

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 57-12021

Priority: August 14, 2020

Maximum Diversion Rate: 0.12 CFS

This is to certify that

SUZANNE PRESCOTT 8240 BIRMINGHAM RD MELBA ID 83641-4210 AND/OR
BERRY PRESCOTT 8420 BIRMINGHAM RD MELBA ID 83641

has applied for a permit to appropriate water from:

Source : SNAKE RIVER

Tributary: COLUMBIA 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

0.12 CFS

Location of Point(s) of Diversion

SNAKE RIVER L1 (SE¼ SE¼), Sec. 6, Twp 01N, Rge 03W, 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	
01N	03W	6															4.3	1.0	5.3
01N	03W	7		0.7														L1	0.7

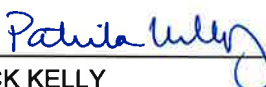
Total Acres: 6.0

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2025**.
2. Subject to all prior water rights.
3. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
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.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
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 use power records to determine the amount of water diverted and shall annually report the information to the Department.

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

Signed this 28 day of September, 2020.


PATRICK KELLY
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

57-12021

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
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles





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

September 28, 2020

SUZANNE PRESCOTT
BERRY PRESCOTT
8240 BIRMINGHAM RD
MELBA ID 83641-4210

RE: Permit No. 57-12021

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 first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, 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.

Also, please note that permit holders are required to report any change of 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. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft', written over a horizontal line.

For: *Kensie Thorneycroft*
Patrick Kelly
Water Rights Supervisor

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2020, I served a true and correct copy of Permit to Appropriate Water No. 57-12021 by U.S. Mail, postage prepaid, to the following:

SUZANNE PRESCOTT
BERRY PRESCOTT
8240 BIRMINGHAM RD
MELBA ID 83641-4210



Kensie Thorneycroft
Administrative Assistant 1

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.

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, IDAHO 83628

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

RECEIVED

SEP 14 2020

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):

9/2 + 9/9/20

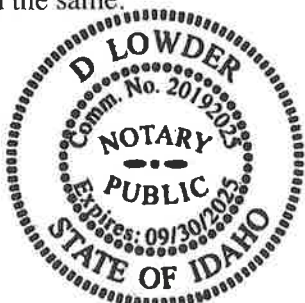
SIGNED: _____

Joe E. Aman

STATE OF IDAHO

COUNTY OF OWYHEE }

On this 11 day of September 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

Homedale, ID
My commission expires:

09, 30, 2025

Public notices

NOTICE OF TAX SALE

Pursuant to Idaho Code §31-808, and pursuant to the Order of Sale recorded with the Owyhee County Recorder on August 10, 2020; Owyhee County will offer for sale on Monday, October 5, 2020, at 10:00 A.M. in Courtroom 2 of the Owyhee County Courthouse, 20381 State Highway 78, Murphy, Idaho, the following properties:

Property known as Lots 3 & 4, Block 6 Pattons Sub, 3 2N 4W, City of Marsing, Owyhee County, Idaho. Said property was taken by tax deed, August 10, 2020, from

Belle M Bond, parcel RPB0380006003A.

A minimum bid of \$8,338.32 is required which will include delinquent taxes; late fees; interest and costs, plus current year's taxes and all other accruing costs.

Owyhee County offers the above properties for sale without warranty or representations of any kind and is sold "as is", "where is" without warranty or representations as to marketability, fitness for a particular purpose or representations concerning compliance with any Federal or State regulations. Owyhee County offers above properties for sale subject to any rights limitations, claims, easements, or rights of way that may exist.

It is the responsibility of prospective bidders to inspect the sale properties and to make themselves aware of any issues or potential issues concerning the sale of the properties.

The sale is an auction open to the public and will be sold to the highest bidder, payable at the time of the sale in lawful currency of the U.S. Treasury Department in cash or certified funds such as a cashier's check.

The Board of County Commissioners reserves the right to reject any and all bids or offers.

Dated this 10th day of August, 2020.

/s/ Jerry Hoagland, Chairman,
Owyhee County Commissioners
/s/ Angela Barkell, Clerk, Board
of County Commissioners
8/19/20, 9/02, 09/2020

NOTICE OF PUBLIC HEARING ON PROPOSED GRANT ACTIVITIES

The City of Homedale is submitting a proposal to the Idaho Department of Commerce for an Idaho Community Development Block Grant (CDBG) in the amount of \$250,000. The proposed project is to make the following improvements to Peterson Park: Installation of underground sprinklers, laying sod, construction of restrooms that comply with the Americans with Disabilities Act (ADA), two pavilions, electrical upgrades, and assorted amenities such as picnic tables, bike racks, and benches. 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, September 9, 2020, at 31 West Wyoming, Homedale, Idaho 83628. Verbal and written comments will be accepted before and at the hearing.

