

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 57-12008

Priority: August 26, 2019

Maximum Diversion Rate: 0.03 CFS

This is to certify that

DOUGLAS A BURGESS 2725 MULE SP RD HOMEDALE ID 83628 AND
JANICE K BURGESS 2725 MULE SP RD HOMEDALE ID 83628

has applied for a permit to appropriate water from:

Source : WASTE WATER

Tributary: SNAKE RIVER

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>
STOCKWATER	01/01 to 12/31	0.03 CFS

Location of Point(s) of Diversion

WASTE WATER SE¼ NW¼, Sec. 31, Twp 03N, Rge 05W, B.M. OWYHEE County

Place of Use: STOCKWATER

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	31			X				X L2	X	X	X L7							
03N	06W	36				X L2									X L3				

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2021**.
2. Subject to all prior water rights.
3. Stockwater use is for 150 range cattle.
4. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
5. 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.
6. 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.

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

Signed this 31st day of October, 2019.

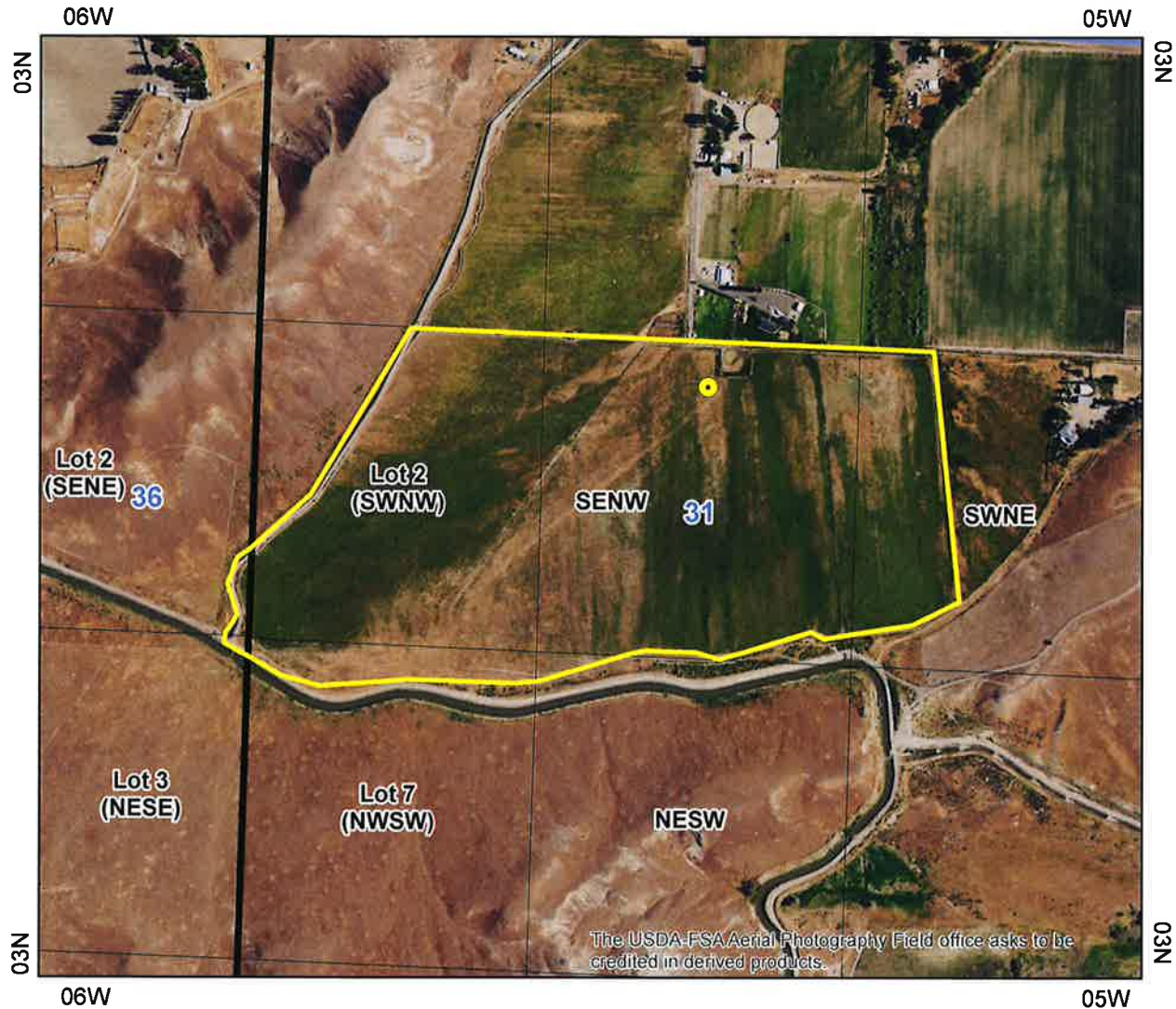

NICK MILLER
Western Regional Manager

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

57-12008

This map depicts the STOCKWATER 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 0.075 0.15 0.3 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

October 31, 2019

DOUGLAS A BURGESS
JANICE K BURGESS
2725 MULE SP RD
HOMEDALE ID 83628

RE: Permit No. 57-12008

Permit Approval Notice

Dear Permit Holders:

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,



Nick Miller
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2019, I served a true and correct copy of Permit to Appropriate Water No. 57-12008 by U.S. Mail, postage prepaid, to the following:

DOUGLAS A BURGESS (Current Owner)
JANICE K BURGESS (Current Owner)
2725 MULE SP RD
HOMEDALE ID 83628



Anna Kaiser
Water Resource Agent

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

OCT 15 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

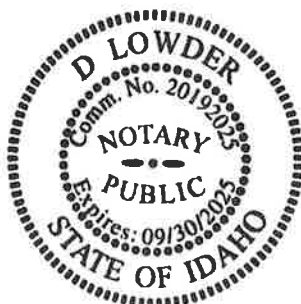
in two
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

10/2, 10/9/19

SIGNED: [Signature]

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 10th day of October 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 131 W. California Ave Apt. 6
My commission expires: Homedale, Id.

09, 30, 2025

Sports



