

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 57-12002

Priority: March 04, 2019

Maximum Diversion Rate: 0.05 CFS

Maximum Diversion Volume: 9.1 AF

This is to certify that

MICHAEL ALEXANDER 9474 FISH POND LN MELBA ID 83641-4201 AND
CHARLOTTE ALEXANDER 9474 FISH POND LN MELBA ID 83641-4201

has applied for a permit to appropriate water from:

Source : SPRING

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>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.05 CFS	
IRRIGATION STORAGE	01/01 to 12/31		9.0 AF
IRRIGATION FROM STORAGE	03/01 to 11/15		9.0 AF
WILDLIFE STORAGE	01/01 to 12/31		0.1 AF

Location of Point(s) of Diversion

SPRING L1 (SE¼ NE¼), Sec. 21, Twp 01N, Rge 03W, B.M. OWYHEE County

Place of Use: IRRIGATION and IRRIGATION FROM STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	03W	21				0.4													0.4
01N	03W	21				1.4													1.4
						L1													

Total Acres: 1.8

Place of Use: IRRIGATION STORAGE and WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	03W	21				X													
						L1													

Conditions of Approval

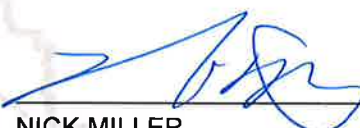
1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2024**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. This right when combined with all other rights shall provide no more than 5.0 afa per acre for irrigation storage and irrigation from storage for the place of use.
5. Point of diversion from spring is located within Govt. Lot 1 approximately between SWSENE and SESENE.
6. 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

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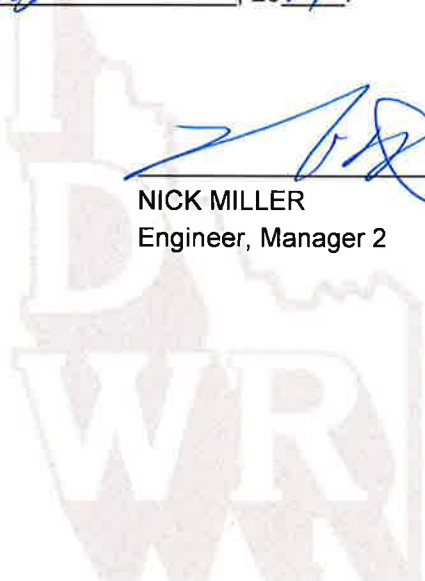
- purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. Project construction shall commence within one year from 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.

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

Signed this 16th day of May, 2019.



