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JAN 04 2024

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 88711MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Oce Black RanchesCheck whether each item below is **attached (Yes)** or **not applicable (N/A)** for the proposed transfer.**Yes N/A** * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Ace Block Ranches Phone 208-845-2601
Mailing address 28892 Hot Springs Road Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ 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.
- ☐ 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 and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 Block _____ 1-4-24
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Is this a transfer for changes pursuant to Idaho Code §42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

Expand place of use to include New acres in P.U.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	51-10252	11.46cfs	Irrigation	3/01 to 11/15	Bruneau River
☒ ☐	51-27B	1.86cfs	Irrigation	3/01 to 11/15	Bruneau River
☒ ☐	51-28B	0.66cfs	Irrigation	3/01 to 11/15	Bruneau River
☒ ☐	51-29B	0.18cfs	Irrigation	3/01 to 11/15	Bruneau River
☒ ☐	51-30	0.76cfs	Irrigation	3/01 to 11/15	Bruneau River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 14.86 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	25				X					X			X	X	X	X	X	
06S	05E	36	X	X		X													
06S	06E	30			X				X	X	X	X	X	X	X	X	X	X	
06S	06E	31	X	X			X	X											
Total Acres (for irrigation use)																			

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WATER RESOURCES
WESTERN REGIONSTATE 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										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ Yes										
☐ 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	
06S	05E	25				1					40			40	40	40	40	40	241
06S	05E	36	40	40		10													90
06S	06E	30			5				19	35	40	40	40	40	11	31	40	38	339
06S	06E	31	40	40			26	7											113

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

Page _____

AMENDED

887 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
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☒ ☐	51-27B	1.8cfs	Irrigation	3/01 to 11/15	Bruneau River
☒ ☐	51-28B	0.66cfs	Irrigation	3/01 to 11/15	Bruneau River
☒ ☐	51-29B	0.18cfs	Irrigation	3/01 to 11/15	Bruneau River
☒ ☐	51-30	0.76cfs	Irrigation	3/01 to 11/15	Bruneau River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 14.86 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

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Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	25				X					X			X	X	X	X	X	
06S	05E	36	X	X		X													
06S	06E	30			X				X	X	X	X	X	X	X	X	X	X	
06S	06E	31					X	X											
06S	06E	36			X	X													
Total Acres (for irrigation use)																			

Ident. No. _____

Superseded

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pumping water into pivots, pivots will have meters.

- b. Who owns the property at the point(s) of diversion? Ace Black Ranches

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **If yes,** ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: None

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank? **If yes,** ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: None

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: None

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

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Proof Report

1/4/2024

Water Right 51-27B

Owner Type **Name and Address**
Current Owner ACE BLACK RANCHES LLP
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-5007
(208) 845-2601

Original Owner ALBERT BLACK
28799 HOT SPRINGS RD
BRUNEAU, ID 83604-5008
(208) 845-2542

Priority Date: 4/1/1875

Basis: Decreed

Status: Active

Source
BRUNEAU RIVER

Tributary
SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/01	11/15	1.800 CFS	
STOCKWATER	1/01	12/31	0.050 CFS	
	Total Diversion		1.800 CFS	

Source and Point(s) of Diversion:

BRUNEAU RIVER	L4(SWSW)	Sec. 30, Twp 06S, Rge 06E, OWYHEE County
BRUNEAU RIVER	SESE	Sec. 25, Twp 06S, Rge 05E, OWYHEE County
BRUNEAU RIVER	NENW	Sec. 31, Twp 06S, Rge 06E, OWYHEE County
BRUNEAU RIVER	SWSE	Sec. 5, Twp 07S, Rge 06E, OWYHEE County

Place Of Use:

STOCKWATER within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	25									X				X	X	X	X	
06S	05E	36	X	X		X													

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	25				1.0					40.0			40.0	40.0	40.0	40.0	40.0	241.0
06S	05E	36	40.0	40.0		10.0													90.0
06S	06E	30			5.0				19.0	35.0	40.0	40.0	40.0	40.0	11.0	31.0	40.0	38.0	339.0

