MAR 16 2004

ERO Resources Corp
1106 N Cole Rd, Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax 373-7985

Denver • Boise

www.eroresources.com
eroboise@eroresources.com



RECEIVED

JUN 09 2003

WATER RESOURCES
WESTERN REGION

June 5, 2003

Gary Spackman, Regional Manager
Idaho Dept of Water Resources
Western Regional office
2735 Airport Way
Boise ID 83705-5082

RE: Application for permit # 57-11596 in the name of John P. and Catherine A Romero

Dear Gary:

Enclosed is a stipulation withdrawing the protest of Seven High Ranch, Inc. against the above referenced application for permit. With the withdrawal of protest, applicant desires for the department to continue processing and approve the application for permit.

If any additional information is necessary please contact me at the number above.

Yours truly,

A handwritten signature in dark ink, appearing to read "David B. Shaw". The signature is fluid and cursive.

David B. Shaw
Project Manager

DBS: ls

Encl.
John P. and Catherine A Romero
Jerry L. Hogland

**WATER RESOURCES
WESTERN REGION**

Milne, 1911

through an Application to Amend Permit before attempting to complete a new well at any other location.

7. Based upon the provisions of this stipulation and the applicants' plan to develop the new well at a different location, Seven High Ranch, Inc. hereby withdraws its protest of application for permit 57-11596. By withdrawing its protest, protestant does not waive its right to the administration of water rights to protect its senior water rights in the future nor its right to protest an Application for Amendment of Permit 57-11596 in the future, should such an application be filed.
8. The parties agree that upon execution of this stipulation, it shall be filed with the Department of Water Resources and become a permanent part of the department's file for water right 57-11596.

Dated this 3rd day of June 2003.

John P. Romero
John P. Romero

Catherine A. Romero
Catherine A. Romero

Seven High Ranch, Inc.
Seven High Ranch, Inc.

By Jerry H. Hays its President

MAR 15 2004

MAR 15 2004

MAR 16 2004

Memorandum
Telephone Conversation
Romero Application 57-11596—Protested
Conversation With: John Romero
From: J. Westra
Date: 8/13/02

RE: Application/protest status

On 8/13/02 I called John Romero concerning the status of the protest with Jerry Hoagland. Mr. Romera stated, that he and Mr. Hoagland had met with David Shaw, Mr. Romero's consultant, and an agreement had been reached. Mr. Shaw would be preparing the agreement later this month, and would be submitting it to the Department for processing. I stated, the Department would continuing holding the application, pending receipt of the agreement.

MICROFILMED

MAR 15 2004

Westra, John

From: Westra, John
Sent: Friday, May 30, 2003 11:20 AM
To: Spackman, Gary
Subject: Romero Application-- 57-11596; Protested

Gary,

Some time ago you requested the status of this application that I had held a pre-hearing conference prior. I talked to Mr. Romero several weeks ago. He stated, that Jerry Hoagland (protestant) and he had been working with David Shaw on an protest withdrawal agreement, and all that was needed was signatures. Mr. Hoagland's protest is based on concerns about the project effect on his well (approx 1/2 mile away). The past several months the two parties have been

doing some monitoring on the wells. Mr. Romero indicated, that Mr. Hoagland would withdraw his protest if Mr. Romero would re-locate the proposed well to a different location (in the same 40 ac tract). At this point he is considering the proposal.

I expressed concerns about the length of time that has passed, and that the Department has an obligation to process applications in a timely manner. We agreed that I would check back in August. If an agreement or protest withdrawal had not been reached, the Department would schedule a hearing at that time.

I have put this on an August call up

John

RECEIVED
MAR 16 2004
1

MEMORANDUM

Pre-hearing Conference

Romero Application #57-11596

Date: 3/25/02

From: J. Westra, Western Region

Attendees: Jerry Hoagland, protestant
John Romero, applicant
J. Westra, IDWR

The conference began with Mr. Romero describing the proposed project. A drilled well near Reynolds Creek is proposed to supplement Reynolds Creek surface water for irrigation for Mr. Romero's Ranch. There is also some new lands to be irrigated in the P/U. Mr. Romero believes there is ample groundwater and would drill a max. of 200 ft.

Mr. Hoagland next discussed the reasons for his protest. He has a domestic well approx. ½ mile southeast from the proposed well location, and is concerned about the irrigation will have on his well. The aquifer is close to the surface and a very limited quantity. He is also concerned about the effect pumping will have on the area springs and creek flow. In the fields adjacent to the creek there is definitely a sub affect. With the steep gradient of the creek, clay/gravels layers daylight out as springs downstream, a draw on the aquifer would definitely have an affect.

