

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 51-13137

Priority: July 09, 2020

Maximum Diversion Rate: 4.00 CFS

This is to certify that

ACE BLACK RANCHES 28892 HOT SPRINGS RD BRUNEAU ID 83604-5007

has applied for a permit to appropriate water from:

Source : BRUNEAU RIVER

Tributary: SNAKE RIVER

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

Beneficial Use

IRRIGATION

Period of Use

03/01 to 11/15

Rate of Diversion

4.00 CFS

Location of Point(s) of Diversion

BRUNEAU RIVER NE¼ NW¼, Sec. 31, Twp 06S, Rge 06E, B.M. OWYHEE County

Place of Use: IRRIGATION

| Twp | Rng | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals | | | |
|-----|-----|-----|------|------|-----|------|------|-----|----|------|------|------|------|------|------|------|------|------|--------|------|------|-------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | | |
| 06S | 05E | 25 | | | | 1.0 | | | | | | | | 40.0 | | | | 40.0 | 40.0 | 40.0 | 40.0 | 241.0 |
| 06S | 05E | 36 | 40.0 | 40.0 | | 10.0 | | | | | | | | | | | | | | | | 90.0 |
| 06S | 06E | 30 | | | 5.0 | | | | | 19.0 | 35.0 | 40.0 | 40.0 | 40.0 | 40.0 | 11.0 | 31.0 | 40.0 | 38.0 | | | 339.0 |
| 06S | 06E | 31 | | | | | 26.0 | 7.0 | | | | | | | | | | | | | | 33.0 |

Right Acre Limit: 200.0

Total Acres: 703.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2026**.
2. Subject to all prior water rights.
3. This right is limited to the irrigation of a specific 200 acres within the 703 acre place of use authorized by this right in a single irrigation season. The specific 200 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 200 acres to be irrigated within the 703 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

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7. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are for 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. See IDAPA 37.03.08.030.
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 Idaho Code § 42-204.

Signed this 28th day of January, 2021.