NICK MILLER
Engineer, Manager 2



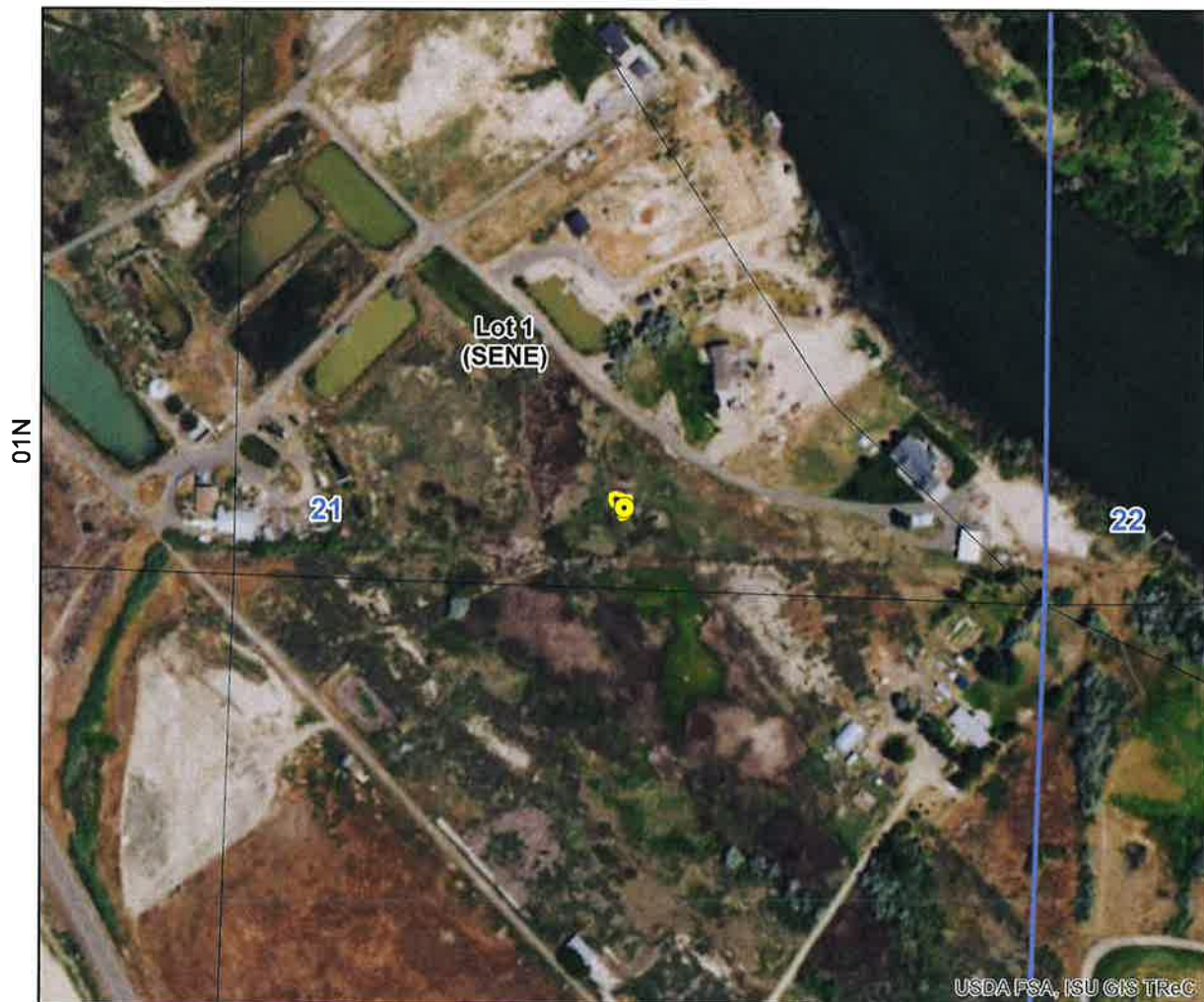
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

57-12002

This map depicts the STORAGE 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.

03W



-  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

Attachment to Permit to Appropriate Water

57-12002

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.

03W



-  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

May 16, 2019

CHARLOTTE ALEXANDER
MICHAEL ALEXANDER
9474 FISH POND LN
MELBA ID 83641-4201

RE: Permit No. 57-12002 & 2-10575

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,


Anna Karsh

 Nick Miller
Engineer, Manager 2

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2019, I served a true and correct copy of Permits to Appropriate Water Nos. 57-12002 & 2-10575 by U.S. Mail, postage prepaid, to the following:

CHARLOTTE ALEXANDER (Current Owner)
& MICHAEL ALEXANDER (Current Owner)
9474 FISH POND LN
MELBA ID 83641-4201



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

MAY 06 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
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

03/20, 27, 2019

SIGNED: _____

STATE OF IDAHO }
COUNTY OF OWYHEE }

JENNIFER A DOWNUM
COMM. #20181677
NOTARY PUBLIC
STATE OF IDAHO

On this 2nd day of May 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.

Jennifer A Downum
Notary Public of Idaho

Residing at Woods

My commission expires: 09/04/2024

Public notices

PUBLIC INFORMATION MEETING REGARDING FLOWING ARTESIAN WELLS - APRIL 3, 2019

Rimrock Junior - Senior High School 6:30 p.m. to 8:00 p.m. 39678 State Highway 78, Bruneau, ID 83604. The purpose of this public information meeting is to educate well owners and the general public on State requirements and 2019 legislative changes regarding flowing artesian wells. The meeting will also address the Grandview - Bruneau Ground Water Management Area and Bruneau Ground Water Management District that have been in place for many years under the Department of Water Resources. The meeting will provide time for questions from the public regarding these issues.

