

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 55-13970

Priority: May 22, 2019

Maximum Diversion Rate: 0.03 CFS

This is to certify that

IDAHO DEPARTMENT OF LANDS 8355 W STATE ST BOISE ID 83714

has applied for a permit to appropriate water from:

Source : SPRING

Tributary: SINKS

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

Beneficial Use

STOCKWATER

Period of Use

01/01 to 12/31

Rate of Diversion

0.03 CFS

Location of Point(s) of Diversion

SPRING SW¼ NE¼ NE¼, Sec. 25, Twp 07S, 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	
07S	05W	25	X																

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **September 01, 2020**.
2. Subject to all prior water rights.
3. Stockwater use is for 100 range cattle.
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.

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

Signed this 16th day of September, 2019.

NICK MILLER

Western Regional Manager

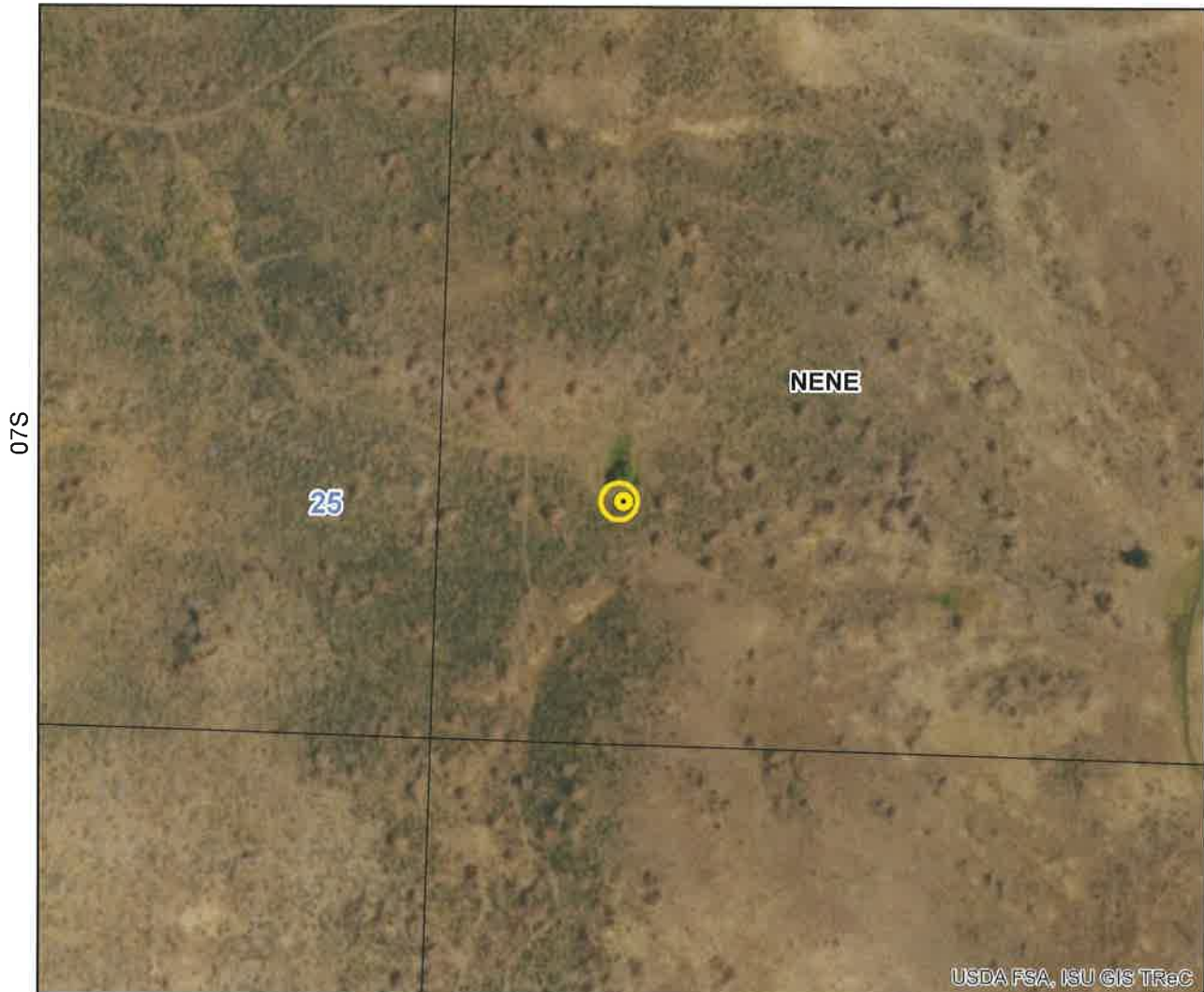
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

55-13970

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.

05W



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles





Brad Little
Governor

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

Gary Spackman
Director

September 16, 2019

IDAHO DEPARTMENT OF LANDS
8355 W STATE ST
BOISE ID 83714

RE: Permit No. 55-13969 & 55-13970

Permit Approval Notice

Dear Permit Holder:

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 divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") 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. If you have already diverted and used water to the full extent intended, you may complete and submit the enclosed Proof form immediately.

