

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)

**WATER RIGHT NO. 57-07522**

RECEIVED  
OCT 09 2015  
WATER RESOURCES  
WESTERN REGION

**Date of Priority:** April 19, 1990

Maximum Diversion Rate: 3.92 CFS

Maximum Diversion Volume: 1,188.0 AF

Comes now JOYCE LIVESTOCK CO  
14568 JOYCE RANCH RD  
MURPHY ID 83650

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 57-07522, and requests that the permit be changed as follows:

**Source:** GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01 to 11/15	3.92 CFS	1,188.0 AF

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER NE1/4SE1/4 Sec. 16, Twp 03S, Rge 01W, B.M. OWYHEE County

**PLACE OF USE:** IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 01W 16	33.0	36.0	2.0	4.0	31.0	34.0	39.0	24.0	25.0								228.0
03S 01W 17													36.0				36.0

Total Acres: 264

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 8 day of October, 2015.



(Signature)

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
**WATER RIGHT NO. 57-07522**

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

Preliminary check by \_\_\_\_\_ Fee = \$100<sup>00</sup> Received by CS # W043584 Date 10/9/15

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 57-07522 with the following:

**CONDITIONS OF APPROVAL**

1. 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.
2. 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 32.52 cfs, and the irrigation of 816 acres.
3. Rights 57-2293, 57-7522 and 57-10488 when combined shall not exceed a total annual maximum diversion volume of 3672 af at the field headgate, and the irrigation of 816 acres.
4. 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.
5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right for land with an appurtenant surface water right(s) to those times when the surface water supply is not available or reasonably sufficient to irrigate the place of use authorized under this right.
6. After specific notification by the Department, the right holder shall install a flow measurement port or suitable measuring device to determine the amount of water diverted.
7. This right is for the use of trust water and is subject to review to determine availability of water and to re-evaluate the public interest.

State of Idaho  
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8. Pursuant to the Order issued April 22, 1994, the right holder shall cease diverting senior surface water rights when the diversion of groundwater pursuant to this right potentially adversely affects downstream water rights subject to the following elements:
- a) The Department shall determine when there is potential that diversion of ground water by the right holder will adversely affect prior downstream water rights.
  - b) The Department retains the jurisdiction to rescind approval of this proposal of the right holder and to require the engineering analysis as originally described in Condition of Approval No. 4 in the order issued on October 27, 1993.
  - c) This approval shall remain effective unless the Department determines there is cause to amend or reject it.
  - d) Use of water under this right is subject to the control of the watermaster of State Water District No. 57D, Sinker Creek.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
GARY SPACKMAN  
Director



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 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

January 29, 2020

RT NAHAS CO  
20630 PATIO DR  
CASTRO VALLEY, CA 94546

**Re: Amendment of Permit No. 57-7522**

Dear Interested Party:

The above referenced application may be of interest to you. I would like to inform you that the application has been submitted to the Owyhee County *Owyhee Avalanche* for advertising. I enclosed a copy of the application for your convenience. This information is also available on our website [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

If you wish to formally protest the approval of the application, you must submit a protest with the \$25.00 protest fee to this office by **5:00 p.m., February 24, 2020**. You must also send a copy of your protest to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

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

Kensie Thorneycroft  
Administrative Assistant  
Western Regional Office

Enclosures



State of Idaho

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

January 29, 2020

SIERRA DEL RIO RANCH LLC  
PO BOX 199  
JEROME, ID 83338

**Re: Amendment of Permit No. 57-7522**

Dear Interested Party:

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Kensie Thorneycroft  
Administrative Assistant  
Western Regional Office

Enclosures



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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

January 29, 2020

MURPHY FLATS WATER CO INC  
PO BOX 3110  
PASCO, WA 99302

**Re: Amendment of Permit No. 57-7522**

Dear Interested Party:

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Kensie Thorneycroft  
Administrative Assistant  
Western Regional Office

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BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

January 29, 2020

JAY HULET  
15103 MURPHY FLAT RD  
MURPHY, ID 83650

**Re: Amendment of Permit No. 57-7522**

Dear Interested Party:

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Kensie Thorneycroft  
Administrative Assistant  
Western Regional Office

Enclosures



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

January 29, 2020

JOYCE LIVESTOCK CO.  
14568 JOYCE RANCH RD  
MURPHY ID 83650

### Amendment of Permit No. 57-7522

Dear Applicant:

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 2/5/2020 and 2/12/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Kensie Thorneycroft  
Administrative Assistant



