

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79832**

This is to certify that: **SANDY CANTRELL
TED CANTRELL
28294 RIVER RD
BRUNEAU, ID 83604**

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
57-7051A	WR/DECREED	10/23/1967	1.490 cfs	N/A	N/A	60.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
2-202A	WR/DECREED	6/1/1912	1.100 cfs	N/A	60.0	132.5	SNAKE RIVER
57-7100	WR/DECREED	3/29/1973	1.060 cfs	N/A	53.0	132.5	SHOOFLY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
57-7051A	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
57-7051A	57-7051A	1.490 cfs	N/A	60.0	171.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.490 cfs	N/A	60.0	171.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 6th day of April, 2016.


Chief, Water Allocation Bureau

Transfer No. 79832

SUPPORT DATA

2-202A
IN FILE #

WATER RIGHT NO. 57-7051A
As Modified by Transfer No. 79832

In accordance with the approval of Transfer No. 79832, Water Right No. 57-7051A is now described as follows:

Right Holder: TED CANTRELL AND/OR
 SANDY CANTRELL
 28294 RIVER RD
 BRUNEAU, ID 83604

Priority Date: 10/23/1967

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 3/01 **To** 12/01 **Diversion Rate**
 1.490 cfs
 1.490 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWNE Sec 31 Twp 05S Rge 04E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	04E	30											3.0						3.0
													L 9						
05S	04E	31			33.0		32.0	44.0	15.0	30.0	3.0					11.0			168.0
								L 2	L 3										

Right Acre Limit: 60.0
 POU Total Acres: 171.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, 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.
4. This right is limited to the irrigation of 60 acres within the authorized place of use in a single irrigation season.

Transfer No. 79832

WATER RIGHT NO. 57-7051A
As Modified by Transfer No. 79832

CONDITIONS OF APPROVAL

5. Rights 2-202A, 57-7051A, and 57-7100 when combined shall not exceed the irrigation of 171 acres.
6. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
9. The following rights are diverted through point(s) of diversion described above: 57-7051A and 57-7051B.



WATER RIGHT NO. 2-202A
As Modified by Transfer No. 79832

In accordance with the approval of Transfer No. 79832, Water Right No. 2-202A is now described as follows:

Right Holder: TED CANTRELL Or
SANDY CANTRELL
28294 RIVER RD
BRUNEAU, ID 83604

Priority Date: 6/1/1912

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 10/31

Diversion Rate
1.100 cfs
1.100 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L10 (NWSW) Sec 34 Twp 05S Rge 04E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	04E	30											2.5						2.5
05S	04E	31					32.0	48.0	20.0	30.0			L9						130.0
							L2	L3											

Right Acre Limit: 60.0

POU Total Acres: 132.5

CONDITIONS OF APPROVAL

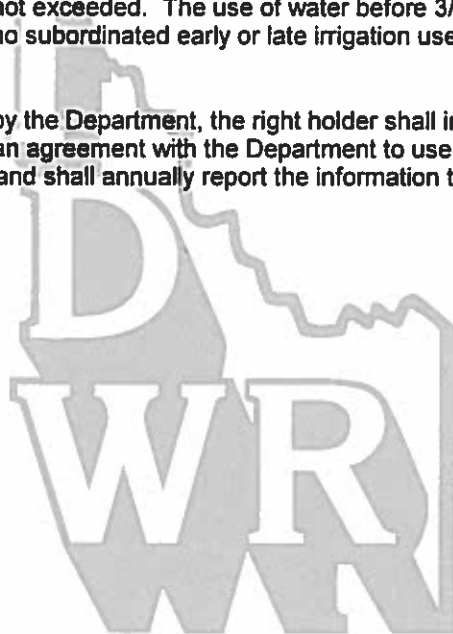
1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, 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.
4. This right is limited to the irrigation of 60 acres within the place of use described above in a single irrigation season.
5. Rights 2-202A and 57-7100 when combined shall not exceed the irrigation of 111 acres.

Transfer No. 79832

WATER RIGHT NO. 2-202A
As Modified by Transfer No. 79832

CONDITIONS OF APPROVAL

6. Rights 2-202A, 57-7051A, and 57-7100 when combined shall not exceed the irrigation of 171 acres.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 9/16/2009.
9. 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.



WATER RIGHT NO. 57-7100
As Modified by Transfer No. 79832

In accordance with the approval of Transfer No. 79832, Water Right No. 57-7100 is now described as follows:

Right Holder: TED CANTRELL AND
 SANDY CANTRELL
 28294 RIVER RD
 BRUNEAU, ID 83604

Priority Date: 3/29/1973

Source: SHOOFLY CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE
 IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
 1.060 cfs
 1.060 cfs

LOCATION OF POINT(S) OF DIVERSION

SHOOFLY CREEK SWSW Sec 25 Twp 05S Rge 03E OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	04E	30											2.5						2.5
													L 9						
05S	04E	31					32.0	48.0	20.0	30.0									130.0
							L 2	L 3											

Right Acre Limit: 53.0

POU Total Acres: 132.5

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, 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.
4. This right is limited to the irrigation of 53 acres within the place of use described above in a single irrigation season.

