

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79832

FEB 05 2015

WATER RESOURCES
WESTERN REGIONMINIMUM 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 www.idwr.idaho.gov.

Name of Applicant(s) Ted and Sandy CantrellCheck 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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☒ ☐ #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: _____

RECEIVED**FEB 05 2015**WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**Name of Applicant(s) Ted and Sandy Cantrell Phone (208) 834-2153Mailing address 28294 River Road, Bruneau, Idaho 83604 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 RepresentativeName of Representative Dana L. Hofstetter Phone (208) 424-7800Mailing address Hofstetter Law Office, LLC, 608 West Franklin Street, Boise, ID 83702 Email Dana@IdahoWaterLaw.com

- ☐ 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.

Ted Cantrell
Signature of Applicant or Authorized Representative

Ted Cantrell
Print Name and Title if applicable

2-3-15
Date

Sandy Cantrell
Signature of Applicant or Authorized Representative

Sandy Cantrell
Print Name and Title if applicable

2/3/15
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- 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.2**.
Create a permissible place of use where the water right holder uses the water right.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

WATER RESOURCES
WESTERN REGION

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 ☒ ☐	57-7051A	1.49 cfs	Irrigation	3/1 to 12/01	ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.49 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.49 cubic feet per second and/or _____ acre-feet per annum.

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	
05S	04E	30											3.0						3.0
													L9						
05S	04E	31			33.0		32.0	44.0	15.0	30.0	3.0					11.0			168.0
								L2	L3										
Total Acres (for irrigation use)																			171.0

AMENDED PAGE 3 OF TRANSFER APPLICATION 79832 TO CORRECT
PLACE OF USE DESCRIPTION.

Leif Cantrell

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
All or Part ☒ ☐	57-7051A	1.49 cfs	Irrigation	3/1 to 12/01	groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.49 cfs cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.49 cfs 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	
05S	04E	31			32		32	48	20	30	5					12			179
		30										2.5							2.5
Total Acres (for irrigation use)																			181.5

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:
well to pivot and handlines and pond

- b. Who owns the property at the point(s) of diversion? the Applicants
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: Idaho Soil Conservation Commission - mortgage for irrigation equipment

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:
This transfer is being filed to update water right documentation to be consistent with water right usage.

- 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:
2-202A, 57-7100

- 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:

A portion of the right subject to this transfer is currently in the Water Supply Bank.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

FOR DEPARTMENT USE ONLY

Transfer contains 5 pages and 4 attachments.

Received by CS Date 2/5/15 Preliminary check by Patrick 12 Date 8-24-2015

Fee paid \$580⁰⁰ Date 2/5/15 Received by CS Receipt # W042795

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ & W-9 ☐ (originals to state office)

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 57-7051A

Current Owner: THEODORE E CANTRELL
SANDRA K CANTRELL

Priority Date: 10/23/1967

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01 to 12/01	1.49 CFS	
	<u>Total Diversion</u>	1.49 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4NE1/4 Sec. 31, Twp 05S, Rge 04E B.M.
OWYHEE County

Place of Use

IRRIGATION Within OWYHEE County

T05S R04E S31	SWNE	25.00	T05S R04E S31	NWNW	18.00
T05S R04E S31	SENE	17.00			

Total Acres: 60

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Use of this Right with Right No. 57-7100 is limited to a total combined diversion rate of 2.55 cfs and to a total combined annual diversion volume of 508.5 af.
3. F06 The following rights are diverted through point(s) of diversion described above: 57-7051B.
4. Rights have also been claimed to water from Basin 02 for the same purpose of use at the same place of use described above, which will be included in a director's report to be filed at a later date. Any water rights recommended in the Basin 02 report for the same purpose of use at the same place of use described above will contain combined use limitations for this right and the Basin 02 rights.

Decreed Date: 2/21/2003

APPLICATION FOR TRANSFER OF WATER RIGHT ATTACHMENT WSB: TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an Application to Lease a Water Right to the Water Supply Bank form, or they can request early termination of their lease contracts by completing a Request to Release a Water Right from the Water Supply Bank form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at www.idwr.idaho.gov or by contacting any Department office.

