



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 26, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

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

RE: Applications for Transfer, Ted and/or Sandy Cantrell, Water Right Nos. 2-202A
and 57-7100

Dear Ms. Hofstetter:

I have been assigned to continue processing transfer applications 73775 and 73776. It appears you are the applicant's representative from previous correspondence between your office and Steve Lester of our Department. Below I have listed several questions/concerns regarding the application. I have enclosed two maps for your reference.

- Water right 57-7051A has been decreed with a place of use overlapping the proposed permissible place of use. This right is currently under the name of Tracy and Teresa Silver and has not been included in either transfer. It will need to be addressed. Options include processing an ownership change, ownership split depending on how the property was conveyed to the Cantrell's, or a transfer to include some or all of it within the permissible place of use. Note that a portion of 57-7051A is in danger of forfeiture due to non-use.
- The southern edge of the proposed ppu overlaps with active recommendation 2-10201 under the name of Triangle Dairy Inc. When following Cantrell's warranty deed this overlap is eliminated. However the imagery clearly shows the pivots existing over the place of use for recommendation 2-10201. Perhaps there is some sort of agreement with Triangle Dairy Inc. to irrigate this particular ground?
- Review has shown that rights 2-202A and 57-7100 have a 7.8 acre overlap in the NWNW of Section 31 T05S R04E B.M. While both records currently have no combined limit, one will be added to them if transfer is processed as is. Presently the rights are additive totaling 113 acres. This will become 105.2 available acres between the two rights. Will this be acceptable to the applicant?
- The application stated the current delivery system incorporates a pond as a collection point for the different sources of water to then deliver to the pivots. There is concern this may not fall under the Department's "24-hour rule" for determining whether or not a pond needs a storage component. Please submit information on the pond's size and average depth.

DANA HOFSTETTER, Esq.

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- Transfers 73775 and 73776 could have been filed as one transfer. The Department requires that two or more transfers be filed when more than one system is being changed. According to the information currently submitted, rights 2-202A and 57-7100 are considered one system. If the applicant so wishes they can resubmit and file as one transfer. This will likely lower the application fee. Also note that if 57-7051A needs to be transferred, the applicant could file to change the two surface water rights under one transfer and the groundwater right on the second transfer.

If you have any questions please don't hesitate to call.

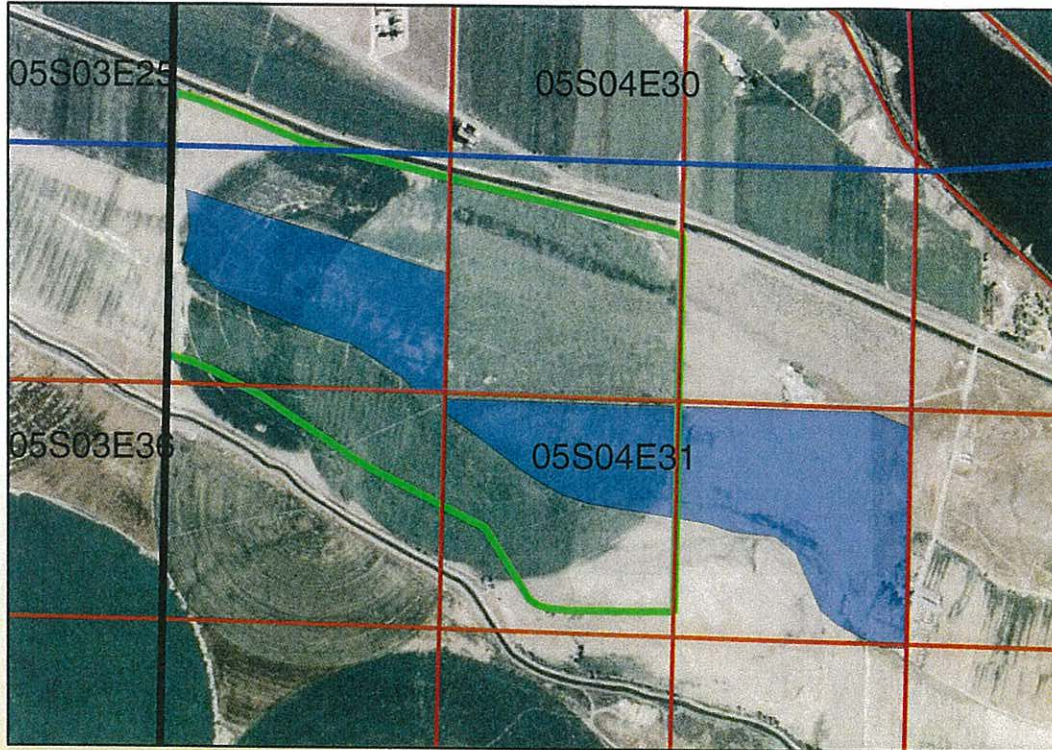
Sincerely,



Nick Van Dyke
Water Resource Agent, IDWR
State Office, Boise Idaho
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Enclosure(s)

