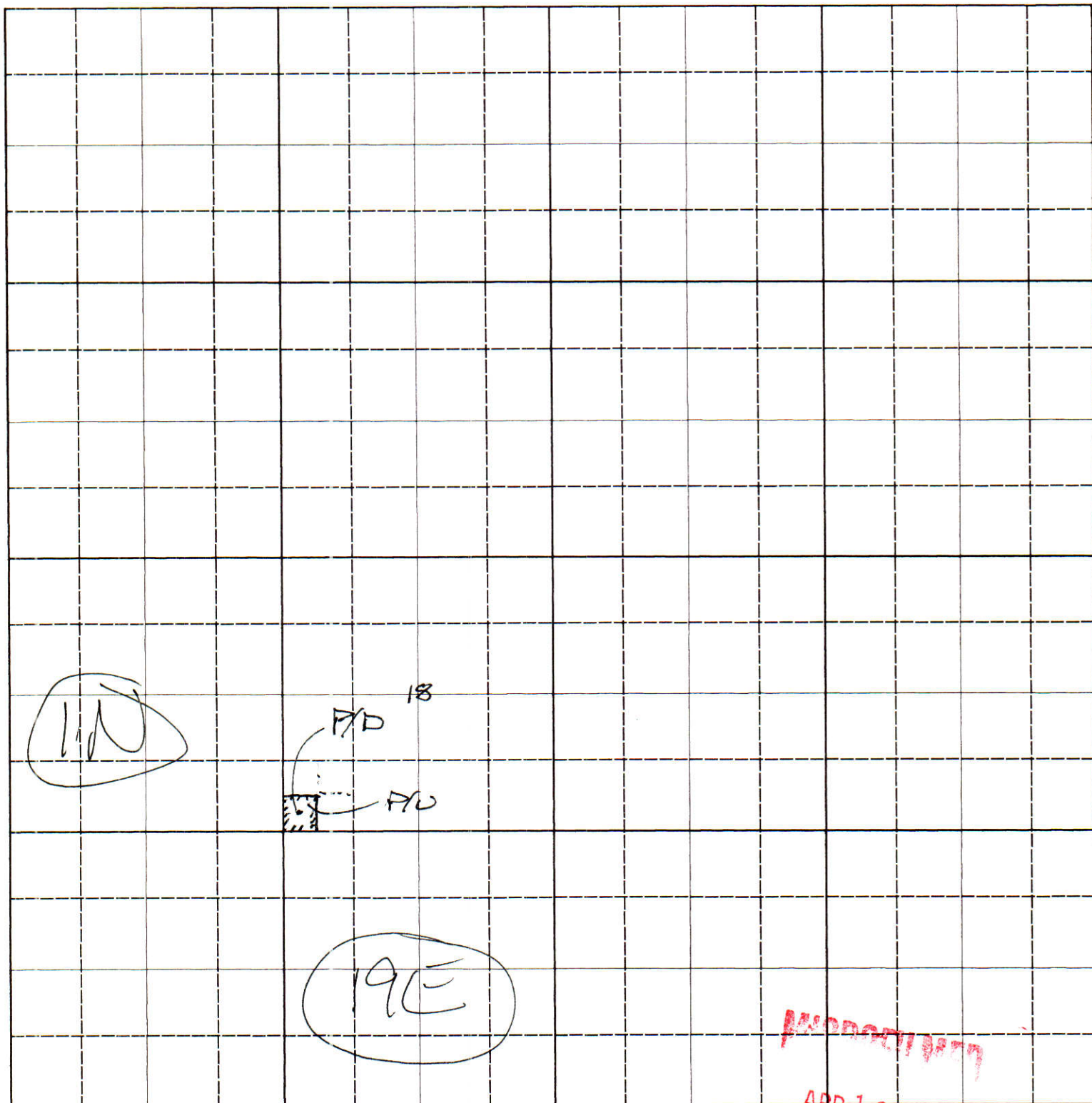


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

Paul Kantwein
(Applicant)

AFFIDAVIT of PUBLICATION

RECEIVED

MAR 17 1992

State of Idaho, }
County of Blaine } SS.

Department of Water Resources
Southern Region Office

DANIEL J. GORHAM

_____, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 4 day of Mar, 1992, and

the date of the last publication was on the 11 day of Mar, 1992.

[Signature]

Subscribed and sworn to before me this 11 day of Mar, 1992.
(SEAL)

[Signature]

NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 45
Number of Insertions _____

Lines tabular at _____ 6¢ / Pica
45 Lines straight at 22.50 5¢ / Pica
45 Subsequent lines at 20.25 4¢ / Pica
TOTAL COST 47.75

COPY OF NOTICE (Paste Here)

Kantenwein / Trust water
TITLE OF NOTICE right

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. State Water Resources
BILL TO (Twin Falls)

Kantenwein files on trust water right

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08660

KANTENWEIN, REID E.
PO BOX 1525
HAILEY, ID 83333

Source: GROUNDWATER
Diversion Pt: Lot 4 (SWSWSW)
Sec 18 T 01N R 19E in BLAINE
County.