I then spoke of basin conjunctive management provisions in the SRBA, and how the regulation of the well will be incorporated with Reynolds Creek.. Mr. Romero had concerns; the period in late June when Reynolds Creek dries up is when he would need to pump the well. Instead, he would not be able to pump bowing to senior creek rights. The question was asked, when would the Department would be implementing this management? My response was I wasn't sure when or how at this point. Several specific drainages are already managed this way at varying levels such as the Boise River.

Mr. Romaro has been working with David Shaw consultant in drafting an agreement with Mr. Hoagland to withdraw his protest. The agreement will contain pump testing criteria to determine the affect if any on the aquifer and creek. With spring work coming on, the two requested 2 months to further refine their aggreement/test criteria. I will plan on checking with the parties in June; further action on the application will be determine at that time.

Attachments:

- Area well logs
- SRBA Conjunctive Management Provision
- Attendance Roster

Note: Mr. Hoagland stated, the legal notice P/U was incorrect, actually described some of his property. Need to check.

400 1 6 2004

Pre-hearing Conference Attendance

Komero Conference.

3/25/02 JFW.

John Komero

Jerry L. Hoagland

Application

57-11596

14

MAR 16 2004

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) ORDER OF PARTIAL DECREE FOR
Case No. 39576) CONNECTED SOURCES IN BASIN 57
) (Conjunctive Management General Provision)

On July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, in which the Director recommended no water rights be administered separately in Basin 57. All objections to the conjunctive management general provision were designated as Basin-Wide Issue 5 (subcase 91-00005). On February 27, 2002, this Court entered a ***Memorandum Decision and Order of Partial Decree*** in Basin-Wide Issue 5, which set forth the form of the conjunctive management general provision to be issued in each basin in the SRBA.

Therefore, IT IS ORDERED that the ***Conjunctive Management General Provision*** for Basin 57 is hereby **decreed** as set forth in the attached ***Partial Decree for Connected Sources in Basin 57 (Conjunctive Management General Provision)***.

Dated: February 27, 2002

ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	
	)	PARTIAL DECREE FOR CONNECTED
Case No. 39576	)	SOURCES IN BASIN 57
_____	)	(Conjunctive Management General Provision)

The following water rights from the following sources of water in Basin 57 shall be administered separately from all other water rights in Basin 57 in accordance with the prior appropriation doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
NONE	NONE

The following water rights from the following sources of water in Basin 57 shall be administered separately from all other water rights in the Snake River Basin in accordance with the prior appropriate doctrine as established by Idaho law:

<u>Water Right No.</u>	<u>Source</u>
NONE	NONE

Except as otherwise specified above, all other water rights within Basin 57 will be administered as connected sources of water in the Snake River Basin in accordance with the prior appropriation doctrine as established by Idaho law.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does

FILED
MAY 15 2004

hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated: February 27, 2002

ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MAR 5 2002

WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

770161

Office Use Only
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat _____ Long _____

1. DRILLING PERMIT NO. D0018710
Other IDWR No _____

2. OWNER: John Romero
Name _____
Address NC 88 Box 1045
City Murphy State ID Zip 83650

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location

N
W E S
Twp 3 North ☐ or South ☒
Rge 7 East ☐ or West ☒
Sec 26 1/4 NE 1/4 SE 1/4
Gov't Lot _____ County Owyhee
Lat _____ Long _____
Address of Well Site Reynolds Creek
City _____
(Give at least name of road + Distance to Road or Landmark)

Lt _____ Blk _____ Sub Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
<u>Dry 3/4" Bentonite</u>	<u>0</u>	<u>18</u>	<u>400lb</u>		<u>Overbore</u>
<u>+ Well Casing</u>					

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 58
Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>6</u>	<u>+2</u>	<u>58</u>	<u>1/4</u>	<u>Steel</u>	☒	☐	☒	☐
					☐	☐	☐	☐
					☐	☐	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

2 ft below ground Artesian pressure _____ lb
Depth flow encountered _____ ft Describe access port or
control devices Sanitary Well Cap

11. WELL TESTS:

☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Pumping Level	Time
<u>200</u>	<u>N/A</u>	<u>80</u>	<u>15 Min</u>
<u>80</u>	<u>N/A</u>	<u>40</u>	<u>15 Min</u>

Water Temp 52° Bottom hole temp N/A

Water Quality test or comments Clear

Depth first Water Encountered 48

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>10</u>	<u>0</u>	<u>18</u>	<u>Basalt Boulders</u>		☒
<u>6</u>	<u>18</u>	<u>22</u>	<u>Blu Clay + Basalt Boulders</u>		☒
<u>6</u>	<u>22</u>	<u>48</u>	<u>Blu Clay</u>		☒
<u>6</u>	<u>48</u>	<u>68</u>	<u>Basalt + Cortz Cemented Sand</u>	☒	
<u>6</u>	<u>68</u>	<u>73</u>	<u>Basalt Gravel</u>	☒	
<u>6</u>	<u>73</u>	<u>85</u>	<u>Basalt + Cortz Cemented Sand</u>	☒	

