

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 73775
RECEIVEDAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

SEP 06 2005

WATER RESOURCES
WESTERN REGIONName of Applicant Ted Cantrell and/or Sandy Cantrell Phone (208) 834-2153Post Office address 28294 River Road, Bruneau, Idaho 83604

A. PURPOSE OF TRANSFER

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

2. Describe the reason for the proposed changes to update water right to reflect current water use

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	
<u>02-202A</u>	<u>June 1, 1912</u>	<u>1.10 cfs</u>	<u>Irrigation</u>	<u>3/1</u>	to <u>11/15</u>
					to
					to
					to

2. Total amount of water being transferred 1.10 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Snake River tributary to Columbia River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
10		NW	SW	34	05S	04E	OWYHEE	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	04E	30											2.5 Lot 9						2.5
		31					32	48 Lot 2	20 Lot 3	30									130.0

Total Acres 58 irrigated acres within
132.5 acre permissible place of use

PART 1

6. General Information:
- a. Description of diversion system pipe from Grandview Mutual Company Canal to pond where water diverted under this right is combined with water diverted under Water Right No. 57-7100, then pumped via pipeline to two pivots for irrigation of 111 acres (86 acres under one pivot and 25 acres under the other pivot.)
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The same place of use will continue to be irrigated in conjunction with Water Right No. 57-7100. Both pivots have been installed and portions of the rights have been rented from the Water Supply Bank to cover the acreage. An attached diagram depicts the locations of the pivots.
- d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
- b. in case of _____ vs. _____
dated _____ in _____ county of _____
- c. License No. _____ issued by the Idaho Department of Water Resources.
- d. Claim No. A02-202A on file with the Idaho Department of Water Resources.
- e. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Snake River tributary to Columbia River4. Date or priority June 1, 1912

5. Water is used for the following purposes:

Amount 1.10 cfs for Irrigation purposes from March 1 to November 15.
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.10 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
10		NW	SW	34	05S	04E	Owyhee	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	04E	31			7			9 Lot 2	15 Lot 3	11	3					13			58

Total Acres 58

9. Describe any other water rights used for the same purpose as described above _____

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

See attached map.

Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
 _____ to _____
 _____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

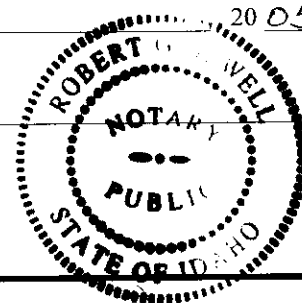
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Ted Cantrell Sandy Cantrell
 (Signature of Applicant)

Subscribed and sworn to before me this 31ST day of AUGUST 20 05

Robert G. Howell
 (Notary Public)