Use: IRRIGATION (.090 CFS)
Total Diversion: (.090 CFS)

Date Filed: 8/9/1990

In: BLAINE County
T01N R19E S18 SWSW
6.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301, on or before MARCH 23, 1992.

R. Keith Higginson, Director
Publish: Wood River Journal-
March 4 & 11, 1992.

Publication Rates As of Jan., 1990

(Idaho Code,
Reb. Statutes 1984)
7-8 pt./line straight: .5 pica
7-8 pt./line tabular: .6 pica
7-8 pt./line successive
insertion: .4 pica

APR 12 1994

No 8088

RECEIVED

SEP 06 2001

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

For Office Use Only
\$25 filing fee
Receipt # 1024290
Date 9/6/01

RECEIVED

SEP 10 2001

DEPARTMENT OF WATER RESOURCES

I, REID E. KANTENUE, hereby assign to BARBARA BENSON
of PO BOX 645 BELLEVUE, ID 83813 208-788-2111
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 37-08660 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

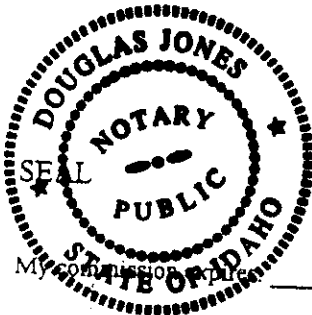
The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 6th day of SEPTEMBER, 2001

Reid E. Kantenue
Permit Holder(s) Reid E. Kantenue attorney in fact
for K. Kimberly Kantenue

State of Idaho)
County of Twin Falls)ss

On this 6 day of Sept, 2001, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



Douglas Jones
Notary Public residing at
Buhl ID

8/8/2006

MICROFILMED

OCT 10 2001

Reid E. Kantenwein
P. O. Box 1525
Hailey, Idaho 83333

RECEIVED

SEP 06 2001

Department of Water Resources
Southern Region

0209014
Custer County Reg. of

Russell Land Title
Time 10:10 A.M.

June 30 1995
Ethel M. Peck Clerk
Carol M. Peck

\$ 6.00 Deputy

SPECIAL POWER OF ATTORNEY

I, K. Kimberly Kantenwein, residing at P.O.Box 1525, Hailey, Idaho 83333, hereby appoint Reid E. Kantenwein of P.O.Box 1525, Hailey, Idaho 83333, as my Attorney-in-Fact ("Agent").

My Agent shall have full power and authority to act on my behalf but only to the extent permitted by this Special Power of Attorney. My Agent's powers shall include the power to:

1. Sell or convey any interest of mine in real estate (whether currently owned or later acquired).

This power shall include the power to (i) sell upon such terms as my Agent shall deem appropriate, subject to the limitations (if any) stated above, (ii) sign any documents (including deeds) that may be required to convey title to such property, and (iii) collect and receive the proceeds from any such sale.

2. Manage, insure, improve, repair, collect rents, execute leases, or take any other action that a landlord might take, with respect to any interest of mine in real estate (whether currently owned or later acquired).
3. Prepare, sign, and file documents with any governmental body or agency, including but not limited to, authorization to:

I hereby grant to my Agent the full right, power, and authority to do every act, deed, and thing necessary or advisable to be done regarding the above powers, as fully as I could do if personally present and acting.

Any power or authority granted to my Agent under this document shall be limited to the extent necessary to prevent this Power of Attorney from causing (i) my income to be taxable to my Agent, (ii) my assets to be subject to a general power of appointment by my Agent, and (iii) my Agent to have any incidents of ownership with respect to any life insurance policies that I may own on the life of my Agent.

My Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney.

I authorize my agent to indemnify and hold harmless any third party who accepts and acts under this document.

My Agent shall not be entitled to any compensation, during my lifetime or upon my death, for any services provided as my Agent. My Agent shall not be entitled to reimbursement of expenses incurred in connection with this Power of Attorney.

My Agent shall provide an accounting for all funds handled and all acts performed as my Agent, if I so request or if such a request is made by any authorized personal representative or fiduciary acting on my behalf.

Instrument # 188965

GOODING, GOODING, IDAHO

2001-01-12 10:05:36 No. of Pages: 2

Recorded for: LAND TITLE

HELEN EDWARDS

Ex-Officio Recorder Deputy

Index to: POWER OF ATTORNEY, SPECIAL

MICROFILM

OCT 11 2001

Fee: 6.00

Deane Houser

This Power of Attorney shall become effective immediately, shall not be affected by my disability or lack of mental competence, and shall continue effective until my death; provided, however, that this Power may be revoked by me at any time by providing written notice to my Agent.

Dated 6/22, 1995, at Hailey, Idaho.