PATRICK KELLY
Water Rights Supervisor

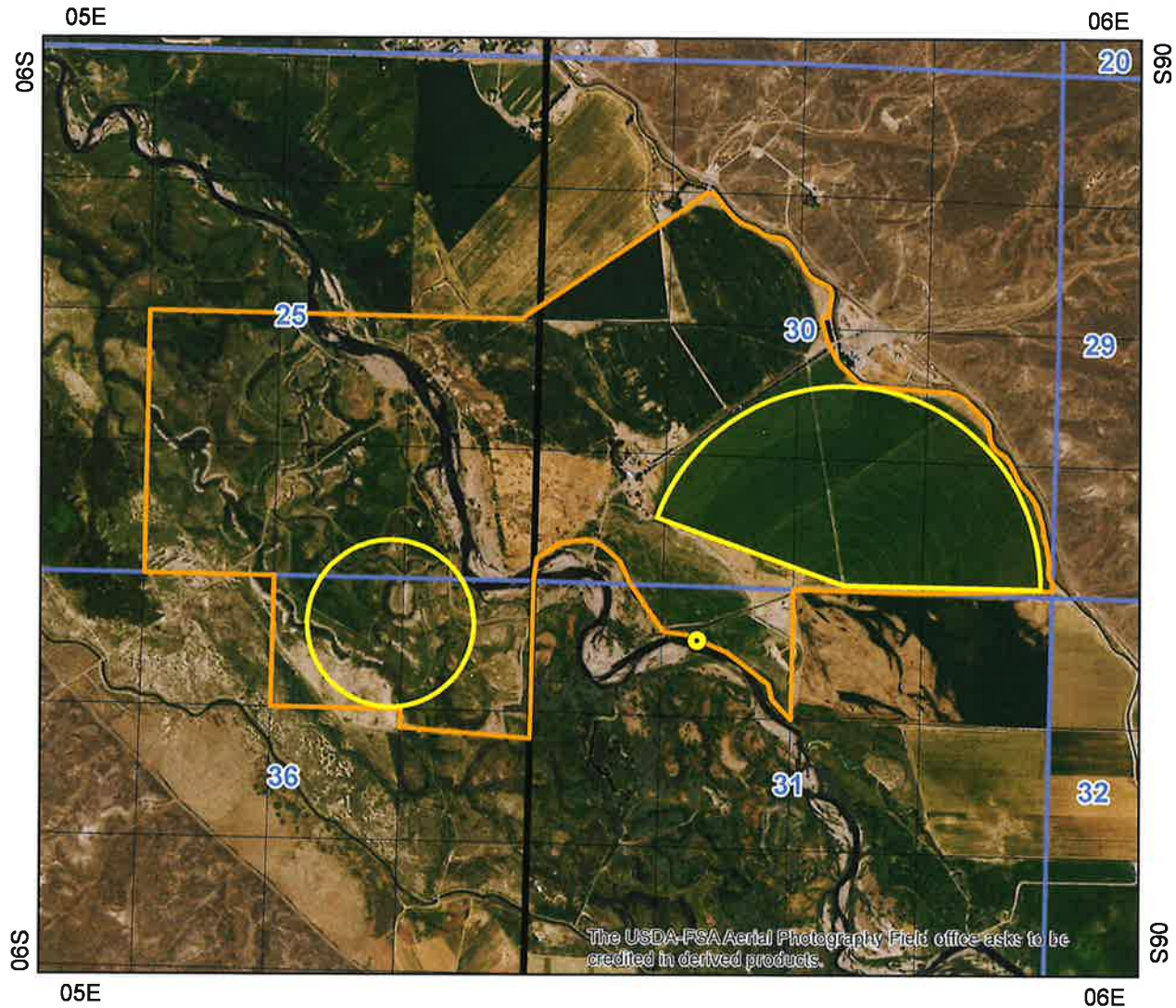








State of Idaho
Department of Water Resources

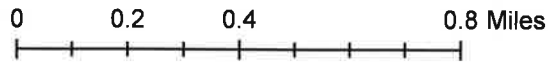
Attachment to Permit to Appropriate Water

51-13137

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

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

Brad Little
Governor

Gary Spackman
Director

January 28, 2021

ACE BLACK RANCHES
28892 HOT SPRINGS RD
BRUNEAU ID 83604-5007

RE: Permit No. 51-13137

Permit Approval Notice

Dear Permit Holder(s):

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

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2021, I served a true and correct copy of Permit to Appropriate Water No. 51-13137 by U.S. Mail, postage prepaid, to the following:

ACE BLACK RANCHES (Current Owner)
28892 HOT SPRINGS RD
BRUNEAU ID 83604-5007


Denise Lauerman
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was held)

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

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of the order as shown on the certificate of service. **Note: the petition must be received by the Department within this fourteen (14) day period.** The hearing officer 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 to the Director. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

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, request 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 Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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.

SEP 02 2020

WATER RESOURCES
WESTERN REGION

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, IDAHO 83628

208 / 337-4681

EMAIL: OFFICE@OWYHEE.COM

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):

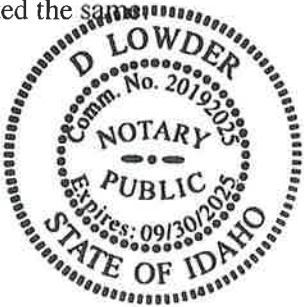
8/19 + 8/26/20

SIGNED: _____

Joe E. Aman

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 20th day of August in the year 2020, 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.



[Signature]

Notary Public of Idaho

Residing at _____

My commission expires:

09.30.2025

Public notices

NOTICE OF TRUSTEE'S SALE
On Tuesday, November 3, 2020, at 2:00 p.m., on the front steps of the Owyhee County Courthouse located at 20381 State Hwy 78, Murphy, ID 83650, Alliance Title & Escrow Corp., as Successor Trustee (the "Trustee"), will sell at public auction, to the highest bidder, for cash, in lawful money of the United States, all payable at the time of sale, the following described Real Property, situated in the County of Owyhee, State of Idaho, and described as follows:

Lots 12 and 13 in Block 42 of Homedale Townsite, as shown on the amended plat thereof on file in the office of the Recorder for Owyhee County, Idaho, Together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, and appurtenances; all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights, royalties, and profits relating to the real property, including without limitation all minerals, oil, gas, geothermal and similar matters; (the "Real Property").