He's just a first-year runner, but Homedale High School junior Giovanni Aguilera has four sub-20-minute runs in five career starts. Photo by Machele Randall

✓ HHS: Boys flirting with another 3A state appearance

From Page 1B

solidified as our fourth or fifth runner.

"We are battling some injuries, but the team still put up a solid performance."

Cherchi finished at 25:25.76, about 35 seconds off her season-best time, while Johnson was 20 seconds off her PR with a 25:46.57 effort.

Ashlyn Miller (27:12.56) established a new season's best.

Freshman LaRae Stewart also flirted with a high school PR, finishing in 27:06.

The Trojans have two meets before the 3A District III championships in Payette, and McCrackin says the girls' team needs a little help to have a chance to qualify for the state meet in Pocatello.

"As of right now with only four complete girls' teams in the district, our team only has a slim chance of making it to State," McCrackin said. "There will be some individuals that qualify, but unless Payette gets a full team together at districts, we probably won't have a girls' team qualify this season."

With only four complete teams, the top two teams at district will get to State.

Junior Giovanni Aguilera, who missed his PR by less than two seconds, was the third HHS runner across the line in the boys' varsity race at 19:45.91.

Senior Matthew Randall was

the top Homedale finisher in 17:50.32, while sophomore Christopher Aguilera came in at 18:19.24.

Senior Gage Purdom finished in 20:59.45, followed by sophomore Ryker Johnson (22:44).

"Overall, the boys' team performed pretty well," McCrackin said. "We were missing two of our varsity boys due to injuries and conflicting activities, which lowered the overall team performance, but they all ran great races."

The new coach sees a good chance for the Trojans to continue building the program's postseason portfolio.

"Our boys team continues to be right on the edge of qualifying for State, ranking third in the ... district behind Parma and Fruitland," McCrackin said.

Weiser, which plays host to the 3A Snake River Valley conference Invitational this week, is putting pressure on the HHS boys in the race for the third berth into the 3A state meet.

In the girls' junior varsity race, Jordan Nelson set a PR with a 30:35, and Lizzy Egusquiza (35:33.1) was about 90 seconds off her fastest run of the season.

Senior Cody Stewart established a PR at 22:34.2 in the boys' JV 5K, while freshman teammate Kaden Tomevi finished in 24:45.1.

