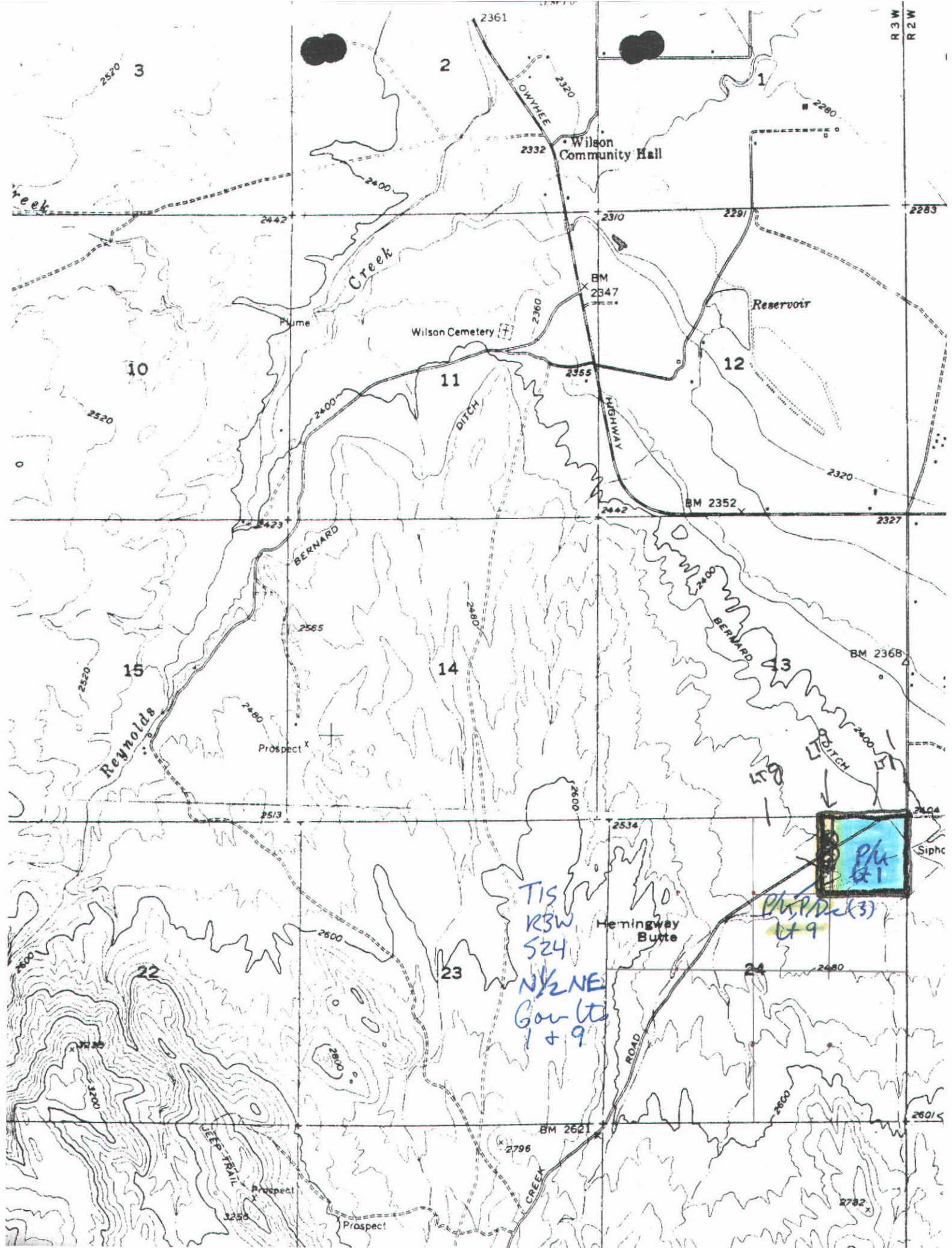




An aerial photograph of a landscape, likely a coastal or wetland area, with various shades of blue, green, and brown. A yellow rectangular area is highlighted in the center, containing a dense pattern of small black dots. A yellow text box is located in the upper right corner of the image.

