



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 13, 2015

TED CANTRELL
28294 RIVER RD
BRUNEAU ID 83604

RE: RETURNED APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

Dear Applicant:

On January 7, 2015, you applied to rent water from the Water Supply Bank (Bank). In your application you stated that you would like to rent your own water right that is leased to the Bank. Currently, water right 57-7051A, belonging to you, is leased to the Bank for an indefinite term.

The Department could not approve your rental request because it appeared that the leased acres were not being idled per your lease contract. On January 12, 2015, I sent you a letter notifying you of the discrepancy with your lease terms.

On January 27, 2015, the Department received a new application that cut down the number of acres to be rented from 18 acres to 9 acres. The cover letter you submitted states that you would like to rent water from the Bank instead of attempting to rent your own water right. I notified you that day, by phone, that there are no water rights to fulfill your rental request.

The Department held your application since that time to see if a lease would come into the Bank to fulfill your rental request. To date, no leases have come into the Bank that would satisfy your proposed rental.

This letter is notice that the attached application for rental of water is being returned. Any use associated with your proposed rental request is considered unauthorized and, if occurring, will possibly be subject to an enforcement action.

If you are able to reconcile the lease of 57-7051A or find other water rights to rent, please reapply using new forms from the Department's website at www.idwr.idaho.gov. Please keep in mind that applications are processed in the order in which they are received and a specific water right cannot be guaranteed unless you file for a lease in connection with your rental. If you have any questions regarding this matter, please contact me at (208) 287-4944.

Sincerely,

A handwritten signature in cursive script that reads "Cherie Palmer".

Cherie Palmer
Water Right Supervisor
Water Allocation Bureau

Enclosure: Rental Application

RECEIVED

JAN 27 2015

DEPARTMENT OF
WATER RESOURCES

1-26-15

Cherie -

After we talked on Thursday 1-15-15
I decided to just try + rent water from
Basin 57 (looks like there is some there to rent),
rather than put our two surface water
rights in the mix.

Please see the attached rental request
and call me if you have any questions.

599-0838

Thanks Ted Cantrell

P.S. Please disregard our
rental requested dated 1-5-15

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

JAN 27 2015

DEPARTMENT OF
WATER RESOURCES

COPY

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

This application must be prepared in accordance with the minimum requirements listed to be acceptable for processing by the Department. Incomplete applications will be returned.

Name of Renter(s) Ted Cantrell
 Mailing Address 28294 River Rd Bruneau Id 83604
 Phone 599-0838 Email ted.cantrell@czconstruction.net

A. DESCRIPTION OF WATER SOUGHT FOR RENT Groundwater Basin 57

1. Maximum Flow Rate (cfs) .18 Maximum Volume (ac-ft) 40.5 Nature of Use Irrigation Period of Use 4-1 to 10-31
 _____ to _____
 _____ to _____

Total: .18 40.5

2. Source of water Groundwater Basin 57 tributary to _____

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
05S	04E	31		SWNE			Owyhee

4. Lands to be irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	04E	31			1											8			9

If the use is for irrigation, show total number of acres proposed through rental.

Total Acres 9

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion?

Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed point of diversion. _____

2. Do you own the land at the proposed place of use?

Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed place of use. _____

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.

Well to pivot

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.

57-7051A

3. Will the proposed place of use receive water from any other source?

Yes ☒ No ☐

If yes, describe. Water Right 57-7051A also supplies pivot

4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed.

5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental?

Yes ☒ No ☐

If yes, describe. We will be applying for a transfer to cover this use

6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒

If yes, describe.

E. RENTAL TERM

Do you wish to rent water from the Board's bank for more than one (1) year?

Yes ☐ No ☒

If yes, please specify the number of years desired through proposed rental.