RECEIVED

AUG 01 2001

WATER RESOURCES
WESTERN REGION

Completed Depth 85 (Measureable)
Date Started 7/26/01 Completed 7/27/01

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed

Firm Name Domestic Pump & Drill Firm No 483

Official _____ Date _____

and _____

Supervisor or Operator St. Clomon Date 7/27/01

(Sign once if Firm Official & Operator)

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Jacobson Fredlet
Address Marsing, Idaho
Owner's Permit No. _____

7. WATER LEVEL

Static water level 30 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature _____ °F. Quality _____

2. NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement
☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped
352	280	2

3. PROPOSED USE

☐ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☒ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
250 inches	10 inches	1 feet	18 feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 18 Material used in seal: ☐ Cement grout

☐ Puddling clay ☒ Well cuttings

Sealing procedure used ☐ Slurry pit ☐ Temp. surface casing

☒ Overbore to seal depth

Method of joining casing ☐ Threaded ☒ Welded ☐ Solvent

Weld

☐ Cemented between strata

Describe access port _____

RECEIVED

JUL 22 1980

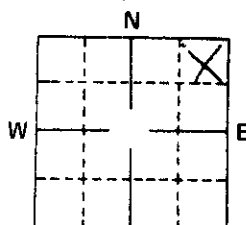
Department of Water Resources
Western Regional Office

10.

Work started 7/3/79 finished 7/5/79

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County Owyhee
Sec 15, T. 1, R. 3 E/W.

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.

