

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 57-12010

Priority: October 15, 2019

Maximum Diversion Rate: 0.20 CFS

This is to certify that

DERUYTER DAIRY LLC PO BOX 580 MARSING ID 83639-0580

has applied for a permit to appropriate water from:

Source : GROUND WATER

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

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>
IRRIGATION	03/01 to 11/15	0.06 CFS
DOMESTIC	01/01 to 12/31	0.20 CFS

Location of Point(s) of Diversion

GROUND WATER SE¼ SE¼, Sec. 24, Twp 03N, Rge 05W, 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	
03N	05W	24																2.0	2.0

Total Acres: 2.0

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	05W	24																X	

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2024**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. Domestic use is for 18 mobile homes and does not include lawn, garden, landscape, or other types of irrigation.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
7. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

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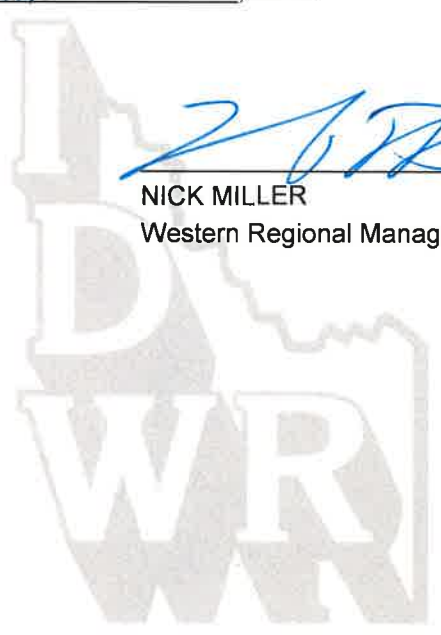
8. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed 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 4th day of December, 2019.