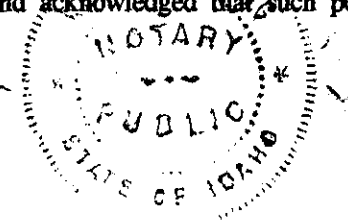
K. Kimberly Kantenwein
K. Kimberly Kantenwein

STATE/Commonwealth of Idaho)

COUNTY/PARISH/BOROUGH OF Blaine)

ss:

On this 22 day of June, 19 95, before me, the undersigned, a Notary Public for the State/Commonwealth of Idaho, personally appeared K. Kimberly Kantenwein to me known (or-to me proved) to be the identical person named in and who executed the above Power of Attorney, and acknowledged that such person executed it as such person's voluntary act and deed.



Kelli L. Young
Notary Public

Notary Address:

Kelli L. Young

P.O. Box 727

Hailey, Idaho 83333

STATE OF IDAHO

 Amt. of Fee \$ 50.00
 Date 5/2/94
 Receipt No. 0030190
 Received by dw

 DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

 RECEIVED
 MAY 02 1994

Department of Water Resources

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 37-08660 Telephone No. 208 788 9776
2. Name(s) of Permit Holder(s): REID E. KANTENWEIN
3. Post Office Address: PO BOX 1525 HAILEY ID. 83333
4. Source of Water: GROUNDWATER

a. If ground water, well driller's name: WOOD RIVER DRILLING Date drilled: _____

b. Pump horsepower: 5 HP Pressure (psi): 65 lbs Dynamic pumping level (ft.): 115'

5. Extent of Use:

Domestic 1 (No. of households) Irrigation 6 (No. of acres)

Stockwater 4 (No. and type of stock) HORSES Other AGRICULTURAL

TREE FARM - ORCHARD - LAND ENHANCEMENT

6. Total rate and/or volume for which proof is submitted 0.09 cfs _____ 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 Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

REID KANTENWEIN 208 788 0148 DYS
 Name Telephone No.

PO BOX 1525 HAILEY ID. 83333
 Address

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.

4/28/94
 Date

Reid E. Kantenwein
 Signature (and title if on behalf of a company or organization)

NOTED BY MEN

JUL 25 1994

State of Idaho
Department of Water Resources

AMENDED

Permit To Appropriate Water

AMENDED

NO. 37-08660

Proposed Priority: August 9, 1990

Maximum Diversion Rate:

0.09 CFS

This is to certify, that REID E KANTENWEIN

PO BOX 1525

HAILEY ID 83333-1525

has applied for a permit to appropriate water from: GROUNDWATER

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/15 to 10/15

0.09 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 4(SWSWSW), Sec. 18, Township 01N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

01N 19E 18 Lot 4(SWSW) 6

6

Total number of acres irrigated:

6

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1995.
2. Subject to all prior water rights.
3. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
4. This water right application is approved in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions contained in Section 42-105, Idaho Code.
5. A flow rate of 0.20 cfs authorized by right no. 37-00353F must remain in the Big Wood River at its described point of diversion to compensate for depletion of groundwater authorized authorized by this permit.
6. For purposes of regulating this permit with respect to other groundwater rights, the priority of this right shall be August 9, 1990.
7. The Director retains jurisdiction over the use of water under this right to adjust the mitigation and to require the collection and reporting of pumpage and use data.
8. Diversion under this right may occur as long as Big Wood River can supply water to water right 37-00353F with a priority date of June 12, 1886.

RECEIVED

JUN 13 1994

State of Idaho
Department of Water Resources

AMENDED

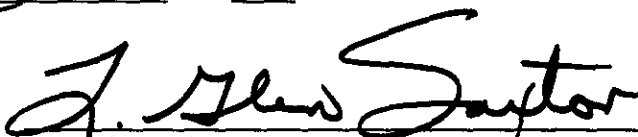
Permit To Appropriate Water

AMENDED

NO. 37-08660

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

19th day of May, 1994.


R. Keith Higginson, Director

for

JUN 13 1994

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 37-08660

Proposed Priority: August 9, 1990

Maximum Diversion Rate:

0.09 CFS

This is to certify, that REID E KANTENWEIN

PO BOX 1525

HAILEY ID 83333-1525

has applied for a permit to appropriate water from: GROUNDWATER

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/15 to 10/15

0.09 CFS

LOCATION OF POINT(S) OF DIVERSION: Lot 4(SWSWSW), Sec. 18, Township 01N, Range 19E
BLAINE County

PLACE OF USE: IRRIGATION

TWN RGE SEC

ACRES

ACRES

ACRES

TOTAL

01N 19E 18 Lot 4(SWSW) 6

6

Total number of acres irrigated:

6

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1995.
2. Subject to all prior water rights.
3. 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.
4. 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.
5. The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
6. The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
7. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

APPROVED

APR 12 1994

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

NO. 37-08660

CONDITIONS/REMARKS:

8. This water right application is approved in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions contained in Section 42-105, Idaho Code.
9. A flow rate of 0.20 cfs authorized by right no. 37-00353F must remain in the Big Wood River at its described point of diversion to compensate for depletion of groundwater authorized authorized by this permit.
10. For purposes of regulating this permit with respect to other groundwater rights, the priority of this right shall be August 9, 1990.
11. The Director retains jurisdiction over the use of water under this right to adjust the mitigation and to require the collection and reporting of pumpage and use data.
12. Diversion under this right may occur as long as Big Wood River can supply water to water right 37-00353F with a priority date of June 12, 1886.