Firm Name F. Skinner Well Drilling Firm No. 262

Address 4145 N. Blackfoot Date 8/1/79

Mendocino, Ida

Signed by (Firm Official) Frank Skinner

and

(Operator) Frank Skinner

MAR 16 2004

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Idaho Dept. of Transportation</u> Address <u>300 W. State Boise</u> Owner's Permit No. <u>57-89-z-003</u>	7. WATER LEVEL Static water level <u>235</u> feet below land surface. Flowing? ☐ Yes ☐ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality _____ Describe artesian or temperature zones below																																																																												
2 NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Well diameter increase ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Air ☐ Other _____ <table><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																																									
Discharge G.P.M.	Pumping Level	Hours Pumped																																																																											
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr><tr><td>10</td><td>0</td><td>10</td><td>Top soil, hard pan & sandy clay</td><td></td><td>x</td></tr><tr><td>10</td><td>10</td><td>16</td><td>Lavaw/some loose lava</td><td></td><td>x</td></tr><tr><td>10</td><td>16</td><td>18</td><td>Yellow clay</td><td></td><td>x</td></tr><tr><td>8</td><td>18</td><td>81</td><td>Yellow clay</td><td></td><td>x</td></tr><tr><td>8</td><td>81</td><td>108</td><td>Blue clay</td><td></td><td>x</td></tr><tr><td>8</td><td>108</td><td>170</td><td>Blue clay & shale</td><td></td><td>x</td></tr><tr><td>8</td><td>170</td><td>243</td><td>Black lava w/traces of blue clay</td><td></td><td>x</td></tr><tr><td>8</td><td>243</td><td>256</td><td>Black lava w/traces of reddish brown lava</td><td></td><td>x</td></tr><tr><td>8</td><td>256</td><td>379</td><td>Black rock w/blue clay in crevices 338'</td><td></td><td>x</td></tr><tr><td>8</td><td>379</td><td>390</td><td>Black lava w/ layers of blue clay</td><td></td><td>x</td></tr><tr><td>8</td><td>390</td><td>396</td><td>Blue shale & sand</td><td></td><td>x</td></tr></table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	10	0	10	Top soil, hard pan & sandy clay		x	10	10	16	Lavaw/some loose lava		x	10	16	18	Yellow clay		x	8	18	81	Yellow clay		x	8	81	108	Blue clay		x	8	108	170	Blue clay & shale		x	8	170	243	Black lava w/traces of blue clay		x	8	243	256	Black lava w/traces of reddish brown lava		x	8	256	379	Black rock w/blue clay in crevices 338'		x	8	379	390	Black lava w/ layers of blue clay		x	8	390	396	Blue shale & sand		x
Bore Diam.	Depth		Material	Water																																																																									
	From	To		Yes	No																																																																								
10	0	10	Top soil, hard pan & sandy clay		x																																																																								
10	10	16	Lavaw/some loose lava		x																																																																								
10	16	18	Yellow clay		x																																																																								
8	18	81	Yellow clay		x																																																																								
8	81	108	Blue clay		x																																																																								
8	108	170	Blue clay & shale		x																																																																								
8	170	243	Black lava w/traces of blue clay		x																																																																								
8	243	256	Black lava w/traces of reddish brown lava		x																																																																								
8	256	379	Black rock w/blue clay in crevices 338'		x																																																																								
8	379	390	Black lava w/ layers of blue clay		x																																																																								
8	390	396	Blue shale & sand		x																																																																								
4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____	10. Work started <u>10-24-89</u> finished <u>11-7-89</u>																																																																												
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr><tr><td><u>250</u> inches</td><td><u>6</u> inches</td><td><u>1 1/2</u> feet</td><td><u>396</u> feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr></table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☒ Torch ☐ Gun Size of perforation <u>1/8</u> inches by <u>6</u> inches <table><tr><th>Number</th><th>From</th><th>To</th></tr><tr><td><u>360</u> perforations</td><td><u>313</u> feet</td><td><u>376</u> feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr></table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>18</u> Material used in seal: ☒ Cement grout ☒ Bentonite ☐ Puddling clay ☐ <u>5-18</u> Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing ☒ Overbore to seal depth Method of joining casing. ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>none</u>	Thickness	Diameter	From	To	<u>250</u> inches	<u>6</u> inches	<u>1 1/2</u> feet	<u>396</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	<u>360</u> perforations	<u>313</u> feet	<u>376</u> feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Davis Well & Pump Co. Firm No. <u>101</u> Firm Name <u>415 No. Pitt Lane</u> Address <u>Hamper, Idaho 83686</u> Date <u>11-8-89</u> Signed by (Firm Official) <u>Carol M Davis</u> and (Operator) <u>Charles Davis</u>																																												
Thickness	Diameter	From	To																																																																										
<u>250</u> inches	<u>6</u> inches	<u>1 1/2</u> feet	<u>396</u> feet																																																																										
_____ inches	_____ inches	_____ feet	_____ feet																																																																										
_____ inches	_____ inches	_____ feet	_____ feet																																																																										
_____ inches	_____ inches	_____ feet	_____ feet																																																																										
Number	From	To																																																																											
<u>360</u> perforations	<u>313</u> feet	<u>376</u> feet																																																																											
_____ perforations	_____ feet	_____ feet																																																																											
_____ perforations	_____ feet	_____ feet																																																																											
6. LOCATION OF WELL Sketch map location <u>must</u> agree with written location. N W E S																																																																													



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 25, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN P &/OR CATHERINE A ROMERO
HC 88 BOX 1045
MURPHY ID 83650

Re: Application for Permit No. 57-11596

Dear Applicant:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to the above-referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for March 25, 2002 at the Owyhee County Courthouse, Highway 78, Murphy, Idaho 83650. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to determine what is in dispute in the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Please contact this office if you have questions regarding this procedure.

Sincerely,

John Westra

JW:st

Enclosure: Copy of protest(s)
Notice of Prehearing Conference

MICROFILMED

MAR 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

February 25, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SEVEN HIGH RANCH INC
JERRY HOAGLAND
HC 79 BOX 44
MELBA ID 83641

Re: Application for Permit No. 57-11596 in the Name of John P. &/or Catherine Romero

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for March 25, 2002 at the Owyhee County Courthouse, Highway 78, Murphy, Idaho 83650. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest prior to the prehearing conference. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If this office can be of further assistance, please contact us.

Sincerely,


John Westra

JW:st

Encl: Copy of Application
Notice of Prehearing Conference

MICROFILMED

MAR 16 2004

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 57-11596 IN THE)
NAME OF JOHN P. &/OR)
CATHERINE ROMERO)
_____)

**NOTICE OF PREHEARING
CONFERENCE**

On September 19, 2001, John P. &/or Catherine Romero filed with the Department of Water Resources (IDWR) an application for permit to appropriate the public waters of the State of Idaho. The application was protested by Jerry Hoagland.

IDWR has scheduled a conference for the protest to be held on **Monday, March 25, 2002, at 1:00 p.m. at the Owyhee County Courthouse, Highway 78, Murphy, Idaho 83650.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility that satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise IDWR within (10) days prior to the conference.

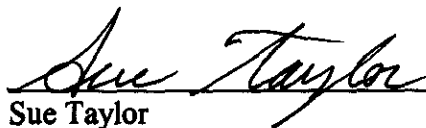
Dated this 26th day of February 2002.



