

T35 R6E S.13 (NO Lots)
III = 61-07647

3 acres
stock
recreation

III = 28 acres in 61-07648

Spring = same source for:

61-07647
61-07468 } other acres
61-07577 }

61-02033 - appears
to be abandoned,
plus ground water,
see 7/9/90 memo

area for
61-07577, North
of ditch

for 61-07647
and
61-07648

P/O
(Spring)

Ditch

plus 61-07648 III

P/O (annot) for
61-07648

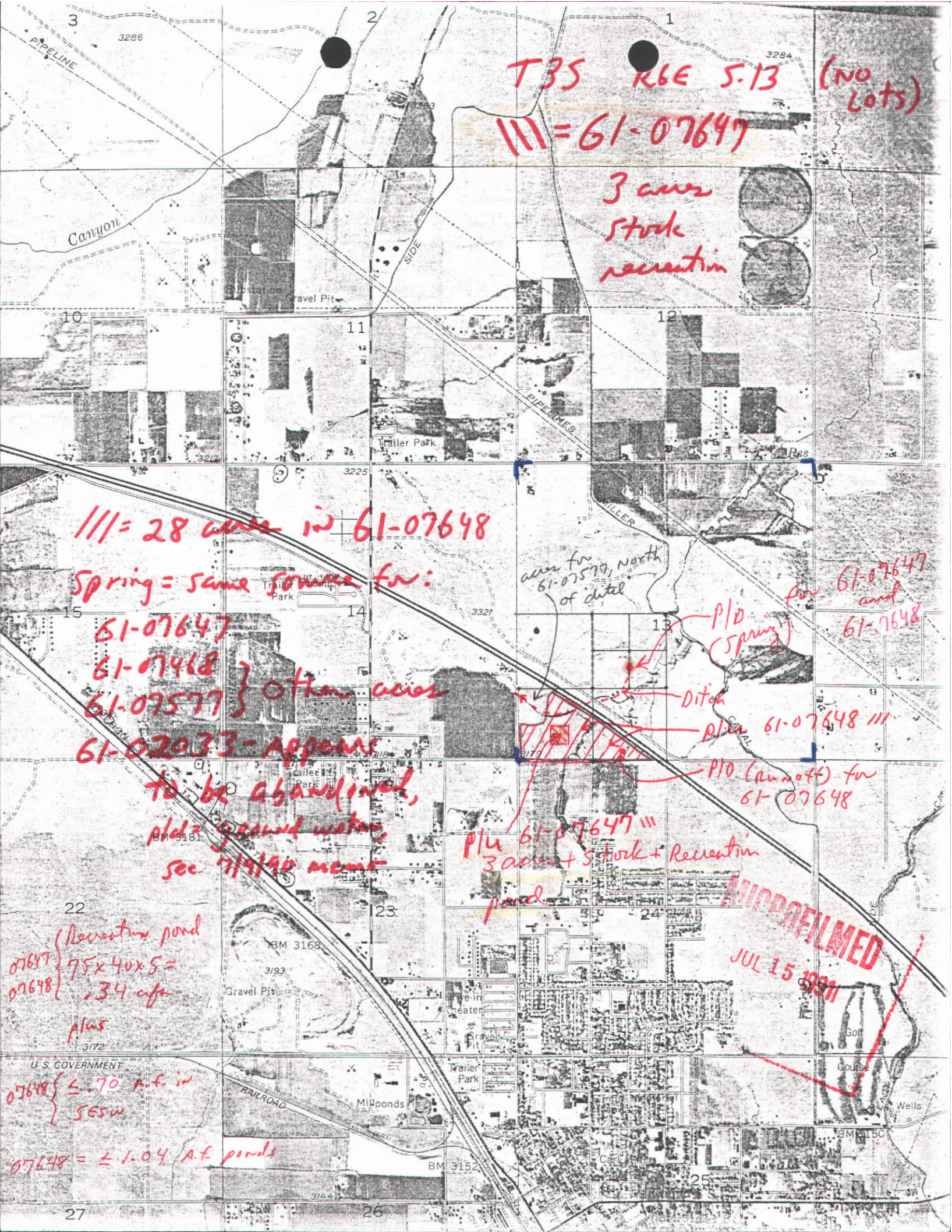
plus 61-07647 III
3 acres + stock + Recreation
pond

REPROFILMED
JUL 15 1991

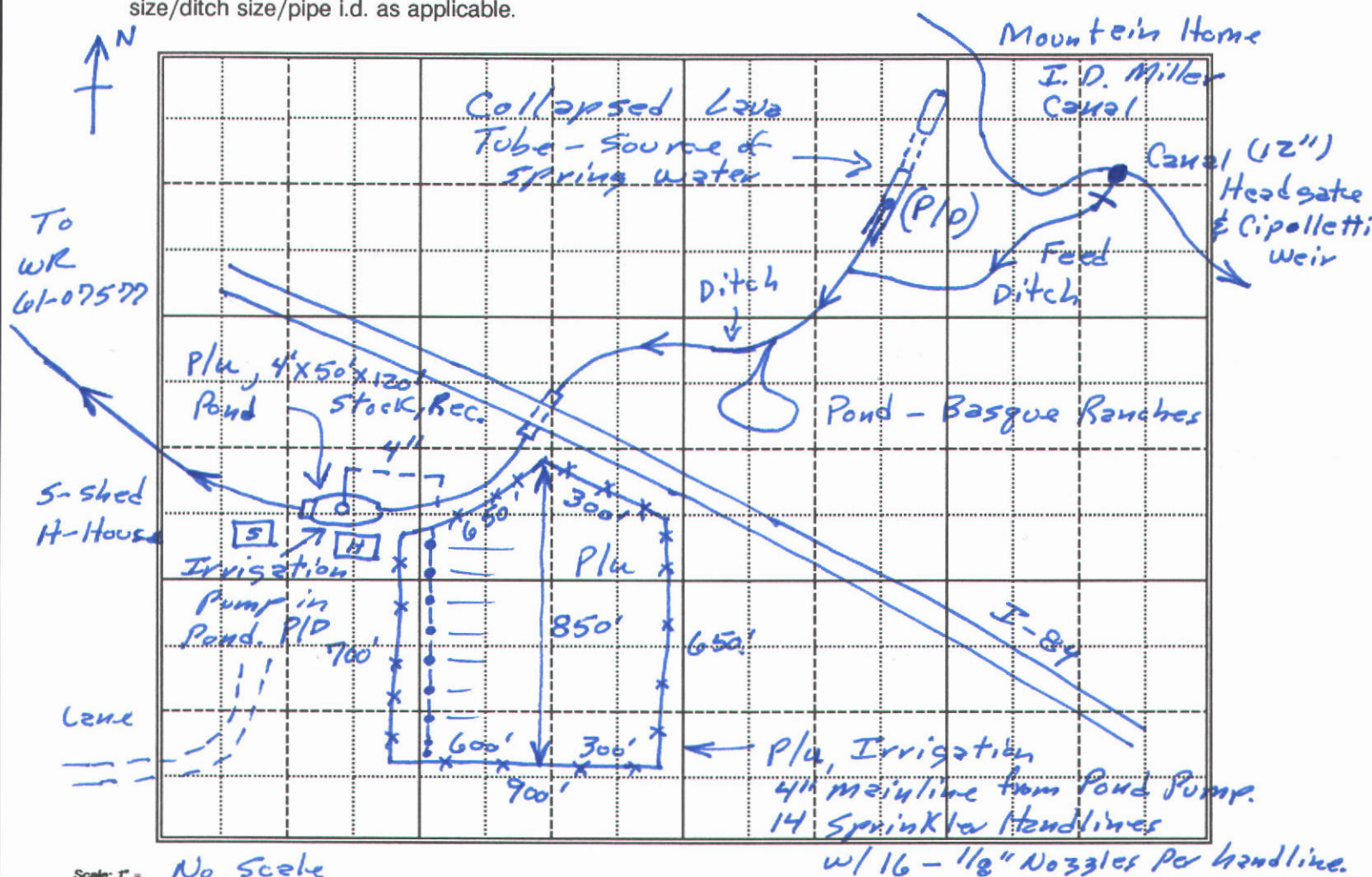
07647 } (Recreation pond)
07648 } 75 x 40 x 5 =
 } .34 a/c
plus

07648 } $\pm$.70 A.F. in
 } S.E.S.W.

07648 = $\pm$ 1.04 A.F. ponds



3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = No Scale

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☐ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Pond Pump (Irrigation)	Baldor	7½	JPL1509T (model)	Berkeley	model B2-½ TPM 5¼" Impeller

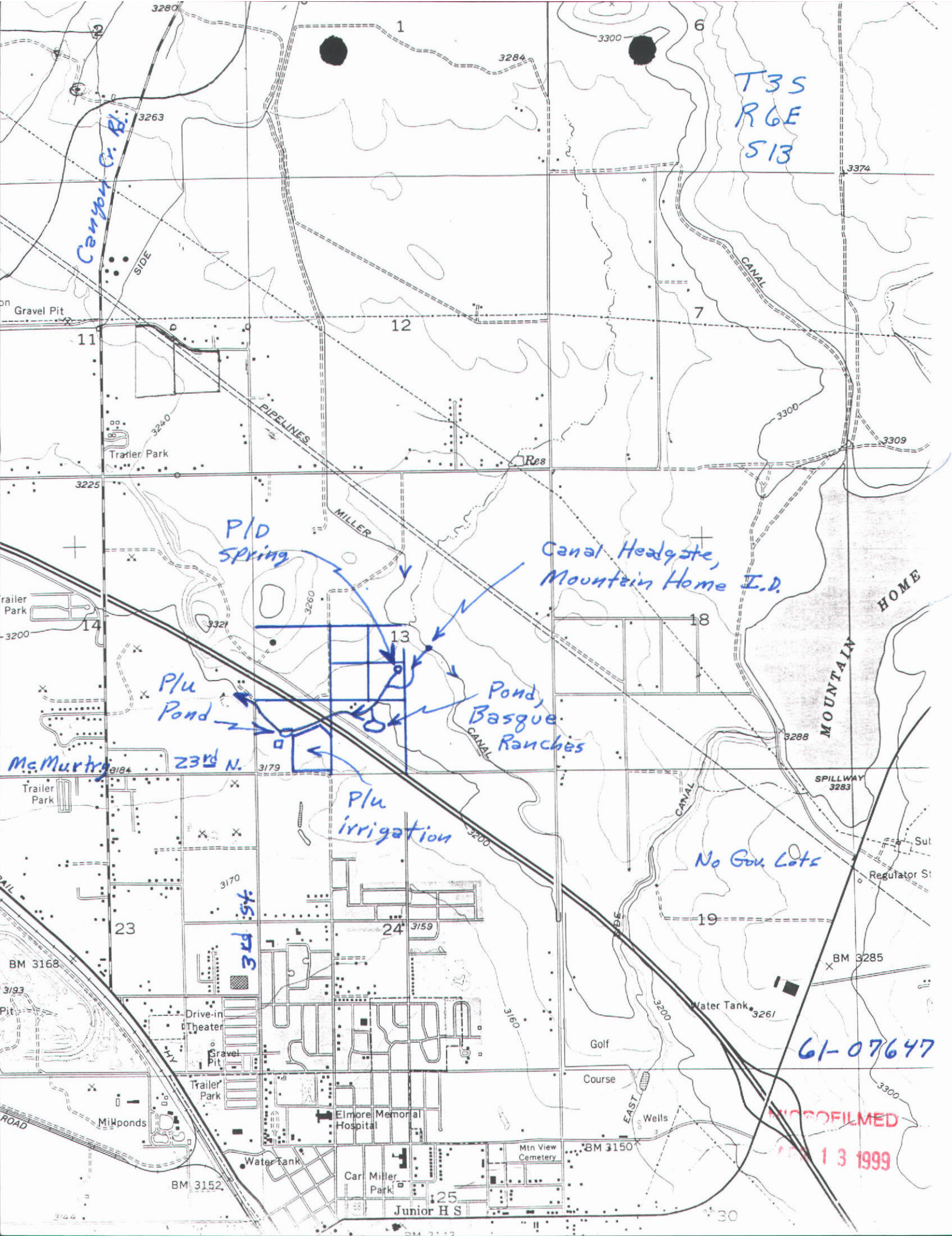
*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
				MICROFILMED		
				APR 13 1999		

2. Measurements: None - The Pond for this permit is located on the ditch which also supplies water to upstream and downstream rights. The ditch receives water from the Spring and from Mountain Home I.D.'s Miller Canal.