Water Right Number	Lease Contract Expiration Date	Water Right Quantities Leased to the Bank			Map Attachment 7B Clearly Identifies Idled Place of Use at New Location
		Rate (cfs)	Volume (AF)	Acres	
57-7051A	Indefinite	0.45	N/A	18	Attached? ☒ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐
					Attached? ☐ or No Change ☐

Is the ownership of the water right(s) leased to the Bank being changed? ☐ Yes ☒ No

☐ If yes and there are multiple owners, attach a Lessor Designation form.

☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.

Additional Information:

Agency Use Only: Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.



January 29, 2015

Theodore E. and Sandra K. Cantrell
28294 River Road
Bruneau ID 83604

Roger Stutzman
Vice Chairman

Re: Proposed Transfer of Water Right 57-7051A

Jerry Trebesch
Secretary

Dear Mr. and Mrs. Cantrell

Dave Radford
Commissioner

The Idaho Soil & Water Conservation Commission has reviewed the proposed transfer of Water Right 57-7051A and the change in the place of use.

Leon Slichter
Commissioner

The Commission does not object to the proposed transfer because all lands involved in the transfer are encumbered by the Commission's mortgage.

Teri A. Murrison
Administrator

If you have questions or need further assistance please contact Terry Hoebeleinrich at (208) 332-1790.

Sincerely,

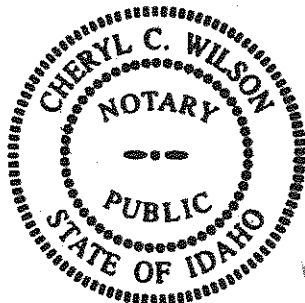
Teri Murrison
Administrator

IN WITNESS WHEREOF, I have hereunto set my hand this 29 day of Jan in the year 2015

Teri A. Murrison, Administrator
Idaho Soil & Water Conservation Commission
State of Idaho)
County of Ada) ss.

On this 29th day of January in the year 2015, before me a Notary Public in and for the State of Idaho, personally appeared **Teri A. Murrison**, known or identified to me to be the Administrator of the Idaho Soil & Water Conservation Commission that executed the said instrument, and acknowledged to me that such Idaho Soil & Water Conservation Commission executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

