

RECEIVED

FORM 202 Rev. 09/16

JUN 08 2018

DEPARTMENT OF
WATER RESOURCES

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Incomplete

JUL 02 2018

WATER RESOURCES
WESTERN REGION

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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 2018

WATER RESOURCES
WESTERN REGION

Ident. No.

51-13127

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 224 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) 2.26 TB
6. Total quantity to be appropriated is (a) 224 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 Received by AL Receipt No. C105218 Date 6-8-18

51-13127

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	¼	¼	¼	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):

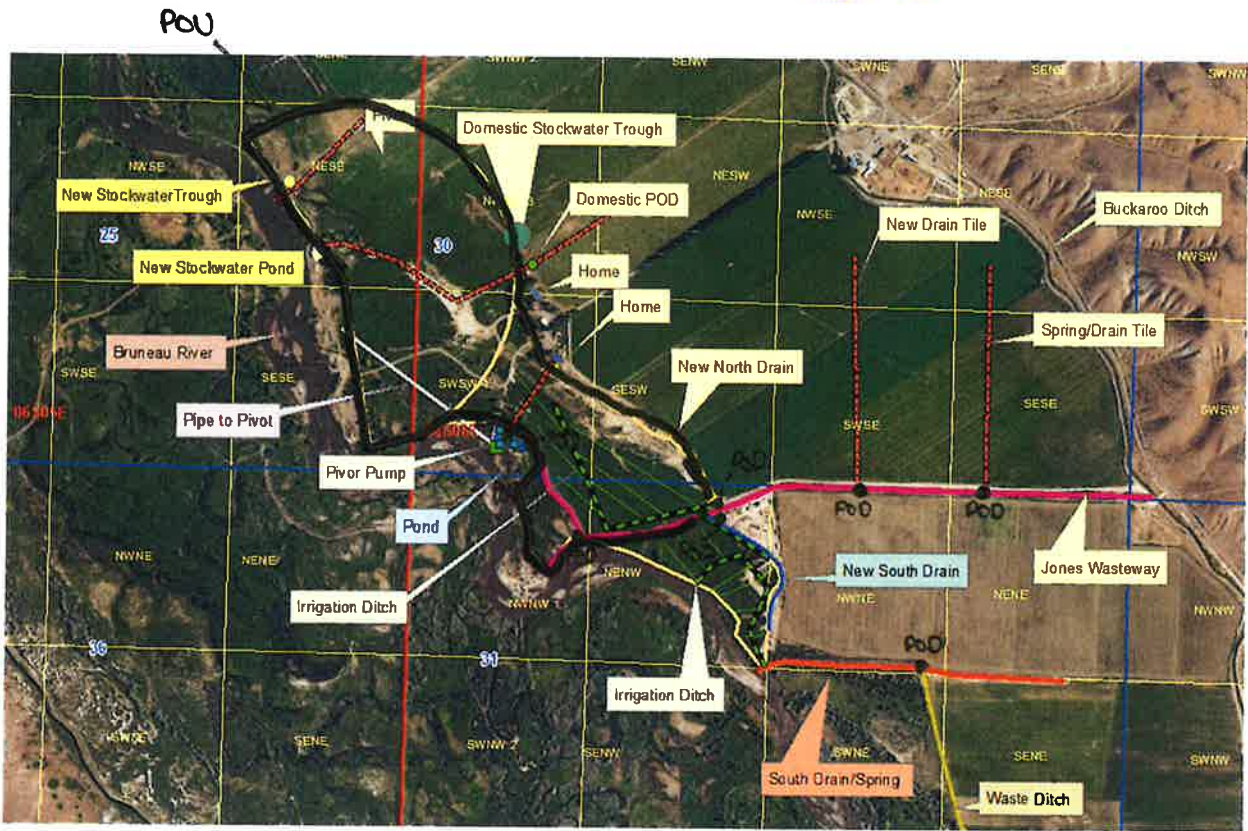
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

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 _____

Application for permit – Irrigation Ace Black Ranches

COPY





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

July 26, 2018

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

Application for Permit No. 51-13127, 51-13128, & 51-13129

Dear Applicant(s):

The Department of Water Resources has received your water right applications. Please refer to the numbers referenced above in all future correspondence regarding these applications.

A legal notice of each application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 8/1/2018 and 8/8/2018. Protests to any of these applications may be submitted for a period ending ten (10) days after the second publication.

If any of the applications are 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 any of the applications are 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 applications.