T35
R6E
Sec. 13

61-07647

T272
195

Miller
Canal -
Mountain
Home
I.D.

P/D
Spring

Basque
Ranches

P/u
Pond & Field

T3S

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SEP 13 1999

1 of 3

P/D

Spring at
end of
Lava Tube.

View
Looking
Northeast.



↗
Source of water
for this permit
and other Water Rights.
↘

P/D

Spring at
outlet of
Lava Tube.

Note excavation
of Lava Tube,
and
construction
of ditch.

View Looking
Southwest.



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61-07647

2 of 3



View Looking Southwest

12" Headgate
on Miller
Canal for
diversion of
Mountain
Home I.D.
water to
Ditch.

Note Cipolletti
Weir at end
of pipe.

Excavated
Caul Tube
in back-
ground.



View Looking West

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APR 13 1999

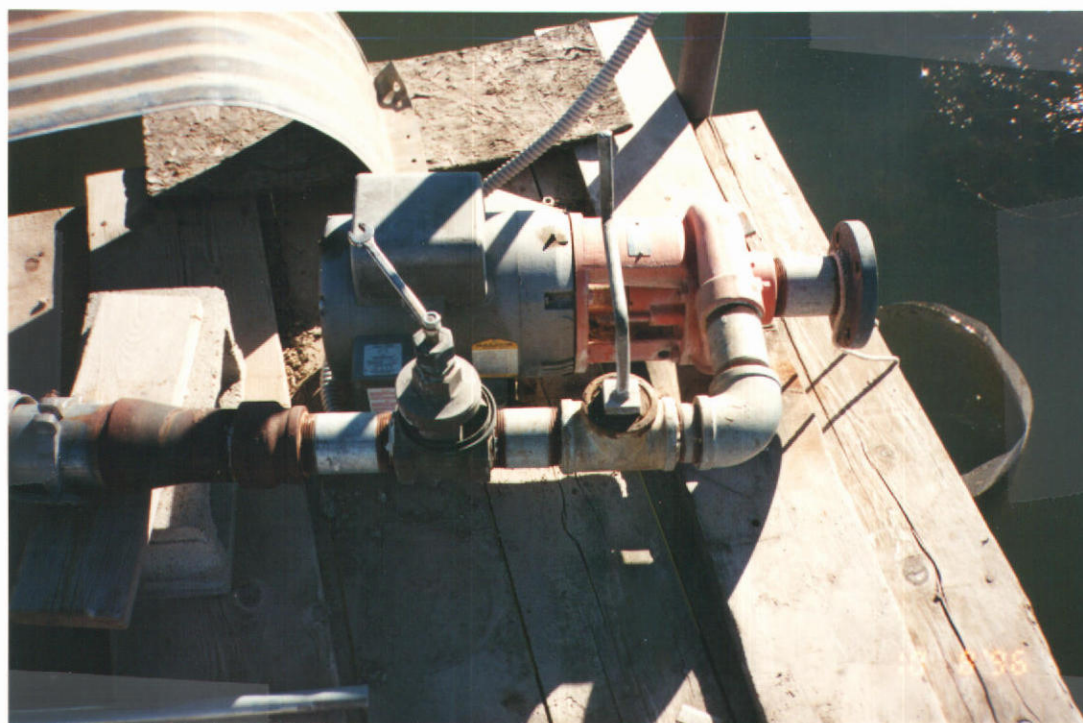
P10
P1u
Pond on
ditch.
Note
irrigation
pump +
4" Alum.
Pipe on
Right bank.

61-07647

3 of 3

P/D

Irrigation
Pump
on North
Side of
Pond.



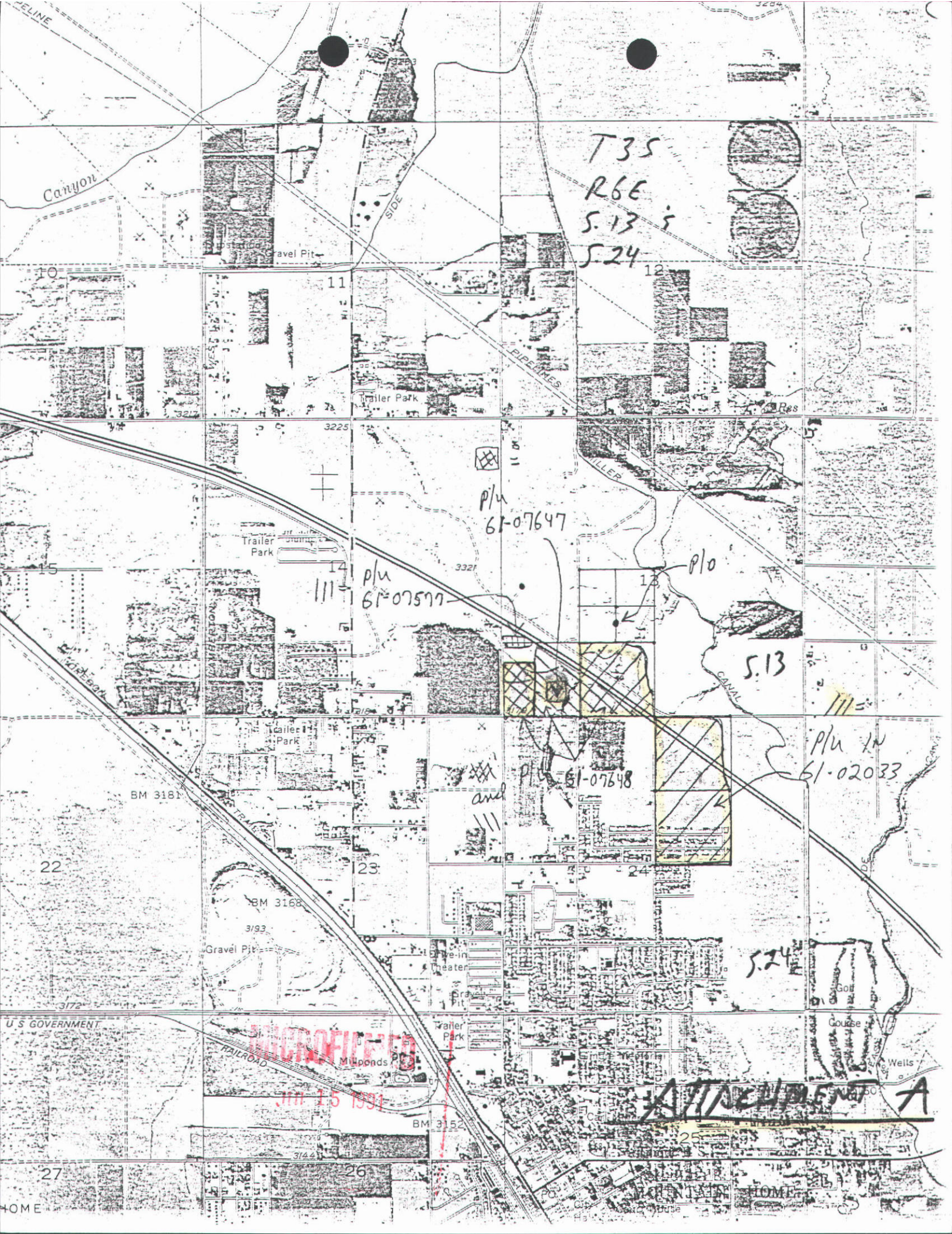
P/u
16.0 Ac.
irrigated
with this
permit
and
Mountain
Home I.D.
water.

Note 4"
mainline in
Right Corner.

View Looking
Southeast.

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APR 13 1999

61-07647



T35
R6E
S.13
S.24

p/u
61-07647

III
p/u
61-07577

p/u
61-07648

p/u
61-02033

S.13

S.24

and
III

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JUN 15 1991

ATTACHMENT A

inches equals 1 mile



Last Name Basque Ranches

Ident No. _____

Copies: White-State, Yellow-Claimant

State of Idaho
Department of Water Resources**Water Right License**

WATER RIGHT NO. 61-07647

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
4. Use of water under this right may be affected by an agreement between the protestant and the right holder.
5. The source is known locally as Frazier Tunnel Spring.
6. Recreation use is for a swimming pond.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 6th day of

APRIL, 1999.


Acting for KARL J. DREHER, Director

MICROFILMED
APR 13 1999

Form 217
RECEIVED
MAY 27 1993

RECEIVED
JUN 08 1993
Department of Water Resources

RECEIVED
JUN 02 1993
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$ 50.00
Date 5-27-93
Receipt No W016312
Receipt by [Signature]

Department of Water Resources
Western Regional Office

**STATE OF IDAHO
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 a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 21-07647 Telephone No. 587-4301
2. Name(s) of Permit Holder(s): J.C. Cantrell, Hilma Cantrell
3. Mailing Address: 2400 N 3rd East Mountain Home Ida 83447
4. Source of Water: Granger Tunnel Spring

If **GROUNDWATER**, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

Pump horsepower: 5 Pressure (psi): 70 Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit)

Domestic _____ (No. of households) Stockwater 20 head mixed (No. and type of stock)

Irrigation 3 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.09 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes _____ No Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes _____ No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

Name J.C. Cantrell Telephone No. 587-4301
Address 2400 N 3rd East Mountain Home Idaho

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

Date 6/7/93 Signature (and title, if on behalf of a company or organization) [Signature]

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-07647)
IN THE NAME OF J C AND THELMA CANTRELL) ORDER OF
REINSTATEMENT)

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 on or before June, 1 1993; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

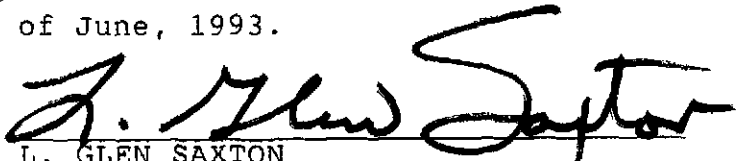
WHEREAS, on June 1, 1993, the permit lapsed for failure to submit the proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause 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 proof of beneficial use on June 8, 1993;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 61-07647 be REINSTATED with an advance in priority to July 9, 1990.

Dated this 9th day of June, 1993.


L. GLEN SAXTON
Chief, Water Allocation Bureau

JUN 20 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 61-07647

Proposed Priority: July 2, 1990 Maximum Diversion Rate: 0.09 CFS
This is to certify, that J. C. CANTRELL

THELMA CANTRELL

335 W. 15 S.

MOUNTAIN HOME, ID 83647

has applied for a permit to appropriate water from:

SPRING

tributary of SINKS

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>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.09 CFS	
IRRIGATION STORAGE	01/01 to 12/31		0.3 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		0.3 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	
STOCKWATER STORAGE	01/01 to 12/31		0.3 AF
RECREATION	01/01 to 12/31	0.09 CFS	
RECREATION STORAGE	01/01 to 12/31		0.3 AF
	Totals	0.09 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWNESW

Sec. 13, Township 03S, Range 06E

SENESEW

Sec. 13, Township 03S, Range 06E

ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	06E	13	SWSW	3		3

Total number of acres irrigated: 3

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION use

PLACE OF USE: STOCKWATER, same as IRRIGATION use

PLACE OF USE: RECREATION, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1993.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.

JUL 15 1991

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 61-07647

CONDITIONS/REMARKS:

4. Any license issued by IDWR pursuant to the permit 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. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
7. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
8. Use of water under this permit may be affected by an agreement between the protestant and the applicant.
9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
10. Single point of diversion is located on or near the line between SWNESW and SENESW, S13, T03S, R06E.
11. The source is known locally as Frazier Tunnel Spring.
12. Stockwater use is for 20 head of mixed stock.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

20th day of June, 1991

R. Keith Higginson
for R. Keith Higginson, Director

JUL 15 1991

Ident. No. 61-07647

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: J.C. CANTRELL 208-587-4301
Address: 335 W. 15 S.
MTN. HOME, ID 83647
AND/OR
Name: THELMA CANTRELL 208-587-4301
Address: 335 W. 15 S.
MTN. HOME, ID 83647

2. Source: SPRING Trib. to: SINKS

3. Location of Point of Diversion: SWNESW Sec. 13, Township 03S, Range 06E
SENESEW Sec. 13, Township 03S, Range 06E
ELMORE County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	03/15	11/15	0.090		
IRRIGATION STORAGE	01/01	12/31			0.30
IRRIGATION FROM STORAGE	03/15	11/15			0.30
STOCKWATER	01/01	12/31	0.020		
STOCKWATER STORAGE	01/01	12/31			0.30
RECREATION	01/01	12/31	0.090		
RECREATION STORAGE	01/01	12/31			0.30

5. Total quantity to be appropriated is:
0.090 CFS (and/or) 0.30 AF

6. Proposed diverting works:

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

SPRING TO DITCH, 75' X 40' X 5' POND, PUMP

b. Height of storage dam N/A feet; active reservoir capacity .3
acre-feet; total reservoir capacity .3 acre-feet; period of
year when water will be diverted to storage: 1/1 to 12/31 inclusive.