The Trustee has no knowledge of a more particular description of the above-described Real Property but for purposes of compliance with Idaho Code, Section 60-113, the Trustee has been informed that the street address of 203 W. Wyoming Ave., Homedale, ID 83628, may sometimes be associated with said Real Property.

The Trustee's sale shall be made pursuant to the power of sale conferred in the Deed of Trust (defined below) to satisfy obligations secured thereby. The sale will be made without covenant or warranty regarding title, possession or encumbrance. The Deed of Trust referred to herein was executed by RYAN L. WILSON and LISA E. WILSON, husband and wife, as Grantor, to Pioneer Title Company of Owyhee County, as original Trustee, for the benefit and security of FIRST INTERSTATE BANK, successor by merger of Idaho Independent Bank, as Beneficiary, dated November 5, 2018, and recorded November 14, 2018, as Instrument No. 297812, official records of Owyhee County, Idaho ("Deed of Trust"). Alliance Title & Escrow Corp. has been appointed as Successor Trustee, pursuant to an Appointment of Successor Trustee dated May 27, 2020, and recorded June 12, 2020, as Instrument No. 303673, records of Owyhee County, Idaho.

THE ABOVE GRANTOR IS NAMED TO COMPLY WITH SECTION 45-1506(4)(a), IDAHO CODE. NO REPRESENTATION IS MADE THAT THE GRANTOR IS, OR IS NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.

The defaults for which this sale is to be made are Borrower has:

(i) failed to pay the entire balance due and owing on the Note at the maturity date of February 5, 2020, which is the sum of \$107,210.82, as of June 10, 2020, and includes maturity late charges of \$4,772.77, together with accruing interest until the date of sale, and attorneys' fees and costs;

(ii) failed to pay delinquent Real Property taxes for the first half of the year 2019, together with penalties and interest; and

(iii) failed to pay Real Property taxes for the second half of the year 2019, which are payable, but not yet delinquent;

(iv) caused third party liens to be filed against the Real Property (defined below); and

(v) caused Beneficiary to incur foreclosure costs, trustee's fees and attorneys fees.

The loan amount as evidenced by the Promissory Note dated November 5, 2018 executed by Idaho Electrical Service, Inc. as Borrower, in favor of Beneficiary ("Note"), has a principal balance due as of June 10, 2020 of \$94,991.70. The balance owing under the Note as of June 10, 2020, which is secured by the Deed of Trust, is \$107,210.82, and includes principal, accrued interest, and maturity late charge, but excludes delinquent property taxes, and subsequent costs and expenses actually incurred in enforcing the obligations under the Loan Documents or in connection with this sale, such as trustee's fees and/or reasonable attorney's fees, as authorized in the Loan Documents.

THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

DATED this 12th day of June, 2020.

ALLIANCE TITLE & ESCROW CORP.
 Successor Trustee
 By: Bobbi Oldfield
 Name: Bobbi Oldfield
 Its. Asst. Secretary
 Sheila R. Schwager
HAWLEY TROXELL ENNIS & HAWLEY LLP
 P.O. Box 1617
 Boise, ID 83701-1617
 Telephone: (208) 344-6000
 08/19,26,09/02,09/2020

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

51-13137
ACE BLACK RANCHES
 28892 HOT SPRINGS RD
 BRUNEAU, ID 83604-5007
 Point of Diversion NENW S31 T06S R06E Owyhee County Source BRUNEAU RIVER Tributary SNAKE RIVER
 Use: IRRIGATION 03/01 to 11/15 4 CFS
 Total Diversion: 4 CFS
 Date Filed: 07-09-2020
 Place Of Use: IRRIGATION T06S R05E S25 NESW, NESE, NWSE, SWSE, SENE, SESW, SESE

T06S R05E S36 NENE, NWNE, SENE
 T06S R06E S30 NESW, NESE, NWSW, NWSE, SWNE, SWNW, SWSW, SWSE, SENW, SESW, SESE

T06S R06E S31 NENW, NWNW
 Total Acres: 200 within a 703 acre ppu

This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 83899
ACE BLACK RANCHES,
 28892 HOT SPRINGS RD,
 BRUNEAU, ID 83604-5007
 has filed Application No. 83899