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

11th day of March, 1994.

R. Keith Higginson
for R. Keith Higginson, Director

RECEIVED

APR 12 1994

RECEIVED
OCT 26 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-08660

Department of Water Resources To appropriate the public waters of the State of Idaho

1. Name of applicant Red E. Kantanwein Phone 788-9776
Post office address P.O. Box 1525 Hailey, ID 83333
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot 4
Sec. 18 Township 1N Range 19E B.M. Blaine County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.09 for Irrigation purposes from 4/1 to 11/1 (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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.09 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Existing well & pump, sprinklers & drip irrigation
 - 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 149 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

2 1994

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

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

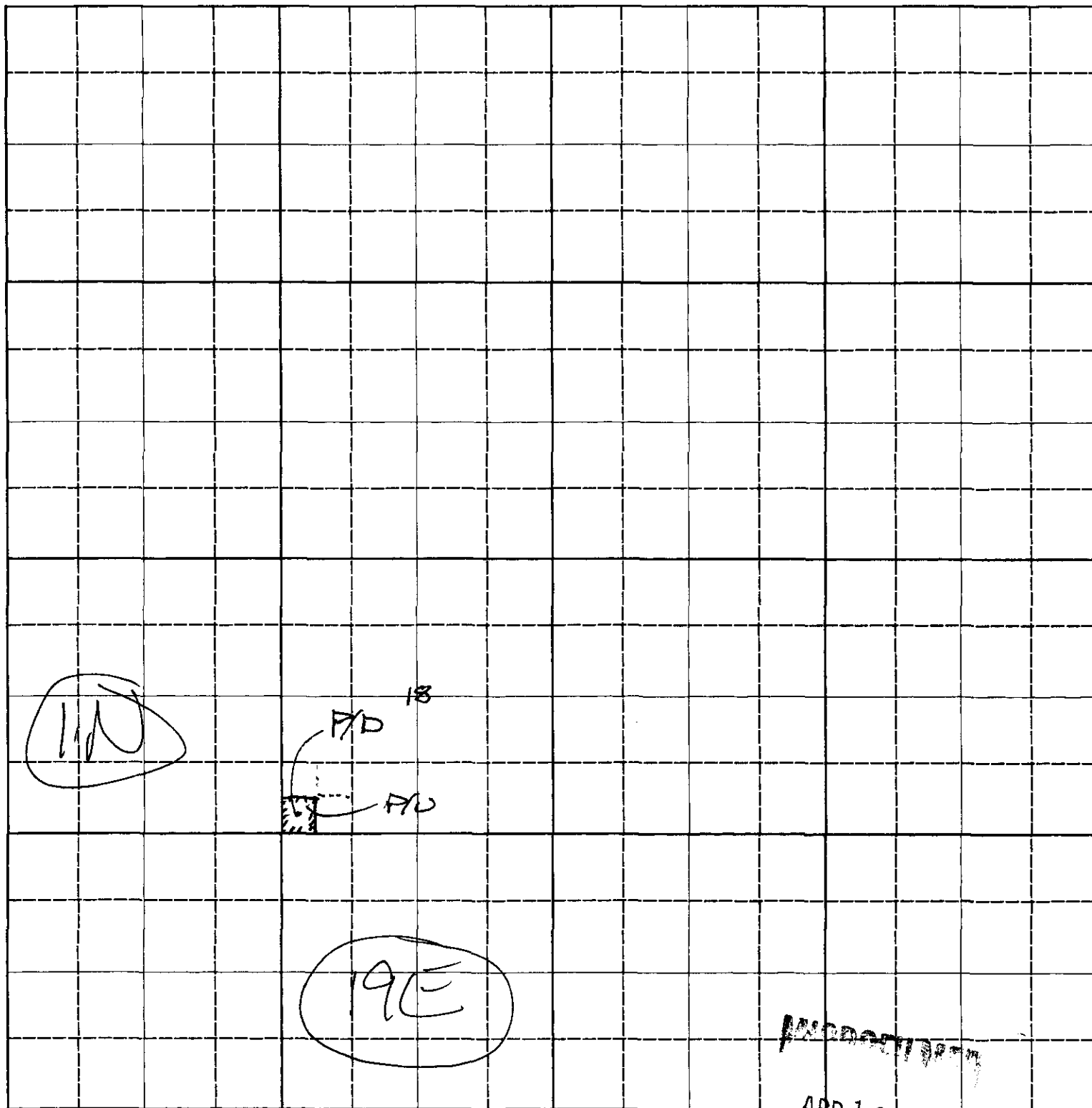
TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	19E	18											294 60						6.0

