

RECEIVED

MAR 03 2017

WATER RESOURCES
WESTERN REGION

AMENDED

3-17-17

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Ident. No. 51-07368

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Ace Black Ranches Phone 208-845-2601Mailing address 28892 Hot Springs RD, Bruneau, ID 83604 Email _____

2. Name of representative, if any _____ Phone _____

Mailing address _____ 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 providing authority to sign for the applicant.3. Source of water supply Ground Water which is a tributary of _____

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
10S	6E	30	3		NW	SW	Onehee	Grand water TB	

5. Water will be used for the following purposes:

Amount .08 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount .12 for Stock water purposes from 1/1 to 12/31 (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) .20 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. Buried pipe, collection to pumpb. 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 11. 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 ☐ Noe. If well is already drilled, when? _____; drilling firm _____;
well was drilled for (well owner) _____; Drilling Permit No. _____

Received by cd Date 3/3/17 Time 12:30 Preliminary check by H
 Fee \$ 50- Received by WESTERN Receipt No. W025683 Date 8/23/1999

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. 450 range cattle & Horses
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households 2
- e. Other; describe fully. _____

9. Description of place of use:

- 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. 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	
<u>6S</u>	<u>6E</u>	<u>30</u>										<u>D(3)</u>	<u>D(4)</u>						
<u>10S</u>	<u>6E</u>	<u>30</u>										<u>S(3)</u>	<u>S(4)</u>						
	<u>TB</u>																		

Total number of acres to be irrigated: _____

TB 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? Existing water

right 51-10162. Irrigation of lawn to be covered by
Domestic use.

11. a. Who owns the property at the point of diversion? Ace Black Ranches

TB b. Who owns the land to be irrigated or place of use? Ace Black Ranches

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. Buried pipe for collection to well casing, then

pump to tank and Houses.

13. Time required for completion of works and application of water to proposed beneficial use is 1 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.

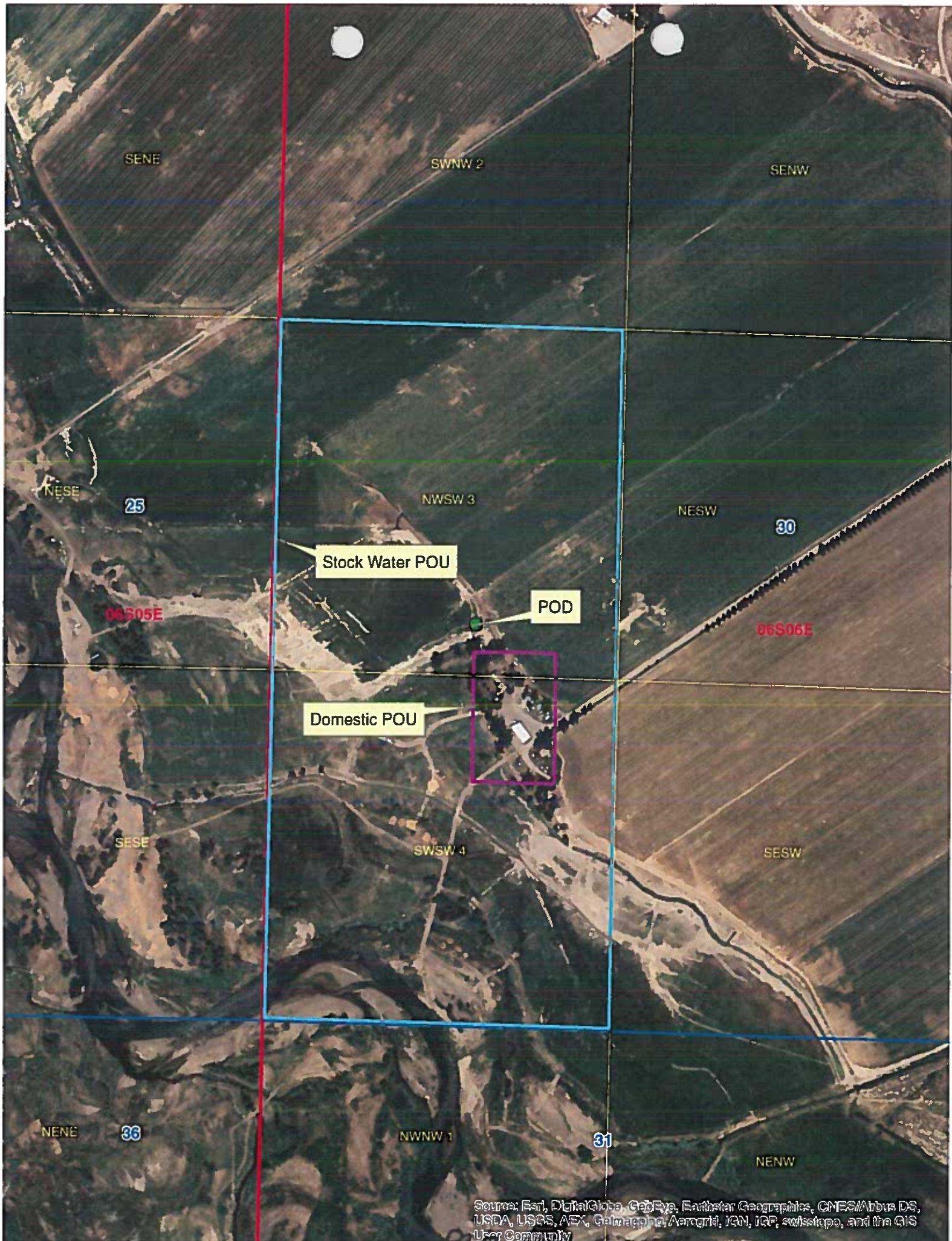
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Terry Black
Signature of Applicant