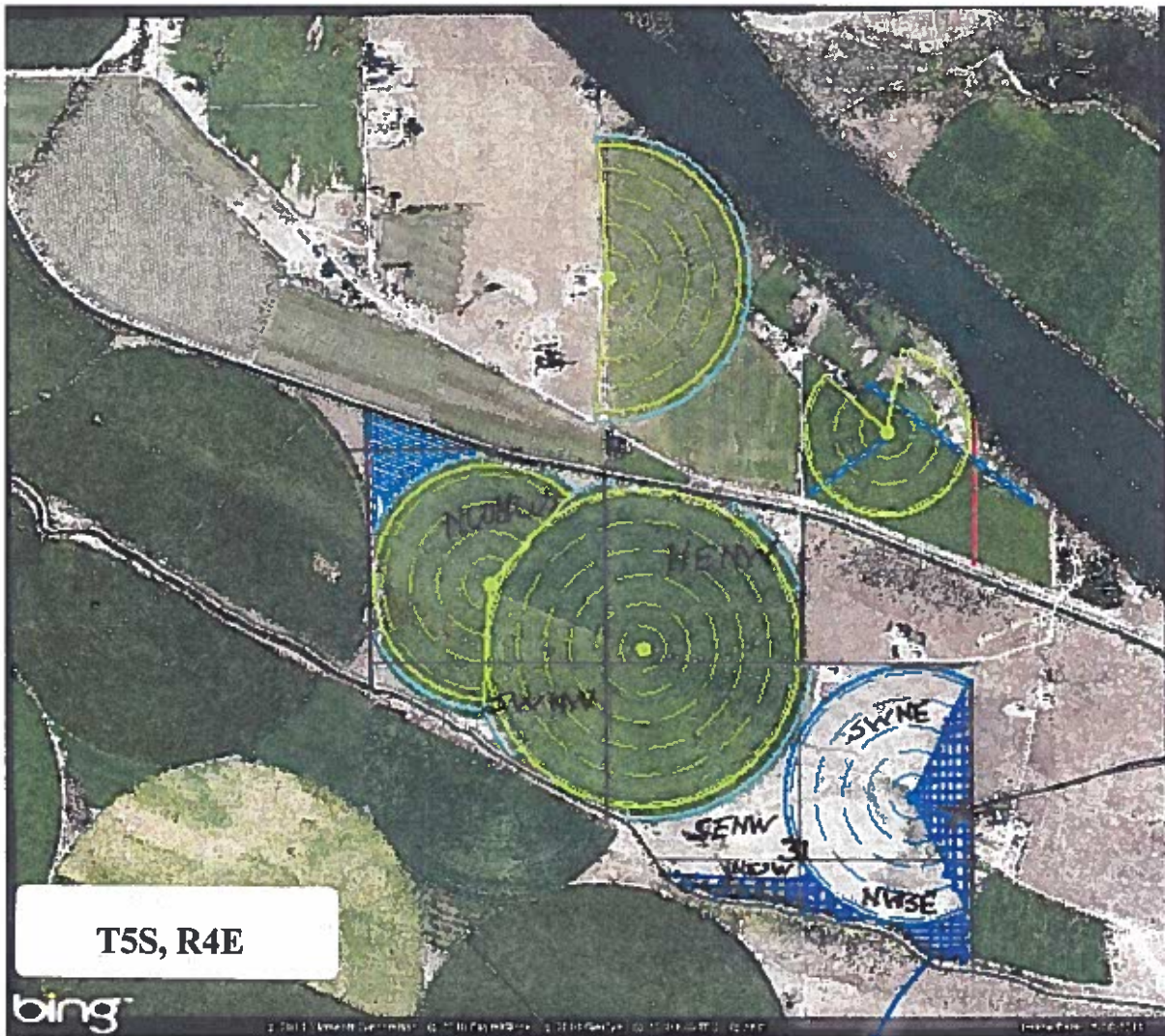


Cheryl C. Wilson
Notary Public for Idaho
Residing at Boise
My Commission Expires 7/17/2018

650 W. State St., Room 145 • Boise, ID 83702
P: 208.332.1790 • F: 208.332.1799 • swc.idaho.gov

Conservation the Idaho Way: sowing seeds of stewardship

Attachment #6



Neely, Rachel

From: Neely, Rachel
Sent: Thursday, December 10, 2015 12:29 PM
To: 'JENNIFER@OWYHEEAVALANCHE.COM'
Subject: Owyhee Legal Ad
Attachments: Owyhee Cover Letter.docx; Owyhee Legal Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ad for publication on 12/16/15 & 12/23/15.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

December 10, 2015

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

RE: Transfer No. 79832,
Water Right No(s): 57-7051A

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 1/4/2016. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

**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

Published on 12/16/2015 and 12/23/2015



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

December 10, 2015

TED CANTRELL
SANDY CANTRELL
28294 RIVER RD
BRUNEAU, ID 83604

RE: Transfer No. 79832
Water Right No. 57-7051A

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 12/16/2015 and 12/23/2015. 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,

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

Rachel Neely
Administrative Assistant

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



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

November 13, 2015

TED AND SANDY CANTRELL
28294 RIVER ROAD
BRUNEAU ID 83604

COPY

RE: Amendment Required for Transfer Application 79832

Dear Mr. & Mrs. Cantrell,

On February 15, 2015 you filed transfer application to create a permissible place of use for ground water use in Section 30 and 31, Township 5 South, Range 4 East of Owyhee County. After review of the application, errors were found in the acre values recorded within the proper quarter-quarter legal descriptions for Place of Use. For your convenience, I have printed an amended page 3 of the transfer application with the accurate acres to reflect the transfer PPU I have created. Maps were included to identify both how the acres were applied for and what I have recommended on the amended transfer application. Carefully review the information I have provided.

If you concur with these changes, please sign the bottom of page 3 and return 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 application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov.

Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly
Water Resource Agent

Enclosure(s): Amended Transfer Application pg 3
Property Maps



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 25, 2015

TED CANTRELL
28294 RIVER RD
BRUNEAU ID 83604

RE: RELEASE OF WATER RIGHT NO(S). 57-7051A FROM THE WATER SUPPLY BANK

Dear Lessor:

On April 19, 2006, the Department of Water Resources ("Department") accepted water right 57-7051A into the Water Supply Bank ("Bank"). The lease acceptance contained terms, such as:

- As long as lease terms were met, the lease contracts would remain in the Bank indefinitely
- A total of 18 acres is accepted into the Bank
- While a right is in the Bank, the owner of the right may not use the right even if the right is not rented from the Bank
- A right accepted into the Bank stays in the Bank until the Board releases it, the lease term expires, or upon request from the Lessor to change the term of the lease
- Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.

On January 12, 2015, the Department sent a letter informing you that terms of your lease acceptance were out of compliance. Correspondence with you indicated that you must submit a new lease application to bring your lease into compliance. To date, a new lease application has not been received at the Department.

This letter is notice that your lease acceptance has been cancelled and acceptance of water rights 57-7051A into the Bank has been rescinded.

Please note the forfeiture period is not tolled unless a right is accepted into the Bank, or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223.

If you have any questions, please contact me at (208) 287-4944.

Sincerely,

Cherie Palmer
Water Rights Supervisor

Enclosure-WSB Rescinded Lease

C: Patrick Kelly-IDWR Western Region

Kelly, Patrick

From: Palmer, Cherie
Sent: Tuesday, August 25, 2015 10:04 AM
To: Kelly, Patrick
Subject: RE: Cantrell transfer/WSB

Hi Patrick! We will work to rescind the lease approval and cc you on the letter once done. And lease 57-7051A was not rented this year. Thanks for the coordination!

Cherie

From: Kelly, Patrick
Sent: Tuesday, August 25, 2015 9:47 AM
To: Palmer, Cherie
Subject: Cantrell transfer/WSB

Good morning Cherie,

I finally received enough info to finish processing the Cantrell transfer I have been holding on to for 57-7051A. Should I delay processing and contact them to determine their intent post transfer or are we in the process of revoking their lease? And the lease is currently not rented, correct? I see that they attempted to rent their own lease, but were denied for non-compliance.

Thanks,
Patrick

MEMORANDUM

TO: Transfer No. 79832

FROM: Patrick Kelly

DATE: August 24, 2015

RE: Evaluation of Application

The transfer proposes to change the POU for water right 57-7051A to reflect how water is currently being used on the ground. A third pivot has been constructed on the SE corner to the property and sprinkler lines in the NW corner of the owners land have been developed which the Cantrell's would like to describe by existing ground water right. There is a pumping pond on the west end of the property that collects water from the well, Snake River, and Shoofly Creek that feeds the other 1.5 pivots.

The site is located in Owyhee County two miles west of CJ Strike Reservoir, south of the Snake River.

Contact person for the applicant is Dana L Hofstetter of Hofstetter Law at 608 W Franklin St, Boise, ID 83702 , 208-424-7800, dana@idahowaterlaw.com

Deviations from Transfer Policy Standards

Aerial imagery suggested that the right had gone through a period of non-use greater than five years. This would disallow any transfer to be completed or associated with the right. However, LandSat imagery from 2014 showed the Cantrell's resumed use of irrigation on their SE pivot. This will allow the transfer to be processed.

A portion of 57-7051A is leased to the Water Supply Bank. Communication with the State Office confirmed that the lease is in the process of being rescinded due to non-compliance. Thus, normal processing steps for transfers involved in the WSB will not apply.

Summary of Information Submitted

Authority to File:

The Application for Transfer of Water Right (Application) was submitted and signed by Ted and Sandy Cantrell (Applicants) on February 3, 2015. The applicants are current water right owners of water right 57-7051A. The Cantrell's own the land they propose to transfer right to.

Water Right Validity:

Right presumed to be valid since beneficial use for irrigation has been established on the land proven by historical imagery. Cantrell's resumed use in 2014.

Injury to Other Water Rights:

Transfer proposes to use ground water within the Bruneau-Grandview Ground Water Management Area. The well has been used in pivot irrigation and no complaints have been received since their resumed use has occurred. Injury to other water rights is not apparent.