Total number of acres to be irrigated 6.0
on adjacent lands

10. Describe any other water rights used for the same purposes as described above. P37-8384; pending transfer of 320353A (part)
- Who owns the property at the point of diversion? Applicant
 - Who owns the land to be irrigated or place of use? Applicant
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Groundwater is supplemental to surface water (transfer pending)

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

David Kantwein
(Applicant)

Received by DIR Date 8/9/90 Time 2 PM Preliminary check by JF Stanton
Fee \$ \$30 Received by DIR # 5012550 Date 8/9/90
Publication prepared by MB Date 2-25-92 Published in Wood River Journal
Publication approved MBaldwin Date 3-19-92

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

RECEIVED
APR 12 1994



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

September 11, 2001

BARBARA BENSON
PO BOX 645
BELLUEVE ID 83313

RE: Change of Ownership for Water Rights 37-8384 and 37-8660

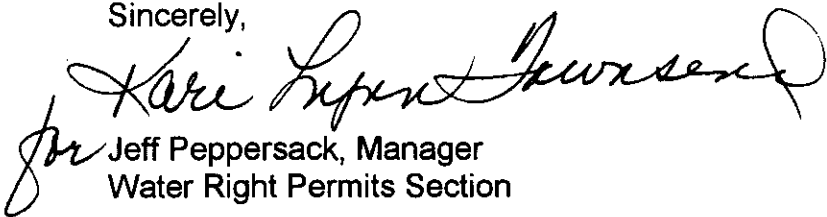
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED

OCT 11 2001



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 24, 2000

Reid Kantenwein
PO Box 1525
Hailey, Id 83333

Re: Curtailment of Ground Water Diversion, Water Right No. 37-08660

Dear Water User,

The records of the Idaho Department of Water Resources (IDWR) show that you are the owner of the above referenced water right(s) subject to an approved transfer or permit authorizing diversion of ground water that is contingent upon the availability of surface water from the Big Wood River (or tributaries to the Big Wood River). Specifically, the above water right(s) includes a condition that limits the diversion of ground water to those times water is available for diversion under the right(s) and priority from the original source, Big Wood River (or tributaries). The right is also subject to regulation and control by the watermaster of State Water District No. 37, Big Wood River and tributaries. A computer-generated print out of your water right(s) is attached for your reference.

The Water District 37 watermaster has notified IDWR that the priority date of the above referenced water right(s) has been cut and is no longer available for delivery or mitigation purposes. The priority dates of some water rights in the district with similar conditions have been cut or unavailable since July 1, 2000. Many water rights have been cut or cut earlier than normal due to drought conditions that have existed in your area this year. Currently, all water rights with a priority date after March 24, 1883 are completely cut. Rights with priority of March 24, 1883 are being delivered at 50 percent of capacity.

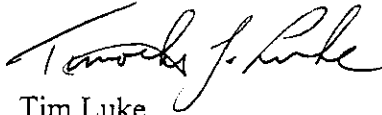
The purpose of this letter is to notify you that you must immediately cease diversion of ground water and use under the above referenced water right(s) if such right(s) has a priority date after March 24, 1883. Any right with priority of March 24, 1883 must be cut by 50 percent. The water district watermaster will check for use under the water right(s) to insure that there is compliance with this notice as well as terms and conditions of the water right(s). The watermaster has authority to shut off any use that can not be delivered. Failure to comply with this notice and the conditions of the water rights or any further diversion of water made after the use is regulated may result in the issuance of a Notice of Violation and Cease and Desist Order from IDWR. Such orders may carry certain civil penalties. The watermaster will notify you if the priority date under your right(s) is deliverable again this year and if you can resume use of water from your ground water diversion.

MICROFILMED

AUG 11 2000

IDWR and Water District 37 will appreciate your attention and cooperation in this matter given the existing drought conditions and less than normal water supplies that challenge all of us this year. Questions concerning this matter may be directed to Lee Peterson, Water District 37 Watermaster at 208-886-2451 or the IDWR Southern Regional Office in Twin Falls at 208-736-3033. You may also contact me directly at 208-327-7864.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Luke".

Tim Luke
Water Allocations

Cc: Lee Peterson, Watermaster
IDWR Southern Region

MICROFILMED

OCT 11 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

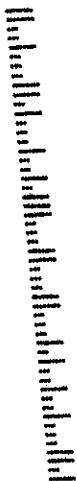
SEP 1 2000

Department of Water Resources

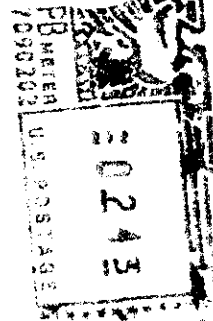
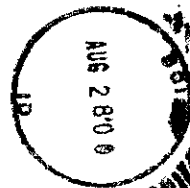
REID KANTENWEIN
PO BOX 1525
HAILEY ID 83333

KANTENWEIN TO SENDER
RETURN KANTENWEIN LOOP
67 FREEDOM ID 83313-5013
BELLEVUE
RETURN TO SENDER

83333-6555



PREPARED
FIRST CLASS



MICROFILMED
OCT 11 2001

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 37-8660

Reviewed by [Signature]

Date 7-5-94

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

Jrr.
Correct Uses? yes

SOURCE OF WATER

 Surface water source

✓ Ground water source

no Drilling permit required?