I hereby assert that 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.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. The Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

Ted Cantrell
Signature of Applicant

Ted Cantrell Owner
Printed Name and Title*

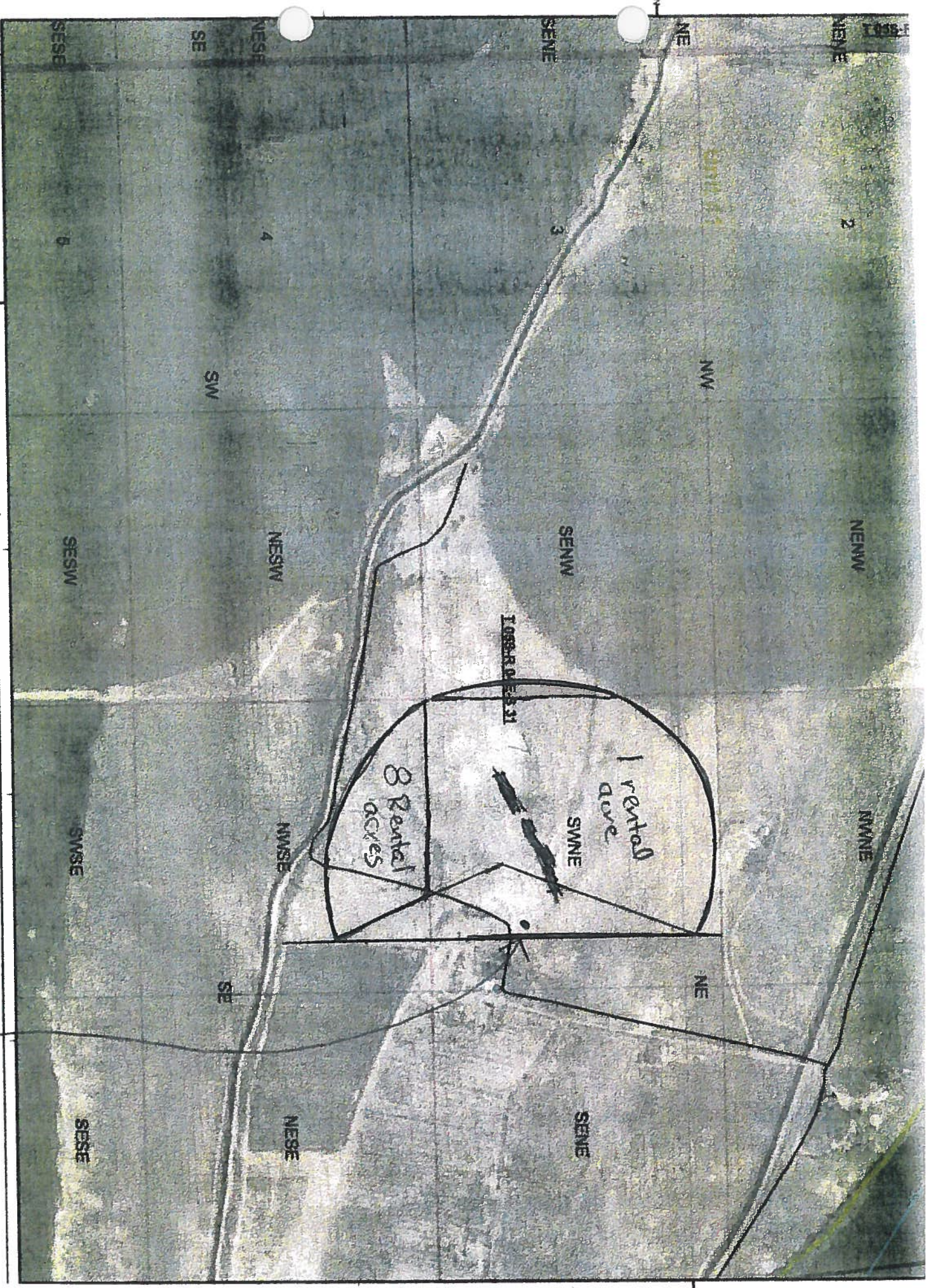
1-23-15
Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney



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point



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 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 12, 2015

TED AND SANDY CANTRELL
28294 RIVER RD
BRUNEAU ID 83604

RE: Water Supply Bank Rental Application – Additional Information Required

Dear Applicant,

The Idaho Department of Water Resources received your application to rent water rights from the Idaho Water Resource Board's Water Supply Bank however, as submitted, your application is incomplete.