John Westra

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of February 2002, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to those listed:


Sue Taylor
Senior Secretary

SEVEN HIGH RANCH INC
JERRY HOAGLAND
HC 79 BOX 44
MELBA ID 83641

JOHN P &/OR CATHERINE A
ROMERO
HC 88 BOX 1045
MURPHY ID 83650

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

MICROFILMED

MAR 16 2004

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter. At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a preliminary order for the Director's consideration. Parties can file exceptions to a preliminary order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a preliminary order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

MICROFILM
MAR 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 23, 2002

OWYHEE COUNTY COURTHOUSE
HIGHWAY 78
MURPHY ID 83650

Re: Conference Room Reservation

This letter is to confirm the conference room reservation made by the Department of Water Resources for Monday, March 25, 2002, at 1:00 p.m.

If you have any questions please call me at 334-2190, Western Region of the Department of Water Resources.

Sincerely,

A handwritten signature in cursive script that reads 'Sue'.

Sue Taylor
Senior Secretary

MICROFILMED
MAR 16 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 23, 2002

RICHARD H BRANDAU
HC 79 BOX 61
MELBA ID 83641

SEVEN MILE RANCH INC
JERRY L HOAGLAND
HC 79 BOX 44
MELBA ID 83641

Re: Application for Permit Nos. 57-11597, 57-11598 and 57-11599 in the Name of John P.
&/or Catherine A. Romero

Dear Protestants:

This letter is to acknowledge the withdrawal of protests of application nos. 57-11597, 57-11598 and 57-11599. The department will now continue to process these applications subject to certain conditions of approval.

The protest of application no. 57-11596 by Jerry Hoagland of Seven Mile Ranch, Inc. has not been withdrawn. Therefore, we will set this matter for a prehearing conference in the near future.

If you have any questions please call this office.

Sincerely,

Gary Spackman

GS:st

CC: John &/or Catherine Romero

MICHAEL J. BROWN

MAR 15 2002

W028603

January 3, 2002

To: Karl J. Dreher, Director
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

RECEIVED

JAN 04 2002

WATER RESOURCES
WESTERN REGION

From: Seven High Ranch, Inc.
Jerry L. Hoagland
HC 79 Box 44
Melba, ID 83641

Re: Protest by Seven High Ranch, Inc. of Application for
Permit No.: 57-11596 in the Name of John P. Romero and
Catherine A Romero.

Seven High Ranch, Inc., Jerry L. Hoagland hereby files a Protest of Application for Permit No. 57-11596 under the rules of Idaho Code, Sec. 42-203A.

Objection 1. The purpose of use will reduce the quantity of water available for existing SRBA Decreed Water Rights: 57-00244, 57-00266, and 57-01041 owned by Seven High Ranch, Inc.

Objection 2. The total diversion, 2 cfs, is excessive and not based on fact. The only proof of quantity in the area of the diversion is the driller's well log for John Romero. (Attachment A) That log shows a yield of 200 gpm (.444 cfs) for 15 minutes. This is consistant with other wells in the Upper Reynolds Creek Basin. Recent studies discussing the availability of ground water in the Upper Basin, conclude the most water to be developed might maintain a maximum flow of .7 cfs. Even at that diversion rate, there are currently no wells in the Upper Basin that have this capability.

The proposed well is near the natural creek bed, and the 20 feet of blue clay might not be adequate as a sealant to prevent impacts to surface waters. The first water at 48 feet (Attachment A) is too near the surface and may draw from surface waters upstream through fractures in the blue clay or faults. If surface water leakage does occur during pumping, it will be impossible for me to utilize a shallow domestic stockwater well approximately 1/2 mile upstream. It may also be impossible to maintain adequate soil moisture to produce the crop and pasture I currently and historically have produced upstream from the proposed diversion.

Objection 3. This Application is not made in good faith. The Application's advertised "Notice" place of use lists property owned by Seven High Ranch, Inc. A corrected legal

MICROFILMED

MAR 16 2004

by IDWR may be "Noticed" prior to the final protest date
01/07/2002.

Objection 4. It is in conflict with the local public interest. It will require an additional expense to Seven High Ranch, Inc. to order the Watermaster in Water District 57-R to deliver my Decreed Water Rights. There is a limited amount of water in the Upper Reynolds Creek basin. The place of use described, will remove water that now surfaces as springs in and adjoining the Creek.

Objection 5. It is contrary to the conservation of water resources within the State of Idaho. Quantities as large as this application, diverted from the ground water, rapidly reduce a limited aquifer.

The Application for Water right No. 57-11596 in the name of John P. Romero and Catherine A Romero, must be denied for the reasons listed above.

Seven High Ranch, Inc.