SHAPE CREATED BY
DAN 9/19/2003

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

NOV 26 2003

WATER RESOURCES
WESTERN REGION

I, Joe 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 the publication of the notice hereinafter mentioned, I was and now am the publisher 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):

NOVEMBER 19, 26, 2003

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 26th day of November in the year of 2003 before me, a

Notary Public, personally appeared JOE 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 Stuthert
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: January 3, 2009

The following application(s)
have been filed to appropriate
the public waters of the State
of Idaho:
57-11630 ✓

J & M CATTLE INC
2312 E HARBOUR GROVE
DR
NAMPA ID 83686
Point(s) of Diversion
L9 (NWNE) S24 T01S R03W
OWYHEE County Source
GROUND WATER
Point(s) of Diversion L9
(NWNE) S24 T01S R03W
OWYHEE County Source
GROUND WATER
Point(s) of Diversion L9
(NWNE) S24 T01S R03W

OWYHEE County Source
GROUND WATER
Use: STOCKWATER 01/01 To
12/31 0.66 CFS
Use: COMMERCIAL 01/01 To
12/31 0.02 CFS
Total Diversion: 0.68 CFS
Date Filed: 07/15/2003
Place Of Use: STOCKWATER
T01S R03W S24 NENE Lot 1
NWNE Lot 9
Place Of Use: COMMERCIAL
T01S R03W S24 NENE Lot 1
NWNE Lot 9

Remark: Applicant agrees to
mitigate consumptive use in
the future as needed. Com-
mercial use is for cleanup for
replacement heifer feedlot.

The above application was ad-
vertised incorrectly on October
1 and 8, 2003 with an incorrect
date filed. The corrected date of
7/14/2003 is listed above. Per-
mits will be subject to all prior
water rights. Protests may be
submitted based on the criteria
of Sec 42-203A, Idaho Code.
Any protest against the approval
of this application must be filed
with the Director, Dept. of Water
Resource, Western Region, 2735
Airport Way, Boise ID 83705
together with a protest fee of
\$25.00 for each application
on or before 12/08/2003. The
protestant must also send a copy
of the protest to the applicant.
KARL J DREHER, Director

11/19,26/03

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

OCT 3 2003

WATER RESOURCES
WESTERN REGION

I, Joe 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 the publication of the notice hereinafter mentioned, I was and now am the publisher 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):

OCTOBER 1, 8, 2003

SIGNED: _____

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 8th day of October in the year of 2003 before me, a

Notary Public, personally appeared JOE 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 Stuthait
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires: January 3, 2009

The following application(s)
have been filed to appropriate
the public waters of the State of
Idaho:

57-11630

J & M CATTLE INC
2312 E HARBOUR GROVE DR
NAMPA ID 83686

Point(s) of Diversion L9
(NWNE) S24 T01S R03W
OWYHEE County Source
GROUND WATER

Point(s) of Diversion L9
(NWNE) S24 T01S R03W
OWYHEE County Source
GROUND WATER

Point(s) of Diversion L9
(NWNE) S24 T01S R03W
OWYHEE County Source
GROUND WATER

Use: STOCKWATER 01/01 To
12/31 0.66 CFS

Use: COMMERCIAL 01/01 To
12/31 0.02 CFS

Total Diversion: 0.68 CFS
Date Filed: 09/19/2003

Place Of Use: STOCKWATER
T01S R03W S24 NENE Lot 1
NWNE Lot 9

Place Of Use: COMMERCIAL
T01S R03W S24 NENE Lot 1
NWNE Lot 9

Remark: Applicant agrees to
mitigate consumptive use in the
future as needed. Commercial use
is for cleanup for replacement
heifer feedlot.

Permits will be subject to all
prior water rights. Protests may
be submitted based on the
criteria of Sec 42-203A, Idaho
Code.