As submitted, your application cannot be processed. The required information is missing or insufficient:

- ☒ A map that clearly outlines the location of irrigated acres. I have attached a map for you to outline exactly where you will propose to use rental water.
- ☒ Other: It appears from 2014 aerial infrared photography that more than 30 acres were irrigated in the NWNW of Sec. 30. Please see the attached map. Based on your lease agreement and existing water rights, you are not authorized to irrigate more than 30 acres in that quarter-quarter. Furthermore, you are not authorized to apply ground water to the NWNW per your existing lease. It appears that you may need to re-apply for a lease application which correctly idles acres that are not being irrigated using ground water. Unfortunately your rental application cannot be completed until concerns with your lease have been rectified.

Please provide the required information within fourteen (14) days. While you are making corrections or amending your application, you will not be placed in the processing queue. Once you submit an application that contains all the required items, your application will be assigned a place in the processing queue.

Please note that applications that are received earlier in time and contain all the minimum requirements have an increased chance of acquiring the requested rental water.

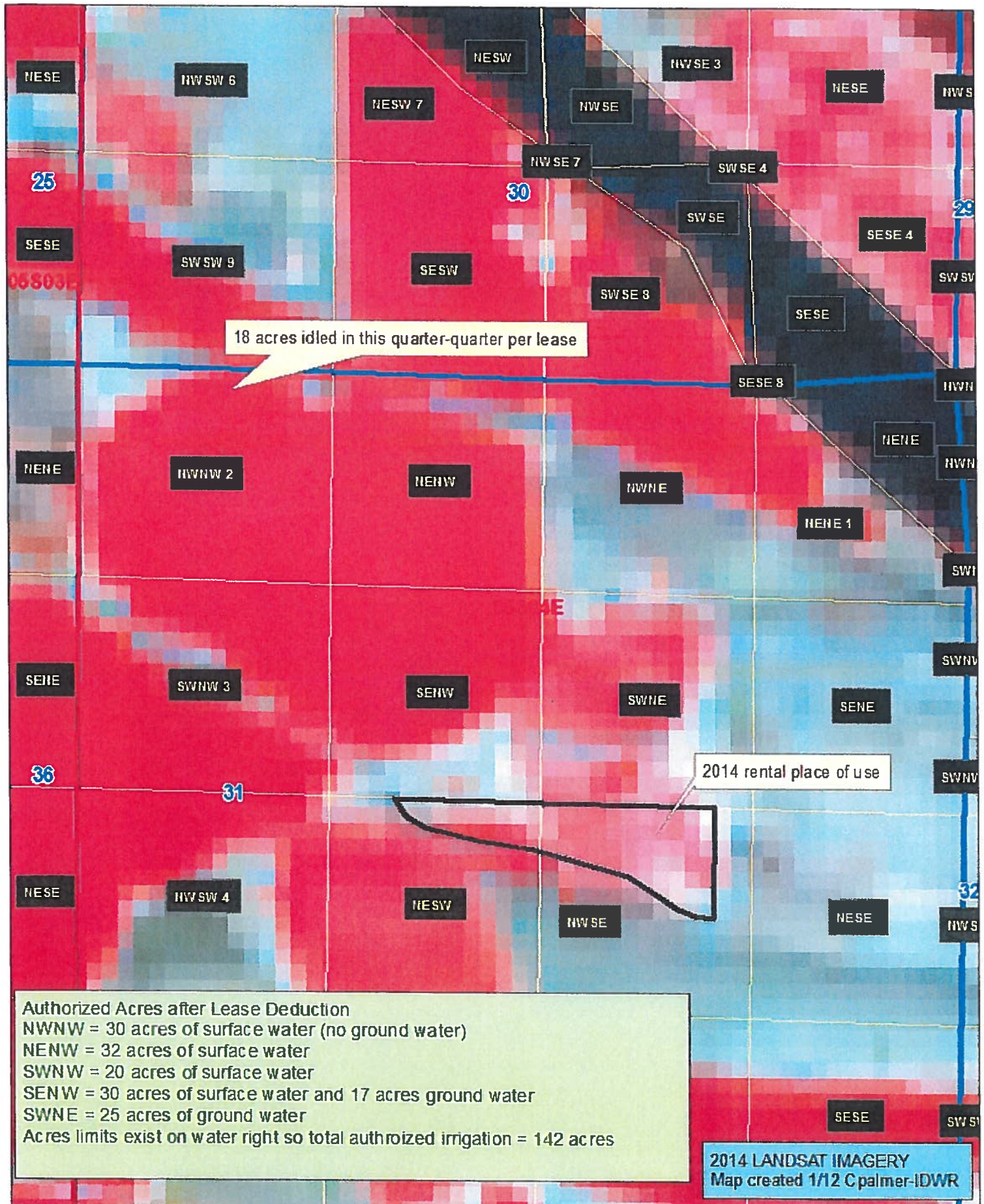
Please contact me if you have questions regarding this matter at (208) 287-4944.