NOTICE OF BUDGET HEARING
PUBLIC NOTICE IS HEREBY GIVEN, that the Homedale Highway District Board of Commissioners will meet September 2, at 7 p.m., at 102 East Colorado Avenue, Homedale, Idaho to consider and adopt a final budget for 2020-2021 Fiscal Year. A Public Hearing will be held for the enactment of said budget at that same time and place. The proposed budget is available for the public to inspect at the Office of the District, between the hours of 8 a.m. and 4:30 p.m., Monday through Thursday.
 Terri Uria-Secretary/Treasurer

HOMEDALE HIGHWAY DISTRICT - PROPOSED BUDGET
OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021
 Publish Aug. 19 and 26 in Owyhee Avalanche Post: Aug. 17, 2020

| BUDGETED ANTICIPATED RECEIPTS | Proposed Budget Oct. 1, 2020 to Sept. 30, 2021 |
|--|--|
| Balance Carryover FY 2019 - 2020 | 500,000.00 |
| Agricultural Replacement / Personal Property Replacement | 4,514.00 |
| Highway User Funds | 575,000.00 |
| Miscellaneous Revenue and Permit Fees | 4,500.00 |
| Sales Tax/Surplus/Personal Property Replacement | 12,000.00 |
| Penalties and Interest | 500.00 |
| Property Tax | 95,179.00 |
| Rental Income | 2,000.00 |
| Transfers and Adjustments | 16,196.00 |
| TOTAL REVENUE | 1,176,497.00 |

| BUDGETED PROPOSED EXPENDITURES | |
|---|---------------------|
| Professional Fees: Legal | 3,000.00 |
| Commissioner's Salary | 15,984.00 |
| Contingency Fund | 30,000.00 |
| Dues and Subscriptions (IAHD) | 3,500.00 |
| Engineering Fees | 1,000.00 |
| Equipment Lease/Purchase | 100,000.00 |
| Equipment Rental | 2,000.00 |
| Gas, Oil and Tires | 20,000.00 |
| Insurance [General] | 6,500.00 |
| General Supplies and Miscellaneous Expenses | 8,000.00 |
| Materials/Construction Expense | 511,013.00 |
| Mileage | 500.00 |
| Office Supplies | 1,000.00 |
| Payroll Benefits and Taxes | 30,000.00 |
| Health/Dental Insurance | 29,000.00 |
| Phone Expense | 2,500.00 |
| Professional Fees: Audit | 5,500.00 |
| Repairs & Maintenance and Tools | 25,000.00 |
| Salaries and Wages | 150,000.00 |
| Signs | 500.00 |
| Utilities | 3,500.00 |
| Weed Control | 20,000.00 |
| Workmen's Compensation | 6,500.00 |
| Advertising Expense | 1,000.00 |
| Training and Education | 500.00 |
| Ending Fund Balance | 200,000.00 |
| TOTAL EXPENSES | 1,176,497.00 |

08/19,26/2020

for changes to the following water rights within Owyhee County(s): Right No(s) 51-10252, 51-27B, 51-28B, 51-29B, 51-30; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: The transfer proposes to change the points of diversion, change the place of use, and establish a permissible place of use in combination with water rights involved in transfer 83900 for water rights 51-27B, 51-28B, 51-29B, 51-30, and 51-10252 to accompany pivot irrigation systems developed directly off the Bruneau River in Owyhee County.

ACE BLACK RANCHES,
 28892 HOT SPRINGS RD,
 BRUNEAU, ID 83604-5007
 has filed Application No. 83900 for changes to the following water rights within Owyhee County(s): Right No(s) 51-13127, 51-7318, 51-7319; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: The transfer proposes to change the place of use and establish a permissible place of use in combination with water rights involved in transfer 83899 for water rights 51-7318, 51-7319, and 51-13127 to accommodate pivot irrigation systems directly off the Bruneau River in Owyhee County.

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/WRAApplicationResults/. 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 WAIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 9/8/2020. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
 08/19,26/2020

The Owyhee Avalanche
 Owyhee County's best source of local news!