 Copy in the file? Drilling Permit No.

✓ Amount paid for permit Correct?

✓ Well log in the file?

LICENSE EXAMINATION FEE

yes Required?
50.00 Amount Submitted
yes Correct?

MEASURING DEVICE

no Required?
 Installed?
✓ Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>		<u> </u>
Date proof due	<u> </u>	-	<u> </u>
No. of days late	<u> </u>	=	<u> </u>
Priority Date	<u> </u>	+	<u> </u>
New Priority Date	<u>✓</u>		<u>✓</u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY
New Address

Proof Made 5-2-94

July 19, 1994

REID E KANTENWEIN
PO BOX 1525
HAILEY ID 833331525

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08660

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. 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 SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

MAILED
JUL 25 1994



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

May 24, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

REID E KANTENWEIN
PO BOX 1525
HAILEY ID 83333-1525

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08660

Dear Permit Holder(s):

Enclosed is a copy of your amended application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

RECEIVED

JUN 13 1994

WR0749NP
No. P37-08660

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/29/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REID E KANTENWEIN PO BOX 1525 HAILEY ID 83333-1525 (208) 788-9776	08/09/1990	IRRIGATION	04-15 10-15	0.09 CFS	
TOTAL DIVERSION:					0.09 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T01N R19E S18 Lot 04(SWSWSW)

BLAINE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
01N	19E	18	:					:					:					:					:	6.0
TOTAL ACRES																							6.0	

Pou County: BLAINE

Other Rights: 37-8384, PENDING TRANSFER ON 37-0353A PART

Other Water Rights with Same Point(s) of Diversion and Source:
37-08660

Other Water Rights Listing Overlapping Place(s) of use:
37-08660

Conditions of Approval:

- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.

Remarks: This water right application is approved in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions contained in Section 42-105, Idaho Code.
A flow rate of 0.20 cfs authorized by right no. 37-00353F must remain in the Big Wood River at its described point of diversion to compensate for depletion of groundwater authorized authorized by this permit.
For purposes of regulating this permit with respect to other groundwater rights, the priority of this right shall be August 9, 1990.
The Director retains jurisdiction over the use of water under this right to adjust the mitigation and to require the collection and reporting of pumpage and use data.
Diversion under this right may occur as long as Big Wood River can supply water to water right 37-00353F with a priority date of June 12, 1886.

WR0749NP
No. P37-08660

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/29/94
PAGE: 2

=====

Dates:	App. Received:	08/09/1990	Priority Date:	08/09/1990
	Proof Due Date:	03/01/1995	Proof Made Date:	
	Exam Made Date:		Exam Sent to S.O.:	
	Licensed Date:			

Misc: Water District Number: 37 Field Exam Fee:

Comments: Date: 11/09/1993 User-ID: ZIMMERMA Subject: MORATORIUM & BIG WOOD RIVER GWMA EXEMPTION
This permit is located within the Eastern Snake River Plain
Moratorium and Big Wood River GWMA boundary; however, its
consumptive use has been mitigated and; therefore, is within the
acceptable parameters of the Moratorium and GWMA guidelines.

Date: 11/09/1993 User-ID: ZIMMERMA Subject: DIVERSION DESCRIPTION
Existing 8" x 149' deep well with pump, sprinklers, and drip
irrigation.

Date: 11/09/1993 User-ID: ZIMMERMA Subject: TRUSTWATER REVIEW
This permit is located within the trustwater boundary. Its
consumptive use has been mitigated to negate the impact of water
used to irrigate 6 acres.

Audit: 04/29/94 CZIMMERM

MEMORANDUM

DATE: April 29, 1994
TO: File No. 37-08660
FROM: Cindy Zimmerman
SUBJECT: Amended Permit

=====

During a routine review, it was noted that some conditions identified on the original permit did not apply to this appropriation. Those conditions have been removed and an amended permit has been issued.

RECEIVED
JUN 13 1994



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

March 16, 1994

REID E KANTENWEIN
PO BOX 1525
HAILEY ID 833331525

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08660

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permit.

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. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

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 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,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over a horizontal line.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosures

RECEIVED

APR 12 1994

MEMORANDUM

Date: January 22, 1994
From: Jim Johnson
To: Glen
Subject: Review of application 37-08660

=====

I may not be addressing all of your concerns, but following is my understanding of the purpose of application 37-08660 and its relationship to 37-00353F.

First, I don't think a transfer on 37-00353F was filed originally to be used by Mr. Kantenwein as mitigation for a groundwater diversion. However, since Mr. Kantenwein currently owns the right, it now can be used for mitigation of diversion under 37-08660 if water under his surface water right(37-00353F) is no longer used. This is pretty straight forward.

