

August 31, 2018

IDWR - Western Region

2735 Airport Way

Boise, Idaho 83705

RE Withdrawal of Application for Permit Transfer No 82-452

Request for a refund of \$200.- For payment  
of \$730.- on June 8, 2018. Any questions please  
call 208-845-2601.

Thank You  
Ace Black Ranches  
Terry Black

\* REFUND WILL BE ISSUED  
AFTER PERMIT APP SI-13127 IS  
PROCESSED. RS

RECEIVED  
42-2227 POD - 09/14  
JUN 08 2018  
DEPARTMENT OF  
WATER RESOURCES

WITHDRAWN  
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
JUN 08 2018  
WATER RESOURCES  
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Ace Black Ranches Phone 208-845-2601

2. **MAILING ADDRESS** 28892 Hot Springs Rd. City Bruneau  
State ID Zip 83604 Email \_\_\_\_\_

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 2-10199

- ☒ Attach a copy of the water right(s) as recorded, available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.02 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.  
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Online Resources*.

| New? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Source      | Local name or tag # |
|------|-----|---|----|----|-----|-----|-----|--------|-------------|---------------------|
| Yes  | 2   |   | SW | NE | 2   | 06S | 06E | Owyhee | Snake River |                     |
|      |     |   |    |    |     |     |     |        |             |                     |
|      |     |   |    |    |     |     |     |        |             |                     |
|      |     |   |    |    |     |     |     |        |             |                     |
|      |     |   |    |    |     |     |     |        |             |                     |
|      |     |   |    |    |     |     |     |        |             |                     |
|      |     |   |    |    |     |     |     |        |             |                     |
|      |     |   |    |    |     |     |     |        |             |                     |
|      |     |   |    |    |     |     |     |        |             |                     |
|      |     |   |    |    |     |     |     |        |             |                     |

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing pump station managed by the Idaho Department of Fish and Game. See attached proof report for description of existing PODs.

- b. Who owns the property at the point(s) of diversion? BLM

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:  
Grazing lease with the BLM. POD is being added upon request from the IDFG.

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.  
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at [maps.idwr.idaho.gov/TransferApplicationLayouts/](http://maps.idwr.idaho.gov/TransferApplicationLayouts/) provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Terry Black  
Signature of applicant or authorized agent

Terry Black  
Print name and title if applicable

6-8-18  
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 6 pages of attachments. Received by DN + CP Date 6/8/18

Fee paid 200.00 Date 6/8/18 Received by el Receipt # C.105218

Preliminary review by \_\_\_\_\_ Date \_\_\_\_\_ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 \_\_\_\_\_ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Water Right 2-10199**

6/8/2018

|                          |                                                                                       |
|--------------------------|---------------------------------------------------------------------------------------|
| <b><u>Owner Type</u></b> | <b><u>Name and Address</u></b>                                                        |
| Current Owner            | ACE BLACK RANCHES<br>28892 HOT SPRINGS RD<br>BRUNEAU, ID 83604-5007<br>(208) 845-2601 |

**Priority Date:** 4/1/1875

**Basis:** Decreed

**Status:** Active

|                      |                         |
|----------------------|-------------------------|
| <b><u>Source</u></b> | <b><u>Tributary</u></b> |
| SNAKE RIVER          | COLUMBIA RIVER          |

|                              |                               |                  |                              |                      |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| STOCKWATER                   | 10/01                         | 05/01            | 0.020 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 0.020 CFS                    |                      |