Transfer No. 79832

WATER RIGHT NO. 57-7100
As Modified by Transfer No. 79832

CONDITIONS OF APPROVAL

5. Rights 57-7100 and 2-202A when combined shall not exceed the irrigation of 111 acres.
6. Rights 2-202A, 57-7051A, and 57-7100 when combined shall not exceed the irrigation of 171 acres.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/21/2003.
9. 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.
10. The following rights are diverted through point(s) of diversion described above: 57-7100 and 57-2228.

State of Idaho
Department of Water Resources

Attachment to Application for Transfer 79832

57-7051A

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.



0 0.15 0.3 0.6 Miles

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

April 6, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

TED CANTRELL
SANDY CANTRELL
28294 RIVER RD
BRUNEAU ID 83604

Re: Transfer No: 79832
Water Right No(s): 2-202A , 57-7051A , 57-7100

Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 the APPLICANT 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.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel Neely for Nick Miller". The signature is written in a cursive, flowing style.

Nick Miller

Western Regional Manager

Enclosure

CC:

HOFSTETTER LAW OFFICE
ATTN: DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79832

Water Right No(s): 2-202A , 57-7051A , 57-7100

**TED CANTRELL
SANDY CANTRELL
28294 RIVER RD
BRUNEAU ID 83604**

**HOFSTETTER LAW OFFICE
ATTN: DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702**



**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701 A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

February 10, 2016

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Patrick Kelly

RE: Transfer 79832

Mr. Kelly,

In regards to your letter dated February 4 2016 and our phone conversation yesterday, we concur with adding the associated rights, 2-202A and 57-7100, as indicated in your letter.

Please contact me if you have any questions.

Thank You,


Ted Cantrell

RECEIVED

FEB 12 2016

WATER RESOURCES
WESTERN REGION



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

February 4, 2016

TED AND SANDY CANTRELL
28294 RIVER ROAD
BRUNEAU ID 83604

COPY

RE: Additional Information Required for Transfer Application 79832

Dear Mr. & Mrs. Cantrell,

On February 5, 2015, you filed an application for transfer of water right 57-7051A. This is a ground water right that shares a place of use (POU) with surface water rights 2-202A and 57-7100. While changes to these surface water rights are not proposed, because they share a POU, they are considered 'associated rights' and should be included in the transfer.

Conditions of Approval of 2-202A and 57-7100 state:

Right 57-7051A is currently appurtenant to a part of the place of use described above. However, Right 57-7051A is currently leased to the Water Supply Bank and is not being used at its authorized place of use. If the use of Right 57-7051A resumes on its currently described place of use, it shall not exceed 3.22 cfs and the irrigation of 161 acres when used in combination with Rights 2-202A and 57-7100. If the purpose of use of place of use for Right 57-7051A is changed through a transfer approved by the Department before its currently authorized use is resumed, the combined use limits will be evaluated in the transfer process and may not apply.

Water right 57-7051A was rescinded from the Water Supply Bank as of August 25, 2015. Additionally, the combined use limit of 161 acres identified by this condition is smaller than the 171 acres recommended by my transfer review. Moving forward, the three rights owned by Ted and Sandy Cantrell will have a combined use condition that states:

Rights 2-202A, 57-7100 and 57-7051A when combined shall not exceed a total irrigation of 171 acres.

Please identify that you concur with adding the associated rights and the proposed changes for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The permit will be voided without a timely written reply within the next thirty (30) days.

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

Respectfully,

Patrick Kelly

Water Resource Agent

208.287.4933 phone

patrick.kelly@idwr.idaho.gov

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

JAN 06 2016

WATER RESOURCES
WESTERN REGION

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

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the president of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

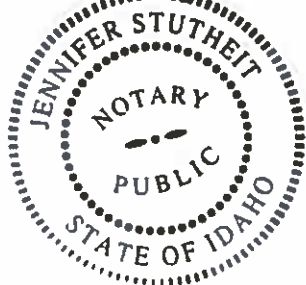
DECEMBER 16, 23, 2015

SIGNED: Robert E. Aman

STATE OF IDAHO)
COUNTY OF OWYHEE)

On this 4 day of Jan in the year of 2016 before me, a

Notary Public, personally appeared ROBERT E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Jennifer Stutheit
Notary Public of Idaho

Residing at HOMEDALE, IDAHO

My commission expires: JANUARY 3, 2021

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79832

TED CANTRELL and SANDY CANTRELL, 28294 RIVER RD, BRUNEAU, ID 83604; has filed Application No. 79832 for changes to the following water rights within OWYHEE County(s): Right No(s). 57-7051A; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to create a permissible place of use to reflect current water use. Place of use is 2.5 miles west of CJ Strike Reservoir, south of the Snake River.

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/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(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 1/4/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
12/16,23/15