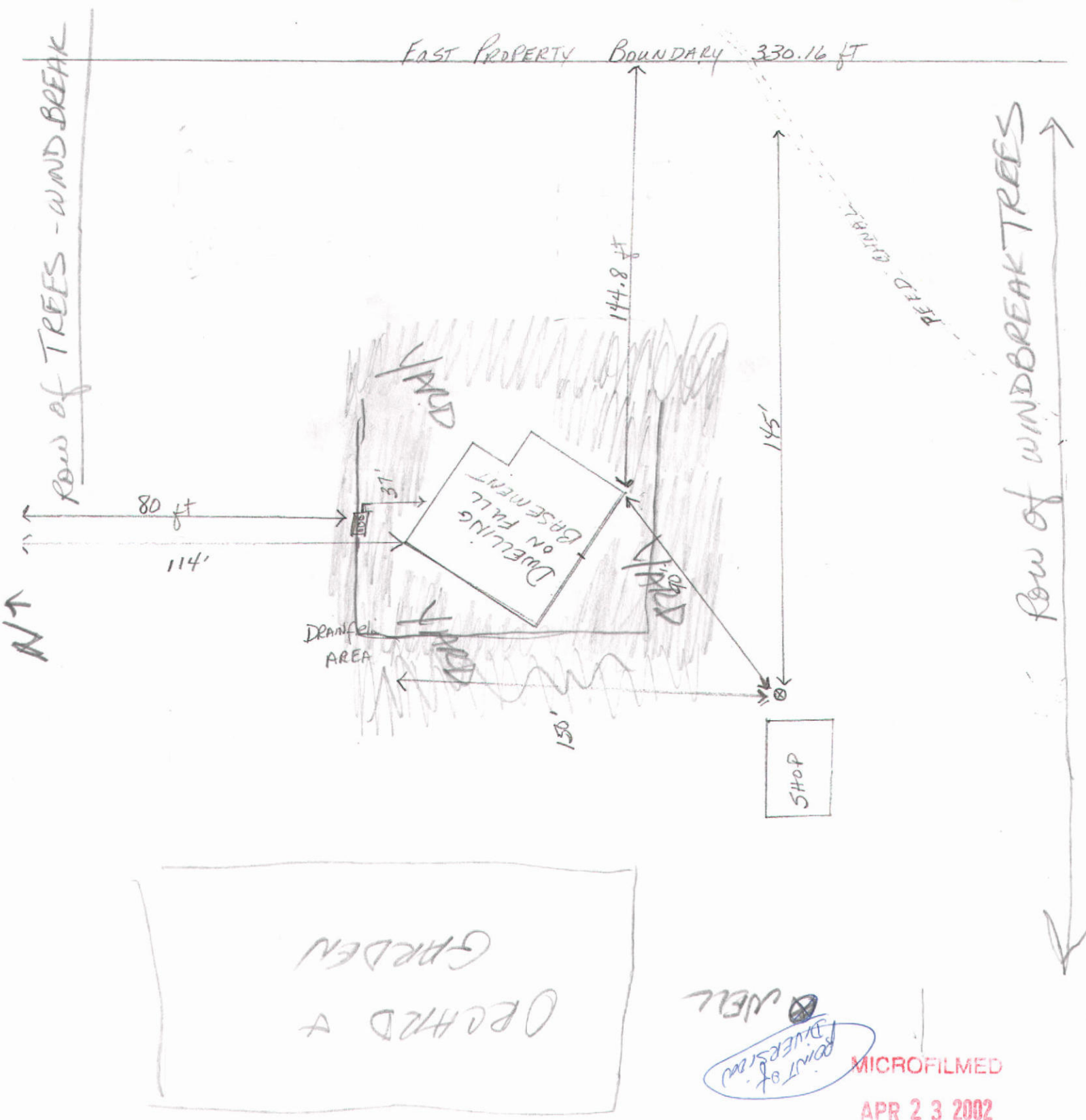
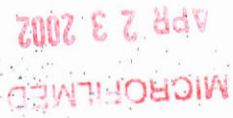


