

**State of Idaho**  
**Department of Water Resources**  
**Water Right License**  
**Water Right No. 57-7522**

**Priority:** April 19, 1990

**Maximum Diversion Rate:** 3.92 CFS

It is hereby certified that:

JOYCE LIVESTOCK CO 14568 JOYCE RANCH RD MURPHY ID 83650-5051

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 09, 2015, and has submitted Proof of Beneficial Use on October 05, 1995. An examination confirms water is diverted from:

**Source :** GROUND WATER

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
IRRIGATION	03/01 to 11/15	3.92 CFS

**Location of Point(s) of Diversion**

GROUND WATER NE¼ SE¼, Sec. 16, Twp 03S, Rge 01W, 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	
03S	01W	16	34.0	37.0	1.0		40.0	38.0	40.0	28.0	1.0	26.0							245.0
03S	01W	17													39.0				39.0

Total Acres: 284.0

**Conditions of Approval**

1. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1280 af at the field headgate for the place of use.
3. Rights 57-1A, 57-2, 57-173, 57-174, 57-176, 57-180A, 57-2293, 57-7522, 57-10428 and 57-10488 when combined shall not exceed a total diversion rate of 28.6 cfs, and the irrigation of 810 acres.
4. Rights 57-2293, 57-7522 and 57-10488 when combined shall not exceed a total annual maximum diversion volume of 3650 af at the field headgate, or the irrigation of 810 acres.
5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.

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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.
7. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
8. 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.
9. 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.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

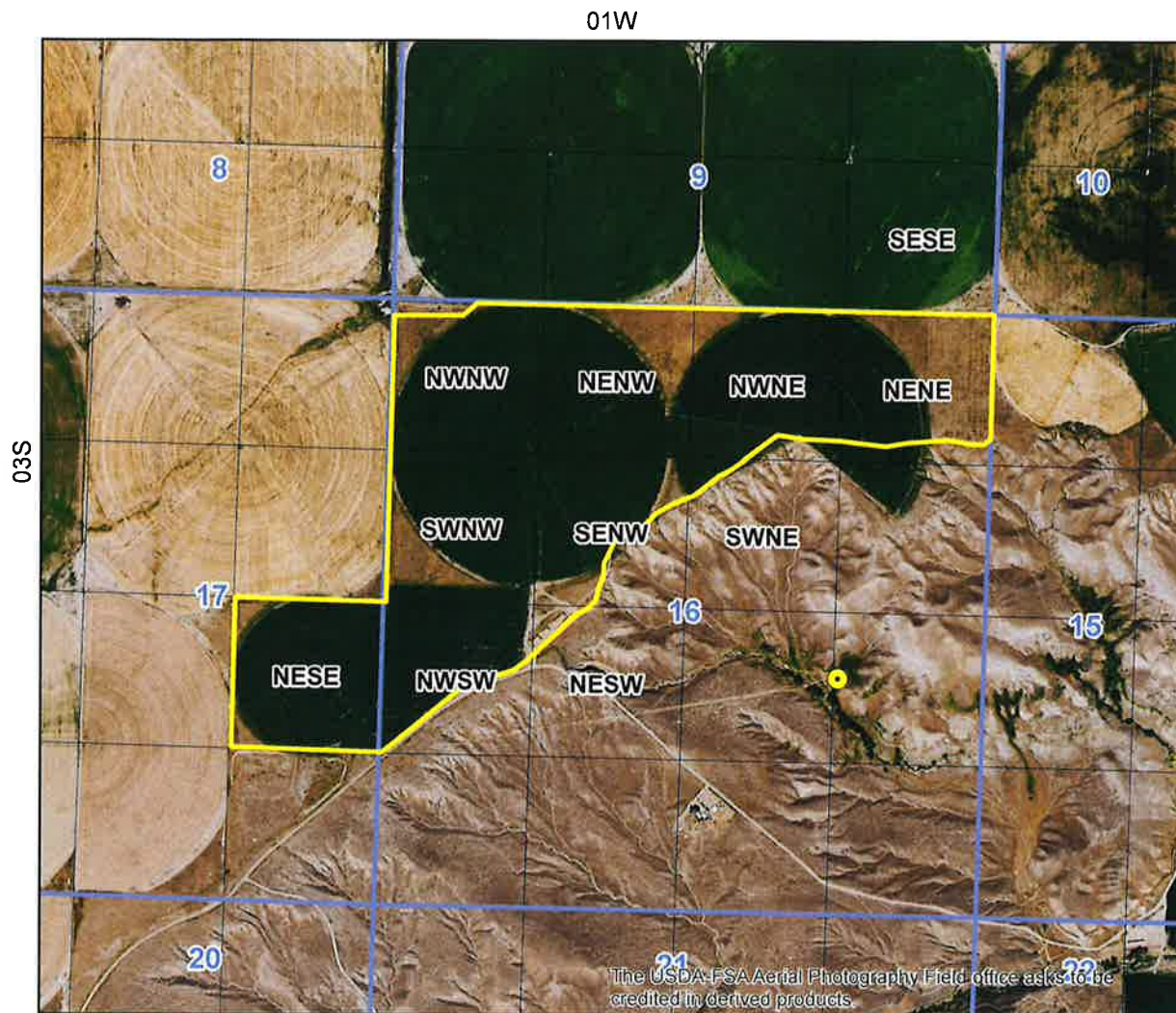
Signed this 1<sup>st</sup> day of April, 2020.