Sincerely,

Cherie Palmer, Water Rights Supervisor
Water Allocation Bureau

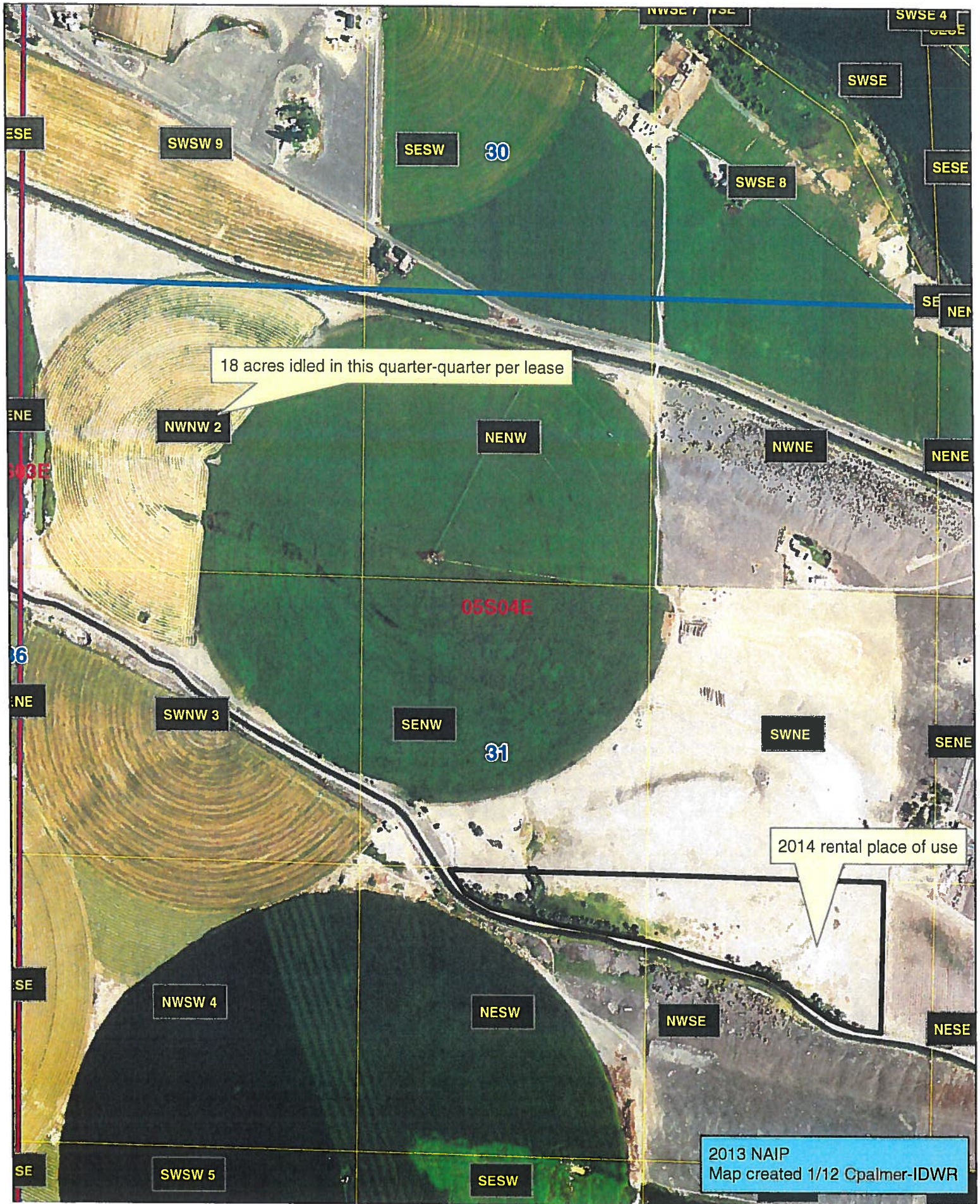
Enclosures: Copy of Lease for 57-7051A
Blank Lease Application
2 Maps