JONATHAN OR DONNA TRELL



MICROFILMED
APR 23 2002



TSS RIOE
S11 SENE
No Gouls ↘

NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

61-11973 ✓

JONATHAN CANTRELL
1608 E 2950 S #B
WENDELL ID 83355
DONNA CANTRELL
1608 E 2950 S #B
WENDELL ID 83355

Point(s) of Diversion SENE S11
T05S R10E ELMORE County
Source GROUND WATER
Use: IRRIGATION 03/15 To 11/15
0.06 CFS
Use: DOMESTIC 01/01 To 12/31 0.04
CFS

Total Diversion: 0.1 CFS
Date Filed: 02/11/2002
Place Of Use: IRRIGATION
T05S R10E S11 SENE
Number of Acres 3
Place Of Use: DOMESTIC
T05S R10E S11 SENE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the proposed change must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 04/08/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

First Publication: March 20, 2002.
Last Publication: March 27, 2002.

AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
STATE OF IDAHO

I Coleen W. Swenson, do solemnly swear that I am the publisher, of the:

MOUNTAIN HOME NEWS

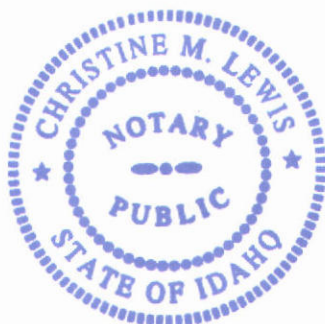
a weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for 260 consecutive weeks, the first publication having been made on the 30 day of March, 2002, and the last publication having been made on the 27 day of March, 2002; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

RECEIVED

MAR 29 2002

WATER RESOURCES
WESTERN REGION



Coleen W. Swenson

Subscribed and sworn to me this 27 day of March, 2002.

Christine M. Lewis
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires 09-25-2006

MICROFILMED

APR 23 2002

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
61-11973 IN THE NAME OF) **REINSTATEMENT ORDER**
JONATHAN CANTRELL AND/OR)
DONNA CANTRELL)
_____)

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted to the Department on or before May 1, 2003; and

WHEREAS, the Department notified the permit holder on February 28, 2003, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use or an extension of time request; and

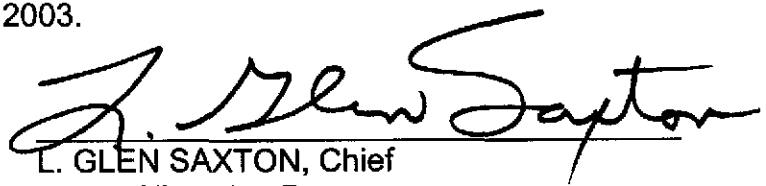
WHEREAS, the Department sent the permit holder a lapse notice on May 5, 2003, since the department had not received an acceptable proof of beneficial use statement or extension of time request; and

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing; and

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting acceptable proof of beneficial use on June 26, 2003.

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 61-11973 is **REINSTATED** with an advance in priority to **April 8, 2002**.

DATED this 18th day of July, 2003.


L. GLEN SAXTON, Chief
Water Allocation Bureau

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SEP 03 2003

RECEIVED
JUN 26 2003
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JUN 30 2003

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 61-11973 Telephone No. 208-366-2784

2. Name of Permit Holder(s). JONATHAN CANTRELL + DONNA CANTRELL

3. Mailing Address: 4270 E RIVER ST

City KING HILL State ID Zip 83633

4. Source of Water: WELL If GROUNDWATER (well), Date Drilled: mo. 12 / yr. 02

Well Driller: HIDDLESTON PUMP Drilling Permit Number: D0019486

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 1 Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 3.00 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: .1 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No X
Has the measuring device been installed? Yes _____ or No X

8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: DONNA CANTRELL Telephone Number 208-366-2784

Address: 4270 E RIVER ST, KING HILL ID 83633

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Donna Cantrell Date: 6-25-03
(include your title, if on behalf of company of organization)

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SEP 03 2003

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 61-11973

Priority. 02/11/2002

Maximum Diversion Rate: 0.10 CFS

This is to certify, that JONATHAN CANTRELL And/Or
DONNA CANTRELL
1608 E 2950 S #B
WENDELL ID 83355

has applied for a permit to appropriate water from

Source: GROUND WATER

and a permit is APPROVED for development of water as follows.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS
IRRIGATION	03/15 to 11/15	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 11, Twp 05S, Rge 10E, B.M. ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	10E	11				30													30