  
NICK MILLER

Western Regional Manager

State of Idaho  
Department of Water Resources  
**Attachment to Water Right License**  
57-7522

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 0.175 0.35 0.7 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](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

April 01, 2020

JOYCE LIVESTOCK CO  
14568 JOYCE RANCH RD  
MURPHY ID 83650-5051

RE: License No. 57-7522

**Issuance of License**

Dear Water Right Holders:

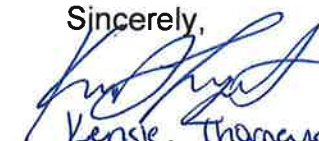
The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department 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.

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. Water right forms are available from any office of the Department or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov)

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

Sincerely,



Nensie Thornycroft  
For: Nick Miller

Western Regional Manager

Enclosure(s)

## CERTIFICATE OF SERVICE

I hereby certify that on April 01, 2020, I served a true and correct copy of Water Right License No. 57-7522 by U.S. Mail, postage prepaid, to the following:

JOYCE LIVESTOCK CO  
14568 JOYCE RANCH RD  
MURPHY ID 83650-5051



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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.

## MEMORANDUM

TO: Water Right no. 57-7522 File

FROM: Tyler Smith

DATE: 3/10/2020

RE: Memo

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The field exam for Water Right no. 57-7522 was conducted in 2015 by agent Patrick Kelly. This field exam resulted in a licensing amendment to alter the POD to the correct QQ. The licensing amendment was received on October 9, 2015 and the license sat dormant for several years.

The original intent of the licensing amendment was to change the POD to its actual location in the NESE and change the POU to include six acres in the SENE QQ that was being irrigated during the time of the field exam. The change in POU has been found to be unnecessary due to the fact that it was not reflective of what was developed during the development period. Therefore, only the POD change will be reflected in the licensing amendment, and the applicant will be notified that a transfer application should be submitted to reflect a current irrigation acreage description.

On February 7, 2019 the Department received a letter from the permit holder stating they would like condition no. 8 removed from license 57-7522. The Department chose to advertise the proposed amendment, and no protests were filed. The permit has been in use for more than 20 years without any evidence of an impact on senior water users, so the need for the condition has passed.

The Department will issue the license as described in the beneficial use field report and will update the conditions to match current language used for SW conditions, measuring device conditions, SW use first conditions, etc. Because the "Permit Amendment" is actually a licensing amendment, there is no need to issue a permit approval, and the permit approval process will be closed out and executed through approval of the license.