Any protest against the
approval of this application
must be filed with the Director,
Dept. of Water Resource,
Western Region, 2735 Airport
Wy, Boise ID 83705 together
with a protest fee of \$25.00 for
each application on or
before 10/20/2003. The
protestant must also send a
copy of the protest to the
applicant.

KARL J DREHER, Director

10/1,8/03

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 57-11630

Priority July 15, 2003

Maximum Diversion Rate

0.68 CFS

This is to certify, that J & M CATTLE INC
2312 E HARBOUR GROVE DR
NAMPA ID 83686

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	0.66 CFS
COMMERCIAL	01/01 to 12/31	0.02 CFS

LOCATION OF POINTS OF DIVERSION:

GROUND WATER L9 (NW¼NE¼) Sec 24, Twp 01S, Rge 03W, B M , OWYHEE County
GROUND WATER L9 (NW¼NE¼) Sec 24, Twp 01S, Rge 03W, B M , OWYHEE County
GROUND WATER L9 (NW¼NE¼) Sec 24, Twp 01S, Rge 03W, B M , OWYHEE County

PLACE OF USE: STOCKWATER and COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 03W 24	X	X															
	L 1	L 9															

CONDITIONS OF APPROVAL

- 1 Proof of application of water to beneficial use shall be submitted on or before **January 01, 2009**.
- 2 Subject to all prior water rights
- 3 Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control
- 4 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department
- 5 Stockwater use is for 3000 dairy heifers
- 6 Commercial use is for feedlot cleanup purposes
- 7 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 57-11630

- 8 After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department
- 9 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. Witness the signature of the Director, affixed at Boise, this 4th day of January, 2004



Acting for KARL J DREHER, Director

RECEIVED

RECEIVED

JAN 17 2004

JUL 15 2003

FORM 202
12/99

WATER RESOURCES
WESTERN REGION

Department of Water Resources

Ident. No. 57-11630

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of Applicant J & M CATHY INC Phone 899-1570
Mailing address 2312 E. Harbour Grove Dr. Nampa, ID. 83686
2. Source of water supply Ground water which is a tributary of _____
3. Location of point of diversion is Township 1S Range 3W Sec. 24 in the _____
NW $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot 9, B.M., Owyhee County;
additional points of diversion if any: 2 existing prepared 1 capped well redeveloped
4. Water will be used for the following purposes:
Amount .66 cfs for stock water purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 cfs for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .68 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Describe type and size of devices used to divert water from the source 2 4" wells 1 8" well
with pump in each
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet
c. Proposed well diameter is 2-4 1-8 inches; proposed depth of well is unknown feet
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? unknown; Drilling firm unknown
Well was drilled for (well owner) unknown; Drilling Permit No. unknown
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
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. 3,000 Dairy Hfrs.
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. Commercial use; 1500 gpd clean up

3. 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	
15	3W	24	S	S															
			C	C															

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 57-7392

11. a. Who owns the property at the point of diversion? Applicant

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 enabling the applicant to make this filing: _____

12. Remarks: Application is for proposed feedlot expansion.
Actual water use may be less based upon the size &
Age of Dairy Hfres. This is not a milking dairy facility.
only raising replacement Heifers.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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.