Total Acres: 3

PLACE OF USE: DOMESTIC, same as Irrigation

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 1, 2003**.
2. Subject to all prior water rights
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code
4. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term
5. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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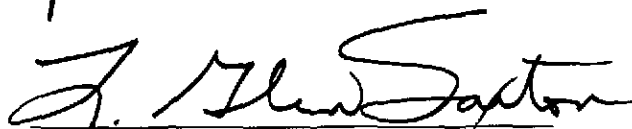
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 61-11973

CONDITIONS OF APPROVAL

7. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 18th day of April, 2002


for KARL J DREHER, Director

UNRECORDED

Ident. No. 61-11973

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 11 2002

APPLICATION FOR PERMIT

APR 12 2002

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

Department of Water Resources

1. Name of Applicant JONATHAN F. DONNA CANTRELL Phone 208-536-6222

Post Office address 1608 E 2950 S # B, WENDELL, ID 83355

2. Source of water supply WELL-PRIVATE ground water which is a tributary of _____

3. Location of point of diversion is SE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot _____

Sec. 11 Township 5S Range 10E B.M. ELMORE County; additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2 ACRE-Feet IRRIGATION purposes from 3-15 to 11-31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 24 cfs for Domestic purposes from 1-1 to 1-1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1 and/or (b) X
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. SPRINKLERS

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

c. Proposed well diameter is 8 inches; proposed depth of well is 200 feet.

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? JAN, 2002; Drilling firm HIDDLESTON DRILLING

Well was drilled for (well owner) JONATHAN & DONNA CANTRELL

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity if KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

(d) Domestic; show number of households. 1 household

e. Other; describe fully. _____

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APR 23 2002

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5S	10E	11				3													
						X													

Total number of acres to be irrigated 2.7843

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? _____

b. Who owns the land to be irrigated or place of use? JONATHAN & DAVNA CANTRELL ^{Applicants}

c. If the property is owned by a person other than the applicant, describe the arrangement enable the applicant to make this filing: _____

12. Remarks: _____

13. MAP OF PROPOSED PROJECT ATTACHED ☒ Show clearly the proposed point of diversion, place of use, section number, township and range number.

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jonathan Cantrell
(Applicant)

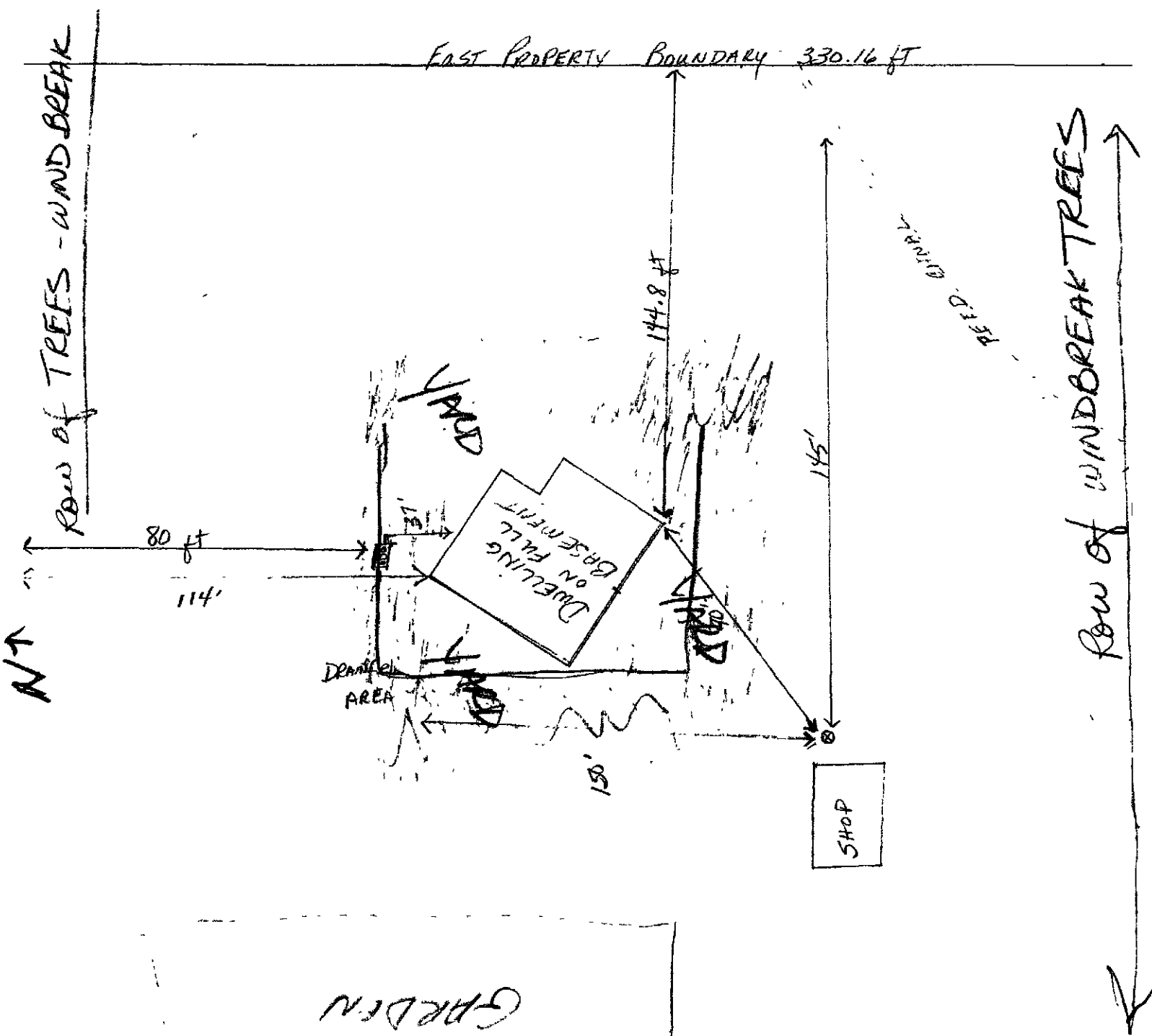
Received by KG Date 2/11/02 Time 12:07 Preliminary check by KG
 Fee \$ 100.00 Received by KG # W028732 Date 2/11/02
 Publication prepared by AT Date 3-20-02 Published in MOUNTAIN HOME NEWS
 Publication approved AT Date 4-9-02