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06S	06E	31					26.0	7.0										33.0
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Right Acre Limit: 175.00
POU Total Acres: 703.0

Conditions of Approval:

1. 206 This right is limited to the irrigation of a specific 175 acres within the 703 acre place of use authorized by this right in a single irrigation season. The specific 175 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 175 acres to be irrigated within the 703 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. X35 Rights 51-27B, 51-28B, and 51-29B when combined shall not exceed a total irrigation of 175 acres in a single irrigation season.
3. X35 Rights 51-27B, 51-28B, 51-29B, 51-30, and 51-10252 when combined shall not exceed a total irrigation of 264 acres in a single irrigation season.
4. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 186 Diversion of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E shall not exceed a maximum diversion rate of 2.0 cfs.
6. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with applicable stream channel alteration permitting requirements administered jointly by the US Army Corps of Engineers, Department of Lands, and Department of Water Resources.
7. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. 01M 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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Dates and Other Information:

Decreed Date: 3/6/2000
State or Federal: S
Water District Number: NWD
Generic Max Rate Per Acre: 0.010
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
		175.0	51-27B ,51-28B ,51-29B
		263.7	51-27B ,51-28B ,51-29B ,51-30 ,51-10252

SubCase:

SubCaseNumber: 51-27B
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 5/28/1999
Objection Status: Active

Water Supply Bank:

N/A

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Proof Report

1/4/2024

Water Right 51-28B

Owner Type **Name and Address**
Current Owner ACE BLACK RANCHES LLP
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-5007
(208) 845-2601

Original Owner ALBERT BLACK
28799 HOT SPRINGS RD
BRUNEAU, ID 83604-5008
(208) 845-2542

Priority Date: 4/1/1897

Basis: Decreed

Status: Active

Source
BRUNEAU RIVER

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/01	11/15	0.660 CFS	
STOCKWATER	1/01	12/31	0.050 CFS	
	<u>Total Diversion</u>		0.660 CFS	

Source and Point(s) of Diversion:

BRUNEAU RIVER	SESE	Sec. 25, Twp 06S, Rge 05E, OWYHEE County
BRUNEAU RIVER	L4(SWSW)	Sec. 30, Twp 06S, Rge 06E, OWYHEE County
BRUNEAU RIVER	NENW	Sec. 31, Twp 06S, Rge 06E, OWYHEE County
BRUNEAU RIVER	SWSE	Sec. 5, Twp 07S, Rge 06E, OWYHEE County

Place Of Use:

STOCKWATER within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	25									X			X	X	X	X	X	
06S	05E	36	X	X		X													

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	25				1.0					40.0			40.0	40.0	40.0	40.0	40.0	241.0
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1/4/2024

Right Acre Limit: 175.00
POU Total Acres: 703.0

1.	206	This right is limited to the irrigation of a specific 175 acres within the 703 acre place of use authorized by this right in a single irrigation season. The specific 175 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 175 acres to be irrigated within the 703 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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4.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
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10.	N08	The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
11.	004	This right does not grant any right-of-way or easement across the land of another.
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13.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14.	T19	Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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Proof Report

1/4/2024

Dates and Other Information:

Decreed Date: 3/6/2000
State or Federal: S
Water District Number: NWD
Generic Max Rate Per Acre: 0.004
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
		175.0	51-27B ,51-28B ,51-29B
		263.7	51-27B ,51-28B ,51-29B ,51-30 ,51-10252

SubCase:

SubCaseNumber: 51-28B
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 5/28/1999
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2024

Water Right 51-29B

Owner Type **Name and Address**
Current Owner ACE BLACK RANCHES LLP
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-5007
(208) 845-2601

Original Owner ALBERT BLACK
28799 HOT SPRINGS RD
BRUNEAU, ID 83604-5008
(208) 845-2542

Priority Date: 4/1/1905

Basis: Decreed

Status: Active

Source
BRUNEAU RIVER

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/01	11/15	0.180 CFS	
STOCKWATER	1/01	12/31	0.050 CFS	
	<u>Total Diversion</u>		0.180 CFS	