My commission expires 02-27-2010

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 3 attachments

Received by [Signature] Date 9/6/05 Protest filed by _____

Prelim. Check by [Signature] Fee \$290⁰⁰

Received by [Signature] Date 9/6/05

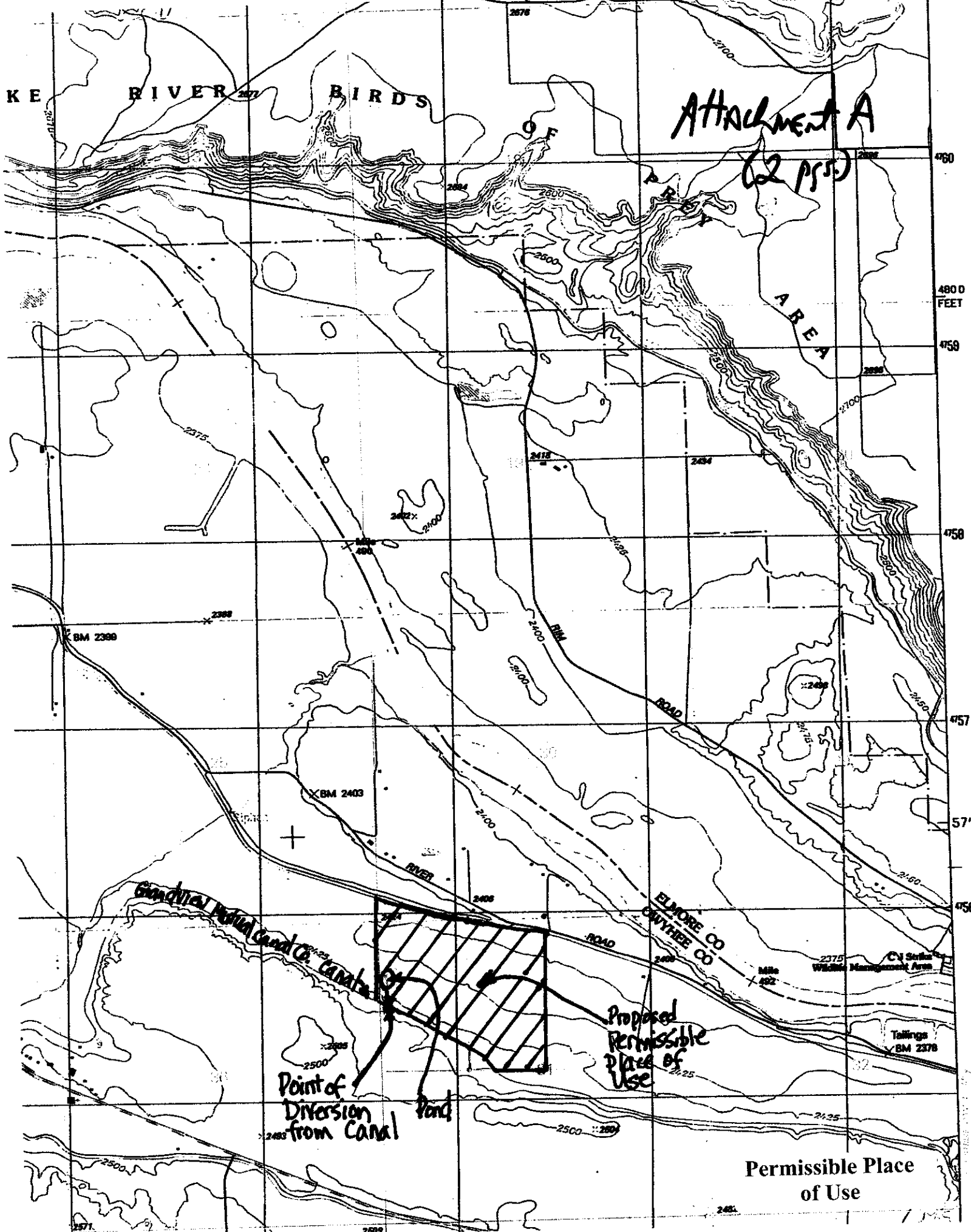
Published in OWYHEE AVALANCHE Copies of protest forwarded by _____

Pub. Dates 12-21 + 28-05 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____



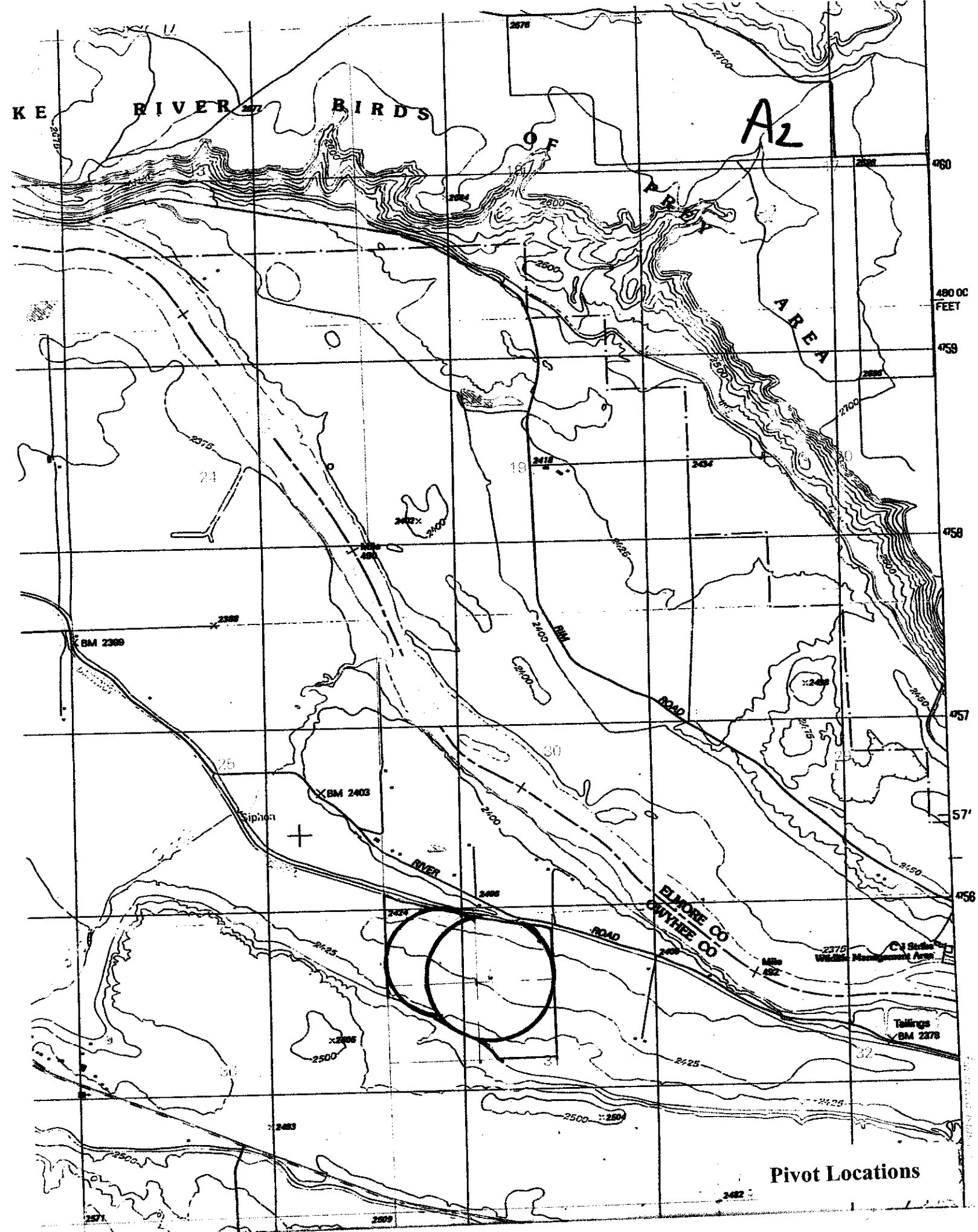
ATTACHMENT A
(2 pgs)