Will upgrade fee paid 3/13/02. KG

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APR 23 2002

JONATHAN OR DONNA TRELL



POINT OF DIVERSION
WELL
MICROFILMED
1 APR 23 2002

**DESCRIPTION FOR PARCEL B
JERRY GORRELL
KING HILL**

A parcel of land being a portion of the SE ¼ of the NE ¼ of Section 11, T.5S., R.10E., B.M., Elmore County, Idaho, said parcel being more particularly described as follows: Commencing at the iron pin marking the corner common to Sections 2, 1, 12, and 11, T.5S., R.10E., B.M., Elmore County, Idaho; thence, S.01°03'00"E. 2641.09 feet to the iron pin marking the ¼ corner common to said Sections 11 and 12; thence, N.89°24'54"W. 1076.73 feet along the south line of said NE ¼ to the *point of beginning*;

Thence continuing, N.89°24'54"W. 280.25 feet to an iron pin marking the Center-East 1/16 corner of said Section 11;

Thence, N.00°33'44"W. 330.10 along the East 1/16 Line to an iron pin;

Thence, S.89°24'49"E. 945.57 feet to the centerline of a canal;

Thence along said centerline the following courses and distances:

S.83°33'36"W. 244.28 feet;

thence, S.82°55'45"W. 197.92 feet;

thence, S.69°10'07"W. 34.09 feet;

Thence, S.39°30'17"W. 136.72 feet;

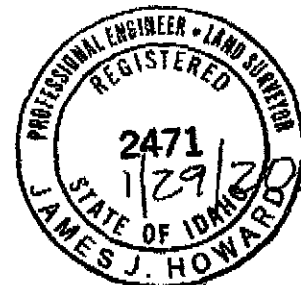
thence, S.40°25'44"W. 126.92 feet;

thence, S.30°32'53"W. 31.84 feet;

thence, S.10°33'06"W. 30.37 feet to the *point of beginning*, said parcel containing 3.27 acres.