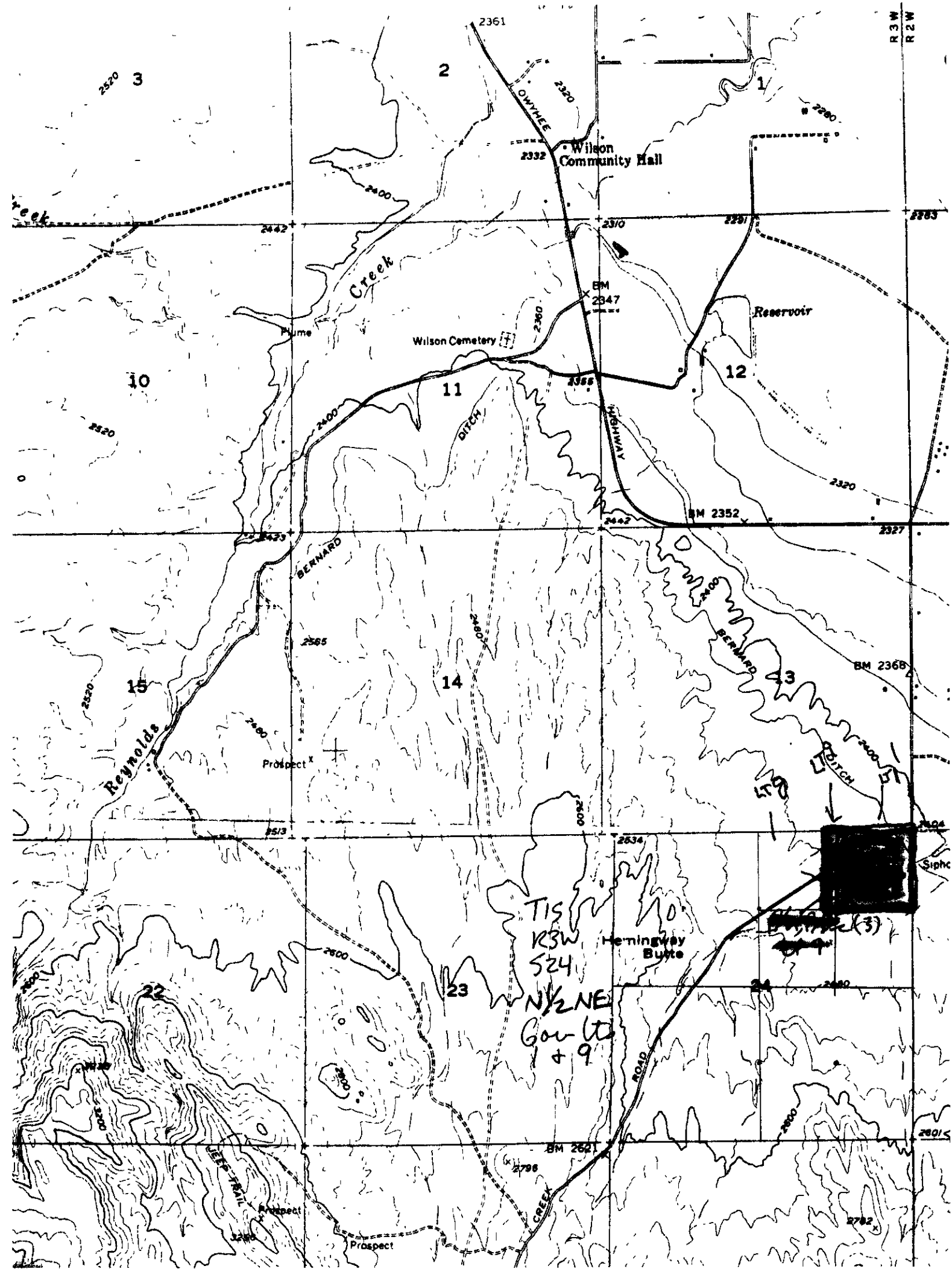
Que Fuller - president

Jon Mortensen - v. p.

Marilyn Mortensen sec.

Signature of Applicant (and title, if applicable)

Received by g Date 7/15/03 Time 3 PM Preliminary check by DAN
 Fee \$ 250.00 Receipted by g # W030722 Date 7/15/03
 Publication prepared by dt Date 10-1-03 Published in OWYHEE AVALANCHE
 Publication approved dt Date 11-12-03



REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant

J + M CAHLE INC

Mailing Address

Application No.
(if known)

 IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

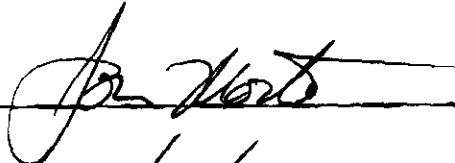
 PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

 / WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature



Date

7/15/03

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 21, 2004

J & M CATTLE INC
2312 E HARBOUR GROVE DR
NAMPA ID 83686

RE: Permit No. 57-11630

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.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

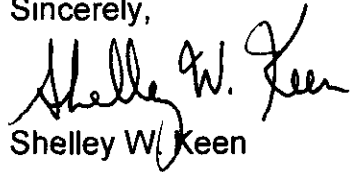
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

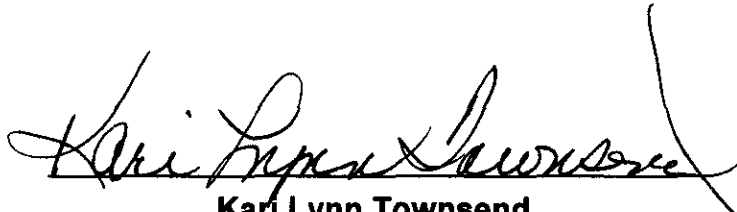
CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2004 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.

57-11630

**J & M CATTLE INC
2312 E HARBOUR GROVE DR
NAMPA ID 83686**



**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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 issuance 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.

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Initial review by DAN Date 9-19-03 Application # 57-11630

REQUIRED INFORMATION

- ☒ Name (for corporation or partnership, names & addresses for director, officers, &/or other partners must be included)
- ☒ Address
- ☒ Source (see USGS quad for source names)
- ☒ P/D (10 acres for spring, lot & block descriptions for subdivisions, local name)
- ☒ County
- ☒ Quantity (flow & /or volume) Government Lots
- ☒ Period of use yes P/D
- ☒ Nature of use (list details in appl. Item 8 if non-irrigation) yes P/U
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ P/U
- ☒ Map (show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (if > 1 home restricted area ≥ 5 homes non-restricted area)
- ☒ Signature (if corporation, partnership, municipality, need title of signatory)
- ☒ Correct fee paid

ADDITIONAL INFORMATION

yes **ADVERTISE REMARKS (Yes or No)**

YES NO

- ☒ P/D overlap (explain) *THIS APPLICATION IS TO INCREASE THE*
- ☒ P/U overlap (explain) *CAPACITY OF THE FEEDLOT ASSOCIATED*
- ☒ Critical groundwater area (send letter) *WITH 57-7392.*
- ☒ Ground water management area (send letter)
- ☒ Drilling concern area (send letter)
- ☒ 1992 moratorium (send letter)
- ☒ Surface water source, IDFG comment letter
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to Dam Safety staff (if any storage)
- ☒ Mitigation plan: "request to process form" in file:
- ☐ Immediate = closed areas, acceptable plan required & submitted
- ☒ Future = open areas, plan not required
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach large diversion supplementary analysis sheet)

☒ REQUEST ADDITIONAL INFORMATION FROM APPLICANT

Date Requested _____ Date Response Received _____

PROCESSINGAPPLICATION # 57-

YES NO

☒ ☐ In form for advertising
☐ ☒ Statewide advertising (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number, & date recorded on application

COMMENT LETTERS

YES NO

☐ ☒ IDEQ
☐ ☒ District Health
☐ ☒ IDFG
☐ ☒ IDL

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist # _____
☐ ☒ Water Planning Bureau
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly? If not, record action taken _____
☒ ☐ Publication dates & paper recorded on application
☐ ☐ Final date for protest ~~10-25-03~~ 12-1-03
☐ ☒ Protests received
☐ ☐ Recommendations attached
☐ ☐ Measuring device required
☐ ☐ Water delivered by water master? District # _____
☐ ☐ Special conditions of approval or cover letter

Standard ConditionsWell 046- Commercial use is in association with replacement heifer feedlotRecommended Date of Priority 9/19/2003Recommendation ☒ Approve ☐ Deny by *John Winters* Date 1/9/04**ADDITIONAL INFORMATION**☐ See attached proof report, note Legal Notice Remarks &/or Comments☐ Shapefile completed (optional: attach with proof report)