There is, however, a question apparently, remaining on the transfer of water right 37-00353F in terms of un-stacking right 37-00353F from lands which had another surface water right(37-00363D).

Tim Luke's memo of July 13, 1990 addresses the history of transfers related to lands owned by Mr. Chek, who transferred right 37-00363D with a earlier priority date to the lands which traditionally had a portion of 37-00353 appurtenant.

Basically, Mr. Chek simply swapped water rights on his land. Once he got 37-00363D onto his lands, he removed right 37-00353(part) to other lands.

The transfers filed by Mr. Chek and Mr. Driever, moving water right 37-00353(part) were approved because the transfers were not perceived to be un-stacking of water rights.

If doesn't address your question we can discuss this further.

RECEIVED

APR 12 1994

MEMORANDUM

To: Jim Johnson
From: L. Glen Saxton *LS*
RE: APPLICATION 37-08660
Date: January 18, 1994

I'm not sure I understand how we can approve app 37-08660. ✓
Loren's memo of October 19, 1993 says transfer no. 3679 of right no. 37-00353 can be viewed as "mitigation" for the ground water diversion under application 37-08660.

It appears to me that right 37-00353 with an 1886 priority was being used on some land which was also being irrigated with a right with an 1883 priority. Transfer no. 3679 then changed the place of use of the 1886 right to dry ground on which app. 37-08660 has been filed. Thus app 37-08660 appears to be a "supplemental" use of water to the 1886 right being used on new land. I fail to see the concept of "mitigation" in this. The common type of mitigation for which we approve new ground water uses is when the surface water right is left undiverted in the river.

I may be missing something, so please feel free to discuss this with me.

 37-00353

APR 12 1994

AREA OF CONCERN? - No/Yes ESRP Mor, Big Wood R. GWMA, + trust

SYSTEM COMPLETED:

No - 26A-P17
Complete in 1 year - P16

Yes
Proof not submitted - P16
Proof submitted - NA

GROUNDWATER:
+ 0.2 cfs <flo-ch> - 01G-P03 (new), 01C-P03 (existing), NMR
- 0.2 cfs - NMR <flow chart>

Drilling Permit:
Included w/permit - Permit No. _____, P99
Existing well - N/A (if drilled before 7/1/87)
~~No WD permit?~~ - ~~046-46A-Irr> 46B-P23~~ (if drilled after 7/1/87)

SURFACE WATER: not in WD - 01C-P03 (+.2 w/pump), NMR <flow chart>

LOCATION:

Water District - WD No. 37
Surface water - 005 (req) 01J-P08 <flow chart>
(doesn't sink) or 01H-P01 <flow chart>; NMR
Groundwater - P05 (if well has not been drilled) NA
In stream channel - 030 (stream channel alteration)
Irrigation Dist. - 023
Canal Co. Areas - 023
Drainage Districts - 024
Flood Control Dist. - 063
Boise Front (63) - 058 (Groundwater temperature)
Swan Falls Flag - 78 <See condition code chart>
Trust - ~~051-052-053-074~~ (Consumptive Uses) NA (etchan
Non Trust <1> - 048-049 (Consumptive Uses), NA

RIVER BASINS (Surface): Water District Control Condition (005) &....
Boise (63) - 05A (req), 11E (non-domestic use), NA
Payette (65) - 064(consump. use), 047-P04(Payette Lake), NA
Snake (01, 02 & 03) - 11A-P04 (01), 061-P07 (02/03 No W.D.Cond.), NA

USE:

Fish Propagation - 010/06A/09E-P10(WQ) & 07A-042 (req)
044 (N 1000 Spr)
Irrigation - ~~003~~(if GW use SW 1st) (5A do POU comp.), NA
Power - 08A-17K-025-027 (req); 01F-P19; 09E-P10;
+25 cfs-P18; 17G(FERC) or 17M(FERE); 18B-P09
Mining - 06A/010/09E-P10 & 054 (req)
Storage(✓ 3 compo.) - 18A-for multi MD in WD, 18B-P09 (+10' dam), NA
Domestic (surface) - 021(Boise R ↑ L Peak), 27A(Payette R), NA

OWNERSHIP:
Non land owner - 004 (P/D or P/U)

PROTESTED:
Prehearing agreement - 020

OTHER CONDITIONS: - 03A

REMARKS: - (add mitigation conditions)

BENEFICIAL USE DUE: - H-1-1994 3/1/95

COMMENTS: - ① Mor + exempt ② Div Desc

WR0749NP
No. P37-08660

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/11/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	REID E KANTENWEIN PO BOX 1525 HAILEY ID 83333-1525 (208) 788-9776	08/09/1990	IRRIGATION	04-15 10-15	0.09 CFS	
TOTAL DIVERSION:					0.09 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion:

T01N R19E S18 Lot 04(SWSWSW)

BLAINE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
01N	19E	18	:					:					:					:					:	6.0
TOTAL ACRES																							6.0	