**Source and Point(s) of Diversion**

|             |          |                            |               |
|-------------|----------|----------------------------|---------------|
| SNAKE RIVER | L2(NENE) | Sec. 13, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | L3(ENE)  | Sec. 13, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | L4(NESE) | Sec. 13, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | SESE     | Sec. 13, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | L4(NENE) | Sec. 14, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | L5(SWNE) | Sec. 14, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | L5(SESE) | Sec. 15, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | L6(SWNE) | Sec. 22, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | NENE     | Sec. 24, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | L5(NWNE) | Sec. 27, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | NENW     | Sec. 35, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | NESE     | Sec. 35, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | NWSE     | Sec. 35, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | SESE     | Sec. 35, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | SWSW     | Sec. 36, Twp 05S, Rge 04E, | OWYHEE County |
| SNAKE RIVER | L3()     | Sec. 16, Twp 05S, Rge 05E, | OWYHEE County |
| SNAKE RIVER | L3(NWNE) | Sec. 19, Twp 05S, Rge 05E, | OWYHEE County |
| SNAKE RIVER | SWNE     | Sec. 19, Twp 05S, Rge 05E, | OWYHEE County |
| SNAKE RIVER | L7()     | Sec. 19, Twp 05S, Rge 05E, | OWYHEE County |
| SNAKE RIVER | L8(SWNW) | Sec. 19, Twp 05S, Rge 05E, | OWYHEE County |
| SNAKE RIVER | L9(SENW) | Sec. 19, Twp 05S, Rge 05E, | OWYHEE County |
| SNAKE RIVER | L1(NENE) | Sec. 36, Twp 05S, Rge 05E, | OWYHEE County |
| SNAKE RIVER | L2(ENE)  | Sec. 36, Twp 05S, Rge 05E, | OWYHEE County |
| SNAKE RIVER | L5()     | Sec. 19, Twp 05S, Rge 06E, | OWYHEE County |
| SNAKE RIVER | L5(NENW) | Sec. 30, Twp 05S, Rge 06E, | OWYHEE County |
| SNAKE RIVER | L7(SENW) | Sec. 30, Twp 05S, Rge 06E, | OWYHEE County |
| SNAKE RIVER | L8(NWSW) | Sec. 30, Twp 05S, Rge 06E, | OWYHEE County |
| SNAKE RIVER | L9(SWSW) | Sec. 30, Twp 05S, Rge 06E, | OWYHEE County |
| SNAKE RIVER | L5(SESE) | Sec. 33, Twp 05S, Rge 06E, | OWYHEE County |
| SNAKE RIVER | L5(SWSW) | Sec. 34, Twp 05S, Rge 06E, | OWYHEE County |
| SNAKE RIVER | NENE     | Sec. 8, Twp 06S, Rge 05E,  | OWYHEE County |
| SNAKE RIVER | NWNE     | Sec. 8, Twp 06S, Rge 05E,  | OWYHEE County |
| SNAKE RIVER | SWNE     | Sec. 9, Twp 06S, Rge 05E,  | OWYHEE County |

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Water Right 2-10199**

6/8/2018

SNAKE RIVER  
SNAKE RIVER  
SNAKE RIVER  
SNAKE RIVER  
SNAKE RIVER  
SNAKE RIVER  
SNAKE RIVER

SENE  
NWSW  
L1(NENE)  
L2(SWNE)  
L1(NENE)  
L2(NWNE)  
L3(NENW)  
L4(NWNW)

Sec. 9, Twp 06S, Rge 05E, OWYHEE County  
Sec. 10, Twp 06S, Rge 05E, OWYHEE County  
Sec. 3, Twp 06S, Rge 06E, OWYHEE County  
Sec. 3, Twp 06S, Rge 06E, OWYHEE County  
Sec. 4, Twp 06S, Rge 06E, OWYHEE County  
Sec. 4, Twp 06S, Rge 06E, OWYHEE County  
Sec. 4, Twp 06S, Rge 06E, OWYHEE County  
Sec. 4, Twp 06S, Rge 06E, OWYHEE County