Enlargement of Use:

Transfer proposes to irrigate 60 acres outside of two pivots in place today. The ground water right is neither a supplemental use nor "stacked". The two pivots in the NW quarter irrigate 119 acres.

Surface water rights 2-202A and 57-7100 have a combined use limit of 111 acres. This would require 8 acres of the ground water source to remain within the NW QQ pivots.

Local Public Interest:

Review staff has no information to suggest this application is inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Additional Information/Analysis

Additional information was requested to describe the irrigation system in place. The original application did not identify how the three sources on the land were delivered, or how much of each source was used. Proof of beneficial use within the past 5 years was requested to avoid forfeiture concerns. The applicant responded with a map that better described the system. Landsat data was used to prove beneficial use was resumed during the 2014 season. 2015 preliminary imagery has become available since the additional information was requested and confirms claims made in the transfer application.

Discussion

A portion of 57-7051A has been leased into the Water Supply Bank (18 acres totaling 0.45 cfs) on an indefinite lease since 2005. Review from historical imagery suggests that 25 acres of POU within the SW NE QQ did not established beneficial use of water for some period and should have been placed into the bank instead. Correspondence of this issue has been brought to the attention of the Water Supply Bank and the Cantrell's.

Overlapping rights 2-202A & 57-7100 are surface water rights from the Snake River and Shoofly Creek. 57-7051A & 57-7100 share a combined use of 2.55 cfs and 508.5 af. This grants the standard 0.02 cfs and 4.5 af per acre on 113 acres, making the ground water right available to "unstack".

2-202A is limited to the irrigation of 60 acres in a single irrigation season. 57-7100 is limited to the irrigation of 53 acres in a single irrigation season. The two rights have an overlap of two acres with a combined limit of 111 acres total. 57-7051A authorizes the irrigation of 60 acres, so then when combined, the Cantrell's can irrigate a total of 171 acres of irrigation. The permissible place of use described in the transfer application totaled 181.5 acres. After drawing the PPU as described by their map, the total area measured to be 171 acres total. The PPU for groundwater will then describe 60 acres of groundwater within the 171 PPU. However, if the land owners do not overlap their water rights from the surface water sources, it is possible to fully irrigate the PPU when all sources are combined within the limits of each right.

Partial decree for 57-7051A was issued 2/21/2003. Adjudication records were migrated prior to the processing of this transfer.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

August 2, 2015

RECEIVED

AUG 05 2015

Ted Cantrell

WATER RESOURCES
WESTERN REGION

28294 River Road

Bruneau ID 83604

Dear Mr. Kelly,

This is in response to your July 10, 2015, letter requesting additional information concerning Transfer 79832, specifically, requesting proof that the areas irrigated on the property since 2009 are not limited to 119 acres irrigated under two pivots in the NW ¼ of Section 31.

In response to your request, I enclose an aerial photograph for 2014 that my wife located on the internet also showing the area irrigated by the third pivot and acreage in the northwest corner of the property irrigated by sprinklers. From your letter it appears that your estimate of 119 acres, does not include the sprinkler irrigated acreage or the third pivot acreage shown on this aerial photograph. Further, as you know, 18 acres of Water Right No. 57-7051A were in the Water Supply Bank since at least March 2005. Together, the 3 pivots, and the sprinkler irrigated ground along with the 18 acres previously in the Water Supply Bank should cover the full water right total of 171 (111 + 60) acres.

Please let me know if you have any questions or need any additional information. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Ted Cantrell". The signature is written in dark ink and is positioned above the printed name.

Ted Cantrell



Preview

The Full Image Extent below shows the actual extent of the final image.
The Full Resolution Sample shows a cutout from the final image at life size or full resolution.

The final image will also include any overlays and/or drawings that appear in the viewer.

Full Image Extent



Purchased images will not have any watermarks or the "full resolution sample" text/box.
Final images will include partner logos and copyrights, however, they will appear to be much smaller.



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

JULY 10, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

TED AND SANDY CANTRELL
28294 RIVER RD
BRUNEAU ID 83604

RE: Notice of Intent to Reject Transfer 79832

Dear Mr. & Ms. Cantrell:

On February 5, 2015, you filed an application for transfer to change the place of use for water right 57-7051A. Based on the information provided in the transfer application, and the letter you submitted on June 25, 2015, we are not able to process the transfer for reasons of forfeiture.