## Thorneycroft, Kensie

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**From:** Thorneycroft, Kensie  
**Sent:** Wednesday, January 29, 2020 3:36 PM  
**To:** 'office@owyheeavalanche.com'  
**Cc:** 'jon@owyhee.com'  
**Subject:** Owyhee Legal Notice  
**Attachments:** Cover Letter.docx; Legal Notice.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 02/05/2020 & 02/12/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft  
Administrative Assistant 1  
Idaho Dept. of Water Resources  
208-334-2190

January 29, 2020

LEGAL NOTICE DEPARTMENT

OWYHEE AVALANCHE  
PO BOX 97  
HOMEDALE, ID 83628

**RE: Application For Permit No.(s): 57-12011  
Amendment of Permit No 57-7522**

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 2/24/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft  
Administrative Assistant

Enclosure(s)

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

**57-12011**

MICHAEL B IHLI

LINDA M IHLI

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

#### **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

Published on 2/5/2020 and 2/12/2020

# JOYCE LIVESTOCK COMPANY

Paul Nettleton, Owner/Manager

Murphy, Idaho 83650  
Phone (208) 834-2237

February 4, 2019

RECEIVED

FEB 07 2019

WATER RESOURCES  
WESTERN REGION

Department of Water Resources  
2735 Airport Way  
Boise, ID 83705

Dear Sirs:

Please remove Condition 8 from my Water Right No. 57-07522. Thank you.

Sincerely,



Paul Nettleton  
General Partner  
Joyce Livestock Co.



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

09/29/2015

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

JOYCE LIVESTOCK CO  
14568 JOYCE RANCH RD  
MURPHY ID 83650

COPY

RE: Water Right Permit No. 57-7522

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ **Point(s) of Diversion**

☒ **Place(s) of Use**

☐ **Other**

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please call me at 208-914-8788.

Sincerely,

Patrick Kelly  
Water Resource Agent

## MEMORANDUM

TO: WR 57-7522  
FROM: Patrick Kelly  
DATE: 9/29/15  
SUBJECT: Amendment to the Licensing Amendment

Paul Nettleton called me today to discuss the licensing amendment that was received for 57-7522 to change the Place of Use. He stated that the pivot corner within SW NW Twn 3S, Rge 1W Sec 16 has been historically irrigated in years past, and wanted the ground to be included within the POU. LandSat imagery was pulled to find the land had been irrigated within both the development period and past 5 years. This brings the total irrigation from a 258 to 264 acre POU. The additional 6 acres are within the limits of the permit. This change has no effect on the diversion rate but affects the annual volume as follows:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 264 \text{ ac} \times 4.5 \text{ af/ac} = \underline{1,188.0 \text{ af}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 3.92 \times 260 \times 1.9835 = \underline{2,021.9 \text{ af}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{1,188.0 \text{ af}}$$

A new licensing amendment with changes for an additional 6 acres and 27af will be drafted and sent for signature.



State of Idaho

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08/28/2015

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

JOYCE LIVESTOCK CO  
14568 JOYCE RANCH RD  
MURPHY ID 83650

COPY

RE: Water Right Permit No. 57-7522

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If you have any questions, please call me at 208-334-2190.

Sincerely,

Patrick Kelly  
Water Resource Agent

JOYCE LIVESTOCK CO  
PAUL NETTLETON  
14568 JOYCE RANCH RD  
MURPHY ID 83650

COPY

RE: Water Right No. 57-7522

**Notice of Pending Order to Void Permit**

Dear Mr. Nettleton:

On September 14, 1995, the Department of Water Resources (IDWR) received the Proof of Beneficial Use statement submitted by Joyce Livestock Co for Permit 57-7522, which authorized the diversion of groundwater for irrigation purposes in Section 16, Township 3 South, Range 1 West, B.M., in Owyhee County. I am writing you because an attempt to measure the diversion rate from the well on June 25, 2015 was not successful.

A condition of permit 57-7522 states:

*A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.*

The system immediately buries pipe from the well and does not provide a measurement port. The measurement port must be located on a straight length stretch of pipe free of bends or elbows at least 15 times the pipe diameter. To accomplish the diversion rate measurement, the pipe between the well and booster pump needs to be excavated.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that all the requirements for establishing a water right were met. No water right license can be issued, however, if the development authorized by the permit did not occur within the authorized time period. For that reason, before issuing a license IDWR must conduct an examination to verify the development.

If you believe a water right was developed in accordance with the permit, please contact me to make arrangements for a field examination to be conducted on your property. If no response is received within thirty days, I will assume you no longer have any interest in establishing a water right, and I will take action to void the permit.

Please contact me by telephone at 208-334-2190 or by mail at the address on the letterhead.

Respectfully,

Patrick Kelly  
Water Resource Agent