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

d. Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 3 years.

8. Description of proposed uses:

IRRIGATION, STOCKWATER, RECREATION POND

FILED
JUL 15 1991

Ident. No. 61-07647
Page 2

9. Place of Use: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
03S	06E	13	SWSW 3			3
Total number of acres irrigated:						3

OTHER USES SAME AS IRRIGATION - DID NOT PRINT IN OUTPUT DESPITE CORRECT
DATA ENTRY. R 7/2/90

10. Describe any other water rights used for the same purposes.

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

~~APPLICANT~~ SQUIRE RANCHES

b. Who owns the land to be irrigated or place of use?

APPLICANT

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

VERBAL AGREEMENT

12. Remarks:

SINGLE POINT OF DIVERSION IN S 1/2 NESW AND LOCALLY KNOWN AS
FRAZIER TUNNEL SPRING.
STOCKWATER IS FOR 20 HEAD OF MIXED STOCK AND RECREATION IS FOR
POND.

13. Map of proposed point of diversion and place of use attached? [X]

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

John C. Santrell
Applicant

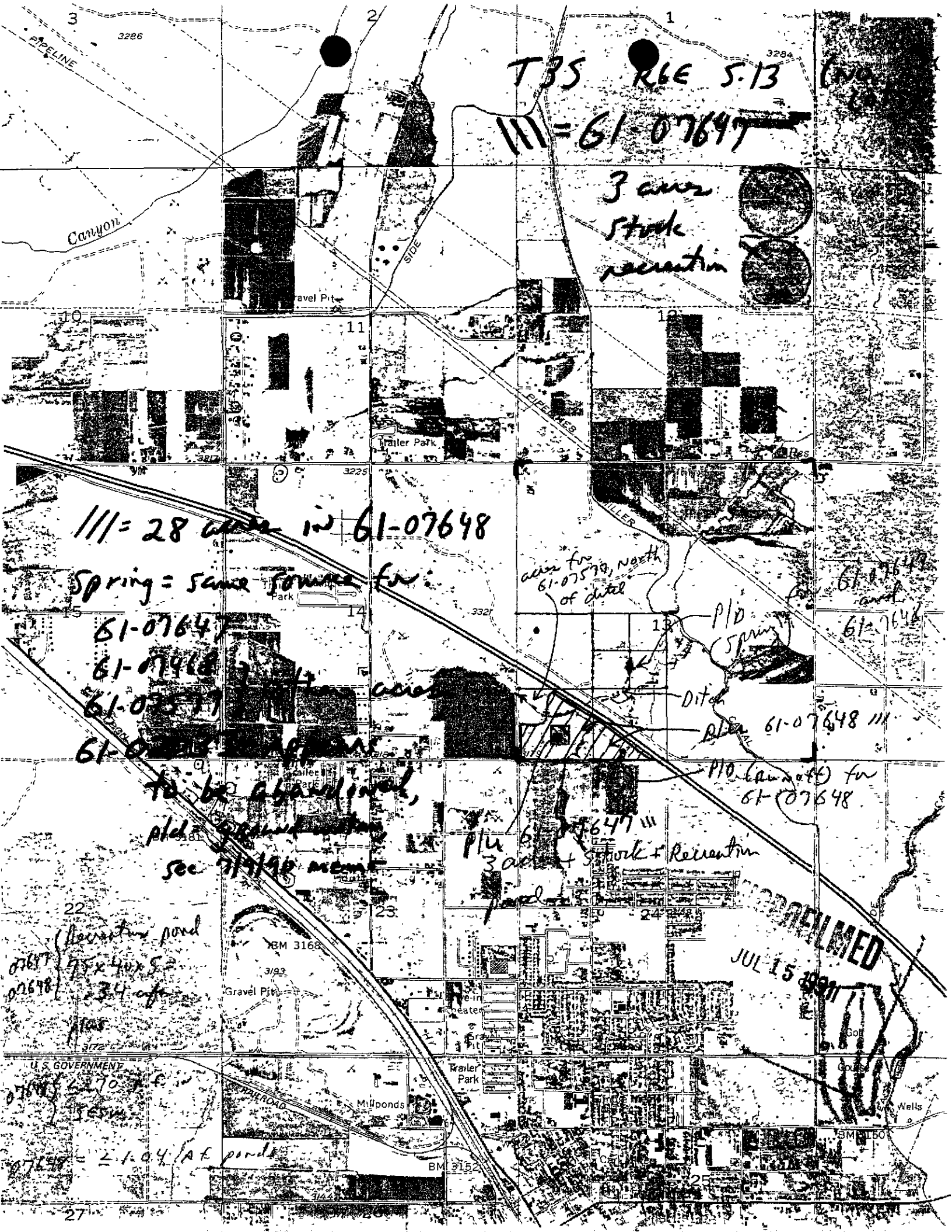
Received by RL Date 7/2/90 Time 4:00 Preliminary check by _____

Fee \$ 30.00 Receipted by RL # W012523 Date 7/2/90

Publication prepared by GG Date 7-11-90 Published in Mountain Home News

Publication approved st Date 7/18 & 7/25/90
8-6-90

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T35 R6E S13
III = 61-07647

3 acres
Stock
recreation

III = 28 acres in 61-07648

Spring = same source for:

- 61-07647
- 61-07468
- 61-07577
- 61-07648

To be abandoned,
plus 3 acres
See 7/9/98 memo

area for
61-07577, North
of ditch

P/O
Spring

Ditch

P/O 61-07648 III

P/O (annex) for
61-07648

P/O 61-07647 III
3 acres + Stock + Recreation

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JUL 15 1991

U.S. GOVERNMENT

07647 = 2.104 AF ponds

07648 = 2.104 AF ponds

NOTICE OF APPLICATIONS
FOR WATER RIGHTS

The Following applications have
been filed to appropriate the public wa-
ters of the State of Idaho:

61-07577

CANTRELL, ROBERTA N.

CANTRELL, IVAN E.

220 E. 10TH N.

MOUNTAIN HOME, IDAHO

836470000

Source: SPRING; Tributary: SINKS

Diversion Pt: SWNESW Sec. 13 T
03S R 06E; SENESW Sec 13 T 03S R
06E

Use: IRRIGATION (.090 CFS);
STOCKWATER (.020 CFS); RECREA-
TION (.090 CFS); Total Diversion:
(.090 CFS)

Date Filed: 6/12/1986

In: T03S R06E S13 NWSW SWSW

3.0 ACRES TOTAL

61-07647 ✓

CANTRELL, J.C.

CANTRELL, THELMA

335 W. 15 S.

MOUNTAIN HOME, IDAHO 83647

Source: SPRING; Tributary: SINKS

Diversion Pt: SWNESW Sec 13 T
03S R 06E; SENESW Sec 13 T 03S R
06E

Use: IRRIGATION (.090 CFS); IRRI-
GATION STORAGE (.30 AF); IRRIGA-
TION FROM STORAGE (.30 AF);
STOCKWATER (.020 CFS); STOCK-
WATER STORAGE (.30 AF); RECREA-
TION (.090 CFS); RECREATION
STORAGE (.30 AF); Total Diversion:
(.090 CFS), (.30 AF)

Date Filed: 7/2/1990

In: T03S R06E S13 SWSW

3.0 ACRES TOTAL

The permits will be subject to all
prior water rights. Protests must be
filed with the Director, Dept. of Water
Resources, Western Region, 2735 Air-
port Way, Boise, Idaho 83705 on or be-
fore AUGUST 6, 1990.

R. KEITH HIGGINSON, Direc-
tor

Published 7/18/1990 & 7/25/1990.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Mike Thornberry, do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

2 consecutive weeks, the first publica-
tion having been made on the 18th day
of July, 1990, and
the last publication having been made on the
25th day of July, 1990;
every Wednesday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

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

Mike Thornberry
Subscribed and sworn to me this 31st

day of July, 1990

Robert G. Swartz
Notary Public

RECEIVED

AUG 1 1990

Department of Water Resources
Western Regional Office

JUL 15 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

April 7, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

J C CANTRELL
THELMA CANTRELL
2400 N 3RD W
MOUNTAIN HOME ID 83647

RE: WATER RIGHT NO. 61-07647

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

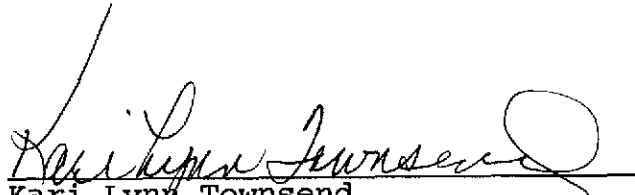
APR 13 1999

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of April, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 61-07647

J C CANTRELL
THELMA CANTRELL
2400 N 3RD W
MOUNTAIN HOME ID 83647


Kari Lynn Townsend
Secretary

MICROFILMED

APR 13 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

APR 13 1999

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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.

MICROFILMED

SEP 1 3 1999

B/U FIELD EXAM REVIEW

by Cindy Lou

Permit #: 61-7647 Name: Cantrill Date: 3/10/99 ✓ Lots ✓

NAME	Chng	Same	Or Address Change?
		✓	
SOURCE		✓	Clarify source _____ Prelim. Order to Void - Source change.
P/D		✓	Amendment Needed? Addn'l 1/4? <u>Legal del SWNBSW</u> P39 Same 1/4? <u>W32</u> P36 Overlap(s) <u>none applicable</u>
P/U		✓	Amendment Needed? _____ P41 Overlap(s) <u>uses but is not in Mtn Hm Lrv. Dist</u> (Gov't use special ¶s) _____ *P/D & P/U Amend? P37
RATE		✓	Permit/proof fee limits <u>0.09</u> / <u>0.09</u> Measured Quantity = <u>none</u> cfs Theoretical Quantity = <u>0.43</u> cfs <u>3.0 ac x 0.03 cfs/ac = 0.09 cfs (stock = 0.02 non additive)</u> (HP) $\frac{8.8 \times 0.70 \times 7.5}{3 + (2.31 \times 45)} = 0.43$ cfs Recommended capacity <u>0.43</u> cfs Recommended rate <u>0.09</u> cfs
VOLUME		✓	Other uses = <u>1/1 - 12/31 = 365 days</u> Season: <u>Apr: C/ 4.0</u> <u>4/1 - 10/31 = 214 days</u> Calculations: <u>Apr: 3.0 ac x 4.0 AF/ac = 12.0 AF + stock</u> <u>(per table) = 0.4 AF + rec = 0.09 cfs x 365 d/yr x 1.9835 = 65.2 AF</u> <u>+ storage = 0.3 AF = 77.8 AF</u> Flow limit: _____ cfs x _____ days/yr. x 1.9835 = _____ AF Recommended volume <u>12.0 + 0.4 + 65.2 = 77.9 AF</u>
USES		✓	Same Nature of Use? _____ P46 Amendment Needed? _____
REMARKS		✓	Multiple p/d's in same 1/4? Use W32 _____ <u>Source AKA</u>
CONDITIONS			Measuring Device (R43) or Lockable Controlling Works (R02) _____ Watermaster Control (R04) - WD # _____ <u>R68</u> Irrigation rate/annual volume overlap _____ GW irrigation replaces surface water (050) _____ GW irrigation supplements surface water (065) _____ Water Quality _____ <u>R55</u> Other <u>052, 020</u>
PRIORITY	App Rcd	<u>7/2/90</u>	Due <u>6/1/93</u> Rcd <u>4/8/93</u> Receipt# <u>W016312</u> Fee OK? <u>Yes</u> No Order to Reinstate Needed? <u>Yes</u> No Done? <u>6/9/93</u> Advanced to: <u>7/9/90</u> Priority <u>7/9/90</u> Examined <u>10/8/96</u>

COMMENTS:

USE	CFS	VOLUME
<u>Inn. / 3 ac</u>	<u>0.09</u>	<u>12.0</u>
<u>Stock / 20</u>	<u>0.02</u>	<u>0.4</u>
<u>Rec</u>	<u>0.09</u>	<u>65.2</u>
<u>Storage</u>	<u>—</u>	<u>0.3</u>
<u>TOTAL</u>	<u>0.09</u>	<u>77.9</u>

SRBA Overlap none
Adjustment Memo ✓
LICENSE
#1 AMEND: _____/P38
#2 AMEND: (R)P42/(C)P47

MEMORANDUM

DATE: March 15, 1999

TO: File No. 61-07647

FROM: Cindy Lou Zimmerman 

SUBJECT: Review of Beneficial Use Field Report

The Aquirre's of Basque Ranches protested Cantrell's application of this right. This right was permitted after an agreement between the Aquirre's of Basque Ranches and Cantrell's was reached. Per SRBA court reports, the protestant forfeited/abandoned their right, 61-02033, from this source which resulted in the SRBA decreeing the claim as disallowed. Therefore, Cantrell's have the only valid rights to this source, 61-07577 and 61-07647.