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,



For Nick Miller
Western Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2019, I served a true and correct copy of Permit to Appropriate Water No. 55-13969 & 55-13970 by U.S. Mail, postage prepaid, to the following:

IDAHO DEPARTMENT OF LANDS (Current Owner)
8355 W STATE ST
BOISE ID 83714

DAVID A MACKENZIE (Representative)
PO BOX 165
JORDAN VALLEY OR 97910-0165



Anna Kaiser
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, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

JUL 17 2019

WATER RESOURCES
WESTERN REGION

I, Robert 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 president 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 printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

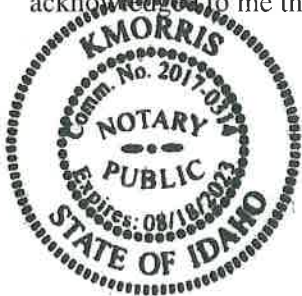
JUNE 19, 26, 2019

SIGNED: _____

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 26th day of June in the year of 2019 before me, a

Notary Public, personally appeared ROBERT 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.



Notary Public of Idaho

Residing at WILDER, IDAHO

My commission expires: August 18, 2023

THE FOLLOWING APPLICATIONS HAVE BEEN FILED TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

2-10576 DESERT FARMS REAL ESTATE LLC 8222 DESERT DR. MARSING, ID 83639-8264 Point of Diversion L1 (NWNW) S23 T02N R04W OWYHEE County Source SNAKE RIVER Tributary COLUMBIA RIVER Use: STOCKWATER 01/01 to 12/31 2.48 CFS Total Diversion: 2.48 CFS Date Filed: 5/28/2019 Place Of Use: STOCKWATER T02N R04W S28 NESW NWSW SWSW T02N R04W S29 SWNE NESE NWSE SESE 102 AC 7/17/19

55-13969 IDAHO DEPARTMENT OF LANDS 8355 W STATE ST BOISE, ID 83714 Point of Diversion SESE S24 T07S R05W OWYHEE County Source SPRING Use: STOCKWATER 01/01 to 12/31 0.03 CFS Total Diversion: 0.03 CFS Date Filed: 5/22/2019 Place Of Use: STOCKWATER T07S R05W S24 SESE 102 AC 7/17/19

55-13970 IDAHO DEPARTMENT OF LANDS 8355 W STATE ST BOISE, ID 83714 Point of Diversion NENE S25 T07S R05W OWYHEE County Source SPRING Use: STOCKWATER 01/01 to 12/31 0.03 CFS Total Diversion: 0.03 CFS Date Filed: 5/22/2019 Place Of Use: STOCKWATER T07S R05W S25 NENE

57-12006 DESERT FARMS REAL ESTATE LLC 8222 DESERT DR MARSING, ID 83639-8264 Point of Diversion SESE S17 T02N R04W OWYHEE County Source GROUND WATER (2) Points of Diversion SENW S28 T02N R04W OWYHEE County Source GROUND WATER Use: COMMERCIAL 01/01 to 12/31 2.1 CFS Use: STOCKWATER 01/01 to 12/31 2.1 CFS Total Diversion: 2.1 CFS Date Filed: 5/28/2019 Place Of Use: STOCKWATER T02N R04W S21 NWNW T02N R04W S28 NESW NWSW SWSW T02N R04W S29 SWNE NESE NWSE SESE Place Of Use: COMMERCIAL T02N R04W S16 NWSW SWSW T02N R04W S17 NESE NWSE SWSE SESE T02N R04W S20 NENE SENE SESE T02N R04W S21 NWNE SWNE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NWSE SWSE T02N R04W S28 NWNE NENW NWNW SWNW SENW NESW NWSW SWSW T02N R04W S29 NENE NWNE SWNE SENE NESE NWSE SESE

57-12007 JON PASCOE
2626 S MIDLAND NAMPA,
ID 83686-8202 Point of
Diversion L6(SSEWNW)
S17 T01S R02W OWYHEE
County Source SPRINGS
Tributary SNAKE RIVER Point
of Diversion L6(SWSEWNW)
S17 T01S R02W OWYHEE
County Source SPRINGS
Tributary SNAKE RIVER Point
of Diversion L7(NWNESW)
S17 T01S R02W OWYHEE
County Source SPRINGS
Tributary SNAKE RIVER Point
of Diversion L7(SENESW)
S17 T01S R02W OWYHEE
County Source SPRINGS
Tributary SNAKE RIVER Use:
IRRIGATION FROM STORAGE
03/01 to 11/15 155 AF Use:
IRRIGATION STORAGE 01/01
to 12/31 155 AF Total Diversion:
155 AF Date Filed: 6/5/2019
Place Of Use: IRRIGATION
STORAGE T01S R02W S17
SWNW SENW NESW Place
Of Use: IRRIGATION FROM
STORAGE T01S R02W
S17 L6(SWNW) L6(SENW)
L7(NESW) NWSW Total Acres:
31

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 7/8/2019. The protestant
must also send a copy of the
protest to the applicant.

GARY SPACKMAN,
Director
06/19/26/2019