Source and Point(s) of Diversion:

BRUNEAU RIVER	SESE	Sec. 25, Twp 06S, Rge 05E, OWYHEE County
BRUNEAU RIVER	L4(SWSW)	Sec. 30, Twp 06S, Rge 06E, OWYHEE County
BRUNEAU RIVER	NENW	Sec. 31, Twp 06S, Rge 06E, OWYHEE County
BRUNEAU RIVER	SWSE	Sec. 5, Twp 07S, Rge 06E, OWYHEE County

Place Of Use:

STOCKWATER within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	25									X				X	X	X	X	
06S	05E	36	X	X		X													

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	25				1.0					40.0			40.0	40.0	40.0	40.0	40.0	241.0
06S	05E	36	40.0	40.0		10.0													90.0
06S	06E	30			5.0				19.0	35.0	40.0	40.0	40.0	40.0	11.0	31.0	40.0	38.0	339.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2024

06S	06E	31					26.0	7.0									33.0
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Right Acre Limit: 175.00
POU Total Acres: 703.0

Conditions of Approval:

1. 206 This right is limited to the irrigation of a specific 175 acres within the 703 acre place of use authorized by this right in a single irrigation season. The specific 175 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 175 acres to be irrigated within the 703 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. X35 Rights 51-27B, 51-28B, and 51-29B when combined shall not exceed a total irrigation of 175 acres in a single irrigation season.
3. X35 Rights 51-27B, 51-28B, 51-29B, 51-30, and 51-10252 when combined shall not exceed a total irrigation of 264 acres in a single irrigation season.
4. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 186 Diversion of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E shall not exceed a maximum diversion rate of 2.0 cfs.
6. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with applicable stream channel alteration permitting requirements administered jointly by the US Army Corps of Engineers, Department of Lands, and Department of Water Resources.
7. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. 01M 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
10. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
11. 004 This right does not grant any right-of-way or easement across the land of another.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2024

Dates and Other Information:

Decreed Date: 3/6/2000
State or Federal: S
Water District Number: NWD
Generic Max Rate Per Acre: 0.001
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
		175.0	51-27B ,51-28B ,51-29B
		263.7	51-27B ,51-28B ,51-29B ,51-30 ,51-10252

SubCase:

SubCaseNumber: 51-29B
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 5/28/1999
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2024

Water Right 51-30

Owner Type **Name and Address**
Current Owner ACE BLACK RANCHES LLP
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-5007
(208) 845-2601

Previous Owner ALBERT BLACK
28799 HOT SPRINGS RD
BRUNEAU, ID 83604-5008
(208) 845-2542

Priority Date: 4/1/1905

Basis: Decreed

Status: Active

Source
BRUNEAU RIVER

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/01	11/15	0.760 CFS	
STOCKWATER	1/01	12/31	0.050 CFS	
	<u>Total Diversion</u>		0.760 CFS	

Source and Point(s) of Diversion:

BRUNEAU RIVER	SESE	Sec. 25, Twp 06S, Rge 05E, OWYHEE County
BRUNEAU RIVER	L4(SWSW)	Sec. 30, Twp 06S, Rge 06E, OWYHEE County
BRUNEAU RIVER	NENW	Sec. 31, Twp 06S, Rge 06E, OWYHEE County
BRUNEAU RIVER	SWSE	Sec. 5, Twp 07S, Rge 06E, OWYHEE County

Place Of Use:

STOCKWATER within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	25									X				X	X	X	X	
06S	05E	36	X	X		X													

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	25				1.0					40.0			40.0	40.0	40.0	40.0	40.0	241.0
06S	05E	36	40.0	40.0		10.0													90.0
06S	06E	30			5.0				19.0	35.0	40.0	40.0	40.0	40.0	11.0	31.0	40.0	38.0	339.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2024

06S	06E	31					26.0	7.0											33.0
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Right Acre Limit: 51.90
POU Total Acres: 703.0