SHAPE CREATED BY
DAN 9/19/2003



The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

NOV 26 2003

I, Joe E. Aman, being first duly sworn, depose and say:

WATER RESOURCES
WESTERN REGION

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 the publication of the notice hereinafter mentioned, I was and now am the publisher 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):

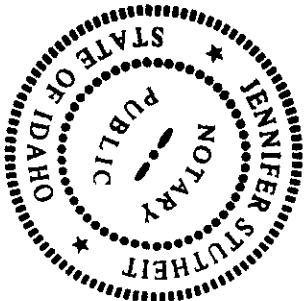
NOVEMBER 19, 26, 2003

SIGNED:

STATE OF IDAHO
COUNTY OF OWYHEE

On this 26th day of November in the year of 2003 before me, a

Notary Public, personally appeared JOE 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



Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires January 3, 2009

Application for
Diversion of Waters of the State
of Idaho:
57-11630 ✓
J & M CATTLE INC
2312 E HARBOUR GROVE
DR
Nampa ID 83686
Point(s) of Diversion
L9 (NWNE) S24 T01S R03W
OWYHEE County Source
GROUND WATER
Point(s) of Diversion L9
(NWNE) S24 T01S R03W
OWYHEE County Source
GROUND WATER
Point(s) of Diversion L9
(NWNE) S24 T01S R03W
OWYHEE County Source
GROUND WATER
Use: STOCKWATER 01/01 To
12/31 0.66 CFS
Use: COMMERCIAL 01/01 To
12/31 0.02 CFS
Total Diversion: 0.68 CFS
Date Filed: 07/15/2003
Place Of Use: STOCKWATER
T01S R03W S24 NENE Lot 1
NWNE Lot 9
Place Of Use: COMMERCIAL
T01S R03W S24 NENE Lot 1
NWNE Lot 9
Remark: Applicant agrees to
mitigate consumptive use in
the future as needed. Com-
mercial use is for cleanup for
replacement heifer feedlot.
The above application was ad-
vertised incorrectly on October
1 and 8, 2003 with an incorrect
date filed. The corrected date of
7/14/2003 is listed above. Per-
mits will be subject to all prior
water rights. Protests may be
submitted based on the criteria
of Sec 42-203A, Idaho Code.
Any protest against the approval
of this application must be filed
with the Director, Dept. of Water
Resource, Western Region, 2735
Airport Way, Boise ID 83705
together with a protest fee of
\$25.00 for each application
on or before 12/08/2003. The
protestant must also send a copy
of the protest to the applicant.
KARL J DREYER, Director
11/19/2003

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

November 13 2003

Legal Notice Department
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

RE: Application for Permit No. 57-11630 and 57-11631
Application for Extension of Time to Avoid Forfeiture of Water Right No. 51-2163A

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 12/08/2003. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

57-11630

J & M CATTLE INC
2312 E HARBOUR GROVE DR
NAMPA ID 83686

Point(s) of Diversion L9 (NWNE) S24 T01S R03W OWYHEE County Source GROUND WATER

Point(s) of Diversion L9 (NWNE) S24 T01S R03W OWYHEE County Source GROUND WATER

Point(s) of Diversion L9 (NWNE) S24 T01S R03W OWYHEE County Source GROUND WATER

Use: STOCKWATER 01/01 To 12/31 0.66 CFS

Use: COMMERCIAL 01/01 To 12/31 0.02 CFS

Total Diversion: 0.68 CFS

Date Filed: 07/15/2003

Place Of Use: STOCKWATER

T01S R03W S24 NENE Lot 1 NWNE Lot 9

Place Of Use: COMMERCIAL

T01S R03W S24 NENE Lot 1 NWNE Lot 9

Remark: Applicant agrees to mitigate consumptive use in the future as needed. Commercial use is for cleanup for replacement heifer feedlot.