The examiner used the incorrect field headgate requirement to calculate the irrigation use annual volume requirement. In addition, the examiner incorrectly calculated annual volume on recreation use.

The following adjustments¹ were made on the field report to reflect department standards and licensing practices for uses developed under this permit:

G. Volume Calculations.

- a. Irrigation.
 $V_{IR} = \text{acres} \times \text{AF/acre} = 3.0 \times \underline{4.0} = \underline{12.0} \text{ AF.}$
 $V_{DR} = \text{rate} \times \text{days} \times 1.9835 = 0.09 \times 214 \times 1.9835 = 38.2 \text{ AF}$
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = \underline{12.0} \text{ AF.}$
- b. Stockwater, per table = 0.4 AF.
- c. Recreation.
 $V_{DR} = \text{rate} \times \text{days} \times 1.9835 = 0.09 \times 365 \times 1.9835 = \underline{65.2} \text{ AF.}$
- d. Storage (limited by permit)
 $V = [(\text{length} \times \text{width}) \div 43,560] \times \text{depth} = [(50 \times 120) \div 43,560] \times 4 = 0.6 \approx 0.3 \text{ AF}$
- e. Maximum Annual volume = a + b + c + d
 $= 12.0 + 0.4 + 65.2 + 0.3$
 $= 77.9 \text{ AF} \approx \underline{65.2} \text{ AF (limited by capacity)}$

H. Recommendations.

1. Recommended amounts:

Beneficial Use	Period of Use	Rate of diversion	Annual Volume
Irrigation	<u>4/1-10/31</u>	0.09 cfs	<u>12.0</u> AF
Irrigation Storage	1/1-12/31		0.3 AF
Irrigation from Storage	<u>4/1-10/31</u>		0.3 AF
Stockwater	1/1-12/31	0.02 cfs	0.4 AF
Stockwater Storage	1/1-12/31		0.3 AF
Recreation	1/1-12/31	0.09 cfs	<u>65.2</u> AF
Recreation Storage	1/1-12/31		0.3 AF
Totals:		0.09 cfs	<u>65.2</u> AF

Examiner Dan Tomich
 Examined: July 28, 1994

MICROFILMED

APR 13 1999

¹ Adjustments are **bolded and underlined**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

FEB 18 1997

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 61-07647

1. Owner: J.C. & Thelma Cantrell Phone No. (208) 587-4301

Current Address: 2400 N. 3rd St. East, Mountain Home, ID 83647

2. Accompanied by: J.C. Cantrell EXAM DATE: 10-8-96

Address: (Same) Phone No. (Same)

Relationship to Permit Holder: (Same)

3. Source: Spring tributary to Sink

B. OVERLAP REVIEW

1. Other water rights with the same place of use: (Mountain Home I.D.) 61-07648

2. Other water rights with the same point of diversion: 61-07648, 61-07577, 61-02033

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	SW	13	3S	6E	Elmore	Site Visit, Map

2. Place(s) of Use:

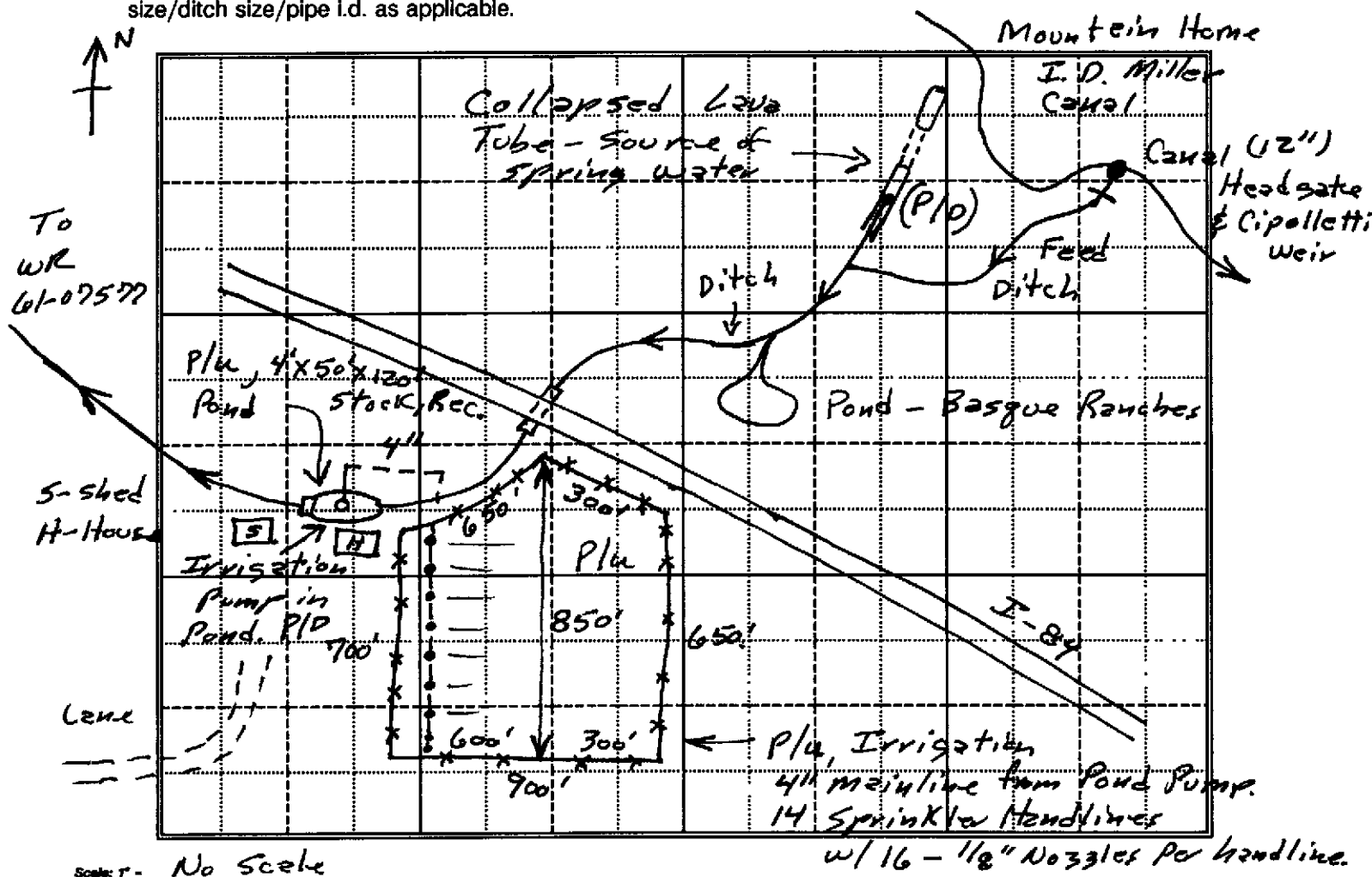
Indicate Method of Determination Site Visit, Map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3S	6E	13											3.0	5 Res					3.0

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FEB 13 1997

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = No Scale

✓ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required)

✓ Aerial Photo Attached (required for irrigation of 10+ acres)

✓ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Pond Pump (Irrigation)	Baldor	7½	JPL1509T (model)	Berkeley	Model B2-½ TPM 5¼" Impeller

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

The pump operates at 45 PSI.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
				MICROFILMED		
				APR 1 - 1981		

2. Measurements:

None - The Pond for this permit is located on the ditch which also supplies water to upstream and downstream rights. The ditch receives water from the Spring and from Mountain Home I.D.'s Miller Canal.

4. The ditch from the spring at the lava tube was also supplying water to the Basque Ranches Pond at the same time. Since there are more than one water right from this spring the diversion rate should be based on the pond pump unit.

E. NARRATIVE/REMARKS/COMMENTS

1. The source of water for this permit is a spring, which flows out of a collapsed lava tube. The lava tube was excavated and channeled into a ditch that conveys the water to a pond on the Basque Ranches north of I-84, to the pond for this permit and to another pond downstream for WR 61-07577. The Basque Ranches Water right for the same spring appears to be 61-02033.

In addition to the spring, the ditch receives water from Mountain Home Irrigation District's Canal; Miller Canal. A feed ditch with a 12" headgate and Cipolletti weir conveys canal water to the ditch for this permit. About 20-30 inches (0.60 cfs), of canal water is diverted into the ditch. Both spring water and canal water is used to irrigate the land under this permit.

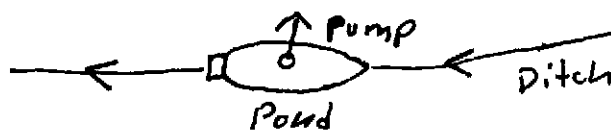
2. The 4' x 50' x 120' pond for this permit is used for stockwater, recreation, and irrigation storage. The irrigation pump in the pond is used to pump the storage water to the field. The pump supplies 14 handline sprinklers through a 4" mainline. The pump unit has a 3" intake pipe in the pond, a 2 1/2" manifold pipe with pressure gauge, primer valve, and a gate valve. The 2 1/2" manifold pipe discharges into the 4" mainline. MICROFILMED

Have conditions of permit approval been met? ☒ yes ☐ no

3. At the time of the exam, the canal was dry, and the only flow in the ditch for this permit was coming from the spring at the lava tube. The pond irrigation pump was off, the pond was full and there was outflow to the downstream water

20
Head
Stock

WR 61-07577



F. FLOW CALCULATIONS

Measured Method: None - Theoretical Cal.

Additional Computation Sheets Attached

Max. diversion from
the pond on the
ditch:

$$Q_{\text{Pond Pump}} = \frac{(8.8)(7\frac{1}{2} \text{ HP})(70\%)}{3' + (45 \text{ PSI}) \left(\frac{34'}{14.7 \text{ PSI}} \right)} = 2.43 \text{ cfs} > 0.09$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (16.0 \text{ AC}) \left(3.0 \frac{\text{AFA}}{\text{AC}} \right) = 9.0 \text{ AFA}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.09 / (214 / (1.9835)) = 38.2$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 9.0 \text{ AFA}$$

2. Volume Calculations for Other Uses:

Irrigated Acres =

$$\left[\left(\frac{1}{2} \right) (850' \times 650') (300') \right. \\ \left. + \left(\frac{1}{2} \right) (850' + 700') (600') \right]$$

$$/ (66 \times 66 \times 10) = 15.84 \text{ AC}$$

H. RECOMMENDATIONS

$$= 16.0 \text{ AC}$$

1. Recommended Amounts

Allow 3.0 AC.

$$\text{Pond Vol.} = (4' \times 50' \times 120') / (66 \times 66 \times 10) \\ = 0.55 = 0.6 \text{ AF, Allow } 0.3 \text{ AF}$$

Stockwater - 0.4 AFA

Beneficial Use

Period of Use

Rate of Diversion

Annual Volume

From

To

Q (cfs)

V (afa)

Irrigation

04/01

10/31

0.09

9.0 AFA

Irrigation Storage

01/01

12/31

0.3 AF

Irrigation from Storage

04/01

10/31

0.3 AF

Stockwater

01/01

12/31

0.02

0.4 AFA

Stockwater Storage

01/01

12/31

0.3 AF

Recreation

01/01

12/31

Totals:

0.09

9.4 AFA

Recreation Storage

01/01

12/31

0.09

0.3 AF

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

1) P/D - No SWNESW

☐ Change P.U. as reflected above

☐ Add P.U. as reflected above

☒ Other

2) Irrigation Season
should be "C",
Not "D".