Point of
Diversion
from Canal

Pond

Proposed
Permissible
Place of
Use

Permissible Place
of Use



Attachment B
(6 pgs.)

WARRANTY DEED

TRACY G. SILVER and TERESA L. SILVER, Trustees of THE LOVE RANCH CHARITABLE TRUST FOUNDATION U/T/A dated December 4, 1992, hereinafter collectively known as "Grantors," do hereby convey, grant and warrant to THEODORE CANTRELL and SANDRA CANTRELL, husband and wife, herein collectively referred to as "Grantees," whose address is HC 85, Box 189, Bruneau, Idaho 83604, for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

Parcel No. 1:

COMMENCING at the NW corner of Section 31, Township 5 South, Range 4 East, B. M., Owyhee County, Idaho, and running thence South along the West boundary of said Section 31, a distance of 1200 feet to the North boundary of the right of way of the Canal known as the Grand View Mutual Canal; running thence South 77°00' East a distance of 126 feet to a point; thence South 63°30' East a distance of 425 feet to a point; thence South 56°30' East a distance of 685 feet to a point; thence South 63°15' East a distance of 775 feet to a point; thence South 32°00' East a distance of 495 feet to a point; thence South 73°30' East a distance of 735 feet to a point; thence South 74°10' East a distance of 700 feet to a point; thence South 51°25' East a distance of 415 feet to a point; thence South 68°25' East a distance of 620 feet to a point; thence South 70°55' East a distance of 660 feet to a point; thence South 73°10' East a distance of 635 feet to a point; thence South 79°40' East a distance of 700 feet to a point; said point being on the Shoofly pipeline connecting the Grand View Mutual Canal with the old Shoofly Pumping Plant; thence North 14°00' East a distance of 1030 feet along said pipeline to the North boundary line of the NW¼SW¼ of Section 32, Township 5 South, Range 4 East, B. M., Owyhee County, Idaho; thence North 89°53' West a distance of 1020 feet along the said boundary line to the quarter corner common to Sections 31 and 32, Township 5 South, Range 4 East, B.M., Owyhee County, Idaho; thence North 0°12' East a distance of 1180 feet, more or less, to the South boundary line of the right of way of the Grand View Irrigation District Canal; thence North 57°20' West a distance of 325 feet along said right of way line to the North boundary line of the SE¼NE¼ of said Section 31; thence North 89°53' West a distance of

3700 feet, more or less, along the North boundary line of the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 31 to the SE corner of Lot 2, Section 31; Township 5 South, Range 4 East, B.M. Owyhee County, Idaho; thence North along said boundary line of Lot 2 to the NE corner of said Lot; thence North 89°53' West along the Section line between Sections 31 and 30 to the REAL POINT OF BEGINNING.

