

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 57-12065

Priority: September 23, 2021

This is to certify that

GREGORY KELLY 3665 HIGHWAY 95 HOMEDALE ID 83628-3372 AND/OR
CASSANDRA KELLY 3665 HIGHWAY 95 HOMEDALE ID 83628-3372 AND/OR
DAKOTA KELLY 3665 HIGHWAY 95 HOMEDALE ID 83628-3372

has applied for a permit to appropriate water from:

Source : SPRING

Tributary: UNNAMED DRAIN

and a permit is APPROVED for development of water as follows:

Beneficial Use

STOCKWATER

Period of Use

01/01 to 12/31

Rate of Diversion

0.01 CFS

Location of Point(s) of Diversion

SPRING NE¼ SE¼ SW¼, Sec. 25, Twp 04N, Rge 06W, B.M. OWYHEE County

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	
04N	06W	25												X					

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2022**.
2. Subject to all prior water rights.
3. Stockwater use is for 1200 goats.
4. 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.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 57-12065

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 10th day of November, 2021.



NICK MILLER
Western Regional Manager



State of Idaho
Department of Water Resources
Attachment to Permit to Appropriate Water
57-12065

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.

06W



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

0 0.035 0.07 0.14 Miles





November 10, 2021

CASSANDRA KELLY
GREGORY KELLY
DAKOTA KELLY
3665 HIGHWAY 95
HOMEDALE ID 83628-3372

RE: Permit No. 57-12065

Permit Approval Notice

Dear Permit Holders:

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,


DENISE LAUERMAN
for Nick Miller
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2021, I served a true and correct copy of Permit to Appropriate Water No. 57-12065 by U.S. Mail, postage prepaid, to the following:

CASSANDRA KELLY (Current Owner)
GREGORY KELLY (Current Owner)
DAKOTA KELLY (Current Owner)
3665 HIGHWAY 95
HOMEDALE ID 83628-3372



Denise Lauerman
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: IDWR Payable
FROM: Allen Bradbury
DATE: 10/27/2021
RE: **Refund Request: Application for Transfer**

GREG KELLY, KELLY LANDSCAPING, submitted a payment of \$250.00 for an application for permit, water right #57-12065, on 12/30/2020. The total quantity to be appropriated was amended on 9/23/2021 from a quantity of 0.26 cfs to a quantity of 0.01 cfs resulting in a change in application fees. A partial refund should be issued.

Please issue a \$150 refund as follows:

TO

GREGORY KELLY
3665 HIGHWAY 95
HOMEDALE, ID 83628-3372

TEL. (208) 919-3364

RECEIPT

Receipt no. W048986

Copy: app # 84803

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, IDAHO 83628

208 / 337-4681
EMAIL: OFFICE@OWYHEE.COM

RECEIVED

OCT 15 2021

WATER RESOURCES
WESTERN REGION

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

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 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 copy of said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper

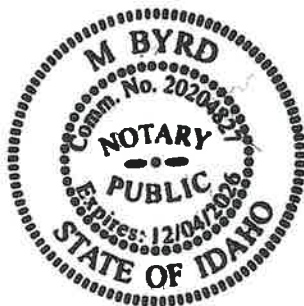
in TWO
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

October 6th & 13th, 2021

SIGNED: Joe Aman

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 13th day of October in the year 2021, 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.



M. Byrd
Notary Public of Idaho
Residing at Homedale ID
My commission expires: 12, 04, 2026

Public notices

NOTICE OF PUBLIC
HEARING

Before the Owyhee County
Planning & Zoning
Commission

On October 27, 2021, the Owyhee County Planning and Zoning Commission will hear testimony in the Annex Building of the Owyhee County Courthouse located at 17069 Basey St, Murphy, Idaho on the following matters at the times listed below.

Beginning at 9:30 am. the Commission will hear application Z21-33 filed by Lamar Glenn & Margarita Goings seeking approval of a conditional use permit to establish a second single-family dwelling on a 5.081-acre parcel located at 10017 China Ditch Rd. Melba, Idaho. The subject parcel, RP01S03W143246, is located in an agricultural zone in a portion of the NW¼ of the NW¼ of Section 14, Township 1 South, Range 3 West, Boise Meridian, Owyhee County, Idaho.

Beginning at 10:30 am. the Commission will hear application Z21-31 filed by Cody Winchester Zumwalt & Lyman Gene Winchester seeking approval of a conditional use permit to establish a single-family dwelling on a 10-acre parcel located on Succor Creek Road, approximately 4.5 miles southwest of Homedale. The subject parcel, RP03N06W141206, is located in an agricultural zone in a portion of the NW¼ of the SE¼ of Section 14, Township 3 North, Range 6 West, Boise Meridian, Owyhee County, Idaho.