I. AUTHENTICATION

Field Examiner's Name

Don Tombl

Date

2-13-98

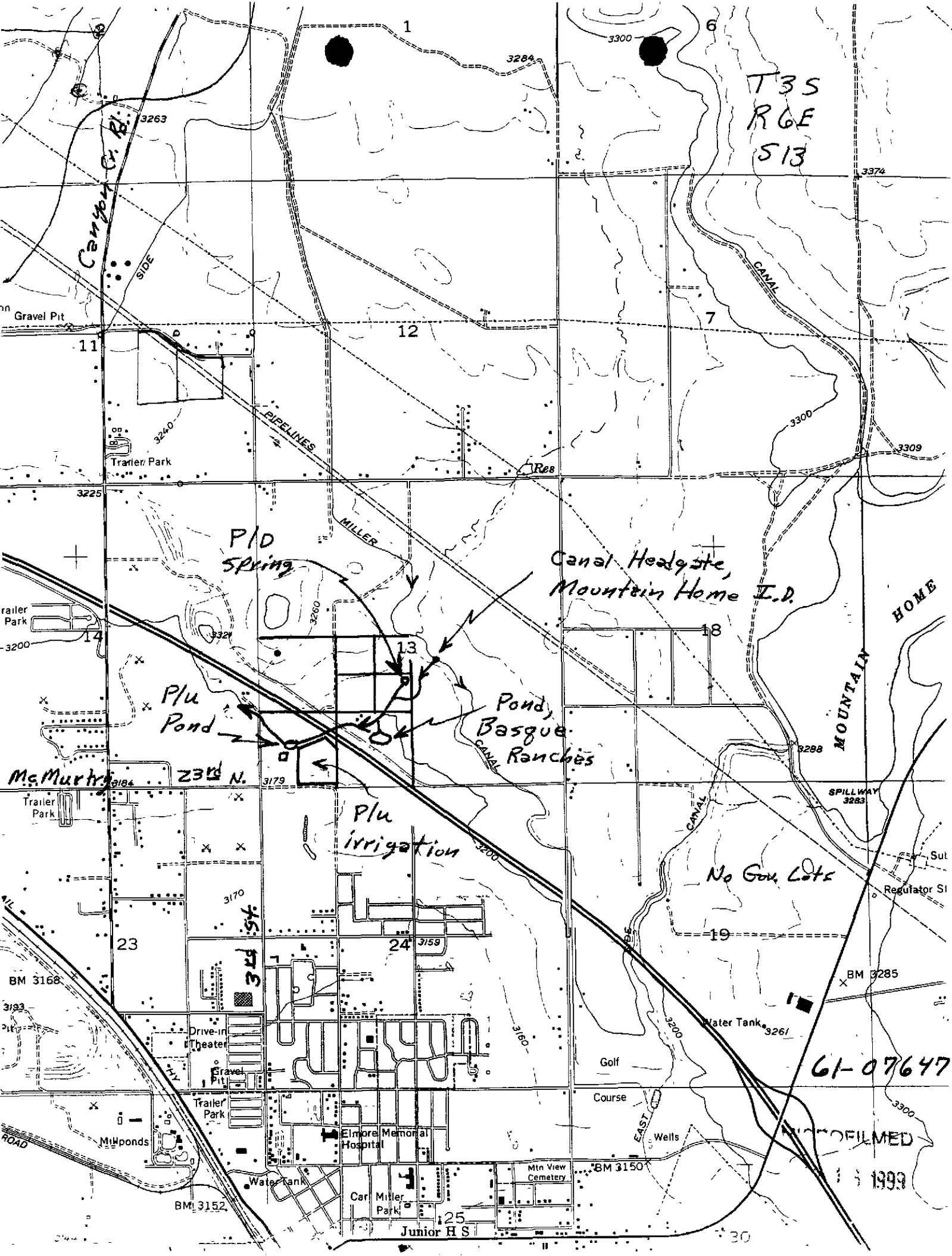
Reviewer

Date

SEAL

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APR 1 1998



T35
R6E
S13

Canal Headgate,
Mountain Home I.D.

P/O
Spring

P/u
Pond

Pond,
Basque
Ranches

P/u
irrigation

No Gov. Lots

McMurtry 23rd N.

3rd St.

61-07647

NOT FILMED

1993

T3S
R6E
Sec. 13

61-07647

T27E
195

Miller
Canal -
Mountain
Home
I.D.

P/D
Spring

Basque
Ranches

P/u
Pond & Field

T3S

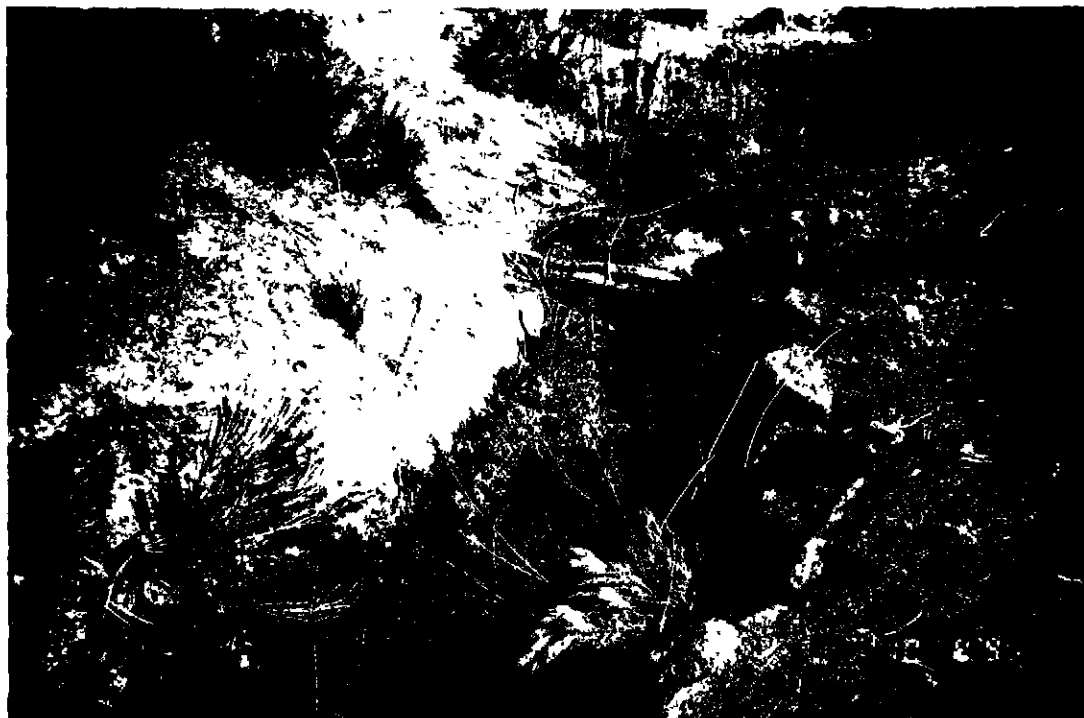
NOT FILMED

1 of 3

P/D

Spring at
end of
Lava Tube.

View
Looking
Northeast.



↗
Source of water
for this permit
and other Water Rights.



P/D

Spring at
outlet of
Lava Tube.

Note excavation
of Lava Tube,
and
construction
of ditch.

View Looking
Southwest.

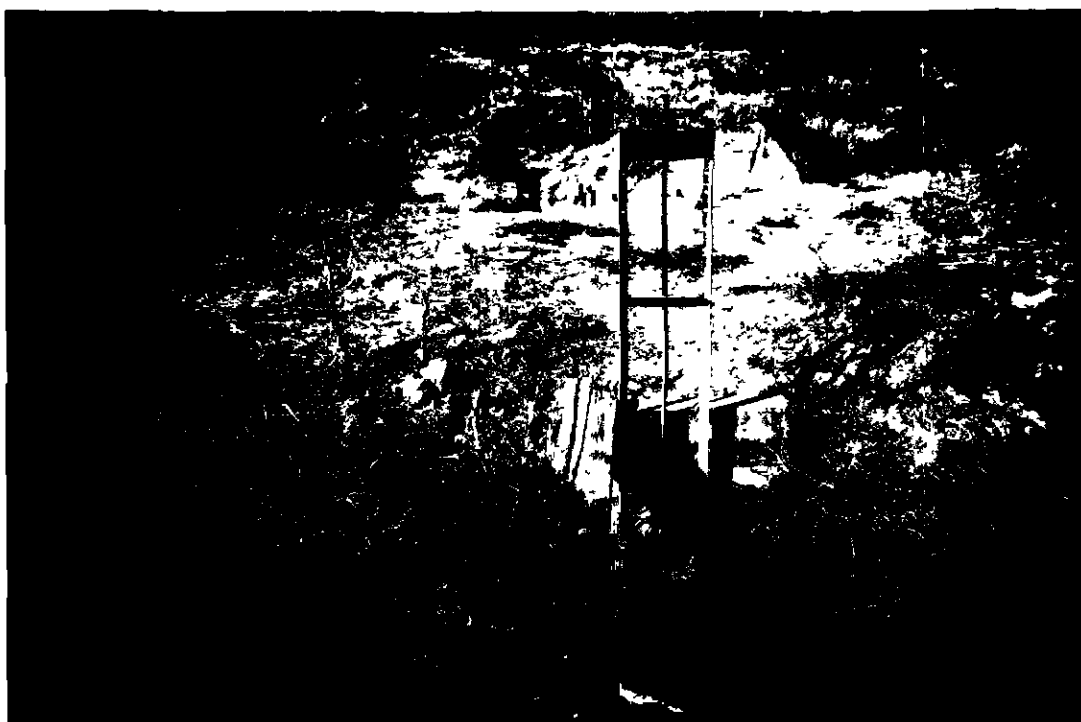


MICRO

36R

61-07647

2 of 3



View Looking Southwest

12" Headgate
on Miller
Canal for
diversion of
Mountain
Home I.D.
water to
Ditch.

Note Cipolletti
Weir at end
of pipe.

Excavated
Caul Tube
in back-
ground.



View Looking West

P/D

P/u

Pond on
ditch.

Note
irrigation
pump +
4" Alum.
Pipe on
Right bank.

61-07647

3 of 3

P/O

Irrigation
Pump
on North
Side of
Pond.



P/u

16.0 Ac.

irrigated
with this
permit
and

Mountain
Home I.D.
water.

Note 4"
mainline in
Right Corner.



View Looking
Southeast.

UNCLASSIFIED
APR 13 1994

61-07647

June 11, 1993

J. C. CANTRELL
THELMA CANTRELL
2400 N 3RD W
MOUNTAIN HOME ID 83647

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 61-07647

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received 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.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

Enclosure

JUN 20 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 1, 1993

J C and Thelma Cantrell
2400 N 3rd E
Mountain Home, ID 83647

Re: Permit No. 61-07647

Dear Permit Holder:

Returned is the proof of beneficial use you submitted to this office. Unfortunately, it is unacceptable as filed. In order for the Department to complete processing, further information is required. You failed to complete #6 (total rate and/or volume) properly. Since the Department cannot determine from this information exactly how much water you are diverting, we can only inform you of the amount appropriated on your permit. Your permit was issued for 0.09 cfs. I have enclosed a copy of your permit in case you have misplaced the original that was mailed to you on June 24, 1991. Please note that you have submitted the correct license examination fee.

You also failed to date and sign the proof of beneficial use form.

Since your permit lapsed on June 1, 1993, it will be necessary for you to return the properly completed form as soon as possible. In the mean time, you will receive a lapse notice from the Department for failing to submit an acceptable proof of beneficial use form.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

JUN 22 1993

March 31, 1993

J. C. CANTRELL
THELMA CANTRELL
335 W. 15 S.
MOUNTAIN HOME ID 83647

PROOF DUE NOTICE

RE: PERMIT NO. 61-07647

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 June 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete 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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL

NO. 140010



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 24, 1991

J. C. CANTRELL
THELMA CANTRELL
335 W. 15 S.
MOUNTAIN HOME, ID 83647

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 61-07647

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of

RECEIVED

JUL 15 1991

Idaho for the use and benefit of the people within the state.
Conditions pertaining to a term review, annual use fee and
jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

199M



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

May 17, 1991

Domingo Aguirre
315 E. 5th N.
Mountain Home, ID 83647

Re: Applications for Permit No. 61-7647 in the Name of J.C.
&/or Thelma Cantrell and No. 61-7577 in the Name of Ivan
E. &/or Roberta N. Cantrell

Dear Protestant:

This office acknowledges receipt of the withdrawal of protest
against the above-referenced applications.