EXCEPTING THEREFROM any portion of the above-described land in Section 32 and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31; and

EXCEPTING THEREFROM a parcel of land lying in portions of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, all in T.5S., R.4E., B.M., Owyhee County, Idaho, said parcel being more particularly described as follows:

Commencing at the Brass Cap marking the North 1/16 corner common to Sections 31 and 32, T.5S., R.4E., B.M., Owyhee County, Idaho;

Thence, N. 89° 54' 40" W. 1322.46 feet to a Brass Cap marking the NE 1/16 corner of said Section 31 and the *point of beginning*;

Thence along the following courses and distances to iron pins:

S. 00° 10' 20" W. 2071.40 feet along the East 1/16 Line;

Thence, N. 76° 22' 23" W. 234.28 feet;

Thence, N. 00° 10' 20" E. 2016.50 feet to the North 1/16 Line of said Section 31;

Thence, S. 89° 55' 32" E. 227.85 feet to the *point of beginning*, said parcel containing 10.69 acres.

Parcel No. II:

That portion of Lot 9 in Section 30, Township 5 South, Range 4 East, B.M., Owyhee County, Idaho, lying South of the Grand View Irrigation District Canal, County of Owyhee, Idaho.

THE ABOVE DESCRIBED PARCELS I AND II ARE SUBJECT TO two (2) easements more particularly described as follows:

Irrigation Easement

A 10-foot wide irrigation easement running over and across a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, T. 5S., R. 4E., B.M., Owyhee County, Idaho, the centerline of said easement being more particularly described as follows:

Commencing at the Brass Cap marking the North $\frac{1}{16}$ corner common to Sections 31 and 32, T. 5S., R. 4E., B.M., Owyhee County, Idaho;

Thence, N. $89^{\circ} 54' 40''$ W. 1322.46 feet to a Brass Cap marking the NE $\frac{1}{16}$ corner of said Section 31;

Thence, S. $00^{\circ} 10' 20''$ W. 2071.40 feet along the East $\frac{1}{16}$ Line to an iron pin;

Thence, N. $76^{\circ} 22' 23''$ W. 234.28 feet to an iron pin;

Thence, N. $00^{\circ} 10' 20''$ E. 11.64 feet to the centerline of an existing irrigation ditch, said point being the *point of beginning of centerline*.

Thence, along said centerline of a 10-foot wide irrigation easement the following courses and distances:

N. $68^{\circ} 17' 03''$ W. 44.64 feet;

Thence, N. $74^{\circ} 42' 16''$ W. 238.19 feet;

Thence, N. $65^{\circ} 07' 50''$ W. 57.28 feet;

Thence, N. $59^{\circ} 22' 53''$ W. 93.74 feet;

Thence, N. $54^{\circ} 59' 32''$ W. 97.80 feet;

Thence, N. $56^{\circ} 34' 34''$ W. 52.28 feet to an existing headgate;

Thence, S. $21^{\circ} 09' 55''$ W. 38.13 feet to the point of diversion from the Grandview Mutual Canal and the *point of ending of said centerline*.

Well Easement

A well easement running over and across a portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T. 5S., R. 4E., B.M., Owyhee County, Idaho, said easement being more particularly described as follows:

Commencing at the Brass Cap marking the North $\frac{1}{16}$ corner common to Sections 31 and 32, T. 5S., R. 4E., B.M., Owyhee County, Idaho;

Thence, N. $89^{\circ} 54' 40''$ W. 1322.46 feet to a Brass Cap marking the NE $\frac{1}{16}$ corner of said Section 31;

Thence, N. $89^{\circ} 55' 32''$ W. 227.85 feet along the North $\frac{1}{16}$ Line to an iron pin;

Thence, S. $00^{\circ} 10' 20''$ W. 941.93 feet to the *point of beginning*;

Thence, continuing, S. 00° 10' 20" W. 100.00 feet;
Thence, N. 89° 49' 40" W. 60.14 feet to a point of curve;
Thence, along a curve to right 157.08 feet, said curve having a delta of 180° 00' 00", a radius of 50.00 feet and a long chord of 100.00 feet which bears N. 00° 10' 20" E. to a point of tangent;
Thence, S. 89° 49' 40" E. 60.14 feet to the *point of beginning*.