Beginning at 1:00 pm. the Commission will review and make a recommendation on short-plat application Z21-28 filed by Chase & Madison Hansen for Carter Estates Subdivision, a previously approved four-lot residential subdivision on an approximately 26-acre parcel located northeast of Market and Homestead Roads approximately 2.5 miles southwest of Homedale. The subject parcel, RP03N05W176001, is located in a multi-use zone in a portion of the SW¼ of the SW¼ of Section 17, Township 3 North, Range 5 West, Boise Meridian, Owyhee County, Idaho.

Beginning at 1:30 pm. the Commission will hear application Z21-32 filed by Colin Rooney seeking approval of a conditional use permit to develop a 10 lot residential subdivision on a portion of an approximately 114-acre parcel owned by Dave & Shelley Shenk located on the northeast corner of Market and Jump Creek Roads, approximately 2 miles southeast of Homedale. The subject parcel, RP03N05W144800, is located in a multi-use zone in a portion of the SW¼ of Section 14, Township 3 North, Range 5 West, Boise Meridian, Owyhee County, Idaho.

Additional information about this meeting is available at owyheecounty.net under Public Hearing Documents on the Community Planning page. Copies of the proposed projects are available for review in the Community Planning office or on the webpage. For additional information please call 208-495-2095 ext. 2.

10/06/2021

NOTICE OF PUBLIC
HEARING ON PROPOSED
GRANT ACTIVITIES

The City of Homedale is submitting a proposal to the Idaho Department of Commerce for an

NOTICE OF FEE INCREASE HEARING
MARSING JOINT SCHOOL DISTRICT #363
OWYHEE AND CANYON COUNTIES, IDAHO

October 13 at 6:55 pm
District Board Room "The Hub"
205 8th Ave. W. Hwy 78, Marsing

The Marsing Joint School District No. 363, Owyhee and Canyon Counties, Idaho, has proposed to increase the fees listed below effective October 14, 2021 for the 2021-22 school year. The proposed fee increases are outlined below:

Lunch Price Increases:	Current	Proposed	Percent
Adult Lunches	\$4.00	\$4.35	8.75%

All citizens are invited to attend a public hearing on the increased fee request. The Hearing will be held on October 13, 2022 at 6:55 pm at the District Board Room "The Hub" located at 205 8th Ave. West, Hwy 78, Marsing, Idaho 83639.

Lorraine Simonson, Clerk
Marsing Joint School District #363
Owyhee & Canyon Counties, Idaho
Posted: Thursday, September 16, 2021
Publish: Wednesday, September 29, 2021
Wednesday, October 6, 2021

09/29/10/06/2021

Idaho Community Development Block Grant (CDBG) in the amount of \$500,000. The proposed project is to pay for Engineering Services for the City's wastewater improvement project. The wastewater improvement project follows the DEQ-approved Facility plan. It will improve the treatment facility by providing partial mix lagoons with submerged attached growth reactor and discharge to the Snake River. It will also replace the high, medium, and low priority pipe, replace manholes, replace all connected sewer services, and upgrade the primary lift station. The hearing will include a discussion of the need of the project; the application process; and the project's scope of work, location, funding/budget, schedule, and expected benefits. The application, related documents, and ICDBG Application Handbook will be available for review.

The hearing has been scheduled for 6:00 pm October 13th at 31 West Wyoming, Homedale, Idaho 83628. Verbal and written comments will be accepted seven days prior to and at the hearing. The hearing will be held in a facility that is accessible to persons with disabilities. Special accommodations will be available upon request five (5) days prior to the hearing in a format usable to persons with disabilities. For more information or to submit comments, contact the City of Homedale's City Clerk & ADA Coordinator, Alice Pegram, at (208) 337-4641.

Or: alicep@cityofhomedale.org

Gheen Christoffersen, Mayor
31 West Wyoming Ave./PO Box 757
Homedale, ID 83628

This Notice can be provided in a format accessible to persons with disabilities and/or persons with limited English proficiency upon request.

Al ser solicitada, esta notificación puede ser provista en un formato fácil de usar para personas con discapacidad y/o personas con conocimientos limitados del Inglés.

10/06/10/13/2021

NOTICE OF PUBLIC
HEARING

Please be advised that a public hearing will be held before the Homedale City Council on Wednesday, October 13, 2021 at 6:00 pm at Homedale City Hall, 31 West Wyoming Ave.

Homedale, Idaho.

The subject matter of this hearing is the Application for Annexation and Zoning filed by Rodney Fedie requesting that his property be annexed into the City of Homedale and be zoned Industrial for a self-storage unit facility. The address is 3947 Pioneer Rd. Homedale, ID 83628, parcel RP0M0100150000.

The public is invited to attend and offer input.