The Department now will continue to process the applications.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

CC: J.C. &/or Thelma Cantrell
Ivan E. &/or Roberta N. Cantrell

RECEIVED
JUL 15 1991

RECEIVED
MAY 8 1991

HALL & FRIEDLY

ATTORNEYS AT LAW
340 EAST 2ND NORTH
MOUNTAIN HOME, IDAHO 83647

Department of Water Resources
Western Regional Office

PERCE HALL
JAY R. FRIEDLY

TELEPHONE
(208) 587-4412

May 7, 1991

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

Gentlemen:

Attention: David R. Tuthill, Jr. *DR*

I am enclosing for your records an executed copy of the Agreement between Aguirres and Cantrells, to settle their differences. This Agreement is executed as a follow up upon the hearing which you held at the Elmore County Court House on April 10, 1991.

Very truly yours,

Perce Hall
Perce Hall

PH:jd
Enclosure

JUN 15 1991

RECEIVED
MAY 8 1991

Department of Water Resources
Western Regional Office

AGREEMENT PERTAINING TO WATER RIGHTS

AGREEMENT made this 10th day of April, 1991, between AGUIRRE & SONS, a partnership doing business as Basque Ranches, of 315 East 5th North, Mountain Home, Idaho, herein designated as Aguirres, and IVAN E. CANTRELL and ROBERTA N. CANTRELL, husband and wife, of 220 East 10th North, Mountain Home, Idaho, and J. C. Cantrell and Thelma Cantrell, husband and wife, of 335 West 15th South, Mountain Home, Idaho, WITNESSETH:

RECITALS:

Aguirre & Sons is a partnership doing business under the assumed business name of Basque Ranches, and the partnership consists of Domingo M. Aguirre and Felipe Aguirre. Aguirres own Idaho Water License No. 8456, with a priority date of June 6, 1912, for the use of water from a horizontal well and tunnel, commonly known as the Frazier Tunnel, located in the Northeast Quarter of the Southwest Quarter of Section Thirteen, Township Three South, Range Six East, Boise Meridian.

Ivan E. Cantrell and wife have filed Application No. 61-07577 with the Idaho Department of Water Resources and J. C. Cantrell and Thelma Cantrell, husband and wife, have filed Application No. 61-07647 with the Idaho Department of Water Resources. Both Cantrell applications are for the use of excess water from the Frazier Tunnel, which is the same source of water claimed by Aguirres.

RECEIVED
JUL 15 1991

Aguirres have filed a protest to the two applications described above by Cantrells and the protests came on for hearing before a hearing officer of the Idaho Department of Water Resources on April 10, 1991, at the courthouse in Mountain Home, Elmore County, Idaho, at which hearing all parties were present. After discussion before the hearing officer, the parties hereto have agreed to resolve their differences upon the following terms and conditions:

AGREEMENT

1. All parties recognize and agree that Aguirres have a water license No. 8456 to use the water developed from or discharged from the said Frazier Tunnel for irrigation of that part of the land owned by Aguirres and located North of Interstate 80 and described as approximately 34 acres in the Southeast Quarter of the Southwest Quarter of Section Thirteen, Township Three South, Range Six East, Boise Meridian, and also the right to use said water for stock water and that Aguirres' rights under said license are senior to and prior to the rights of Cantrells under their applications described above.

2. Subject to Aguirres' prior right, Cantrells shall have the right to use the water claimed by them under their respective applications, the point of diversion of which shall be in the existing ditch which flows through or by each applicant's property and the water shall be diverted from the ditch by pumps to be placed in the ditch by each applicant.

APR 15 1991

3. This agreement does not give Cantrells an easement over Aguirres' property nor the right to enter upon Aguirres' property without Aguirres' permission.

4. It is recognized by the parties hereto that during some years Aguirres may not use the water produced from the Frazier Tunnel for irrigation purposes. If the water is used by Aguirres for irrigation purposes, there may be no water or insufficient water for Cantrells' irrigation of a crop upon their land. Therefore, so that the water will be put to beneficial use and not be wasted, Aguirres agree to notify Cantrells on or before March 15 of any year during which Aguirres do not intend to use said water for irrigation, so that Cantrells will be in a position to plant a crop or otherwise use said water during that year.

5. It is agreed that by allowing Cantrells to use said water during any year, Aguirres are not permanently waiving their first right to the use of said water except for the year during which they agree that they are not going to use the water for irrigation.

6. Based on this agreement, Aguirres hereby withdraw their protest to the applications filed by Cantrells and described above with the understanding that any permits issued thereunder will be subject to all prior water rights.

RECORDED
JUL 15 1991

IN WITNESS WHEREOF, said parties have hereunto set their hands the day and year in this agreement first above written.

AGUIRRE & SONS, a partnership
doing business as Basque Ranches

By

Domingo M. Aguirre
Domingo M. Aguirre

By

Felipe Aguirre
Felipe Aguirre

Ivan E. Cantrell
Ivan E. Cantrell

Robert N. Cantrell
Robert N. Cantrell

G. C. Cantrell
G. C. Cantrell

Thelma Cantrell
Thelma Cantrell

STATE OF IDAHO,)
COUNTY OF ELMORE,) ss.

On this 30th day of April, in the year 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared DOMINGO M. AGUIRRE and FELIPE AGUIRRE, known to me to be the partners of the partnership known as Basque Ranches, and the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that they executed the same in said partnership name.

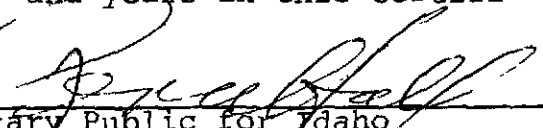
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

[Signature]
Notary Public for Idaho
Residing at Mountain Home, Idaho

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE,)

On this 7th day of May, in the year 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared IVAN E. CANTRELL and ROBERTA N. CANTRELL, husband and wife, and J. C. CANTRELL and THELMA CANTRELL, husband and wife, known to me to be the persons whose names are subscribed to the foregoing 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 years in this certificate first above written.



Notary Public for Idaho
Residing at Mountain Home, Idaho

RECORDED

JUL 15 1991

RECEIVED
JUL 15 1991

P E R M I T

PERMIT, made this 30th day of November, 1990, between AGUIRRE & SONS, A Partnership, hereinafter designated as the First Party, and J. C. CANTRELL and IVAN CANTRELL, hereinafter designated as the Second Parties, WITNESSETH:

WHEREAS, the First Party owns a water right developed in part from water derived from the Frazier Tunnel in Elmore County, Idaho, and also developed in part from other sources, and from time to time waste water flows from the real property of the First Party, and,

WHEREAS, the Second Parties have been using said waste water for stock watering purposes and also for irrigation of the following described real property, located in the County of Elmore, State of Idaho, and particularly described as follows:

A tract of land located in the Southwest Quarter of the Southwest Quarter of Section Thirteen, Township Three South, Range Six East, Boise Meridian, bounded and described as follows:

Commencing at the section corner common to Sections Thirteen, Fourteen, Twenty-three and Twenty-four, Township Three South, Range Six East, Boise Meridian, and running thence South 89°56'48" East a distance of 35 feet to a point, which point is the real point of beginning;

Thence continuing from the real point of beginning North 0°03'38" West a distance of 459.86 feet; thence South 89°56'48" East a distance of 365 feet; thence North 0°03'38" West a distance of 600 feet; thence South 89°56'48" East a distance of 354.88 feet to a point on the Southerly boundary line of Interstate Highway I-80N; thence Easterly along said Southerly boundary line of Interstate Highway I-80N to the South boundary line of Section Thirteen; thence North 89°56'48" West a distance of 2,253.63 feet to the real point of beginning, containing 31.84 acres, more or less.

AND, WHEREAS, it is understood between the parties hereto that by using said waste water the Second Parties shall

RECORDED

JUL 15 1991

not acquire a right to continue to use the same if the First Parties should hereafter put said waste water to beneficial use, NOW, THEREFORE;

IT IS HEREBY AGREED as follows:

1. The First Party hereby gives and grants to the Second Parties the permission to continue to use said waste water as the same become available for their use, for the purposes mentioned above, it being understood, however, that the Second Parties' right to use said waste water is subject to the First Parties' right in the future to cease wasting the same by putting said water to beneficial use, in which case the Second Parties' rights under this permit shall cease and terminate.

IN WITNESS WHEREOF, said parties have hereunto set their hands as of the day and year herein first above written.

AGUIRRE & SONS,
A Partnership,

By _____
Domingo M. Aguirre, Partner

J. C. Cantrell

Ivan Cantrell

15 1931

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE,)

On this _____ day of December, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared DOMINGO M. AGUIRRE, known to me to be one of the partners of the partnership known as DOMINGO & SONS, and the partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

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

Notary Public for Idaho
Residing at Mountain Home, Idaho

STATE OF IDAHO,)
) ss.
COUNTY OF ELMORE,)

On this _____ day of December, 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared J. C. CANTRELL and IVAN CANTRELL, known to me to be the persons whose names are subscribed to the foregoing 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 in this certificate first above written.

Notary Public for Idaho
Residing at Mountain Home, Idaho

JUL 15 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS	)	
	)	NOTICE OF CONFERENCE
FOR PERMIT NOS. 61-7577 AND	)	
	)	
61-7647 IN THE NAME OF IVAN E.	)	
	)	
&/OR ROBERTA N. CANTRELL AND J. C.)	)	
	)	
<u>&/OR THELMA CANTRELL</u>	)	

On June 12, 1986 and July 2, 1990, Ivan &/or Roberta N. Cantrell and J.C. &/or Thelma Cantrell filed with the Department of Water Resources two applications for permit to appropriate the public waters of the State of Idaho. The applications were protested by Domingo Aguirre.

The Department has set the matters of protest for a conference on Wednesday, April 10, 1991, at 10:00 a.m., in the Elmore County Courthouse, 150 S. 4th St. E., Mountain Home, ID 83647. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be

MICROFILMED

JUL 15 1991

afforded all parties to respond and present information and argument on all issues involved.

Dated this 25th day of March, 1991.

Steve Laster for
DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

I hereby certify that on the 25th day of March, 1991, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:

Sue Taylor
Sue Taylor, Secretary

Certified Mail

Ivan &/or Roberta Cantrell
220 E. 10th N.
Mountain Home, ID 83647

J.C. &/or Thelma Cantrell
335 W. 15 S.
Mountain Home, ID 83647

Domingo Aguirre
315 E. 5th N.
Mountain Home, ID 83647

RECEIVED

JUL 15 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 30, 1990

J.C. &/or Thelma Cantrell
335 W. 15 S.
Mountain Home, ID 83647

Re: Application to Appropriate Water No. 61-7647

Dear Mr. & Mrs. Cantrell:

NOTICE OF PENDING ORDER REJECTING APPLICATION

On July 2, 1990, you filed with the Department of Water Resources an application to appropriate water, no. 61-7647 to provide water for irrigation located within Sec. 13, T3S, R6E, B.M.

The application was protested by Domingo Aguirre and scheduled for a conference on September 28, 1990.

On September 27, 1990, the department spoke with you telephonically and a Withdrawal of Permit form was sent to you. Since that time we have had no further communication from you.

The purpose of this letter is to request that you withdraw your application or explain why the Department should not reject your application. Enclosed is a withdrawal form that should be signed and returned to me, unless you have an explanation that would prevent the Department from rejecting your application.

If you fail to respond to this inquiry within thirty (30) days from the date of this letter, the Department will act to reject your application. The application will be rejected on the grounds that it is speculative in that you are not prepared to conduct a conference and/or hearing to resolve the protest on the application.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

DRT:st

Enclosure

I hereby certify that on this 1st day of November, 1990, I sent the original copy of this letter, postage prepaid, to the person and address listed above.

Sincerely,

Sue Taylor
Secretary

RECEIVED
FILMED

JUL 15 1991

P-581 149 894

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 153-506

PS Form 3800, June 1985

Sent to: Domingo Aguirre	
Street and No	
P O State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom Date and Address of Delivery	
TOTAL Postage and Fees	\$ 2.
Postmark or Date	

RECEIVED
JUL 5 1985
MAIL ROOM

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES.** (ent)

- 1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)
- 2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
- 3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article **RETURN RECEIPT REQUESTED** adjacent to the number.
- 4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article
- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811
- 6 Save this receipt and present it if you make inquiry

P-581 149 895

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See reverse)

US GPO 153-506

PS Form 3800, June 1985

Sent to
Ivan Cantrell

Street and No

P O , State and ZIP Code

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date Delivered

Return Receipt showing to whom
Date and Address of Delivery

TOTAL Postage and Fees

\$ 2.