Jerry L. Hoagland

cc. John P. Romero, HC 88 Box 1045, Murphy, ID 83650 and
Catherine A. Romero, HC 88 Box 1045, Murphy, ID 83650

MICROFILMED

MAR 16 2004

Form 238-1
3/95IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Use Typewriter or Ballpoint Pen

D0018710

770161

Office Use Only		
Inspected by _____		
Twp _____	Rge _____	Sec _____
1/4 _____	1/4 _____	1/4 _____
Lat. _____	Long. _____	
☒ Air ☐ Flowing Artesian		

1. DRILLING PERMIT NO. _____

Other IDWR No. _____

2. OWNER:

Name John RomeroAddress NC 88 Box 1045City Murphy State ID Zip 83650

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

Twp. <u>3</u>		North ☐ or South ☒
Rge <u>4</u>		East ☐ or West ☒
Sec <u>26</u>		1/4 <u>NE</u> 1/4 <u>SE</u> 1/4
Gov't Lot _____		County <u>Owyhee</u>
Lat. _____		Long. _____
Address of Well Site <u>Reynolds Creek</u>		

(Give at least name of road or landmark to Road or Landmark)

Lt. _____ Bk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD

☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

SEA/FILTER PACK			AMOUNT		METHOD
Material	From	To	Sacks or Pounds		
<u>Dry 3/8 Bent + Well Cuttings</u>	<u>0</u>	<u>18</u>	<u>400lb</u>		<u>Overbore</u>

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 58Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>6 + 2</u>	<u>58</u>	<u>1/4</u>	<u>Steel</u>	☒	☐	☒	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

9. PERFORATIONS/SCREENS

☐ Perforations Method _____
☐ Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						☐	☐
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

2 ft below ground Artesian pressure _____ lb.

Depth flow encountered _____ ft Describe access port or

control devices Sanitary Well Cap

11. WELL TESTS:

☐ Pump ☐ Bailor

Yield gal./min.	Drawdown	Pumping Level	Time
<u>200</u>	<u>NA</u>	<u>80</u>	<u>15 Min</u>
<u>80</u>	<u>NA</u>	<u>40</u>	<u>15 Min</u>

Water Temp. 52°Bottom hole temp. NAWater Quality test or comments: ClearDepth first Water Encountered 48

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y	N
<u>10</u>	<u>0</u>	<u>18</u>	<u>Basalt Boulders</u>		☒
<u>6</u>	<u>18</u>	<u>22</u>	<u>Blue Clay + Basalt Boulders</u>		☒
<u>6</u>	<u>22</u>	<u>48</u>	<u>Blue Clay</u>		☒
<u>6</u>	<u>48</u>	<u>68</u>	<u>Basalt + Cortez Cemented Sand</u>	☒	
<u>6</u>	<u>68</u>	<u>73</u>	<u>Basalt Gravel</u>	☒	
<u>6</u>	<u>73</u>	<u>85</u>	<u>Basalt + Cortez Cemented Sand</u>	☒	

RECEIVED

AUG 15 2001

Department of Water Resources

RECEIVED

AUG 01 2001

WATER RESOURCES
WESTERN REGIONCompleted Depth 85 (Measurable)Date Started 7/26/01 Completed 7/27/01

13. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Domestic Pump + Drill Firm No. 483

Firm Official _____ Date _____

and _____

Supervisor or Operator Stedman Date 7/27/01

(Sign once if Firm Official & Operator)

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

DEC 31 2001

WATER RESOURCES
WESTERN REGION

I, Joe E. Aman, being first duly sworn, depose and say.

1 That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned

2 That during the time of the publication of the notice hereinafter mentioned, I was and now am the publisher of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3 That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s).

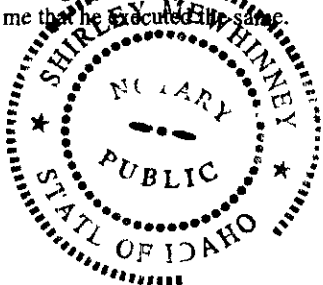
December 19 & 26, 2001

SIGNED:

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 27th day of December in the year of 2001 before me, a

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



Shirley M. McKinney
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires 10/10/06

NO. 57-11596

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

57-11596

JOHN P ROMERO

HC 88 BOX 1045

MURPHY ID 83650

CATHERINE A ROMERO

HC 88 BOX 1045

MURPHY ID 83650

Point(s) of Diversion NESE
S25 T02S R04W OWYHEE
County

Source GROUND WATER

Use: IRRIGATION 04/01 To
10/31 2 CFS

Total Diversion: 2 CFS

Date Filed: 11/28/2001

Place of Use: IRRIGATION

T02S R03W S30 NWNW Lot
1 SWNW Lot 2 SENW NESW
NWSW Lot 3

T02S R04W S25 NESW
SESW NESE NWSE SWSE
SESE

~~T02S~~ R04W S25 NENE
SESE NESE

Number of Acres 200

Remark: Applicant agrees to
mitigate consumptive use in
the future as needed.