Cantrell Water Right Lease/Rental Analysis



Contrell Rental Place of Use

Please use a marker to outline the land you are proposing to use rental water for 2015



**STATE OF IDAHO
WATER RESOURCE BOARD**

JAN 07 2015

DEPARTMENT OF
WATER RESOURCES

APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

This application must be prepared in accordance with the minimum requirements listed to be acceptable for processing by the Department. Incomplete applications will be returned.

Name of Renter(s) Ted + Sandy Cantrell
Mailing Address 28294 River Rd Bruneau Id 83604
Phone 599-0838 / 834-2153 Email ted.cantrell@czconstruction.net
cell Home

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. <u>Maximum Flow Rate (cfs)</u>	<u>Maximum Volume (ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
			_____ to _____
			_____ to _____
			_____ to _____
Total:			

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

[illegible]

4. Lands to be irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	04E	31			7														7
05S	04E	31														10			10
05S	04E	31								1									1

If the use is for irrigation, show total number of acres proposed through rental.

Total Acres 18

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion? Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed point of diversion.

2. Do you own the land at the proposed place of use? Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed place of use.

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.

Well to Pivot Point

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.

3. Will the proposed place of use receive water from any other source?

Yes ☐ No ☒

If yes, describe.

4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed.

5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental?

Yes ☒ No ☐

If yes, describe. We are currently working on an application to permanently change this.

6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation?

Yes ☐ No ☒

If yes, describe.

E. RENTAL TERM

Do you wish to rent water from the Board's bank for more than one (1) year?

Yes ☐ No ☒

If yes, please specify the number of years desired through proposed rental.

I hereby assert that 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.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. The Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

Ted Cantrell
Signature of Applicant

Ted Cantrell Owner
Printed Name and Title*

1-5-15
Date

Sandra Cantrell
Signature of Applicant

Sandra Cantrell owner
Printed Name and Title*

1-5-15
Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

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RECEIVED
JAN 07 2015
DEPARTMENT OF
WATER RESOURCES



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor
GARY SPACKMAN
Director

February 27, 2013

THEODORE E & SANDRA K CANTRELL
28294 RIVER RD
BRUNEAU ID 83604-5106

RE: Water Supply Bank Lease for 57-7051A

Dear Lessor:

This letter is to update you on the status of your water right, 57-7051A. This water right was leased into the Water Supply Bank on March 16, 2005. **Part of your water right is considered leased into the Bank, and should remain unused, until you release it from the Bank.**

If you wish to leave your water right leased to the Bank, and unused, you do not need to do anything. To release your water right from the Bank, go to the Department's website at www.idwr.idaho.gov, go to the Water Right Forms page and, underneath the Water Supply Bank section, download the Request to Release or Lease Term Extension form. Then complete the form and mail it to me at the address above. Please be aware your right(s) may not be available for immediate release.