**Place Of Use**

STOCKWATER within OWYHEE County

| Twp                 | Rng | Sec | NE      |         |         |         | NW |    |         |         | SW      |         |    |         | SE      |    |    |         | Totals |
|---------------------|-----|-----|---------|---------|---------|---------|----|----|---------|---------|---------|---------|----|---------|---------|----|----|---------|--------|
|                     |     |     | NE      | NW      | SW      | SE      | NE | NW | SW      | SE      | NE      | NW      | SW | SE      | NE      | NW | SW | SE      |        |
| 05S                 | 04E | 13  | X<br>L2 |         |         | X<br>L3 |    |    |         |         |         |         |    |         | X<br>L4 |    |    | X       |        |
| 05S                 | 04E | 14  | X<br>L4 |         | X<br>L5 |         |    |    |         |         |         |         |    |         |         |    |    |         |        |
| 05S                 | 04E | 15  |         |         |         |         |    |    |         |         |         |         |    |         |         |    |    | X<br>L5 |        |
| 05S                 | 04E | 22  |         |         | X<br>L6 |         |    |    |         |         |         |         |    |         |         |    |    |         |        |
| 05S                 | 04E | 24  | X       |         |         |         |    |    |         |         |         |         |    |         |         |    |    |         |        |
| 05S                 | 04E | 27  |         | X<br>L5 |         |         |    |    |         |         |         |         |    |         |         |    |    |         |        |
| 05S                 | 04E | 35  |         |         |         |         | X  |    |         |         |         |         |    |         | X       | X  |    | X       |        |
| 05S                 | 04E | 36  |         |         |         |         |    |    |         |         |         |         | X  |         |         |    |    |         |        |
| 05S                 | 05E | 16  |         |         |         |         |    |    |         |         |         |         |    | X<br>L3 |         |    |    |         |        |
| 05S                 | 05E | 19  |         | X<br>L3 | X       |         |    |    | X<br>L8 | X<br>L9 |         |         |    |         |         |    |    |         |        |
| Lot #, Acre (No QQ) |     |     | L7      |         |         |         |    |    |         |         |         |         |    |         |         |    |    |         | 0.0    |
| 05S                 | 05E | 36  | X<br>L1 |         |         | X<br>L2 |    |    |         |         |         |         |    |         |         |    |    |         |        |
| 05S                 | 06E | 19  |         |         |         |         |    |    |         |         |         |         |    |         |         |    |    |         |        |
| Lot #, Acre (No QQ) |     |     | L5      |         |         |         |    |    |         |         |         |         |    |         |         |    |    |         | 0.0    |
| 05S                 | 06E | 30  |         |         |         | X<br>L5 |    |    | X<br>L7 |         | X<br>L8 | X<br>L9 |    |         |         |    |    |         |        |
| 05S                 | 06E | 33  |         |         |         |         |    |    |         |         |         |         |    |         |         |    |    | X<br>L5 |        |
| 05S                 | 06E | 34  |         |         |         |         |    |    |         |         |         | X<br>L5 |    |         |         |    |    |         |        |
| 06S                 | 05E | 8   | X       | X       |         |         |    |    |         |         |         |         |    |         |         |    |    |         |        |
| 06S                 | 05E | 9   |         |         | X       | X       |    |    |         |         |         |         |    |         |         |    |    |         |        |

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Water Right 2-10199**

6/8/2018

|     |     |    |         |         |         |  |         |         |  |  |  |   |  |  |  |  |  |  |
|-----|-----|----|---------|---------|---------|--|---------|---------|--|--|--|---|--|--|--|--|--|--|
| 06S | 05E | 10 |         |         |         |  |         |         |  |  |  | X |  |  |  |  |  |  |
| 06S | 06E | 3  | X<br>L1 |         | X<br>L2 |  |         |         |  |  |  |   |  |  |  |  |  |  |
| 06S | 06E | 4  | X<br>L1 | X<br>L2 |         |  | X<br>L3 | X<br>L4 |  |  |  |   |  |  |  |  |  |  |

**Conditions of Approval:**

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

**Comments:**

1. rbrown 8/27/2001 SF5  
This version represents the SF5.
2. mciscell 12/29/2011 POD  
Updated Shape
3. nmiller 1/15/2014 POD  
PODID 547150 correlated from SpatialDataID 103580 to SpatialDataID 281481

**Dates and Other Information**

Decreed Date: 7/7/2003  
 Civil Case Number: 39576  
 Judicial District: FIFTH  
 State or Federal: S  
 Water District Number: 02  
 Mitigation Plan: False