Terry Black
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero, GSA, IGN, IGP, swisstopo, and the GIS User Community

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:

09 JUN -9 PM 12:31
SECRETARY OF STATE
IDAHO

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:
☒	☐	TL Ranch, LLC <u>W70653</u>	<u>28892 Hot Springs Road, Bruneau, ID 83604</u>
☒	☐	Ace Black Ranches, LLP <u>J1687</u>	<u>28892 Hot Springs Road, Bruneau, ID 83604</u>
☐	☐		

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

☐ Retail Trade	☐ Manufacturing	☐ Transportation and Public Utilities
☐ Wholesale Trade	☐ Agriculture	☐ Finance, Insurance, and Real Estate
☐ Services	☐ Construction	☐ 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 Meler C/O Eberle Berlin1111 W Jefferson Street, Suite 530Boise, Idaho 83701Signature: Terry BlackPrinted Name: Terry BlackCapacity: Partner

(see instruction # 9 on back of form)

Secretary of State use only

g:\cc\secret\form\acknowledgment.pdf
Revised 04/2003

IDAHO SECRETARY OF STATE
06/09/2009 05:00
CK: 3085 CT: 223649 IN: 1172919
1 @ 10.00 = 10.00 ASSUM FNAME # 2

D12320

pg. 4 51-7368

To appropriate the public waters of the State of Idaho

e. Other; describe fully. _____

9. Description of place of use:

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. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6S	6E	30									D	D							-
											S	S							
											L3	L4							

Total number of acres to be irrigated -

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? } Applicants & grandfather

b. Who owns the land to be irrigated or place of use? same

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: pending estate ownership change