For more information contact Tom Neace at the Idaho Department of Water Resources at 208-287-4935 or thomass.neace@idwr.idaho.gov 03/27/2019

THE FOLLOWING APPLICATIONS HAVE BEEN FILED TO APPROPRIATE

THE PUBLIC WATERS OF THE STATE OF IDAHO:

57-12001 MICHAEL ALEXANDER, CHARLOTTE ALEXANDER, 9474 FISH POND LN, MELBA, ID 83641-4201 Point of Diversion SWNW S22 T01N R03W Owyhee County Source SNAKE RIVER Tributary COLUMBIA RIVER Use: IRRIGATION 03/01 to 11/15 0.15 CFS Total Diversion: 0.15 CFS Date Filed: 2/28/2019 Place Of Use: IRRIGATION T01N R03W S21 L1 (SENE) T01N R03W S22 SWNW Total Acres: 5

57-12002 MICHAEL ALEXANDER, CHARLOTTE ALEXANDER, 9474 FISH POND LN, MELBA, ID 83641-4201 Point of Diversion L1 (SENE) S21 T01N R03W Owyhee County Source SPRING Tributary SNAKE RIVER Use: IRRIGATION 03/01 to 11/15 0.05 CFS Use: IRRIGATION FROM STORAGE 03/01 to 11/15 9 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 9 AF

Use: WILDLIFE STORAGE 01/01 to 12/31 0.12 AF Total Diversion: 0.05 CFS 9.1 AF Date Filed: 2/28/2019 Place Of Use: IRRIGATION, IRRIGATION STORAGE T01N R03W S21 L1 (SENE) Total Acres: 1.8

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 4/8/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director 03/20, 27/2019

NOTICE OF TRUSTEE'S SALE

On Tuesday the 9th day of July, 2019, at the hour of 11:00 o'clock a.m. of said day in the lobby of the Owyhee County Courthouse, 20381 State Hwy. 78, Murphy, in the County of Owyhee, State of Idaho, Ryan M. Fawcett, as Successor Trustee, will sell at public auction, to the highest bidder, for cash, in lawful money of the United States, all payable at the time of sale, the following described real property situated in the County of Owyhee, State of Idaho, and described as follows, to wit: Lot 7 and 8 in Block 71 of the Amended Townsite Plat of Homedale, Owyhee County, Idaho, according to the official plat thereof on file and of record in the office of the Recorder for Owyhee County, Idaho. The Successor Trustee has no knowledge of a more particular description of the above referenced real property, but for purposes of compliance with Section 60-113, Idaho Code,

the Successor Trustee has been informed that the street address of 18 E. Montana Ave., Homedale, ID 83628, is sometimes associated with said real property.

Said sale will be made without covenant or warranty regarding title, possession or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in the Deed of Trust executed by ISMAHEL CARDENAS, a Single Person, Grantor, to Ryan M. Fawcett, Successor Trustee, for the benefit and security of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., recorded July 7, 2015, as Instrument No. 287139, Mortgage records of Owyhee County, Idaho, and assigned to the IDAHO CENTRAL CREDIT UNION by Assignment of Deed of Trust recorded on January 23, 2019, as Instrument No. 298720, Mortgage records of Owyhee County, Idaho. THE ABOVE GRANTOR IS NAMED TO COMPLY WITH SECTION 45-1506(4)(a) IDAHO CODE. NO REPRESENTATION IS MADE THAT HE IS, OR IS NOT, PRESENTLY RESPONSIBLE FOR THIS OBLIGATION.

The default for which this sale is to be made is the failure to pay when due, monthly installment payments under the Note dated June 29, 2015, in the amount of \$245.32 each, for the months of September, 2018 through January, 2019, inclusive; and for each and every month thereafter until date of sale or reimbursement. All delinquent payments are now due, plus accumulated late charges, plus any costs or expenses associated with this foreclosure. The accrued interest is at the rate of 4.00% per annum from August 1, 2018. The principal balance owing as of this date on the obligation secured by said Deed of Trust is \$33,194.06, plus accrued interest at the rate of 4.00% per annum from August 1, 2018.

DATED This 7th day of March, 2019.

S/ Ryan M. Fawcett, a member of the Idaho State Bar
Successor Trustee
03/13, 20, 27, 04/03/2019

HOMEDALE JV SQUADS START BREAK AT HOME



Trojans take part in Taylor Sauer tourney

Homedale High School junior varsity pitcher Emma Critfield, a freshman, delivers to the plate during Saturday's 11-0 loss to the Sugar-Salem during the Taylor Sauer Memorial softball tournament at Sundance Park. Catcher Madison Miller was voted Most Valuable Player for Homedale, which also played JV teams from Vallivue and Gooding.



Wilder sweeps Trojans

Homedale High School junior varsity player John Lejardi throws a pitch during the first game of a non-conference doubleheader against Wilder on Friday at John Jackson Field. Lejardi struck out four in the first five innings of a 6-1 loss. The Wildcats won the second game, 7-5.

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