Permits will be subject to all
prior water rights. Protests
may be submitted based on the
criteria of Sec 42-203A, Idaho
Code.

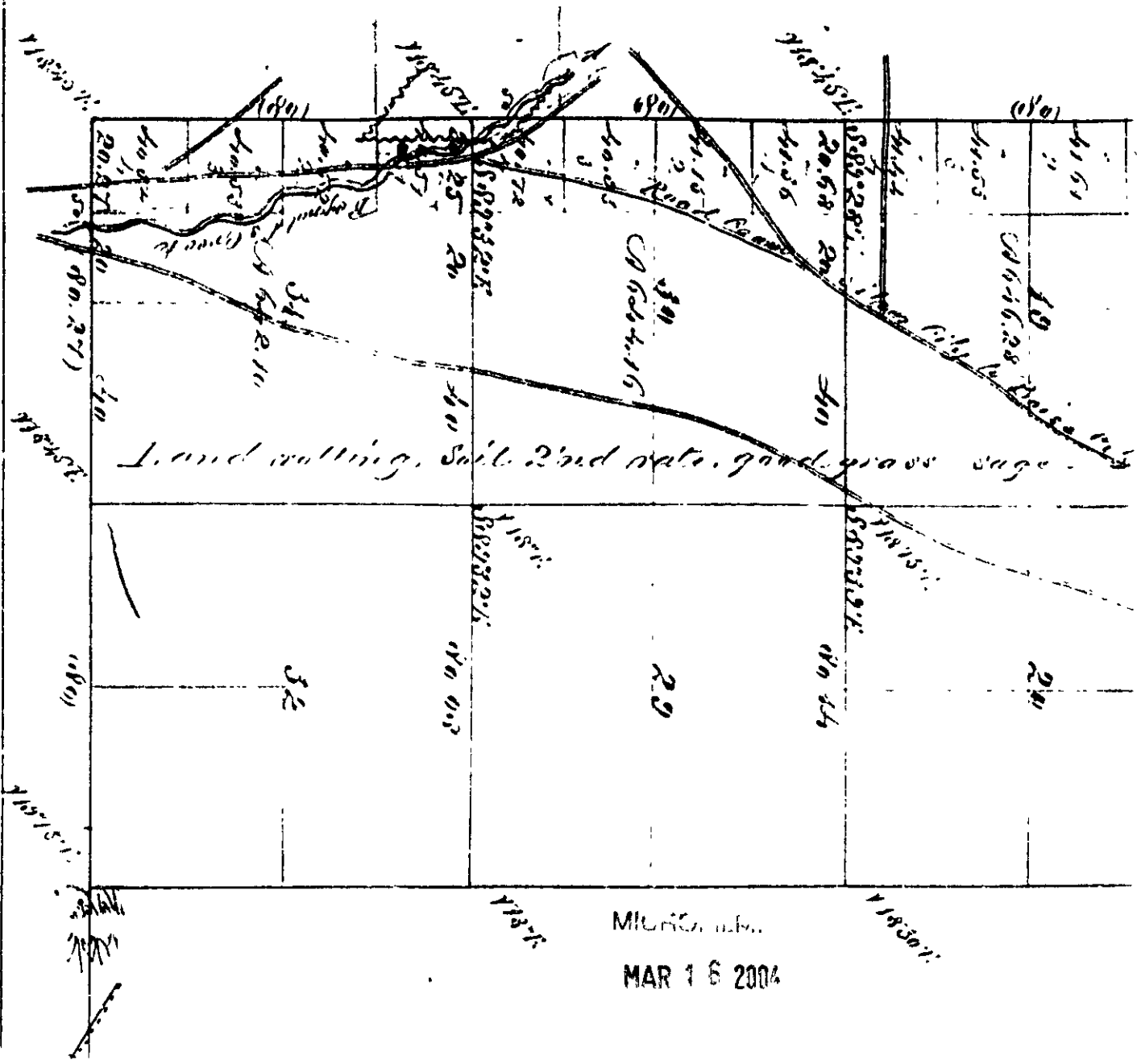
with the Director,
Dept. of Water Resource,
Western Region, 2735 Airport
Wy, Boise ID 83705 together
with a protest fee of \$25.00 for
each application on or before
01/07/2002. The protestant
must also send a copy of the
protest to the applicant.