Alice E. Pegram
City Clerk
City of Homedale
09/29/10/06/2021

NOTICE OF PUBLIC
HEARING

Amendment to Subdivision
Ordinance

Please take notice that a public hearing before the City Council of the City of Marsing will take place at the City Council meeting on Wednesday, October 13, 2021 at 7:00 pm at Marsing City Hall located at 18 Sandbar Ave., Marsing, Idaho to consider amending the subdivision code to require that the cost of the provision of services be a factor of consideration.

All persons desiring to be heard concerning the proposed amendment should be in attendance at the hearing. The file relating to this proposal is available for review in the office of the City Clerk at Marsing City Hall. Written comments may be submitted prior to the Council meeting, but must be received by the City Clerk no later than 3:00 pm, Friday, October 8th, 2021 in order to be considered as part of the record. Written comments can be mailed to Marsing City Hall, PO Box 125, Marsing, ID 83639 or emailed to office@marsingcity.com.

09/29/10/06/2021

PUBLIC NOTICE
City of Grand View
Equipment Auction October
18, 2021

JBS Auctions will be the on-line auction service. All auction items can be viewed/bid on-line at www.jbsauctions.com. Items to be auctioned off include but are not limited to the following: \$80 Case Super K Construction King Backhoe, 2004 Chevy Silverado, Lawn mowers, generators, a snowplow with plow harness, and an ME-50 International Tractor. All items will be sold As-is. If you have any questions, please call JBS auctions at (541) 212-3278.

09/22/29/10/06/2021

NOTICE OF LETTING

Idaho Project No. A021(890), in Owyhee County, Key No. 21890; for the work of work of constructing turn bays at the intersection of SH-78 and SH-167, MP 59.780, SH-78.

Sealed proposals will be received only at the office of the IDAHO TRANSPORTATION DEPARTMENT, 3311 WEST STATE STREET, BOISE, IDAHO 83703, ATTN: ADVERTISEMENT AND AWARD. Bids may also be submitted electronically through Bid Express (www.bidx.com). All bids must be received by two o'clock p.m., on October 19, 2021.

ADDITIONAL INFORMATION CONTACT: RESIDENT ENGINEER JEFF RYAN at (208) 334-8960 for any design related questions.

Digital copies of the Plans, Proposals, and Specifications must be downloaded for a fee of \$15.00. Bidders must appear on the plan holders list for their proposal to be accepted by the Department. Please contact QuestCDN.com at 952-233-1632 or info@questcdninfo.com for assistance in downloading and working with this digital project information.

General Bidding information and Specifications may be obtained from the Idaho Transportation Department website at <http://itd.idaho.gov/business/>.

This contract requires full compliance with Title VI of the Civil Rights Act of 1964, which protects persons from being denied the benefits of or excluded from participation in programs or activities; or subjected to discrimination based on race, color, national origin, sex, age, disability, Limited English Proficiency or economic status. The Contractor is encouraged to utilize the goods and services of disadvantaged firms in accomplishing the tasks or providing the services of this agreement, and to provide equal opportunity to all sub-bidders and suppliers.

09/29/10/06/2021

NOTICE TO CREDITORS
CASE NO. CV37-21-00299
IN THE DISTRICT COURT
OF THE THIRD JUDICIAL
DISTRICT OF
THE STATE OF IDAHO, IN
AND FOR THE COUNTY OF
OWYHEE
MAGISTRATE DIVISION
IN THE MATTER OF THE
ESTATE OF JAMES RANDALL
McCOY, DECEASED. NOTICE

IS HEREBY GIVEN THAT SANDY McCOY was appointed Personal Representative of the above-named estate. All persons having claims against the Decedent or the estate are required to present their claims within four (4) months after the date of the first publication of this Notice or said claims will be forever barred. Claims must both be presented to the undersigned at address indicated, and filed with the Clerk of the Court.

Dated: Sept. 21, 2021
Sandy McCoy
Personal Representative
c/o Marc J. Bybee, ISB #9245
White Peterson Gigray & Nichols P.A.

Attorneys for Personal Representative
5700 E. Franklin Road, Suite 200
Nampa, Idaho 83687

Tel: (208) 466-9272
Fax: (208) 466-4405
09/29/10/06/13/2021

LEGAL NOTICE

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

5 7 - 1 2 0 6 5
GREGORY KELLY
CASSANDRA KELLY
DAKOTA KELLY
3665 HIGHWAY 95
HOMEDALE, ID 83628-3372
Point of Diversion NESESW
S25 T04N R06W OWYHEE
County Source SPRING Tributary
UNNAMED DRAIN
Use STOCKWATER 01/01 to
12/31 0.01 CFS
Total Diversion: Date Filed:
03-01-2021
Place Of Use: STOCKWATER
T04N R06W S25 SESW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Western office at (208) 334-2190, or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 10/25/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
10/06/13/2021

Don't throw that away!



Sell it in the
Owyhee
Avalanche
classifieds!

\$5 for up to 20
words each week
call 337-4681

WATER RESOURCES WESTERN REGION

Owyhee County's best source of local news!