Per Idaho's COVID-19 "Stay Healthy Guidelines - Stage Four," those who attend the public hearing are required to wear face coverings, maintain at least six (6) feet minimum physical distancing from other individuals, wherever possible, and cover coughs and sneezes. If you feel sick, please do not attend the hearing instead submit written or verbal comments via email or over the phone.

Special accommodations for persons with disabilities will be available upon request, five (5) days before the hearing in a format that is 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, TDD: 1-800-337-3529, voice 1-800-337-1363, or cityofhomedale@cablene.net.

Gheen Christoffersen, Mayor
Name and Title of Chief Elected Official

31 West Wyoming Ave./PO Box 757

Street Address/Post Office Box

Homedale, ID 83628

City/State/Zip

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

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

09/09/20

NOTICE OF ELECTION OPALINE IRRIGATION DISTRICT

PLEASE TAKE NOTICE that pursuant to IDS 43-201 to 43-207, inclusive, the election of one Director from Division 1 and 4 of the Opaline Irrigation District, will be held on November 3, 2020 to elect a Director of the term of three (3) years from the first of January 2021 and until their successors are elected and qualified.

Nomination for Director may be made by Petition, signed at least six (6) electors of the District, qualified to vote for the candidate nominated and filed with the Secretary of the District, not less than 40 days nor more than 60 days before the date of election. Petitions may be obtained from Pam Howard, Secretary of the District, Ph. 896-5273. (Petition due date September 21, 2020.)

In the event more than one (1) candidate is nominated within a Division, notice of the time and place of election will be posted as is required by IDS 43-206.

Dated: August 17, 2020
Opaline Irrigation District
Pam Howard, Secretary

09/02, 09/20/20

NOTICE OF ELECTION GRAND VIEW IRRIGATION DISTRICT

PLEASE TAKE NOTICE that pursuant to IDS 43-201 to 43-207, inclusive, the election of one Director from Division 2 of the Grand View Irrigation District, will be held on November 03, 2020 to elect a Director of the term of three (3) years from the first of January 2021 and until their successors are elected and qualified.

Nomination for Director may be made by Petition, signed by at least six (6) electors of the District, qualified to vote for the candidate nominated and filed with the Secretary of the District, not less than 40 days nor more than 60 days before the date of election. Petitions may be obtained from Dixie McDaniel, Secretary of the District, 645 Idaho Street, Grand View, Idaho. (petition due date September 24, 2020) by 3:30 p.m.

In the event more than one (1) candidate is nominated within a Division, notice of the time and place of election will be posted as is required by IDS 43-206.

Dated August 27, 2020
Grand View Irrigation District
Dixie McDaniel, Secretary
09/02, 09/20/20

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT Countryside Park & Storage will sell to settle delinquent account of:

Units of Sherrell McLay
18233 Short Cut Road Oreana,
ID 83650-5091

All contents of the Unit are sold to the public via a yard sale on Saturday the 26th day of September at 10:00am at Countryside Park & Storage, Grand View, Idaho. Disposal is subject to redemption prior to September 26th. This sale is conducted according to Idaho Law, Title 55, Chapter 23, and may be cancelled without notice any time prior to disposal.

09/09/20

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

08/19/20, 09/02, 09/20/20

PUBLIC NOTICE

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

5 7 - 1 2 0 2 1
SUZANNE PRESCOTT ✓ OK KT
BERRY PRESCOTT
8240 BIRMINGHAM RD
MELBA, ID 83641-4210
Point of Diversion SESE
S6 T01N R03W Owyhee
County Source SNAKE RIVER
Tributary COLUMBIA RIVER
Use: IRRIGATION 03/15 to
11/15 0.12 CFS
Total Diversion: 0.12 CFS
Date Filed: 08-14-2020
Place Of Use: IRRIGATION
T 0 1 N R 0 3 W S 6
SWSE, L1(SESE),
T01N R03W S7 NWNE
Total Acres: 6

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 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 9/21/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
09/02, 09/09/2020



Phone (208) 337-4681

The Owyhee Avalanche
Your source for Owyhee County
news and views since 1865

P.O. Box 97, Homedale, ID 83628

www.theowyheevalanche.com