SUBJECT TO:

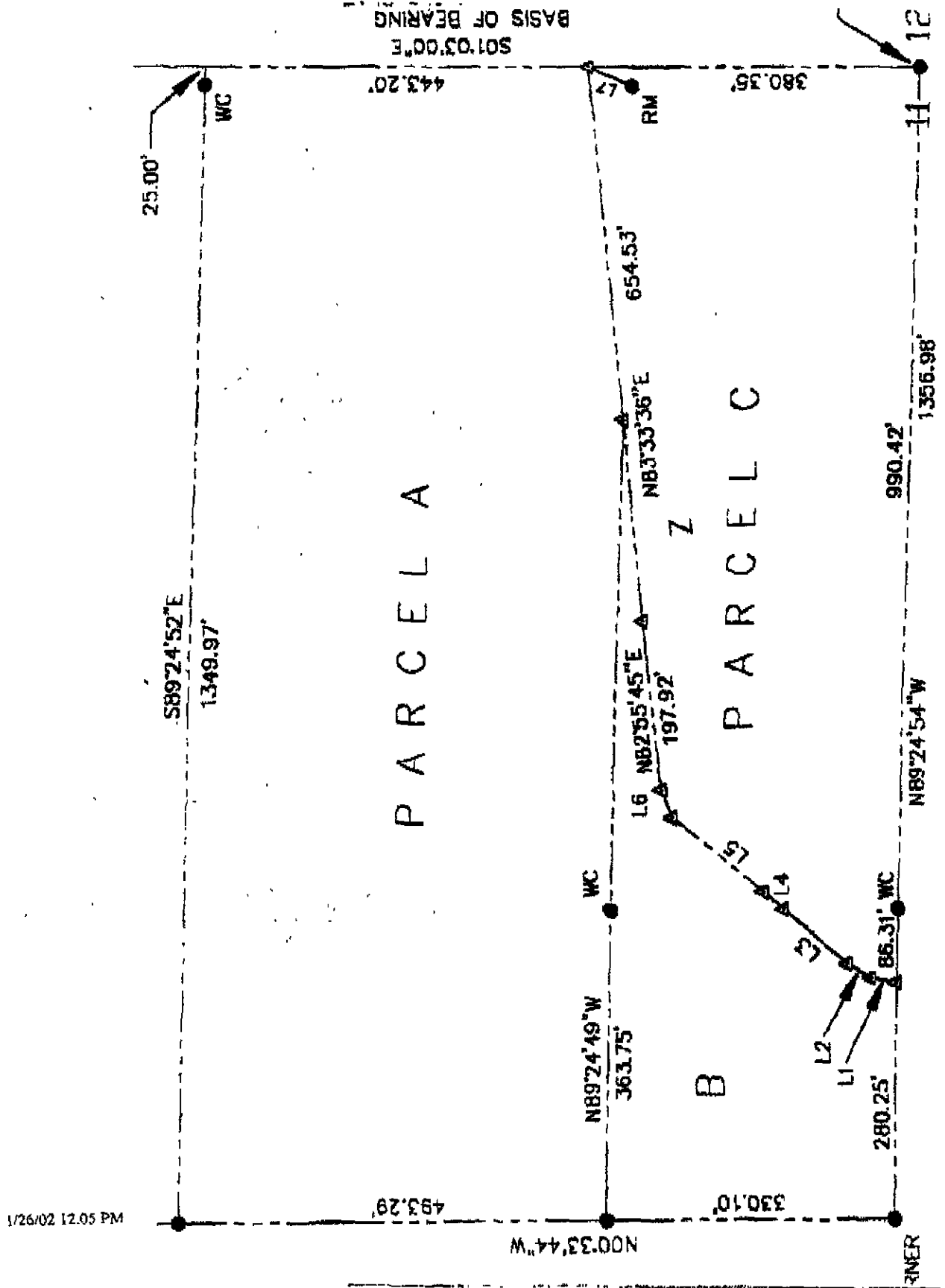
Any rights-of-way and/or easements of record or in use.



JJ Howard

MICROFILMED

SEP 23 2002



TSS R10E
S11 SE NE
No Gov'ts ↘

Snake River



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 18, 2003

JONATHAN CANTRELL
DONNA CANTRELL
4270 E RIVER ST
KING HILL ID 83633

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 61-11973

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form and examination fee submitted for the above referenced permit. Enclosed is an order reinstating the permit advancing the priority since proof was submitted after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water. The regional office staff will contact you when that examination is to be conducted. At the time the examination is conducted the system must be in operation, otherwise this permit will be of no force nor effect.

Be advised that Section 42-248, Idaho Code, requires you or the owner of these water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Western** Regional Office of the department in Boise at (208) 334-2190.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Region (w/encl.)