# The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, IDAHO 83628

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

RECEIVED

FEB 18 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

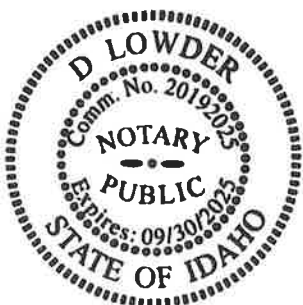
in two  
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

2/5, 2/12/20

SIGNED: [Signature]

STATE OF IDAHO                    }  
COUNTY OF OWYHEE            }

On this 13 day of February 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 PUBLIC HEARING BEFORE THE OWYHEE COUNTY BOARD OF COMMISSIONERS

On February 24, 2020, the Owyhee County Board of Commissioners will hear testimony in Courtroom 2 of the Owyhee County Courthouse located at 20381 State Highway 78, Murphy, Idaho on the following matter:

**Beginning at 10:00 am**, the Board will continue a hearing previously brought before them on October 7, 2019, a request filed by **H. Richard Hill and Gary L. Ackerman** seeking approval to vacate approximately 4 acres of the Trinity Rock Subdivision plat. The subject property is located at 11775 Snake River Ln. Melba, Idaho. The subject parcel, RP002700010010A, is approximately 12 acres in size and is located in an agricultural zone situated in a portion of the NW¼ of the NE¼ of Section 20, Township 1 South, Range 2 West, Boise Meridian, Owyhee County, Idaho.

A copy of the application is available for review in the Planning and Zoning office. For additional information please call 208-495-2095 ext. 2.

2/5/2020

## NOTICE OF LIEN SALE

February 24, 2020 at 10:00 a.m. at 401 S. Main, Homedale, ID 83628

1971 Holm Trailer, VIN# 12189

02/12/2020

## PUBLIC NOTICE

57-12011

MICHAEL B IHLLI

LINDA M IHLLI

625 S SCHOOL AVE

KUNA, ID 83634-2313

Point of Diversion NWNESE

S13 T04S R01E OWYHEE

County Source CASTLE CREEK

Tributary SNAKE RIVER

Use: DIVERSION TO

STORAGE 11/16 to 02/28 2

CFS

Use: WILDLIFE STORAGE

11/16 to 02/28 200 AF

Total Use: 2 CFS, 200 AF

Date Filed: 12/18/2019

Place Of Use: WILDLIFE

STORAGE

T04S R01E S1 NWSE

SWSE

T04S R01E S12 NWNE

SWNE NESE NWSE SWSE

SESE

T04S R01E S13 NENE

NWNE

GARY SPACKMAN, Director

02/05/2020

## PROPOSED AMENDMENT OF WATER PERMIT

JOYCE LIVESTOCK CO.

of 14568 JOYCE RANCH RD,

MURPHY ID 83650 filed an

application for amendment on

October 9, 2015 to amend a

water permit no. 57-7522 with a

1990 priority from groundwater

totaling 3.92 cfs for irrigation.

The permit provides irrigation

water for property located off of

Tyson Rd in Owyhee County. The applicant proposes to amend the permit to remove the ambiguous permitting condition augmenting senior surface water flows, and to change the Place of Use to include SW NW Twn 3S, Rge 1W sec 16. Limits of the permit authorizing 3.92 cfs on 264 acres will not be exceeded.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190, or for a full description of the right(s) or proposed amendment(s), please see [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-211. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 02/24/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
02/05/2020

## NOTICE

### DEPARTMENT OF AGRICULTURE

### NATURAL RESOURCES CONSERVATION SERVICE

### NOTICE OF AVAILABILITY OF A RECORD OF DECISION ON IMPLEMENTATION OF THE BRUNEAU-OWYHEE SAGE-GROUSE HABITAT PROJECT.

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA).

**ACTION:** Notice of Availability of a Record of Decision (ROD).

**SUMMARY:** NRCS announces the availability of a Record of Decision (ROD) to provide financial and technical assistance, as appropriate and available, to improve and maintain sagebrush steppe habitat by removing encroaching juniper to benefit the greater sage-grouse and other wildlife to benefit privately owned lands within the Bureau of Land Management Bruneau and Owyhee field office boundaries in southwest Idaho.