Cantrell Transfer Applications 73775, 73776



Legend

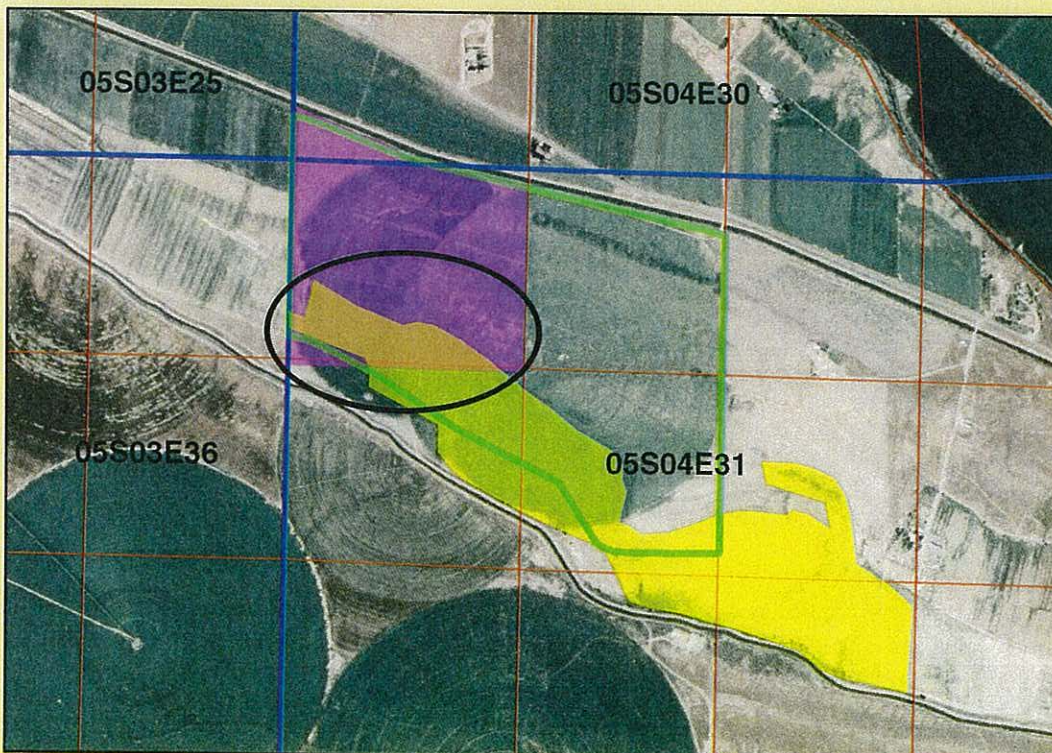
- 57-7051A
- proposed_pou2
- Sections
- QQ



2006 Naip Imagery

Right 57-7051A is represented by the blue shading. The portion in the SW of the NE 1/4 1/4 of Section 31 is at risk of partial forfeiture due to non-use.

0 600 1,200 2,400 3,600 Feet



Legend

- 2-202A_rec
- 57-7100
- proposed_pou2
- Sections
- QQ



2006 Naip Imagery

Area circled is the overlap between rights 2-202A and recommendation 57-7100. Area of overlaps equals roughly 7.8 acres.

0 500 1,000 2,000 3,000 Feet

Prepared by:
Nick Van Dyke
June 26, 2008

Cantrell Transfer Applications 73775, 73776

Pond used for collection of two different sources



Map below shows overlap with proposed place of use of transfer(s)
73775 & 73776 (green shading) and place of use for recommendation
2-10201 (yellow outline).



2004 Naip Imagery



Legend

- Sections
- QQ
- 10201_rec
- proposed_pou2



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Nick Van Dyke
June 26, 2008



2006 Naip Imagery