Conditions of Approval:

1. 206 This right is limited to the irrigation of a specific 51.9 acres within the 703 acre place of use authorized by this right in a single irrigation season. The specific 51.9 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 51.9 acres to be irrigated within the 703 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. X35 Rights 51-27B, 51-28B, 51-29B, 51-30, and 51-10252 when combined shall not exceed a total irrigation of 264 acres in a single irrigation season.
3. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. 186 Diversion of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E shall not exceed a maximum diversion rate of 2.0 cfs.
5. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with applicable stream channel alteration permitting requirements administered jointly by the US Army Corps of Engineers, Department of Lands, and Department of Water Resources.
6. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. 01M 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
9. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates and Other Information:

Decreed Date: 3/6/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2024

State or Federal: S
Water District Number: NWD
Generic Max Rate Per Acre: 0.150
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits:

Rate

Volume

Acres

263.7

Water Rights

51-27B ,51-28B ,51-29B
,51-30 ,51-10252

SubCase:

SubCaseNumber: 51-30
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 5/28/1999
Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2024

Water Right 51-10252

Owner Type **Name and Address**
Current Owner ACE BLACK RANCHES LLP
28892 HOT SPRINGS RD
BRUNEAU, ID 83604-5007
(208) 845-2601

Original Owner ALBERT BLACK
28799 HOT SPRINGS RD
BRUNEAU, ID 83604-5008
(208) 845-2542

Priority Date: 2/15/1925

Basis: Decreed

Status: Active

Source
BRUNEAU RIVER

Tributary
SNAKE RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/01	11/15	11.460 CFS	
STOCKWATER	1/01	12/31	0.050 CFS	
	Total Diversion		11.460 CFS	

Source and Point(s) of Diversion:

BRUNEAU RIVER	SESE	Sec. 25, Twp 06S, Rge 05E, OWYHEE County
BRUNEAU RIVER	L4(SWSW)	Sec. 30, Twp 06S, Rge 06E, OWYHEE County
BRUNEAU RIVER	NENW	Sec. 31, Twp 06S, Rge 06E, OWYHEE County
BRUNEAU RIVER	SWSE	Sec. 5, Twp 07S, Rge 06E, OWYHEE County

Place Of Use:

STOCKWATER within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	25									X			X	X	X	X	X	
06S	05E	36	X	X		X													

IRRIGATION within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	05E	25				1.0					40.0			40.0	40.0	40.0	40.0	40.0	241.0
06S	05E	36	40.0	40.0		10.0													90.0
06S	06E	30			5.0				19.0	35.0	40.0	40.0	40.0	40.0	11.0	31.0	40.0	38.0	339.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2024

06S	06E	31					26.0	7.0									33.0
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Right Acre Limit: 155.00
POU Total Acres: 703.0

Conditions of Approval:

1. 206 This right is limited to the irrigation of a specific 155 acres within the 703 acre place of use authorized by this right in a single irrigation season. The specific 155 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 155 acres to be irrigated within the 703 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
2. X35 Rights 51-27B, 51-28B, 51-29B, 51-30, and 51-10252 when combined shall not exceed a total irrigation of 264 acres in a single irrigation season.
3. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. 186 Diversion of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E shall not exceed a maximum diversion rate of 2.0 cfs.
5. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with applicable stream channel alteration permitting requirements administered jointly by the US Army Corps of Engineers, Department of Lands, and Department of Water Resources.
6. Prior to the diversion and use of water from the additional point of diversion authorized under Transfer 85334 located in Lot 4 (SWSW), Sec. 30, T06S, R06E, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
7. 01M 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 use power records to determine the amount of water diverted and shall annually report the information to the Department.
8. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
9. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
10. 004 This right does not grant any right-of-way or easement across the land of another.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Dates and Other Information:

Decreed Date: 12/1/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/4/2024

State or Federal: S
Water District Number: NWD
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits:
Rate

Volume

Acres
263.7

Water Rights
51-27B ,51-28B ,51-29B
,51-30 ,51-10252

SubCase:
N/A

Water Supply Bank:
N/A



The USDA-FSA Aerial Photography Field Office asks to be credited in derived products.