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SEP 03 2003

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No 61-11973

Reviewed By. dgibson

Date: July 17, 2003

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?		X	Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		W028732, W030648	Well driller's report filed?		
Additional Amount Due:			Measuring device required?		
Name and address same as permit?		X	Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received	06/26/2003
Date proof due	- 05/01/2003
Lapse notice sent	- 05/05/2003
No. of days late	= 56
Holiday allowance	+
Priority date	+ 02/11/2002
New priority date	= 04/08/2002

Deficiencies of Actions Items

Acknowledge proof Reinstatement permit and advance priority date to 4/8/2002.

~~MICROFILMED
SEP 03 2003~~

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720

Boise, Idaho 83720-0098

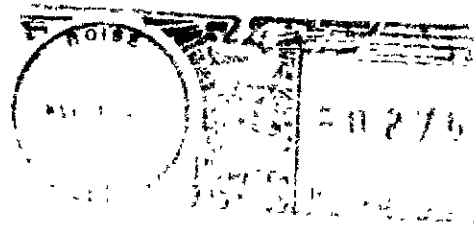
Return Service Requested

RECEIVED

MAY 13 2003

Department of Water Resources

RETURN SERVICE
REQUESTED



61-11973-
Resent 5/15/03 dy

CANT608* 833552015 1802 08 05/08/03
RETURN TO SENDER
CANTRELL, JONATHAN L
4270 E RIVER ST
KING HILL ID 83633-3303

RETURN TO SENDER

644CTM583333372

May 5, 2003

JONATHAN CANTRELL
DONNA CANTRELL
1608 E 2950 S #B
WENDELL, ID 83355

LAPSE NOTICE

RE: PERMIT NO. 61-11973

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated February 28, 2003. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifty dollar (\$50.00) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

Sincerely,

L. Glen Saxton, Chief
Water Allocation Bureau
Enclosures

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SEP 03 2003

CERTIFICATION OF MAILING
I hereby certify that on 5/5/03
a copy of this document was
deposited in the United States mail,
properly addressed to the
addressee.

dg

February 28, 2003

JONATHAN CANTRELL
DONNA CANTRELL
1608 E 2950 S #B
WENDELL, ID 83355

PROOF DUE NOTICE

RE: PERMIT NO. 61-11973

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 01, 2003. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

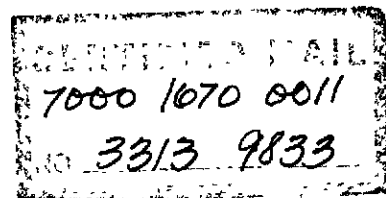
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



MICROFILMED

SEP 03 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 19, 2002

JONATHAN CANTRELL
DONNA CANTRELL
1608 E 2950 S #B
WENDELL ID 83355

RE: Permit No. 61-11973

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

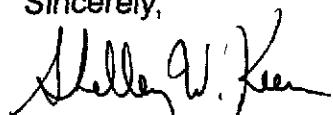
UNOFFICIAL

APR 23 2002

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

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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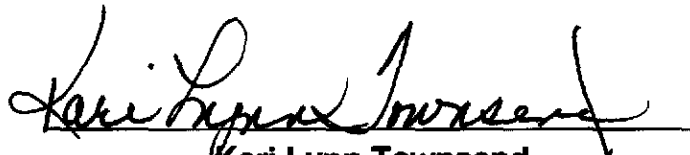
APR 23 2002

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 61-11973

**JONATHAN CANTRELL
DONNA CANTRELL
1608 E 2950 S #B
WENDELL ID 83355**


Kari Lynn Townsend
Secretary

MICROFILMED

APR 23 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

**APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS**
Reviewed by Sharla Curtis on 4/16/02

No. 61-11973 Name: Cantrell Corp. Officers N/A Ad ok ☒ Govt Lots

AREA OF CONCERN: No/Yes Moratorium GWMA TRUST/NON-TRUST

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046
Basin 34 - 084 (if necessary)
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067
~~WMD~~
Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation * 121

Trust - 051 (consumptive uses)
Non-Trust - 048 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18C-01H-01P-18B-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
> 5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/FS)-111 (instream stock)
MINING - 054-106
HEAT/COOL - R07 (injection well)
FIRE PROT - 077
COMMERCIAL/
INDUSTRIAL - 106-R07
DAIRY - 082-WD8
POWER - 17H or 17K (+uses)-17G (under FERC)
or 17M (not FERC regulated)
025-027-R22-08A