Again, your water right is considered leased to the Bank, and should remain unused, until you release it. Please contact me at (208) 287-4907 or Monica.vanbussum@idwr.idaho.gov if you have any further questions.

Sincerely,

Monica Van Bussum
for Monica Van Bussum
Sr. Water Resource Agent

C: John Westra - IDWR Western Regional Manager

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK LEASE ACCEPTANCE**

This is to certify that: **TED CANTRELL
28284 RIVER ROAD
BRUNEAU ID 83604
(208) 834-2153**

has requested to lease the water right(s) listed below to the Water Supply Bank ("bank"). The Idaho Water Resource Board ("Board") being authorized to operate a bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director", department) the acquisition of water rights for the Board's bank, agrees to lease the water right to the bank as follows:

Summary of Water Rights or Portions Leased to the Bank

	<u>Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Total Leased Acres</u>
COMBINED LEASE TOTALS	57-7051A	0.45 cfs (see Conditions of Acceptance)	N/A	18 ac

TERM OF LEASE:

Lease Begin Date: March 16, 2005
Expiration Date: Indefinite

MINIMUM PAYMENT ACCEPTABLE:

Current Rental Rate

Detailed Lease Acceptance attached.

Dated this 19th day of April, 2006



Chief, Water Allocation Bureau

WATER RIGHT NO. 57-7051A **WATER SUPPLY BANK LEASE ACCEPTANCE**

RECEIVED

JAN 07 2015

DEPARTMENT OF
WATER RESOURCES

The water right or portion thereof leased to the bank is described as follows:

Lessor: TED CANTRELL
 28294 RIVER ROAD
 BRUNEAU ID 83604
 (208) 834-2153

Priority Date: 10/23/1967

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From To
 03/15 to 11/15

Diversion Rate
 0.45 CFS
Total: 0.45 CFS

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
05S	04E	31													18.0

Total Acres: 18

Acres Limit within Place of Use described: See Conditions of Acceptance

COMBINED LIMITS OF LEASED RIGHTS:

Combined Rights	Rate	Volume	Acres
2-202A, 57-7051A, 57-7100	3.23 cfs	688.5 af	153 ac.

CONDITIONS OF ACCEPTANCE

- The water rights referenced above will be rented from the bank at the current rental rate
- During the term of the lease, use of water under rights 2-202A, 57-7051A, and 57-7100 are limited to irrigation of a combined total of 153 acres, a combined diversion rate of 3.23 cfs and diversion volume of 688.5 af in a single irrigation season.
- During the term of this lease, use water under rights 2-202A, 57-7051A, and 57-7100 for irrigation of lands located in the NWNW Section 31, T5S, R4E, B.M. is limited to irrigation of a combined total of 48 acres, and a combined diversion rate of 1.01 cfs and diversion volume of 216 af. This condition applies both the Water may be rented from the bank for irrigation of additional acres in the referenced location

WATER RIGHT NO. 57-7051A
WATER SUPPLY BANK LEASE ACCEPTANCE

CONDITIONS OF ACCEPTANCE

- 4 There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
- 5 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. Any violation of the terms of this lease may result in enforcement procedures pursuant to Section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code.
- 6 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.
- 7 While a water right is in the bank, forfeiture provisions are stayed.
- 8 Rental of water under this right is subject to the limitations and conditions of approval of the water right.
- 9 Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
- 10 Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication or any other department application process.
- 11 Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.

The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of April, 2006



Chief, Water Allocation Bureau