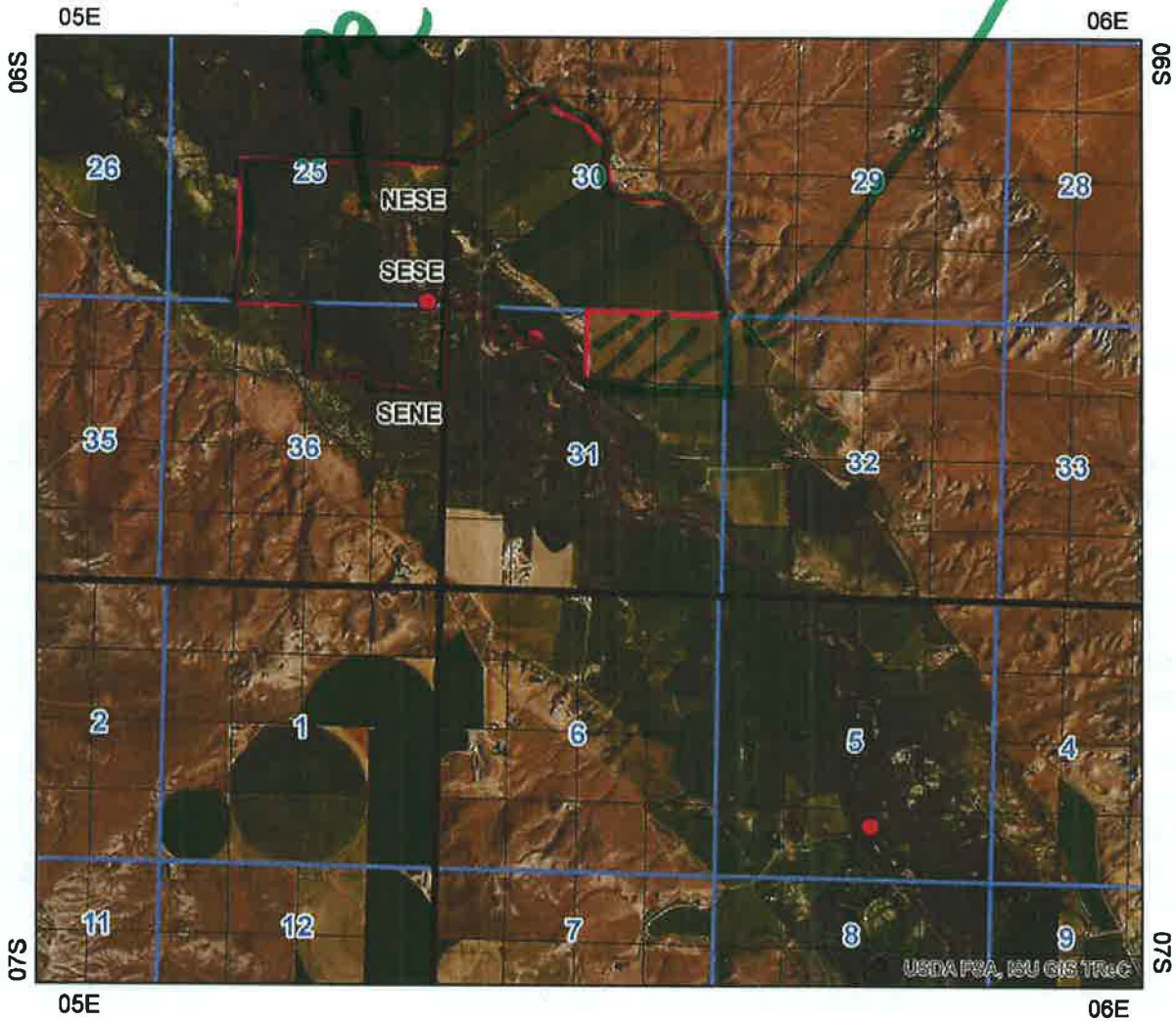
New PPV acres

88701

State of Idaho
Department of Water Resources
Attachment to Transfer Approval 83899
51-10252, 51-27B, 51-28B, 51-29B, and 51-30

New PPV
addition

This map depicts the IRRIGATION 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.