BENEFICIAL USE DUE: 5/01/2003

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
> 1/yr - 26A
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response
In/Above MSF - WB9

PLANNING REVIEW/RESPONSE

WD - R04 (WD#)
≤ 0.20 cfs/others - 01H, 01P or No MD
> 0.20 cfs - 01J

SPRINGS/SINK, INACTIVE WD or WD

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W23, N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - W23, 047 (Payette Lake)
Salmon R (70's) - 029 (fish screens)
Weiser R (67) - 086-087

USES:

MUNICIPAL

Restricted area - 022,075
Irr, GW supp to SW - 102

Future needs - 007,109

FISH PROP - 029 (70's only)-007-122-106

DOMESTIC

Surface water - WB5 (Big Wood/Boise above Star Bridge)
- 27A (Payette R)
> 1 in restricted area - 070-071-075 (no parks/common areas)
Irr separate or none allowed - WB5 (1)
GW w/irrigation from SW evident - 065-104
Moratorium approvable - W03 (2500 gpd - meets domestic def
i.e. D/convenience store)

Multiple pd's per 1/4 - W32
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - S/50 range
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON 3/15 - 11/15 (Per updated map)

IRR VOLUME/ACRE 4.0

OTHER CONDITIONS/REMARKS

COMMENTS per telecon - no surface water shares appurtenant to lands in app.

RECEIVED

APR 12 2002

IDAHO DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

Department of Water Resources

Initial review by Ly Date 3/6/02 Application # 61-11973

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, the names and addresses for the director, officers, and other partners must be included)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County
- ☒ Quantity (Flow and/or Volume)
- ☒ Period of use 3/15 - 11/15
- ☒ Nature of proposed use (Include description of use)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map (Show T, R, S, QQ &/OR QQQ)
- ☒ Subdivision plat (for > 1 home in restricted area ≥ 5 homes in non-restricted area)
- ☒ Signature (If applicant is corporation, partnership, or municipality, title of signatory is required)
- ☒ Correct fee paid
- Government Lots
☒ P/D
☒ P/U

ADDITIONAL INFORMATION

Y ADVERTISE REMARKS (Yes or No)

YES NO

- ☒ Overlapping place of use (Describe source and relationship to present application on next page)
- ☒ Overlapping point of diversion
- ☒ Critical groundwater area
- ☒ Ground water management area
- ☒ 1992 moratorium
- ☒ Surface water source, IDFG letter needed
- ☒ Protected river or minimum flow reach, notify water planning bureau
- ☒ E-mail to SCA staff (perennial stream, non-pump diversion &/or any mining)
- ☒ E-mail to Dam Safety staff (for any storage)
- ☒ Mitigation plan Check any that apply
- ☒ Immediate = acceptable plan required and submitted
- ☒ Future = open areas, acceptance of condition of approval is in file
- ☒ Send power requirement letter &/or fish farm requirement letter
- ☒ Power residency affidavit
- ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres (if YES, attach Large Diversion supplementary analysis sheet)
- ☒ REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

will upgrade fee

Date Requested 3/6/02 Date Response Received 3/13/02

PROCESSINGAPPLICATION # 61-

YES NO

☒ ☐ In form for advertising
☐ ☒ Statewide advertising (> 10 cfs &/or 1000 af)
☒ ☐ Fee amount, receipt number, and date recorded on application

SEND COPIES TO NOTE IF E-MAIL COMMENT LETTER USED

YES NO

☐ ☒ I.D. Environmental Quality
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands

YES NO

☐ ☒ US BLM
☐ ☒ US Forest Service
☐ ☒ Water Dist #
☐ ☒ Water Planning Bureau
☐ ☒ Other

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☐ Affidavit of publication received
☒ ☐ Application published correctly? If not, record action taken

☒ ☐ Publication dates and paper recorded on application
☐ ☒ Final date for protest 4-8-02
☐ ☒ Protests received
☐ ☒ Recommendations attached
☐ ☒ Measuring device required
☐ ☒ Water delivered by water master? District #
☐ ☒ Special conditions of approval or cover letter

standards

Recommended Date of Priority 2/11/02Recommendation ☒ Approve ☐ Deny by Loi Conner Date 4/9/02**ADDITIONAL INFORMATION**

P/U overlap - King Hill Inrig Dist water on
34.6 acres in SENE S11
(Snake River / Malad River water)
37-4112

☐ See Attachment(s) ... always include application proof report



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

March 6, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Jonathan and Donna Cantrell
1608 E 2950 S #B
Wendell ID 83355

RE: Application For Permit

Dear Applicants:

Your application for permit to appropriate ground water for irrigation/domestic use was received 2/11/2002.