Surface water rights 2-202A and 57-7100 from the Snake River and Shoofly Creek total 111 acres of irrigation. Acres irrigated by pivot's within the NW¼ of Section 31, Township 5 South, 4 East, B.M., of Owyhee County total 119 acres. Combined limit evaluations of the 3 water rights show these are **not** 'stacked'. This leaves 8 of the 60 acres within the pivot to be irrigated by ground water, and 52 acres available for transfer.

However when considering forfeiture under Idaho Code 42-222 (2), beneficial use of the water rights over the past 5 consecutive years have not been fully appropriated. Landsat data since 2009 show areas irrigated on the property have been limited to the 119 acres described above and do not represent a full appropriation of 173 acres.

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days.

Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

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

Respectfully,

Patrick Kelly
Water Resource Agent
208.287.4933 phone
208.287.6700 fax
patrick.kelly@idwr.idaho.gov

Enclosure(s): Map of property, Landsat map

RECEIVED

JUN 25 2015

WATER RESOURCES
WESTERN REGION

June 23, 2015

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

Patrick Kelly

RE: Transfer 79832

Mr. Kelly,

This is in response to your May 29, 2015, letter requesting additional information for Transfer 79832. Specifically, you asked for more information about 1. how the 3 systems deliver water to irrigate the land; and 2. the beneficial use of 57-7051A within the last 5 years.

Depicted on the enclosed map you provided, is how the subject place is irrigated. The two surface water sources and the well supply a pond that serves 2 of the 3 pivots on the property along with a solid set for a pivot corner. The well also directly supplies a third pivot and another set of sprinklers.

The pivot next to the pond and the full circle along with the solid set are served by the pond and irrigate approximately the following acreage.

Section 30, Lot 9 2 acres
Section 31, NWNW, 44 acres
Section 31, SWNW, 15 acres
Section 31, NENW, 32 acres
Section 31, SENW, 26 acres

I also enclosed a Landstat aerial photography which better shows the area irrigated by the third pivot and nearby handlines. I estimate the well pivot at 40 acres and the handlines at 12 acres. These irrigate approximately the following acreage.

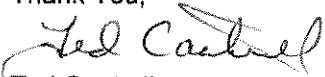
Section 31, SWNE 34 acres
Section 31, NWSE 14 acres
Section 31, SENW 3 acres
Section 31, NESW 1 acre

With the 3 pivots and the sprinklers there are about 171 irrigated acres on the property. The purpose of the new Transfer Application is to update the place of use description to better describe the location of the irrigated acreage within a permissible place of use. Also I would like

to bring to your attention condition no. 3 for prior Amended Transfer Approvals 73775 and 73776 which concern the overlap issue.

Please let me know if you have any questions or need any additional information.

Thank You,



Ted Cantrell

... new
sprinklers
from slowly to pond
+ solid set





Cantrell
property



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 29, 2015

DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702

RE: Additional Information Request for transfer 79832

Dear Mr. & Ms. Cantrell:

On February 5, 2015, you filed an application for transfer of a water right form for irrigation use in Section 31, Township 5 South, Range 4 East. The application is now under review and additional information is required.

1. Overlap review shows ground water right 57-7051A shares a Place of Use with surface water rights 2-202A & 57-7100. On the map I have provided, please describe how the 3 systems deliver water to irrigate the land.
2. Aerial photography of the property shows water rights 57-7051A may be subject to partial forfeiture. Idaho Code § 42-222(2) provides that all rights to the use of water shall be lost and forfeited by a failure for the term of five years to apply it to the beneficial use for which it was appropriated. Images of the Cantrell property shows that full use of the 161 combined acres are not in use. Water rights subject to forfeiture may not be transferred. 18 acres leased into the Water Supply Bank are protected from forfeiture, however these acres in the NW¼ NW¼ do not appear to be idled. Additionally, 25 acres within the SW¼ NE¼ do not appear to have been irrigated or protected. Please provide evidence of any beneficial use within the past 5 years.

Please submit the requested information 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 application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly
Water Resource Agent

Enclosure(s): Map of property