Postmark or Date

MICROFILMED
 JUL 15 1991

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

- 1 If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)
- 2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article
- 3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number
- 4 If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811
- 6 Save this receipt and present it if you make inquiry

P-581 149 968

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 153-506

Form 3800, June 1985

Sent to
J.C. & Thelma Cantrell

Street and No

P O State and ZIP Code

Postage

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date Delivered

Return Receipt showing to whom
Date and Address of Delivery

TOTAL Postage and Fees

2.00

Postmark or Date

RECEIVED
 JUL 15 1991
 11661 5171

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)**

- 1 If you want a receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)
- 2 If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article
- 3 If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends of space permits. Otherwise, affix to back of article **RETURN RECEIPT REQUESTED** adjacent to the number
- 4 If you want delivery restricted to the addressee or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article
- 5 Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811
- 6 Save this receipt and present it if you make inquiry

● **SENDER** - Complete items 1 and 2 when additional services are desired, and complete items 3 and 4

Put your address in "RETURN TO" Space on the reverse side. Failure to do so will prevent this card from being returned to you. The return receipt fee will provide you the name of person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1 ☐ Show to whom delivered, date, and addressee's address
(Extra charge)

2 ☐ Restricted Delivery
(Extra charge)

3. Article Addressed to

J.C. &/or Thelma Cantrell
334 W. 15th St.
Mountain Home, ID 83647

4 Article Number

P-581 149 968

Type of Service 61-7647

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Registered Mail

☐ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED

5. Signature - Addressee

X

JUL 15 1994

Addressee's Address (ONLY if
requested and fee paid)

6 Signature - Agent

X

7 Date of Delivery

9-12-90

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number 3.

RETURN
TO



Print Sender's name, address, and ZIP Code in the space below

JUL 15 1991

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE, IDAHO 83705

SEP 13 1991

Department of Water Resources
Boise, Idaho 83705



PENALTY FOR PRIVATE
USE, \$300

SENDER Complete items 1 and 2 when additional services are desired, and complete items 3 and 4

Put your address in the "RETURN TO" Space on the reverse side. Failure to do so will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested

- 1 ☐ Show to whom delivered, date, and addressee's address (Extra charge) 2 ☐ Restricted Delivery (Extra charge)

3 Article Addressed to:

Domingo Aguirre
315 E. 5th N.
Mountain Home, ID 83647

4. Article Number

P-581-149 894

Type of Service

61-7647

- ☐ Registered ☐ Insured
☒ Certified ☐ CDO
☐ Express Mail ☐ Return Receipt for Merchandise

Addresss obtain signature of addressee or agent and DATE DELIVERED

5 Signature — Addressee

(X) JUL 15 1991

6 Signature — Agent

X

7 Date of Delivery

9/12/90

8 Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse
- Attach to front of article if space permits, otherwise affix to back of article
- Endorse article "Return Receipt Requested" adjacent to number

SEP 13 1991



RETURN
TO



FILED
JUL 15 1991
Print Sender's name, address, and ZIP Code in the space below

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

PENALTY FOR PRIVATE
USE, \$300

● **SENDER** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4

Put your address in 'RETURN TO' Space on the reverse side Failure to do so will prevent this card from being returned to you The return receipt fee will provide you the name of the person delivered to and the date of delivery For additional fees the following services are available Consult postmaster for fees and check box(es) for additional service(s) requested

1 ☐ Show to whom delivered, date, and addressee's address 2 ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to

Ivan E. &/or Roberta N. Cantrell
2650 N. 3rd E.
Mountain Home, ID 83647

4. Article Number

P-581 149 895

Type of Service 61-7647

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED

5. Signature — Addressee

X

6. Signature — Agent

X

Roberta N. Cantrell

7. Date of Delivery

9-12-90

8. Addressee's Address (ONLY if
requested and fee paid)

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below

- Complete items 1, 2, 3, and 4 on the reverse
- Attach to front of article if space permits, otherwise attach to back of article.
- Endorse article "Return Receipt Requested" adjacent to number



SEP 13 1990



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO



JUL 15 1991

Print Sender's name, address, and ZIP Code in the space below

DEPARTMENT OF WATER RESOURCES

2735 AIRPORT WAY

BOISE IDAHO 83725



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 27, 1990

J.C. Cantrell
335 W. 15 S.
Mountain Home, ID 83647

Re: Applications for Permit of Water Right Nos. 61-7647 in the Name of J.C. Cantrell and 61-7577 in the name of Ivan E. &/or Roberta N. Cantrell

Dear Mr. Cantrell:

Per our phone conversation this morning, I am sending you a withdrawal form for above-referenced application no. 61-7647. Please sign the form and return it to this office. Also, by copy of this letter I am sending a withdrawal form to Ivan & Roberta Cantrell for application no. 61-7577. When these forms are returned to this office we will remove the applications from our records.

If you have any questions concerning this matter, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT:st

CC: Ivan &/or Roberta Cantrell
Domingo Aguirre

MAILED

JUL 15 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 61-07647 IN THE)
NAME OF J.C. &/OR THELMA CANTRELL)
AND 61-07577 IN THE NAME OF)
IVAN E. &/OR ROBERTA N. CANTRELL)

NOTICE OF CONFERENCE

Delayed

On June 6, 1986, Ivan E. &/or Roberta N. Cantrell filed with the Department of Water Resources, and on July 2, 1990, J. C. &/or Thelma Cantrell filed with the Department, applications for permit to appropriate the public waters of the State of Idaho. The applications were protested by Domingo Aguirre.

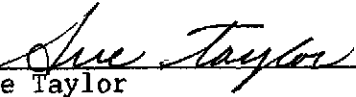
The Department has set the matters of protest for a conference on Friday, September 28, 1990, at 10:00 a.m., in the Elmore County Courthouse, 150 South 4th St. E., Mountain Home, Idaho. The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Practice and Procedure of the Department of Water Resources, and Rules 4 and 5 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present information and argument on all issues involved.

Dated this 10th day of September, 1990.

JUL 15 1991

David R. Tuthill
DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office.

I hereby certify that on the 11th day of September, 1990, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed:


Sue Taylor
Secretary

Certified Mail

Ivan E. &/or Roberta N. Cantrell
2650 N. 3rd E.
Mountain Home, ID 83647

J. C. &/or Thelma Cantrell
334 W. 15 St.
Mountain Home, ID 83647

Domingo Aguirre
315 E. 5th N.
Mountain Home, ID 83647

15 1991

CONFERENCE INFORMATION

IN THE MATTER OF APPROVAL OF AN APPLICATION FOR PERMIT

In accordance with Idaho Code, Section 42-203(A), the following issues are involved in the consideration of the application and protest(s):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the State of Idaho?

The intent of the conference is to resolve any conflicts regarding the proposed water appropriation in light of these five factors. The conference will not be recorded in an effort to promote full discussion of the issues. Possible resolutions are: (1) clarification of the issues resulting in a determination by all parties that the application is acceptable, (2) modification of the application to make it acceptable to the protestant(s), or (3) addition of acceptable restrictions or conditions of approval. If a resolution is not attainable, then a hearing will be set by the Department.

RECORDED

JUL 15 1991

SPECIAL NOTE: _____

PROTEST INFORMATION SHEET

Protestant - Name(s)

Domingo Aguirre

Address 315 E. 5th N., Mountain Home, ID

Attorney - Name & Address _____

Date Filed August 3, 1990 Protest Date August 6, 1990

Issues _____

Applicant - Attorney - Name & Address _____

Dates: _____

Acknowledgement letters: _____

Hearing Notice: _____

Hearing Date: _____

Other: _____

RECEIVED
AUG 07 1990

Department of Water Resources
Western Regional Office

RECEIVED
AUG 3 1990

Department of Water Resources

315 E. 5th N.
Mountain Home, Idaho 83647
August 3, 1990

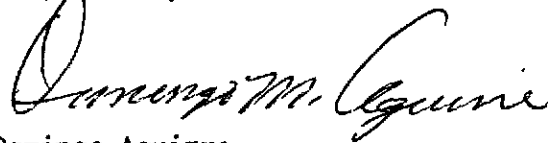
Mr. R. Keith Higginson, Director
Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

Dear Mr. Higginson:

Please consider this letter as a formal protest against the approval of applications for water rights 61-07577 and 61-07647. Development of these permits is protested for the following reasons:

1. Development may interfere with existing water rights held by myself.
2. The water supply is insufficient for the purposes described.
3. The point of diversion as described in the public notice is not owned by the applicant but by myself.

Respectfully submitted,



Domingo Aguirre

DA:kje

RECEIVED

JUL 15 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 10, 1990

J.C. &/or Thelma Cantrell
335 W. 15 S.
Mountain Home, ID 83647

Re: Application for Permit No. 61-07647

Dear Applicant:

Enclosed is a copy of a protest(s) filed against the issuance of a permit pursuant to the above-referenced application. The Department suggests that you contact the protestant(s) and attempt to resolve the protest(s).

If this office has not been advised within twenty (20) days that the protest(s) has been resolved, the matter will be scheduled for a conference. At such a conference, the following are the principle items the Department will review (per Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Please contact this office if you have questions regarding this procedure.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

DAVID R. TUTHILL, JR., P.E.
Manager, Western Regional Office

Enclosure: Copy of protest(s)

JUL 15 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 10, 1990

Domingo Aguirre
315 E. 5th N.
Mountain Home, ID 83647

Re: Application for Permit No. 61-7577 in the Name of Ivan E. &/or Roberta N. Cantrell and No. 61-07647 in the Name of J.C. &/or Thelma Cantrell

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced application. The Department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If this office has not been advised within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference. At such a conference, the following are the principle items the Department can consider in either approving or denying an application or permit (Section 42-1203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

If this office can be of further assistance, please contact us.

Sincerely,

DAVID R. TUTHILL, JR., P. E.
Manager, Western Regional Office

DRT/st

15 1991

MEMORANDUM

TO: APPLICATIONS 61-07577, 61-07647, 61-07648, AND LICENSE 61-02033
FROM: STEVE LESTER
DATE: JULY 9, 1990
RE: SOURCE AND ACRES

On 7/2/90, Ivan and J.C. and Thelma Cantrell of Mtn. Home visited the office to discuss water rights in the Mtn. Home area. I learned that the diversion proposed in the above applications is the same one found in license 61-02033. The point of diversion is located in the S 1/2 of NESW S. 13. The water runs from a tunnel system into a ditch that flows SW and then W through the S 1/2 of SW 1/4, S. 13.

61-02033 may be an abandoned right. The Cantrells stated that at least five consecutive years of nonuse occurred. The diversion is located on land owned by the Aguirre's of Basque Ranches. The Cantrells told me that the Aguirres urged them to file on the source since it is not used. However, an adjudication claim was filed on 61-02033 (copy attached). The validity of the right will be determined in the SRBA. From the orthophotoquad, the P/U in 61-02033 does not appear irrigated (August, 1974 photo).

See Attachment A for an outline of acres covered by the various rights. 61-07647 relates to three acres in the SWSW also described in the license. 61-07648 includes nine acres in the SESW and about 10 to 15 acres in the SWSW also found in the license. The Cantrells did not want to pursue the license and are convinced that 61-02033 is no longer valid. The validity of 61-02033 concerns applications 61-07647 and 61-07648 because common acres between the license and applications are involved. The Department could decide not to approve additional water in excess of 0.02 cfs/acre from the same diversion for common acres. On the other hand, if the validity of the license is questionable, any approved application for common acres from the same diversion could be conditioned to total no more than 0.02 cfs/acre when combined.

The source of water is somewhat vague and may involve GWMA issues. The license was issued for ground water that was shown as a subterranean stream on the license. The proof of b.u. and the field exam describe a tunnel development to supply water to conduits. It could be argued that the source is either ground water (but not a well) or a spring conveying water through the tunnel(s). The Department has recognized springs associated with mining tunnels in similar situations. The Cantrells described the water as spring water as opposed to an unnamed stream shown on application 61-07577. Their description was provided prior to any discussion of GWMA concerns. Based on a discussion with Dave Tuthill, it appears that the original appropriation involved ground water, but the proposed appropriations suggest surface water (spring currently flowing at the land surface). Due to the earlier development, ground water provided surface water. Based on the above, I think that the source can properly be described as a spring. The diversion consists of spring water delivered to a constructed ditch via the tunnel development. Pumps will be used along the ditch in the SWSW for the uses in the three applications.