12. Remarks: 1 good irrigated, other 2 not, from this source.

Reverend Buckner with water used on property.
This is an existing system. *

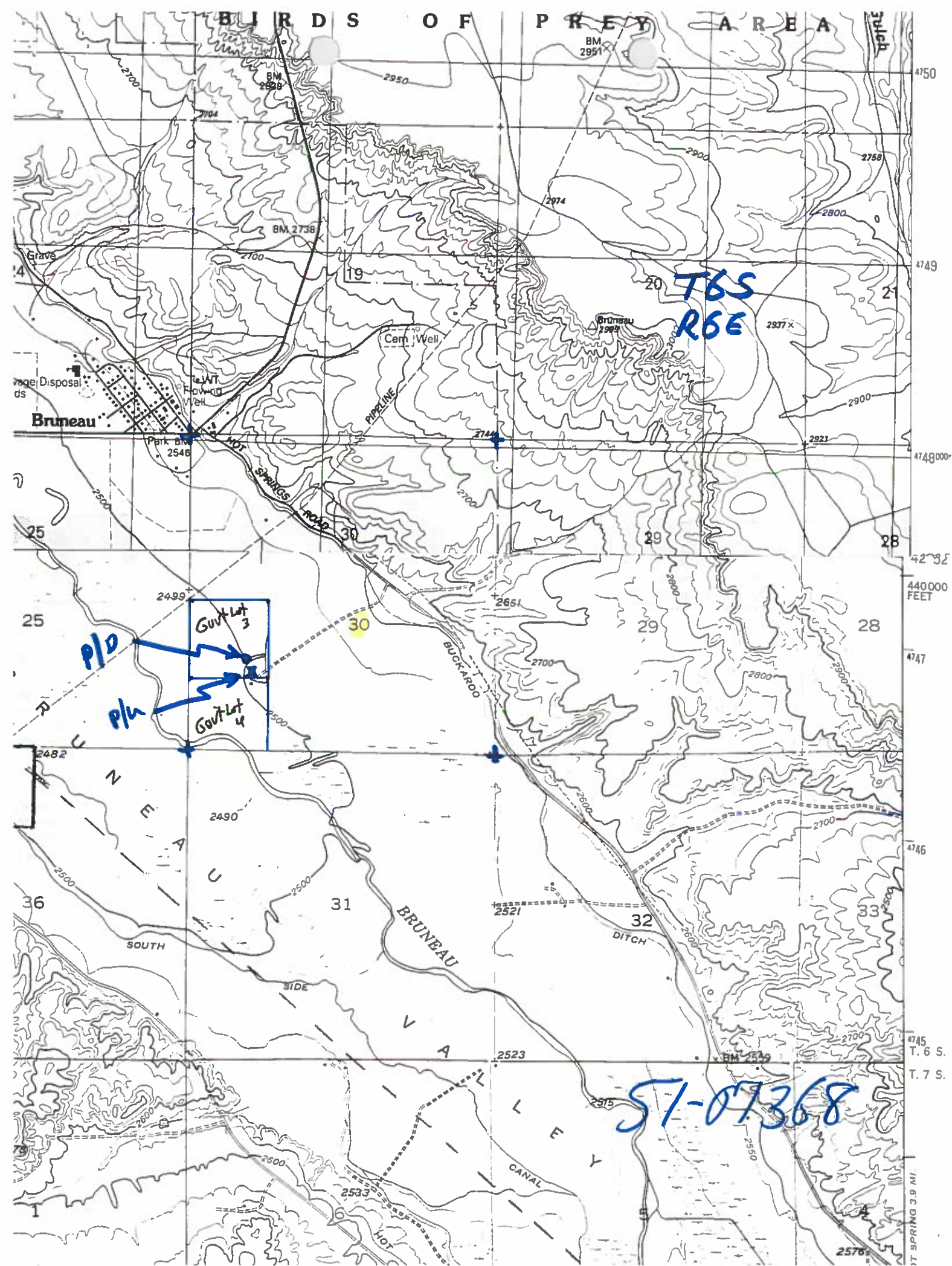
13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