Sincerely,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, July 26, 2018 11:13 AM
To: 'Kara Morris'
Subject: Owyhee Legal Ads
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 8/1/2018 & /8/2018.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

July 26, 2018

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

RE: Application for Permit No. 51-13127
 Application for Permit No. 51-13128
 Application for Permit No. 51-13129

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 8/20/2018. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

51-13127

ACE BLACK RANCHES
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-500

(3) Points of Diversion NENW S31 T06S R06E OWYHEE County Source WASTE WATER Tributary BRUNEAU RIVER
Points of Diversion NWNE L1(NWNW) S31 T06S R06E OWYHEE County Source WASTE WATER Tributary BRUNEAU RIVER
Points of Diversion SESE L4(SWSW) SWSE 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 R06E 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.

51-13128

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

Point of Diversion NESE S25 T06S R05E OWYHEE County Source UNNAMED DRAIN Tributary BRUNEAU RIVER

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 6/19/2018

Place of Use: STOCKWATER

T06S R05E S25 NESE

51-13129

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

Point of Diversion NESE S25 T06S R05E OWYHEE County Source UNNAMED DRAIN Tributary BRUNEAU RIVER

Use: STOCKWATER 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 6/19/2018

Place of Use: STOCKWATER

T06S R05E S25 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 8/20/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/1/2018 and 8/8/2018



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. "BLTCH" OTTER
Governor

GARY SPACKMAN
Director

July 26, 2018

BRUNEAU BUCKAROO COOP DITCH CO
C/O CHARLES HONSINGER
HONSINGER LAW PLLC
PO BOX 517
BOISE ID 83701

Re: Applications for Permit Nos. 51-13127, 51-13128, & 51-13129

Dear Interested Party:

The above referenced applications may be of interest to you. I would like to inform you that the applications have been submitted to the *Owyhee Avalanche* for advertising. I have enclosed copies of the applications for your convenience. This information is also available on our website www.idwr.idaho.gov.

If you desire to file a formal protest against approval of the application, a written protest along with the \$25.00 protest fee must be received in this office by **August 20, 2018**. A copy of the protest must also be sent to the applicant.

If you have any questions regarding the application, please contact this office at 208-334-2190.

Sincerely,

Rachel Neely
Administrative Assistant
Western Regional Office

Enclosures



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

June 25, 2018

ACE BLACK RANCHES
28892 HOT SPRINGS RD
BRUNEAU ID 83604

RE: Application for permit no. 51-13127

Mr. and Mrs. Black,

I am writing today in regard to the permit referenced above, which proposes to divert 2.24 cfs wastewater for irrigation. We spoke over the phone June 25 about amending your application to request the maximum approvable diversion rate. Enclosed is your original application. To request the maximum rate please amend the values in items 5 and 6 of the application to read "2.26" rather than 2.24. You may make the changes by crossing out the old values, writing in the new values, and initialing next to the changes. The amended form is needed to establish a priority date for your application. Please make the changes requested above and return the amended form before addressing the information below to avoid establishing a later priority date.

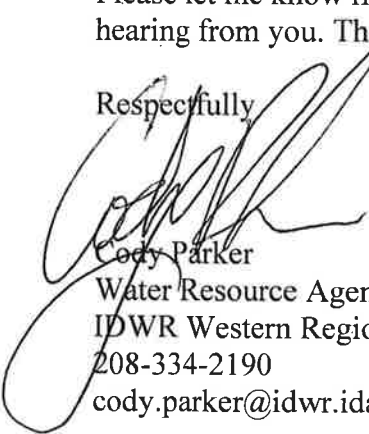
Second, your application proposes to divert waste water and IDWR must determine if the water you are proposing to use is available for appropriation or if it is "live" water under the control of an irrigation delivery organization to satisfy downstream users. The irrigation organization in your area appears to be the Bruneau Buckaroo Co-op Ditch Co.

You can confirm the waste water status in your area by providing written consent from the irrigation delivery organization showing that the water you propose to use does not remain under its control for other users.

You should return the amended form as soon as you can. Please provide the letter from the irrigation company within sixty (60) days of the date of this letter. You may request up to six months additional time if necessary. The application will be voided without a timely written response.

Please let me know if you have any questions regarding the content of this letter. I look forward to hearing from you. Thank you for your help and for your patience during this process.

Respectfully



Cody Parker
Water Resource Agent
IDWR Western Region
208-334-2190
cody.parker@idwr.idaho.gov