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Therefore: License 61-02033 is a ground water appropriation that may be partially or completely abandoned. The three applications involve surface water that exists due to the development in 61-02033. The applications involve the same diversion but for different acres in each application.

1) 61-07577 was revised as shown. The proposal includes a pond 40'x25'x5' = 0.1 a.f.; 0.09 cfs yields 0.2 a.f. in 24 hrs., storage not needed on application. The application can be processed out of sequence @ trust water since the uses fall within DCMI including $\leq$ 3 acres @ a home. The P/U is unrelated to 61-02033.

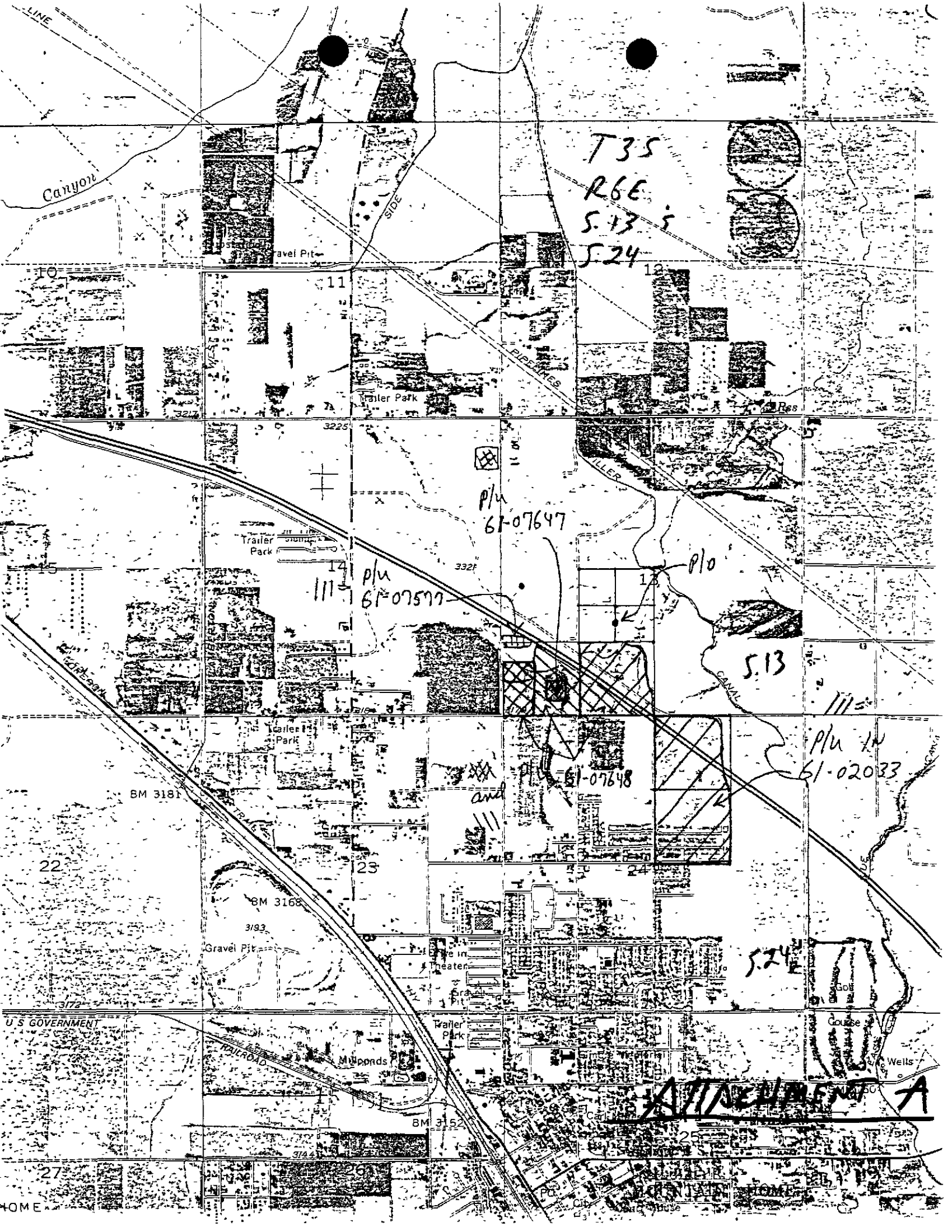
2) 61-07647 includes 3 acres in the SWSW situated SE of 61-07577 P/U. A pond 75'x40'x5' = 0.3 a.f. is involved in the SWSW; 0.09 cfs yields 0.2 a.f. in 24 hrs., storage is required on application. The application can be processed out of sequence @ trust water since the uses fall within DCMI including $\leq$ 3 acres @ a home. The P/U overlaps with 61-02033.

3) 61-07648 proposes the spring and runoff (runoff to be collected in the SESW in a pond < 0.7 a.f.); a pond volume of 0.3 a.f. in SWSW and 0.7 a.f. in SESW will provide ≤ 1.0 a.f.; storage is not required since 0.56 cfs yields 1.1 a.f. in 24 hours. 19 acres in the SWSW will surround the 3 acres of 61-07647 and will be S and SE of the 3 acres in 61-07577. 9 acres south of I-84 in the SESW will be irrigated. The application is subject to trust water delays and requires a trust water letter to be sent to the applicants. All of the acres in SESW and most of the acres in SWSW are also described in 61-02033.

CC: State Office File 61-02033

Western Adjudication File for 61-02033 (no data entry yet)

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T35
R6E
S.13
S.24

P/u
61-07647

P/u
61-07577

P/u
61-07648

P/u
61-02033

S.13

S.24

ATTACHMENT A

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

1-8-90

W007430

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

JAN 08 1990

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Basque Ranches Phone (208) 587 3604

Mailing Address 315 E 5^N Mtn Home Rd Zip 83647

2. Date of Priority (Only one (1) per claim) 6-6-12

3. Source of water supply (a) Ground water
which is tributary to (b) N/A

4. a. Location of existing point of diversion is: Township 35 Range 6E Section 13,
1/4 of NE 1/4 of SW 1/4, Govt. Lot, B.M., County of Elmore

Additional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is: N/A

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Horizontal well into water
table - Tunneling techniques used - open ditches to
irrigated fields

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for the following purpose:

(both dates are inclusive)

(s)

(acre feet)

Irrigation purposes from 3-15 to 11-15 amount 2.56 or 512
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.56 (cfs) and/or (b) 512 (acre feet)

8. Total consumptive use claimed is 384 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>3S</u>	<u>6E</u>	<u>13</u>											<u>22</u>	<u>34</u>					<u>56</u>
		<u>24</u>		<u>32</u>	<u>40</u>														<u>72</u>

Total number of acres irrigated 128

11. In which county (ies) are lands listed above as place of use located? Elmore

12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
 _____ or None (X)

14. Remarks:

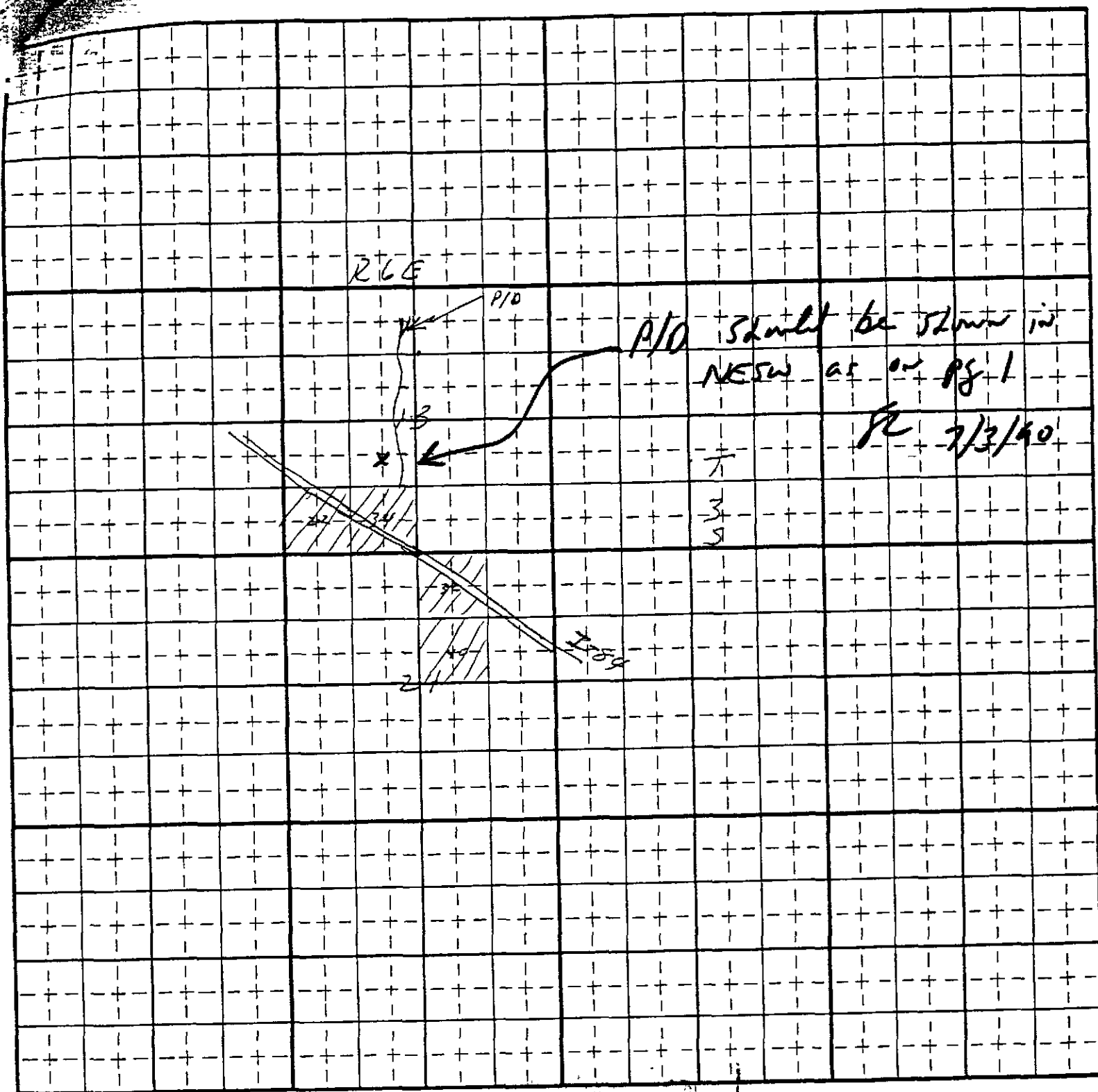
Last Name Basque Ranches Ident No. _____

Copy: White -State, Yellow-Claimant

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Now clearly the point of version, place of use, section number, township, and range number.

1 inch equals 1 mile



JUL 15 1941

Last Name Basque Ranches

Ident No. _____

Copies: White-State, Yellow-Claimant

(check one) Beneficial Use ☒ Posted Notice ☐ License ☒ Permit ☐
Decree ☐

Applicable provide IDWR Water Right Number 68-2033

Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Manager Title _____

of Basque Ranches Organization _____, that I have signed the foregoing

document in the space below as Manager Title _____ of Basque Ranches Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Manager - Basque Ranches Date 1/2/90

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 2 day of January 19 90

Notary Public Sherl Chapman

Residing at 2889 Cobble Way Marsden Id

My Commission Expires 6/14/94

Please Print Name Sherl Chapman

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

15-1391

Last Name Basque Ranches Ident. Number _____

Copies White-State, Yellow-Claimant

61-07647

CANTRELL, J. C.
CANTRELL, THELMA
335 W. 15 S.
MOUNTAIN HOME, ID 83647

Source: SPRING

Tributary: SINKS

Diversion Pt: SWNESW Sec 13 T 03S R 06E
 SENESW Sec 13 T 03S R 06E

Use: IRRIGATION	(.090 CFS)	
IRRIGATION STORAGE		(.30 AF)
IRRIGATION FROM STORAGE		(.30 AF)
STOCKWATER	(.020 CFS)	
STOCKWATER STORAGE		(.30 AF)
RECREATION	(.090 CFS)	
RECREATION STORAGE		(.30 AF)
Total Diversion:	(.090 CFS)	(.30 AF)

Date Filed: 7/ 2/ 1990

In: T03S R06E S13 SWSW

3.0 ACRES TOTAL

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