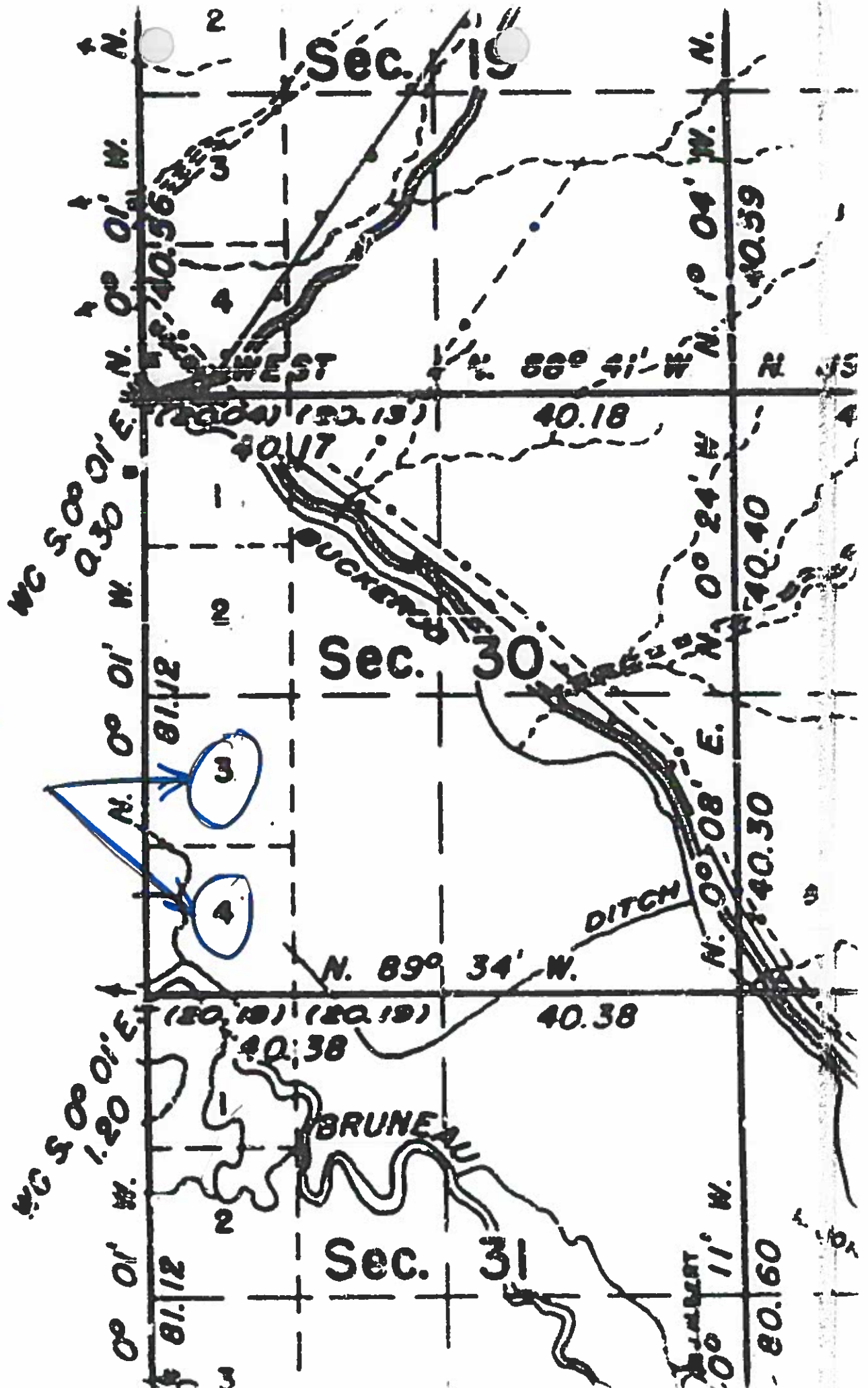
x Tony Black
 (Applicant)

Received by SL Date 8/23/99 Time 8:50 Preliminary check by SL
 Fee \$ 50.00 Receipted by SL # W025623 Date 8/23/99
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

* Remarks, continued:
Applicant agrees to mitigate consumptive use in the future as needed.
- per telephone call with Charles Black 11/9/99. -SL



6S 6E



CANCELLATION OR AMENDMENT OF CERTIFICATE OF ASSUMED BUSINESS NAME

(Please type or print legibly)

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gives notice
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☒	☐	Ace Black Ranches, LLP <u>J1687</u>	<u>28892 Hot Springs Road, Bruneau, ID 83804</u>
☐	☐		

6. ☐ The type of business is amended to read:
- | | | |
|--|--|--|
| ☐ Retail Trade | ☐ Manufacturing | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☐ Agriculture | ☐ Finance, Insurance, and Real Estate |
| ☐ Services | ☐ Construction | ☐ 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 Meler C/O Eberle Berlin

1111 W Jefferson Street, Suite 530

Boise, Idaho 83701

Signature: Terry Block

Printed Name: Terry Black

Capacity: Partner

(see instruction # 9 on back of form)

Secretary of State use only

Bredford
Bedford

IDAHO SECRETARY OF STATE
06/09/2009 05:00
EX: 3005 CT: 223649 IN: 1177919
1 10:00 - 10:00 ASSUM SWEN 2 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 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 30, 2017

ACE BLACK RANCHES
28892 HOT SPRINGS RD
BRUNEAU ID 83604

Application for Permit No. 51-7368

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 4/5/2017 and 4/12/2017. 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,

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

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, March 30, 2017 9:46 AM
To: 'Jennifer Stutheit'
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 4/5/2017 & 4/12/2017.