KARL J. DREHER, Director
12/19 & 26/01

Microfilm

NOV 30 2004

Survey Designated	By whom surveyed	Date of instrument	Sheet of survey	
			11/10	11/10
			11/10	11/10
			11/10	11/10



December 12, 2001

Legal Notice Department

Owyhee Avalanche

PO Box 97

Homedale ID 83628

RE: Application for Permit Nos. 57-11590 and 57-11596

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find two legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 01/07/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

MAR 15 2004

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

57-11596

JOHN P ROMERO
HC 88 BOX 1045
MURPHY ID 83650
CATHERINE A ROMERO
HC 88 BOX 1045
MURPHY ID 83650

Point(s) of Diversion NESE S25 T02S R04W OWYHEE County Source GROUND WATER

Use. IRRIGATION 04/01 To 10/31 2 CFS
Total Diversion. 2 CFS

Date Filed. 11/28/2001

Place Of Use: IRRIGATION

T02S R03W S30 NWNW Lot 1 SWNW Lot 2 SENW NESW NWSW Lot 3

T02S R04W S24 NESW SESW NESE NWSE SWSE SESE

T02S R04W S25 NENE SENE NESE

Number of Acres 200

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/07/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director Published in the Owyhee Avalanche on December 19 and 26, 2001.

MAR 1 2002

MAR 1 5 2002

CONVERSATION MEMORANDUM

DATE 12/12/01

FILE _____

NAME OF PARTY Connie Brandon, Waternoster 57R

EMPLOYEE FL

RE: WM RESPONSE FORM + CONCERNS

57-11597 .78 cfs "Big Spring"

57-11598 .15 cfs "House Spring"

57-11599 .20 cfs "Little Spring"

.... just received letter from Iowa e
her response.

Needs more time to look into these,
will reply as soon as can.

HAS CONCERNS re amount of water

doubts springs can produce requested
flows (good point, especially .78 cfs!).

57-11596 ground water ... told her e this
filing, also.

REC'D

APR 15 2004

10-24-2001

DATA ENTRY WORKSHEET / APPLICATION FOR PERMIT

DATA ENTRY STEP

APPLICANT TAB

More than one name, Correspondence = Yes for John P and/or Catherine A
Romero
(others = No)

REMARKS/STATUS TAB

Mitigation Plan Attached: ☒ Yes ☐ No

Received Date = Proposed Priority Date = 11/28/01

PREPUBLICATION CHECKLIST STEP

REVIEW WATER USES TAB

ADD'L INFORMATION ITEM	N/A	ATTACHED	REQUEST
Residency affidavit for hydropower development	☒	☐	☐
Additional hydropower project information	☒	☐	☐
Additional fish propagation project information	☒	☐	☐
Appropriation Rule 40.05.c-g info (large diversion)	☒	☐	☐
Mitigation plan or acceptance form	☐	☒	☐
Evidence of pre-1987 development	☒	☐	☐

Note: click "*BUILD NOTES*" where "request" is checked.

COMMENT/ANALYSIS TAB

Legal Notice Remarks:

- ☒ Applicant agrees to mitigate consumptive use in the future as needed.
- ☐ Development completed by November 1987.
- ☐ Domestic use is for home(s) and yard(s) in Subdivision.
- ☐ Mitigation is proposed for consumptive use.
- ☐ Municipal use is for applicants service area.

☐ Water bearing zone to be appropriated is from to feet.

Enter Special Legal Notice Remark here:

Enter Comments/Analysis here:

Applicant reduced acres to avoid large diversion requirements. Changes made per telecon with applicants consultant, Dave Shaw 11/28/01. Priority date advanced to date acres reduced. Season of use changed to dept. standards. Government lots added in section 30.

LEGAL NOTICE REVIEW TAB

☒ YES to assign legal notice to publication scheduler.

☒ Save Legal Notices.

Okay to Publish: ☒ Yes ☐ No

NOTES: Please reduce acres as indicated, change season of use to 3/15/11 and add future mitigation remark. Add Government lots Thank you.

11/28/01
11/28/01

ERO Resources Corp
1106 N Cole Rd, Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax 373-7985



Denver • Boise

www.eroresources.com
eroboise@eroresources.com

September 17, 2001

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RE: Applications for Permit to Appropriate Water

Dear Sir or Madam:

Enclosed you will find four Applications for Permit in the names of John P. and/or Catherine A. Romero. A check in the amount of \$740.00 is also enclosed.

If you have any questions please contact me directly at (208) 373-7983.

Yours truly,

A handwritten signature in black ink, appearing to read "D. Shaw".

David B. Shaw
Project Manager

Michael L. Shaw

MAR 16 2001