**Combined Use Limits**

N/A

**Element Reviewed/Verified Dates:**

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 8/27/2001                 | rbrown          |                           |                 | Closed        |
| Source         | 8/27/2001                 | rbrown          |                           |                 | Closed        |
| POD            | 8/27/2001                 | rbrown          |                           |                 | Closed        |
| Priority Date  | 9/7/2001                  | rbrown          |                           |                 | Closed        |
| POD            | 9/7/2001                  | rbrown          |                           |                 | Closed        |
| POU            | 9/7/2001                  | rbrown          |                           |                 | Closed        |
| Source         | 9/7/2001                  | rbrown          |                           |                 | Closed        |
| Use            | 9/7/2001                  | rbrown          |                           |                 | Closed        |
| Season         | 9/7/2001                  | rbrown          |                           |                 | Closed        |
| Quantity       | 9/7/2001                  | rbrown          |                           |                 | Closed        |

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right 2-10199

6/8/2018

|         |          |        |          |        |        |
|---------|----------|--------|----------|--------|--------|
| Use     | 9/7/2001 | rbrown |          |        | Closed |
| Summary | 9/7/2001 | rbrown | 9/7/2001 | rbrown | Closed |

**SubCase:**  
N/A

**Water Supply Bank:**  
N/A



# CANCELLATION OR AMENDMENT OF CERTIFICATE OF ASSUMED BUSINESS NAME

(Please type or print legibly)

To the SECRETARY OF STATE, STATE OF IDAHO

Pursuant to Section 53-507 and 53-508, Idaho Code, the undersigned gives notice of the action(s) indicated below:

1. The assumed business name is: ACE BLACK RANCHES, A PARTNERSHIP
2. The assumed business name was filed with the Secretary of State's Office on 2/20/1998 as file number D12320.
3. ☐ Cancellation. The persons who filed the certificate no longer claim an interest in the above assumed business name and cancel the certificate in its entirety.
4. ☒ The assumed business name is amended to: ACE BLACK RANCHES
5. ☒ The true names and business addresses of the entity or individuals doing business under the assumed business name are amended as follow:

| Add:                                | Delete:                  | Name:                               | Address:                                         |
|-------------------------------------|--------------------------|-------------------------------------|--------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | TL Ranch, LLC <u>W70653</u>         | <u>28892 Hot Springs Road, Bruneau, ID 83604</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ace Black Ranches, LLP <u>J1687</u> | <u>28892 Hot Springs Road, Bruneau, ID 83604</u> |
| <input type="checkbox"/>            | <input type="checkbox"/> |                                     |                                                  |

6. ☐ The type of business is amended to read:
 

|                                          |                                        |                                                              |
|------------------------------------------|----------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Retail Trade    | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Transportation and Public Utilities |
| <input type="checkbox"/> Wholesale Trade | <input type="checkbox"/> Agriculture   | <input type="checkbox"/> Finance, Insurance, and Real Estate |
| <input type="checkbox"/> Services        | <input type="checkbox"/> Construction  | <input type="checkbox"/> Mining                              |
7. ☒ The name and address to which future correspondence should be addressed is changed to read:

28892 Hot Springs Road, Bruneau, Idaho 83604

8. Name and address for this acknowledgment copy is:

Victoria Meier C/O Eberle Berlin

1111 W Jefferson Street, Suite 530

Boise, Idaho 83701

Signature: Terry Black

Printed Name: Terry Black

Capacity: Partner

(see instruction # 9 on back of form)

Secretary of State use only

IDAHO SECRETARY OF STATE  
06/09/2009 05:00  
CX: 3885 CT: 223649 DH: 1172919  
1 @ 10.00 = 10.00 ASSUM AMEN # 3

D12320



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)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

September 21, 2018

ACE BLACK RANCHES  
28892 HOT SPRINGS RD  
BRUNEAU ID 83604

**Re: Withdrawal of Application for Transfer No. 82452**

Dear Applicants:

The Department has received your recent withdrawal of the above referenced application. For your convenience a copy of the withdrawal and application are enclosed.

Please feel free to contact our office at 208-334-2190 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Neely'.

Rachel Neely  
Administrative Assistant  
Western Regional Office

Enclosures