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

March 30, 2017

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

RE: Application for Permit No. 51-7368
 Application for Permit No. 51-13118
 Application for Transfer No. 80776
 Application for Transfer No. 81499

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 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 4/24/2017. 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:

51-7368

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.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80776

MICHAEL B IHLI and LINDA M IHLI, 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.

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

Published on 4/5/2017 and 4/12/2017



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

January 10, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

ACE BLACK RANCHES
28892 HOT SPRINGS RD
BRUNEAU ID 83604

RE: Application for Permit No. 51-7368

Dear Applicants:

On August 23, 1999 an application for permit in the name of Tony and Charlene Black was filed with the Idaho Department of Water Resources (IDWR). On April 30, 2014 IDWR sent a letter to the Blacks requesting additional information. On June 23, 2014 an Assignment of Application for Permit assigning the application to Ace Black Ranches was filed with IDWR. Further documentation is needed before the processing of your application can continue. Please address the following items.

1. If you would like to continue the process of obtaining a water right permit for domestic and stockwater uses, IDWR must determine if the water you wish to appropriate is waste water available for appropriation or whether it is "live" water under control of an irrigation delivery organization to satisfy downstream users. The irrigation organizations in your area appear to be Bruneau Buckaroo Coop Ditch Company.

The waste water status in your area can be determined by providing written consent from the correct irrigation delivery organization confirming if the water does or does not remain under its control for other users. Also, please provide written confirmation of a right-of-way to use the waste ditch or waste drain if that conveyance is owned by the organization or by some other person or entity.

2. If you do not want pursue a water right permit for domestic and stockwater uses please complete the enclosed Withdrawal of Application for Permit form and return to this office.

Please provide the requested information by **March 13, 2017**. You may request up to six months additional time if necessary. The application will be voided without a timely written response. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to these matters.

Sincerely,

Rachel Sommer
Water Resource Agent
Western Regional Office

Enclosures: Application for Permit 51-7368, Withdrawal Form.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

April 30, 2014

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

TONY &/OR CHARLENE BLACK
29015 HOT SPRINGS RD
BRUNEAU ID 83604-5009

RE: Application for Permit 51-7368

Dear Applicants:

In August of 1999 you submitted the above referenced application for permit for the use of an unnamed drain for domestic and stock water purposes. Please excuse our error in overlooking the application until now. We are wondering if you still want to proceed with this application. If you do not intend to use the drain water, please submit the enclosed "Withdrawal of Application for Permit" form. Since this application has never been advertised, we can offer you a refund of the filing fee if you decide that you are no longer interested in developing the drain water.

This application proposes use of a drain as the source of water. If the drain is a conveyance owned by another entity, please provide written consent from that entity allowing you to divert from this conveyance. Also, please provide a letter of consent from the Bruneau Buckaroo Coop Ditch Company. This will verify the ditch company does not need to deliver this water to uses pre-dating your application.

The lands under this application are in the name of Ace Black Ranches as shown on our Owyhee county tax lot information. Do you want to retain the names, as shown in the address above, or put this application in the name shown on the tax lot information? If you want to change the name to Ace Black Ranches, please complete and submit the enclosed "Assignment of Application for Permit" form. There is no fee for the application assignment form, but it must be signed in the presence of a notary public to be acceptable. Please confirm your current mailing address listed above should be used instead of the post office box listed on the original application.

This application falls within the Trust Water area. It appears that the application is mostly non-consumptive and therefore exempt from Trust Water problems. Even though the application is fairly small, we still need to know how the following items will be addressed:

1. Injury to existing water rights. How do you plan to use this right without causing injury to senior rights, including but not limited to Bruneau River rights?
2. Local public interest. Is this application in the local public interest if it is utilizing water that would normally end up in the Bruneau River?

Please provide the information requested above, or withdraw the application. You may seek additional time to provide the information by making a written request to interrupt processing for up to six

Application 51-7368

April 30, 2014

Page 2

months. Your response or a request for more time to seek the information must be received with the next sixty (60) days. The application will be voided without a timely written reply.

IDWR rules, forms and other information are available on the Internet at www.idwr.idaho.gov. Please feel free to contact me at 208-334-2190 if you need more information. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive, with the first name "Steve" and last name "Lester" clearly distinguishable.

Steve Lester

Water Right Supervisor

SL:kw

Enclosures