According to your application, the proposed well has already been constructed, in which a \$75 fee was paid. The well was constructed as an exempted-use domestic well, and is presently limited to diversions for a single-family home and no more than ½ acre irrigation. Because the well is now proposed for purposes in excess of a single-family home, the drilling permit must be upgraded to account for the additional acreage.

A \$200 drilling fee is required for uses in excess of a single-family home. The fee you have already paid has been applied to this amount. Before we can forward the application for final approval, the balance of \$125 must be paid so the drilling permit can be upgraded.

Please respond within 30 days of the date of this letter. If no response is received by that date, IDWR will initiate procedures to void and return the application.

If you have any questions, please do not hesitate to contact me at this office.

Sincerely,

Lori Graves
Sr. Water Resources Agent

MICROFILMED
APR 23 2002

NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

61-11978

JONATHAN CAMPBELL
1606 E 2950 S #B
WENDELL ID 83355
DONNA CAMPBELL
1606 E 2950 S #B
WENDELL ID 83355

Point(s) of Diversion SENE S11
T06S R10E E13NE County
Source: GROUND WATER
Use: IRRIGATION 09/15 To 11/15
106 CFS
Use: DOMESTIC 01/01 To 12/31 0.04
CFS

Total Diversion: 0.1 CFS
Date Filed: 02/11/2002
Place Of Use: IRRIGATION
T06S R10E S11 SENE
Number of Acres 3
Place Of Use: DOMESTIC
T06S R10E S11 SENE

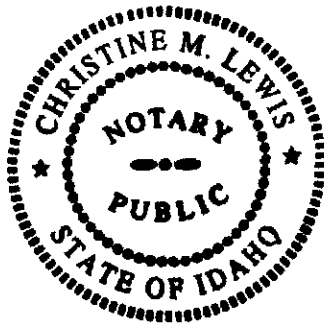
Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Permits may be submitted based on the criteria of Sec 42-2004, Idaho Code.

Any protest against the proposed change must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$95.00 for each application on or before 04/06/2002. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

First Publication: March 20, 2002.
Last Publication: March 27, 2002.



AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
STATE OF IDAHO

I Coleen W. Swenson, do solemnly swear that I am the publisher, of the:

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for 78 consecutive weeks, the first publication having been made on the 30 day of March, 2002, and the last publication having been made on the 27 day of March, 2002; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

RECEIVED

MAR 29 2002

WATER RESOURCES
WESTERN REGION

Subscribed and sworn to me this 27 day of March, 2002.

Christine M. Lewis
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires 09-25-2006

MICROFILMED

MAR 23 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 13, 2002

Legal Notice Department
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME ID 83647

RE: Transfer No. 69725
Water Right No(s).61-10381
: Transfer No. 69743
Water Right No(s).61-11926
Application for Permit No. 63-31311
Application for Permit No. 61-11973

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 04/08/2002. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary

MICROFILMED

APR 23 2002

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

61-11973

JONATHAN CANTRELL
1608 E 2950 S #B
WENDELL ID 83355
DONNA CANTRELL
1608 E 2950 S #B
WENDELL ID 83355

Point(s) of Diversion SENE S11 T05S R10E ELMORE County Source GROUND WATER

Use: IRRIGATION 03/15 To 11/15 0.06 CFS

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.1 CFS

Date Filed: 02/11/2002

Place Of Use: IRRIGATION

T05S R10E S11 SENE

Number of Acres 3

Place Of Use. DOMESTIC

T05S R10E S11 SENE

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25 00 for each application on or before 04/08/2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Mountain Home News on March 20 and 28, 2002

MICROFILMED

JUN 25 2002

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant JONATHAN & DONNA CANTRELL
Mailing Address 1608 E 2950 S #B
WENDELL ID 83355
Application No.
(if known) _____

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

☐ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Jonathan Cantrell

Date

3/5/02

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5982

APPROVED

3/5/02