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FORM 202 Rev. 09/16

JUN 08 2018

DEPARTMENT OF
WATER RESOURCES

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JUL 02 2018

WATER RESOURCES
WESTERN REGION

JUN 08 2018

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
Amended
JUN 29 2018WATER RESOURCES
WESTERN REGION
Ident. No. 51-13127Amended
SEP 10 2018WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) Ace Black Ranches Phone 208-845-2601
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 28892 Hot Springs Road City Bruneau
 State ID ZIP 83604 Email _____
2. Name of representative, if any Terry Black - Managing Partner Phone Same As Above
 Mailing address _____ City _____
 State _____ ZIP _____ Email _____
- a. ☒ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply wastewater which is a tributary of Bruneau River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
6S	6E	31			NW	NE	Owyhee	Wastewater	
6S	6E	31			NE	NW	Owyhee	Wastewater	
6S	6E	31			NE	NW	Owyhee	Wastewater	
6S	6E	31			NE	NW	Owyhee	Wastewater	

5. Water will be used for the following purposes: See Attach Sheet
 Amount 2.24 2.26 TB for irrigation purposes from 3/1 to 11/15 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 2.24 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Waste ditch diverts into an unnamed drain that is delivered to the property being irrigated.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by DN+CP Date 6/8/18 Time - Preliminary check by CP
 Fee \$ 330.00 Receipted by AL Receipt No. 6105218 Date 6-8-18

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SCANNED

JUL 26 2018

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households _____
 - Other; describe fully. _____
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated: 113 * See See Attach Sheet

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Bruneau Buckaroo Ditch Company Shares, 51-7319 (water right from Unnamed Drain), and 51-7138 (water right form Unnamed Drain)
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Water from numerous unnamed drain commingles with the wastewater and Bruneau Buckaroo Ditch Company shares and is delivered to the fields for irrigation. Any water not used for irrigation open discharges into the Bruneau River. I have approximately 6,625 shares of Canal water. It comes out to 25 shares per inch of water. Approximately 262 inches of water.
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Terry Black
Signature of Applicant

Signature of Applicant

Print Name (and title, if applicable)

Print Name (and title, if applicable)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☐ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD):

New POD?	Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or well/diversion tag #
☐ Yes	6S	6E	31	1		NW	NW	Owyhee	Wastewater	
☐ Yes	6S	6E	30			SW	SE	Owyhee	Unnamed Drain	
☐ Yes	6S	6E	30			SE	SE	Owyhee	Unnamed Drain	
☐ Yes	6S	6E	30	4		SW	SW	Owyhee	Unnamed Drain	
☐ Yes	6S	6E	30	4		SW	SW	Owyhee	Wastewater	
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	6E	25													28			11	39
6S	6E	30										15	26	7					48
6S	6E	31		1			19	6											26

**If this supplemental sheet is for an Application for Transfer, insert this page into Part 1B of the application. Page _____

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JUL 26 2018



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 13, 2018

ACE BLACK RANCHES
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-5007

Application for Permit No. 51-13127

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 9/19/2018 and 9/26/2018. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, September 13, 2018 8:49 AM
To: 'Kara Morris'
Subject: Owyhee Legal Ad
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 9/19/2018 & 9/26/2018.

Please confirm these are okay to publish as shown.

Thank you,

September 13, 2018

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application for Permit No. 51-13127

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/9/2018. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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

51-13127

ACE BLACK RANCHES
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-5007

(3) Points of Diversion NENW S31 T06S R06E OWYHEE County Source WASTE WATER Tributary BRUNEAU RIVER
Points of Diversion L1(NWNW) NWNE S31 T06S R06E OWYHEE County Source WASTE WATER Tributary BRUNEAU RIVER
Points of Diversion SESE SWSE L4(SWSW) S30 T06S R06E OWYHEE County Source UNNAMED DRAIN Tributary BRUNEAU RIVER
Point of Diversion L4(SWSW) S30 T06S R06E OWYHEE County Source WASTE WATER Tributary UNNAMED DRAIN
Use: IRRIGATION 03/01 to 11/15 2.26 CFS

Total Diversion: 2.26 CFS

Date Filed: 6/8/2018

Place of Use: IRRIGATION

T06S R05E S25 NESE SESE

T06S R06E S30 NWSW SWSW SESW

T06S R06E S31 NWNE NENW NWNW

Total Acres: 113

Waste water source is locally known as the Jones Wasteway.

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 10/9/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/19/2018 and 9/26/2018



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 13, 2018

BRUNEAU BUCKAROO CO-OPERATIVE DITCH CO
CHARLES L HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701

UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
ATTN FRED PRICE
1387 S VINNELL WAY
BOISE ID 83709

Re: Contested Application for Permit No. 51-13127- Ace Black Ranches

Dear Parties:

The department advertised application for permit no. 51-13127 and received several notices of protest. On September 10, 2018 the department received an amended application that changed the proposed place of use. A copy of the amended application is attached. Pursuant to Idaho Code § 42-211 and the department's Water Appropriation Rules (IDAPA 37.03.08.35.04), the application will be re-advertised. This letters serves as an acknowledgment of those notices of protest and as formal notice that the protests received previously will remain active despite the amendment and re-advertisement of the application. The department will correspond with the applicant and protestants following the close of the next protest period regarding the next steps in the contested care.

If you would like additional information, or need to further discuss the process, feel free to me at the Western Regional Office at 208-334-2190.

Sincerely,

 *Nick Miller*

Nick Miller
Western Regional Manager

Enclosures: Copy of Amended Application for Permit 51-13127

Parker, Cody

From: Parker, Cody
Sent: Tuesday, August 28, 2018 2:22 PM
To: 'fwprice@blm.gov'
Subject: Ace Black Ranches Application for Permit no. 51-13127

Mr. Price,

Just to let you know, Ace Black Ranches is amending their application to correct the legal description of the place of use. The application does not intend to divert water across BLM land. The application will need to be re-advertised. Please disregard the calendar you were sent for scheduling the pre-hearing conference. You will be sent another once the application is re-advertised. You may submit your withdrawal at any time if the amendment satisfies your concerns.

Thank you,

Cody Parker
Water Resource Agent
IDWR Western Region

Parker, Cody

From: Parker, Cody
Sent: Tuesday, August 28, 2018 2:26 PM
To: 'Charles Honsinger'
Subject: Ace Black Ranches Application for Permit no. 51-13127

Mr. Honsinger,

I am writing you today as you are the representative listed for the Bruneau Buckaroo Co-Op Ditch Company, a protestant of the application referenced above. Just to let you know, the applicant is amending their application which will require the department to re-advertise. Please disregard the calendar you were sent to schedule the pre-hearing conference. You will be sent another calendar once the application is re-advertised.

Thanks,

Cody Parker
Water Resource Agent
IDWR Western Region