

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 51-07368

Priority: August 23, 1999

Maximum Diversion Rate: 0.20 CFS

This is to certify, that ACE BLACK RANCHES
28892 HOT SPRINGS RD
BRUNEAU ID 83604-5007

has applied for a permit to appropriate water from:

Source: GROUND WATER

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>
STOCKWATER	01/01 to 12/31	0.12 CFS
DOMESTIC	01/01 to 12/31	0.08 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER L3 (NW¼SW¼) Sec. 30, Twp 06S, Rge 06E, B.M., OWYHEE County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 06E 30									X		X						
									L3		L4						

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 06E 30									X		X						
									L3		L4						

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2018**.
2. Subject to all prior water rights.
3. Domestic use is for 2 homes.
4. Stockwater use is for 450 range cattle and horses.
5. The domestic and stockwater uses authorized under this right shall not exceed 13,000 gallons per day per home.

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6. The irrigation occurring under this domestic use shall not exceed 1/2 acre within each platted subdivision lot upon which a home has been constructed. This right does not provide for irrigation of common areas or for irrigation of lots upon which homes have not been constructed.
7. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
8. 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 Section 42-204, Idaho Code.

Signed this 9th day of June, 2017.


Nick Miller

Manager, IDWR Western Region

State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

51-7368

This map depicts the DOMESTIC 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.



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

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

51-7368

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.



0 0.075 0.15 0.3 Miles

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





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 9, 2017

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

RE: Permit No.51-7368

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit 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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

Also, please note that water right owners are required to report any change of water right 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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Naylor". The signature is stylized with a large, looped initial "R".

Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

51-7368

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

A handwritten signature in black ink, appearing to read 'Rachel Neely', is written over a horizontal line.

**Rachel Neely
Administrative Assistant**

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

APR 18 2017

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):

APRIL 5, 12, 2017

SIGNED: Robert E. Aman

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 14 day of April in the year of 2017 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 Stutheit
Notary Public of Idaho

Residing at HOMEDALE, IDAHO
My commission expires: JANUARY 3, 2021



THE FOLLOWING APPLICATIONS HAVE BEEN FILED TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO:
51-7368, ACE BLACK RANCHES, 28892 HOT SPRINGS RD, BRUNEAU ID 83604
Point of Diversion L3(NWSW) S30 T06S R06E OWYHEE County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.08 CFS
Use: STOCKWATER 01/01 to 12/31 0.12 CFS
Total Diversion: 0.2 CFS

Date Filed: 8/23/1999

Places of Use: STOCKWATER, DOMESTIC
T06S R06E S30 L3(NWSW) L4(SWSW)

51-13118, US DEPT OF INTERIOR, BUREAU OF LAND MANAGEMENT, 3948 DEVELOPMENT AVE BOISE, ID 83705

Point of Diversion SWNESE S32 T14S R04E OWYHEE County Source OTTER CREEK Tributary MARYS CREEK

Use: WILDLIFE STORAGE 01/01 to 12/31 18.2 AF
Total Diversion: 18.2 AF

Date Filed: 5/4/2016

Place of Use: WILDLIFE STORAGE

T14S R04E S32 NESE SESE

This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use

proposed in this application will benefit from the subordination provision because it is for de minimis stockwater and wildlife purposes.

GARY SPACKMAN, Director
4/12/2017

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

TRANSFER NO. 80776

**MICHAEL B IHLI and
LINDAMIHLI, 625 S SCHOOL
AVE, KUNA, ID 83634; has
filed Application No. 80776
for changes to the following
water rights within OWYHEE
County(s): Right No(s). 2-10420.
The purpose of this transfer is to
change the point of diversion by
constructing a new system and
placing it at a new location. The
applicant also proposes to create
a 208 acre permissible place of
use to rotate 49 acres of irrigation.
The changes will be made to
Snake River surface water right
2-10420 and will affect 1.24 cfs.
The proposal is located south
of the Snake River and north of
Murphy Grandview Rd; between
Weese Rd and Robinson Rd in
Bellevue Idaho.**

**GARY SPACKMAN, Director
4/5.12/2017**

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT**

TRANSFER NO. 81499

**MURPHY LAND CO, PO
BOX 3110, PASCO, WA 99302;
has filed Application No. 81499
for changes to the following
water rights within OWYHEE
County(s): Right No(s). 2-2129,
2-2130, 2-2406, 2-7020, 2-7021,
2-7025, 2-7033, 2-7034, 2-7036,
2-7037, 2-7038, 2-7127, 2-7350.
The transfer proposes to create a
3,335 acre POU within a 3,668
acre PPU for 13 Snake River
water rights within the trust
water boundary. Changes to
diversions or delivery methods
are not proposed. The farm is
located on the inside banks of C.
J. Strike Reservoir, approximately
7 miles south of the Mountain
Home Air Force Base.**

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) or proposed transfer (s)
please see www.idwr.idaho.gov.
Protests may be submitted based
on the criteria of Idaho Code
§§ 42-203A and 42-222. 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 4/24/2017. The protestant
must also send a copy of the
protest to the applicant.

GARY SPACKMAN, Director