NICK MILLER

Western Regional Manager

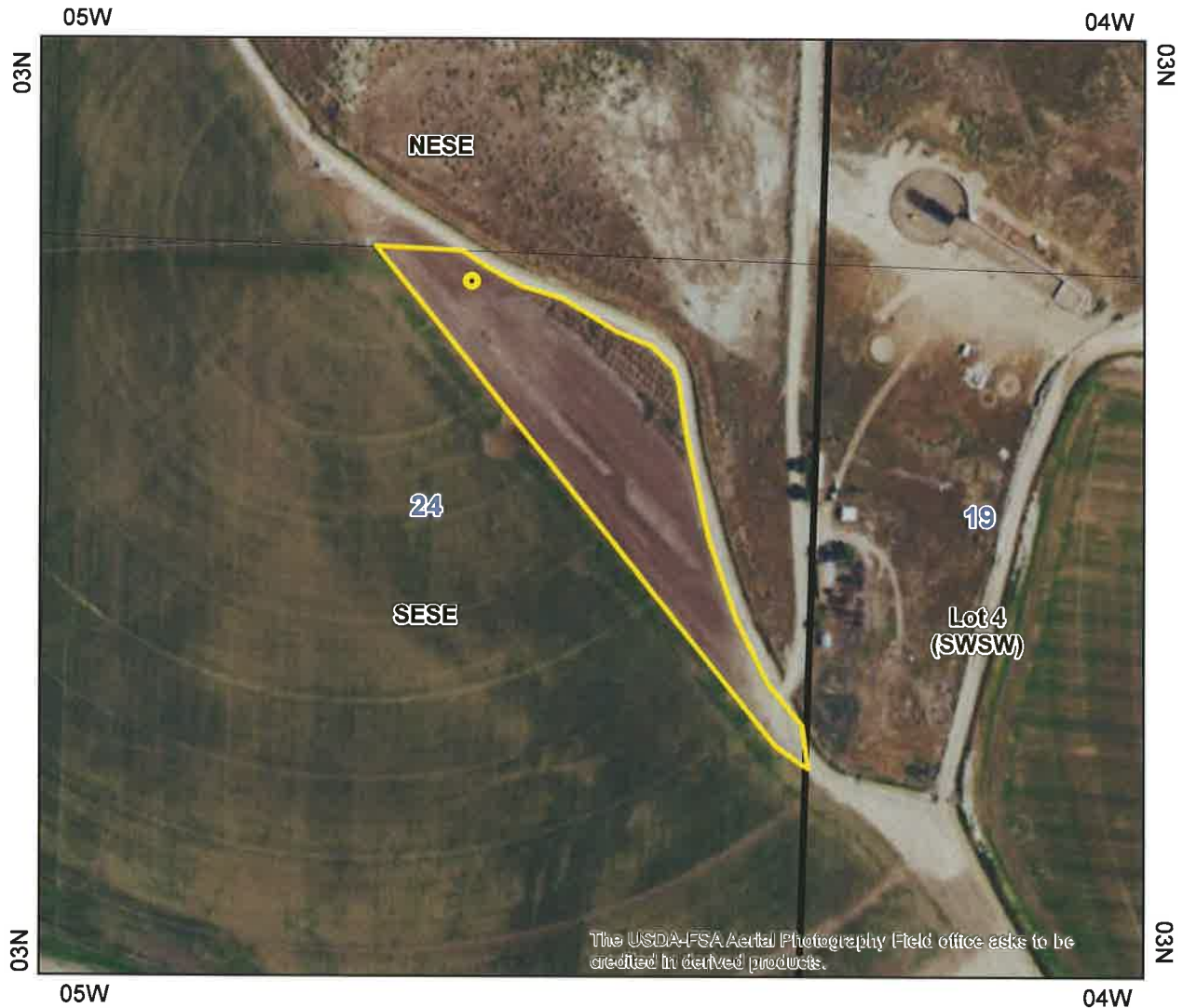


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

57-12010

This map depicts the DOMESTIC and 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

December 04, 2019

DERUYTER DAIRY LLC
PO BOX 580
MARSING ID 83639-0580

RE: Permit No. 57-12010

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources Western 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 "Kensi Thorneycroft".

Kensi Thorneycroft

For Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 04, 2019, I served a true and correct copy of Permit to Appropriate Water No. 57-12010 by U.S. Mail, postage prepaid, to the following:

DERUYTER DAIRY LLC (Current Owner)
PO BOX 580
MARSING ID 83639-0580

SPF WATER ENGINEERING LLC (Representative)
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660



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

NOV 18 2019

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

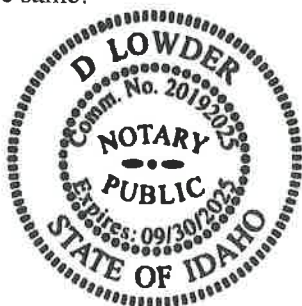
in two
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

11/6/19, 11/13/19

SIGNED: _____

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 13 day of November in the year 2019, 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 HEARING PETITION FOR SUMMARY ADMINISTRATION OF ESTATE WHERE SURVIVING SPOUSE IS SOLE BENEFICIARY IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

MAGISTRATE DIVISION
CASE NO. CV37-19-00394
In the Matter of the Estate
of: THEODORE W. CHADEZ,
Deceased

NOTICE IS HEREBY GIVEN
that LESTA M. CHADEZ has
filed in this Court a Petition for
Summary Administration of the
above entitled estate to establish
title in the surviving spouse.

Petitioner, LESTA M.
CHADEZ, and THEODORE W.
CHADEZ, were married at the
time of the death of THEODORE
W. CHADEZ, and said decedent
died testate on the 25th day
of September, 2019, and the
interest of the petitioner and
decedent in that certain real and
personal property described in
said petition, owned by decedent
and his surviving spouse, is a
community property interest and
vests in the surviving spouse.

That notice is hereby given that
the 16th day of December, 2019,
at the hour of 11:00 o'clock a.m.
of said day, at the Courtroom of
the Owyhee County Court, at
the Owyhee County Courthouse,
20381 HWY 78, Murphy, Idaho,
has been affixed and appointed as
the time and place for the hearing
of said petition, when and where
any person interested may appear
and show cause why said petition
should not be granted.

Dated this 4th day of November,
2019

COFFEL LAW, P.C.
s/Alan J. Coffel
Attorney for Petitioner
11/13/2019

PUBLIC NOTICE

The following application has
been filed to appropriate the
public waters of the State of
Idaho: **57-12010**

DERUYTER DAIRY LLC
PO BOX 580

MARSING, ID 83639-0580

Point of Diversion SESE S24

T03N R05W OWYHEE County

Source GROUND WATER

Use: DOMESTIC 01/01 to

12/31 0.2 CFS

Use: IRRIGATION 03/01 to

11/15 0.06 CFS

Total Diversion: 0.2 CFS

Date Filed: 10/15/2019

Place Of Use: IRRIGATION,

DOMESTIC T03N R05W S24

SESE

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), please see www.
idwr.idaho.gov. Protests may be
submitted based on the criteria
of Idaho Code § 42-203A. 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 11/25/2019. The protestant
must also send a copy of the
protest to the applicant

GARY SPACKMAN, Director
11/06/13/2019

LEGAL NOTICE STATE OF IDAHO LAND LEASE OPPORTUNITY ACCEPTING APPLICATIONS FOR AUCTION OF LEASE

Notice is hereby given pursuant
to Article IX, § 8 of the Idaho
Constitution and Idaho Code
§§ 58-307, -310 and -313, the
State of Idaho, Department of
Lands (hereinafter "IDL"), will
accept lease applications for
public auctions of the leases set
forth below. Lease application
deadline for all leases is Tuesday,
November 19, 2019 by 5:00 PM.

If more than one application
is received for a lease(s), IDL
will schedule a date, time and
location for a live auction. The
lease(s) will then be awarded
to the bidder who will pay the
highest premium bid therefore.
Annual rental rates have been
established by IDL.