NRCS has adopted the Final Environmental Impact Statement (FEIS), titled "Bruneau-Owyhee Sage-grouse Habitat Project", prepared by the U.S. Department of the Interior Bureau of Land Management (BLM), under the provisions of the Council on Environmental Quality (CEQ) regulations and implement a portion of Alternative C1. The proposed action will improve and maintain suitable sage-grouse habitat within southwestern Idaho by removing early stage encroaching western juniper and the environmental impacts have been analyzed in the FEIS.

**FOR FURTHER INFORMATION CONTACT:** Trisha Cracroft, State Biologist

in Idaho, Natural Resources Conservation Service, at trisha.cracroft@usda.gov or 208-378-5725. Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720-2600 (voice).

## SUPPLEMENTAL INFORMATION:

NRCS has adopted the FEIS titled, "Bruneau-Owyhee Sage-grouse Habitat Project", prepared by Bureau of Land Management under the EIS adoption provisions of CEQ regulations (40 CFR 1506.3) and will implement a portion of Alternative C1, the preferred and environmentally preferable alternative. Sage-grouse inhabit sagebrush ecosystems that are at risk from juniper encroachment in areas including southwest Idaho and the BOSH project area. The BOSH project will improve and maintain suitable sage-grouse habitat by removing early stage encroaching western juniper on BLM-managed lands within the Bruneau and Owyhee field office boundaries in southwest Idaho.

As described in the FEIS the project is 1.67 million acres with up to 726,000 acres proposed for treatment. The area proposed for vegetative treatment was reduced from the FEIS due to concerns over lands with wilderness characteristics, therefore the treatment area was reduced from 726,000 to 617,000 acres in the BLM record of decision. Privately-owned land within the project area totals 241,820 acres. Private landowners in the project area may voluntarily choose to conduct the vegetative treatments described above on their own lands. NRCS will provide technical and financial assistance through Farm Bill conservation program contracts with landowners to implement these vegetative treatments to remove early stage encroaching juniper for the purpose of improving sagebrush habitat. Each landowner will be responsible for ensuring that treatment methods meet NRCS conservation practice standards and specifications and may choose to do the work themselves, hire a contractor or coordinate with BLM (or its contractors) to complete the vegetative treatments.

The ROD may be viewed at: <https://www.nrcs.usda.gov/wps/portal/nrcs/main/id/newsroom/pnotice/> or a hard copy may be requested at the above address. Documentation developed during the agency's review of the FEIS is on file and may be reviewed by contacting Trisha Cracroft at the above number.

No administrative action on implementation of the decision will be taken until 30 days after the date of this publication.

Curtis F Elke  
State Conservationist  
Natural Resources Conservation Service

02/12/2020

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## The Owyhee Avalanche Advertising Rates

<b>Open Rate per column inch</b> <b>Black &amp; White - \$7.50</b> 1-page blw - \$562.50 1/2-page blw - \$281.25 1/4-page blw - \$140.63 Business Directory per week (4-week minimum) - \$10.00	<b>Open Rate per column inch</b> <b>Full Color - \$10.00</b> (no color charge on full page) 1-page - \$562.50 1/2-page - \$281.25 1/4-page - \$140.63
<b>Monthly Contract Discount</b> Discounts are available for multiple run ads	<b>Deadlines</b> Inserts - Friday noon Display advertising - Friday noon Classifieds - Monday noon Legal notices - Friday noon
<b>Nonprofit Discount</b> 35% discount for schools, churches & civic groups	<b>Specifications</b> Page Size - 9 3/4" X 15" 5 columns to the page 11 pics column width with 1 pic gutter Paid circulation 1,700 Wrap-Up circulation 3,904 Published each Wednesday
<b>Preprinted Inserts</b> Up to 8-page insert - \$3,075 each 12 to 16-page insert - \$5.10 each All inserts are subject to proper folding and overall size. Unusual sizes/shapes subject to rate adjustments	

*The Owyhee Avalanche*

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