-  Transfer POU
-  Transfer PODs
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.4 0.8 1.6 Miles





IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

March 1, 2024

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

RE: Transfer No. 88711

Water Right No(s). 51-10252, 51-27B, 51-28B, 51-29B, 51-30

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 3/6/2024 and 3/13/2024. 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 approval document.

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

Sincerely,

Lynne Evans
Administrative Assistant I



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

March 1, 2024

BRUNEAU BUCKAROO COOP DITCH CO
PO BOX 235
MOUNTAIN HOME ID 83647-0235

RE: Transfer No. 88711

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. You can find more information about the application at:

<https://research.idwr.idaho.gov/apps/waterrights/wrajsearch/wradjsearch.aspx>.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Sincerely,

Lynne Evans
Administrative Assistant I

Evans, Lynne

From: Evans, Lynne
Sent: Friday, March 1, 2024 8:35 AM
To: bujak.charissa@epa.gov
Subject: Application for Transfer No. 88711
Attachments: 88711 Transfer Application.pdf

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from the Environmental Protection Agency regarding the above referenced water right application. You can find more information about the application at: <https://research.idwr.idaho.gov/apps/waterrights/wrajssearch/wradjssearch.aspx>. I have also attached a copy of the application to this email.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

Evans, Lynne

From: Evans, Lynne
Sent: Friday, March 1, 2024 8:35 AM
To: Flack,Brandon
Subject: Application for Permit No. 3-10293, 65-24288; Application for Transfer No. 88711
Attachments: 3-10293 Permit Application.pdf; 65-24288 Permit Application.pdf; 88711 Transfer Application.pdf

Dear Interested Party:

The Department of Water Resources (IDWR) is seeking written comment and/or recommendations from the Idaho Dept. of Fish and Game regarding the above referenced water right applications. You can find more information about the application at: <https://research.idwr.idaho.gov/apps/waterrights/wraisearch/wradisearch.aspx>. I have also attached a copies of the applications to this email.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days of the final publication.

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

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

Evans, Lynne

From: Evans, Lynne
Sent: Thursday, February 29, 2024 1:12 PM
To: Jon Brown; office@owyhee.com
Subject: Legal Notice: Transfer No. 88711
Attachments: Legal Notice.docx

Please publish the enclosed legal notice in the Owyhee Avalanche on the dates indicated (3/6 & 3/13, 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 3/25/2024. Your cooperation is appreciated.

Thank you,

Lynne Evans | Administrative Assistant I
IDWR - Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88711

ACE BLACK RANCHES LLP, 28892 HOT SPRINGS RD, BRUNEAU, ID 83604-5007 has filed Application No. 88711 for changes to the following water rights within Owyhee County(s): Right No(s). 51-10252, 51-27B, 51-28B, 51-29B, 51-30; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows:

to expand the permissible place of use for the involved water rights to include an additional 80 acres. The expansion to the ppu is located in NWNE and NENE Section 31, T06S, R06E, approximately a mile south of Bruneau Idaho.

For additional information concerning the property location, contact the Western Region office at (208)334-2190. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 W AIRPORT WAY, BOISE ID 83705-5082 together with a protest fee of \$25.00 for each application on or before 3/25/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 3/6/2024 and 3/13/2024

Partial refund for receipt #W051709

Olson, Aaron <on.Olson@idwr.idaho.gov>

Thu 2/8/2024 4:45 PM

To:IdwrPayable <IdwrPayable@idwr.idaho.gov>

Good Afternoon,

Please refund **\$1040** of receipt #W051709. The amount needed for a transfer fee was overestimated.

Contact:

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

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705
(208) 605-4629
Aaron.Olson@idwr.idaho.gov