Parcel No. III (Irrigation Easement):

A parcel of land being a 30-foot wide irrigation pipe/ditch easement running over and across a portion of the South ½ of Section 25 and a portion of the NE ¼ NE ¼ of Section 36, all in T.5S., R.3E., B.M., Owyhee County, Idaho, the centerline of said easement being more particularly described as follows:

Commencing at the Brass Cap marking the NW 1/16 corner of Section 31, T.5S., R.4E., B.M., Owyhee County, Idaho; thence, N.89° 55' 50" W. 1570.29 feet to a Brass Cap marking the North 1/16 corner common to said Section 31 and said Section 36; thence, N. 00° 04' 28" W. 595.92 feet along the line common to said Sections 31 and 36 to the *point of beginning of centerline*;

Thence along said centerline of a 30-foot wide irrigation pipe/ditch easement the following courses and distances:

N. 62° 28' 42" W. 579.33 feet;
Thence, N. 57° 51' 18" W. 1046.36 feet;
Thence, N. 61° 43' 04" W. 682.86 feet;
Thence, N. 62° 22' 49" W. 442.61 feet;
Thence, N. 73° 17' 02" W. 286.53 feet;
Thence, N. 71° 35' 13" W. 289.11 feet;
Thence, N. 71° 59' 00" W. 116.11 feet;
Thence, N. 64° 10' 30" W. 250.59 feet;
Thence, N. 70° 50' 00" W. 297.94 feet;
Thence, S. 81° 28' 48" W. 116.59 feet;
Thence, S. 75° 45' 19" W. 86.30 feet;
Thence, S. 60° 42' 22" W. 919.07 feet;
Thence, S. 41° 25' 39" W. 125.24 feet;
Thence, N. 86° 11' 49" W. 55.98 feet to the centerline of Shoofly Creek and the *point of ending of said centerline*.

SUBJECT TO taxes and assessments for the year 2001 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

The Grantor covenant to the Grantees that they are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that they will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor executed this instrument on this 28th day of December, 2001.

LOVE RANCH CHARITABLE
TRUST FOUNDATION
U/T/A dated December 4, 1992

Theodore Cantrell
Theodore Cantrell

Sandra K Cantrell
Sandra Cantrell

"BUYERS"

By: Tracy G. Silver
Tracy G. Silver, Trustee

By: Teresa L. Silver
Teresa L. Silver, Trustee

Tracy G. Silver
Tracy G. Silver

Teresa L. Silver
Teresa L. Silver

"EASEMENT GRANTORS"

WARRANTY DEED B

STATE OF IDAHO)
 Elmore : ss.
County of *Canyon*)

On this 28th day of December, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Tracy G. Silver and Teresa L. Silver, as Co-Trustees of The Love Ranch Charitable Trust Foundation, U/T/A dated December 4, 1992, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of said trust.

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

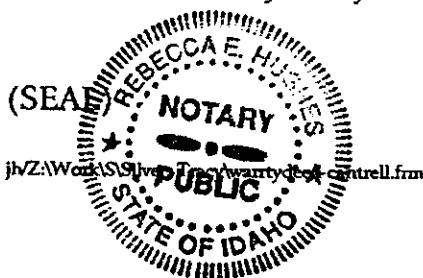


Rebecca E. Hughes
Notary Public for Idaho
Commission expires: 1/30/04

STATE OF IDAHO)
 Elmore : ss.
County of *Canyon*)

On this 28th day of December, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Theodore and Sandra Cantrell, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Rebecca E. Hughes
Notary Public for Idaho
Commission expires: 1/30/04

August 17, 2005

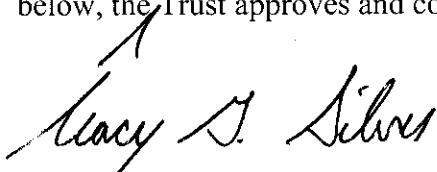
Attachment C

State of Idaho
Department of Water Resources
Boise, Idaho

Re: Ted Cantrell transfer of Water Rights #57-7100 & 2-202A

Dear Director,

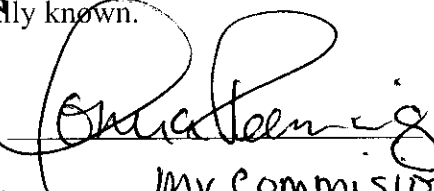
In regards to Ted Cantrell's application for transfer of water right #57-7100 (Shoefly Creek and # 2-202A (Grand View Mutual), The Love Ranch Trust carries a mortgage on the property where the water right is currently assigned. As evidenced by the signature below, the Trust approves and concurs with the proposed change.



Tracy G. Silver
The Love Ranch Trust, Chairman

Notary of State of Idaho:
Residing in Meridian, of Ada County.

The signature above is known to me Tonya Penning (notary) as
that of Tracy G. Silver, as evidenced by proper identification or as
otherwise personally known.

Notary Signature: 

Date: 8-17-2005

My commission expires 8-10-2007