The above application was advertised incorrectly on October 1 and 8, 2003 with an incorrect date filed. The corrected date of 7/14/2003 is listed above.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 12/08/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Owyhee avalanche on November 19 and 26, 2003.

The Owyhee Avalanche

P.O. BOX 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

10/30/2003

WATER RESOURCES
WESTERN REGION

I, Joe 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 the publication of the notice hereinafter mentioned, I was and now am the publisher 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):

OCTOBER 1, 8, 2003

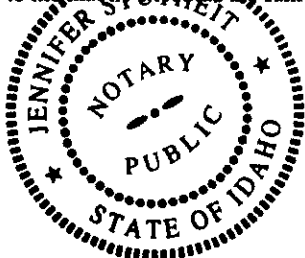
SIGNED:

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 5th day of October in the year of 2003 before me, a

Notary Public, personally appeared JOE 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 Stewart
Notary Public for Idaho

Residing at Homedale, Idaho

My commission expires January 3, 2009

~~The following information is for informational purposes only and does not constitute a permit or approval.~~

Idaho
57-13630

J & M CATTLE INC
2312 E HARBOUR GROVE DR
NAMPA ID 83686

Point(s) of Diversion L9
(NWNE) S24 T01S R03W
OWYHEE County Source
GROUND WATER

Point(s) of Diversion L9
(NWNE) S24 T01S R03W
OWYHEE County Source
GROUND WATER

Point(s) of Diversion L9
(NWNE) S24 T01S R03W
OWYHEE County Source
GROUND WATER

Use: STOCKWATER 01/01 To
12/31 0.66 CFS

Use: COMMERCIAL 01/01 To
12/31 0.02 CFS

Total Diversion: 0.68 CFS

Date Filed: 09/19/2003

Place Of Use: STOCKWATER
T01S R03W S24 NENE Lot 1
NWNE Lot 9

Place Of Use: COMMERCIAL
T01S R03W S24 NENE Lot 1
NWNE Lot 9

Remark: Applicant agrees to
mitigate consumptive use in the
future as needed. Commercial use
is for cleanup for replacement
heifer feedlot.

Permits will be subject to all
prior water rights. Protests may
be submitted based on the
criteria of Sec 42-203A, Idaho
Code.

~~This protest against the
approval of this application
must be filed with the Director,
Bureau of Water Resources,
Western Region, 2735 Airport~~

Wy, Boise ID 83705 together
with a protest fee of \$25.00 for
each application on or
before 10/20/2003. The
protestant must also send a
copy of the protest to the
applicant.

KARL J DREHNER, Director

10/18/03

**IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705**

September 24, 2003

Legal Notice Department
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE ID 83628

RE: Application for Permit No. ~~51-12991-57-12991~~ 57-11630

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper 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 10/20/2003. Your cooperation is appreciated.

Sincerely

Sue Kreger
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

57-11630

J & M CATTLE INC
2312 E HARBOUR GROVE DR
Nampa ID 83686

Point(s) of Diversion L9 (NWNE) S24 T01S R03W OWYHEE County Source GROUND WATER

Point(s) of Diversion L9 (NWNE) S24 T01S R03W OWYHEE County Source GROUND WATER

Point(s) of Diversion L9 (NWNE) S24 T01S R03W OWYHEE County Source GROUND WATER

Use: STOCKWATER 01/01 To 12/31 0.66 CFS

Use: COMMERCIAL 01/01 To 12/31 0.02 CFS

Total Diversion. 0.68 CFS

Date Filed: 09/19/2003

Place Of Use: STOCKWATER

T01S R03W S24 NENE Lot 1 NWNE Lot 9

Place Of Use: COMMERCIAL

T01S R03W S24 NENE Lot 1 NWNE Lot 9

Remark: Applicant agrees to mitigate consumptive use in the future as needed. Commercial use is for cleanup for replacement heifer feedlot.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 10/20/2003. The protestant must also send a copy of the protest to the applicant

KARL J DREHER, Director

Published in the Owyhee Avalanche on October 1 and 8, 2003.