Detailed information regard-
ing each lease, including a spec-
ific legal description of the prop-
erty to be leased, rental rates, and
instructions to complete applica-
tion and fee can be obtained by
visiting IDL's website at [https://
www.idl.idaho.gov/](https://www.idl.idaho.gov/).

Lease No.: M=Conservation,
G=Grazing, C=Crop, Length,
AUMs/Acres, County

Contact Dean Johnson at 208-
334-3488 for more information.

G600290, 10yr, 109 AUMs,
641.04 Acres

G600291, 10yr, 72 AUMs,
480 Acres

G600292, 10yr, 228 AUMs,
2560 Acres

G600293, 10yr, 586 AUMs,
6133.28 Acres

G600294, 10yr, 249 AUMs,
2107.24 Acres

G600296, 10yr, 36 AUMs,
640 Acres

G600297, 10yr, 90 AUMs,
760 Acres

G600298, 10yr, 9 AUMs, 80
Acres

G600299, 10yr, 514 AUMs,
3792.6 Acres

G600300, 10yr, 100 AUMs,
817.78 Acres

G600301, 10yr, 192 AUMs,
2560 Acres

G600302, 10yr, 313 AUMs,
3702.1 Acres

G600303, 10yr, 112 AUMs,
633.04 Acres

G600304, 10yr, 130 AUMs,
840.08 Acres

G600305, 10yr, 7 AUMs, 80
Acres

G600307, 10yr, 83 AUMs,
520 Acres

G600308, 10yr, 47 AUMs,
240 Acres

G600311, 10yr, 63 AUMs, 640
Acres

G600312, 10yr, 224 AUMs,
1896.81 Acres

G600313, 10yr, 142 AUMs,
920 Acres

G600314, 10yr, 220 AUMs,
1400.82 Acres

G600315, 10yr, 140 AUMs,
960 Acres

G600316, 10yr, 285 AUMs,
2125.87 Acres

G600317, 10yr, 161 AUMs,
1282 Acres

G600318, 10yr, 179 AUMs,
1480 Acres

G600319, 10yr, 228 AUMs,
2240 Acres

G600320, 10yr, 425 AUMs,
5007.14 Acres

G600321, 10yr, 998 AUMs,
10897.55 Acres

G600322, 10yr, 593 AUMs,
4427.53 Acres

G600323, 10yr, 226 AUMs,
1259.08 Acres

G600324, 10yr, 107 AUMs,
1320 Acres

G600325, 10yr, 21 AUMs,
320 Acres

G600326, 10yr, 20 AUMs,
320 Acres

G600328, 10yr, 157 AUMs,
2037.89 Acres

G600329, 10yr, 37 AUMs,
640 Acres

G600330, 10yr, 50 AUMs,
320 Acres

G600331, 10yr, 776 AUMs,
4956.62 Acres

G600332, 10yr, 518 AUMs,
2200 Acres

G600334, 10yr, 61 AUMs,
640 Acres

G600335, 10yr, 425 AUMs,
3764 Acres

G600335, 10yr, 5 AUMs, 43
Acres

G600336, 10yr, 515 AUMs,
3416.12 Acres

Contact Chelsea Sanders
at 208-324-2561 for more
information.

G700343, 20yr, 100 AUMs,
640 Acres

G700343, 20yr, 265 AUMs,
1969.81 Acres (Twin Falls)

G700343, 20yr, 920 AUMs,
5373.98 Acres (Twin Falls)

G700344, 20yr, 16 AUMs,
123.96 Acres

G700344, 20yr, 39 AUMs,
640 Acres

G700344, 20yr, 32 AUMs,
320 Acres

10/23/30, 11/6/13

Reach Thousands of Readers Every
Week in the Owyhee Avalanche
In Print & Online as low as \$5.00
Call 337-4681



WHAT DO
YOU HAVE
TO ADVERTISE
THIS WEEK?

The Owyhee Avalanche Advertising Rates

Open Rate per column inch Black & White - \$7.50

1 page below - \$502.50
1/2 page below - \$261.25
1/4 page below - \$140.63
Business Directory per week
(4 week minimum) - \$10.00

Open Rate per column inch Full Color - \$10.00

(no color charge on full page)
1 page - \$502.50
1/2 page - \$375.00
1/4 page - \$187.50

Monthly Contract Discount

Discounts are available for
multiple run ads

Deadlines

Inserts - Friday noon
Display advertising - Friday noon
Classifieds - Monday noon
Legal notices - Friday noon

Nonprofit Discount

30% discount for schools, churches & civic groups

Preprinted Inserts

Up to 8 page tabloid - \$0.075 each
12 to 16 page tabloid - \$0.10 each
All inserts are subject to proper folding and
overall size. Unusual sizes/shapes subject to rate
adjustments

Specifications

Page Size - 9 3/4" x 15"
5 columns to the page
11 pica column width with 1 pica gutter
Paid circulation 1,700
Published each Wednesday

The Owyhee Avalanche

Owyhee County's best source of local news!

The Owyhee Avalanche

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208-337-4681

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