—JPB

Public notices

PUBLIC NOTICE

Owyhee County Elections will be conducting poll worker training on the days and locations listed below.

If you plan on being a poll worker, we ask that you attend one of the trainings.

If you are interested in becoming a poll worker please call 208-495-2421.

If you have any questions please feel free to call 208-495-2421 or email brussell@co.owyhee.id.us.

Training Location	Date	Time
Owyhee County Community Center 420 Nevada Ave. Homedale, Idaho 83628	Tuesday October 22, 2019	10:00 a.m. – 12:00 p.m.
Eastern Owyhee County Library 520 Boise Avenue Grand View, Idaho 83624	Thursday October 24, 2019	10:00 a.m. – 12:00 p.m.
Owyhee County Courthouse 20381 State Hwy. 78 Murphy, Idaho 83650	Wednesday October 30, 2019	10:00 a.m. – 12:00 p.m.

10/09/2019

LIEN SALE

Keith Davies unit E-22, 142 W Highland Rd Shelton Washington 98584, containing tires, helmet, desk chair, mattress, and other misc household items.

Sealed bid auction will be held on October 12th. Bids will be accepted between the hours of 9:00 am and 1:00 pm. All sales are final and cash only. Buyer will empty the unit of all items including trash on the day of sale. Unit is located at the Hwy 95 Self Storage, at 3685 Hwy 95, Homedale Idaho, 83628.

10/02/09/2019

NOTICE OF HEARING OF NAME CHANGE IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT

FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE
IN RE: ELIZABETH ANNE MATHEWS

CASE NO. CV-37-19-330

A Petition to change the name of Elizabeth Anne Mathews, now residing in the City of Oreana, State of Idaho, has been filed in the District Court in Owyhee County, Idaho. The name will change to Elizabeth Anne Flink. The reason for the name change is: going back to maiden name.

A hearing on the petition is scheduled for 10:30 o'clock a.m. on 10/21/2019 at the Owyhee County Courthouse, in Murphy. Objections may be filed by any person who can show the court a good reason against the name change.

Dated: September 13, 2019
Angela Barkell, Clerk of the District Court
s:/Lena Johnson, Deputy Clerk
9/18, 25, 10/2, 9/2019

NOTICE OF HEARING OF FINAL ACCOUNT AND PETITION FOR ORDER 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. CV37-19-00062

In the Matter of the Estate of MARTIN D. REGIS, Deceased, NOTICE IS HEREBY GIVEN THAT the Personal Representative of the above-named estate has filed a Petition for Order: Approving Final Account and Final Settlement and Distribution and Determining Testacy, and a Final Account and schedule of distribution are also filed therewith.

Hearing upon said Final Account and Petition will be held on the 4th day of November, 2019, at 11:00 A.M. in the above-named Court, at which time objections to said Final Account, Proposed Distribution and Petition will be heard.

DATED this 30th day of September, 2019.

s:/SHERRY L. COOLEY
Personal Representative
12663 Rocky Top Lane
Melba, Idaho 83641
Telephone: (208) 404-9746
10/09.16.23/2019

NOTICE

Pursuant to Idaho Code 25-2301, the State Brand Inspector is holding 5 horses and 1 goat out of Owyhee County. They will sell at 7 Rivers Livestock Auction on Tuesday 10/15/19. May be claimed with proof of ownership and paying all expenses. (208) 459-4231

10/02/09/2019

NOTICE

The following application has been filed to appropriate the public waters of the State of Idaho:

57-12008
DOUGLAS A BURGESS
JANICE K BURGESS
2725 MULE SP RD
HOMEDALE, ID 83628
Point of Diversion SENW S31 T03N R05W OWYHEE County Source WASTE WATER Tributary SNAKE RIVER
Use: STOCKWATER 01/01 to 12/31 0.03 CFS

Total Diversion: 0.03 CFS
Date Filed: 7/23/2019
Place Of Use: STOCKWATER T03N R05W S31 SWNE L2(SWNNW) SENW NESW L7(NWSW) T03N R06W S36 L2(SENSE) L3(NESE)

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 10/21/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
10/02, 09/2019

The Owyhee Avalanche Your eye on Owyhee country



Call for subscription or advertising information: 337-4681