Pou County: BLAINE

Other Rights: 37-8384, PENDING TRANSFER ON 37-0353A PART

Other Water Rights with Same Point(s) of Diversion and Source:
37-08660 37-08663

Other Water Rights Listing Overlapping Place(s) of use:
37-08663

Conditions of Approval:

- 051 - 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.
- 052 - 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.
- 053 - The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
- 803 - The right holder shall use the full allotment of his surface water right, to the extent it is available, in conjunction with groundwater diverted pursuant to this right.
- 03A - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Remarks: This water right application is approved in conjunction with an exchange of surface water rights which will remain in the Big Wood River pursuant to the exchange provisions contained in Section 42-105, Idaho Code.
A flow rate of 0.20 cfs authorized by right no. 37-00353F

Remarks: must remain in the Big Wood River at its described point of diversion to compensate for depletion of groundwater authorized by this permit. For purposes of regulating this permit with respect to other groundwater rights, the priority of this right shall be August 9, 1990. The Director retains jurisdiction over the use of water under this right to adjust the mitigation and to require the collection and reporting of pumpage and use data. Diversion under this right may occur as long as Big Wood River can supply water to water right 37-00353F with a priority date of June 12, 1886.

Dates: App. Received: 08/09/1990 Priority Date: 08/09/1990
Proof Due Date: 03/01/1995 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 37 Field Exam Fee:

Comments: Date: 11/09/1993 User-ID: ZIMMERMA Subject: MORATORIUM & BIG WOOD RIVER GWMA EXEMPTION
This permit is located within the Eastern Snake River Plain Moratorium and Big Wood River GWMA boundary; however, its consumptive use has been mitigated and; therefore, is within the acceptable parameters of the Moratorium and GWMA guidelines.

Date: 11/09/1993 User-ID: ZIMMERMA Subject: DIVERSION DESCRIPTION
Existing 8" x 149' deep well with pump, sprinklers, and drip irrigation.

Date: 11/09/1993 User-ID: ZIMMERMA Subject: TRUSTWATER REVIEW
This permit is located within the trustwater boundary. Its consumptive use has been mitigated to negate the impact of water used to irrigate 6 acres.

Audit: 11/09/93 ZIMMERMA 02/24/94 ZIMMERMA

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
3708660	T01N R19E S18 GROUNDWATER											06						6
A3700353D	BIG WOOD R :			40	40											40	40	240
→3700353F	BIG WOOD R :											07				40	40	7
3700418A	BIG WOOD R :			40	40											40	40	240
A3700418D	BIG WOOD R :			40	40											40	40	240
3700419A	BIG WOOD R :			40	40											40	40	240
A3700419D	BIG WOOD R :			40	40											40	40	240
3700480	BIG WOOD R :							1	01-1									
3700577BA	BIG WOOD R :											1	1	1	1			
3700577M	BIG WOOD R :							02-1	1									
A3700667K	BIG WOOD R :			40	40											40	40	240
3702345	BIG WOOD R :	28	38	40	40			40	40			40	40	40	40	40	40	546
A3702345A	BIG WOOD R :			40	40											40	40	240
3702557	GROUNDWATE :		25	40			40	40										145
A3702557	GROUNDWATE :		20	40			40	40										140
T3702557	GROUNDWATE :		25	40			40	40										145
T3702557A	GROUNDWATE :		25	40			40	40										145
3707486	GROUNDWATE :											03-10						10
A3707486	GROUNDWATE :											03-10						10
3707708	GROUNDWATE :											10 03-10						20
A3707708	GROUNDWATE :											06 03-06						12
3707747	GROUNDWATE :											18						18
A3707747	GROUNDWATE :											18						18
3707764	GROUNDWATE :														09			9
A3707764	GROUNDWATE :														09			9
3708294	GROUNDWATE :			38	37											37	38	225
3708384	GROUNDWATE :																	3
3708441	GROUNDWATE :	15																15
3708663	GROUNDWATE :																	3
3708671	GROUNDWATE :							05										5
3708672	GROUNDWATE :							03										3
3708768	GROUNDWATE :																	10
A3710696	GROUNDWATE :																	5
A3711671	BIG WOOD R :			40	40											40	40	240
A3711807	BIG WOOD R :	15																15
A3711808	BIG WOOD R :	15																15
A3711809	BIG WOOD R :	15																15
A3711810	BIG WOOD R :	15																15
A3711924	BIG WOOD R :	20	40				40	01-40										140
A3711925	BIG WOOD R :	20	40				40	01-40										140
A3711926	BIG WOOD R :	20	40				40	01-40										140
A3711927	BIG WOOD R :	20	40				40	01-40										140
A3711928	BIG WOOD R :	20	40				40	01-40										140
C13Q-Y 25		15	01	35	38					04	26			08		37	40	279
NO QTRS	MAPPING	Lot01-20				Lot02-10				Lot03-09								

MEMORANDUM

DATE: November 9, 1993
TO: File No. 37-08660
FROM: Cindy Zimmerman
SUBJECT: Trustwater Review

=====

This application proposes to divert 0.09 cfs of trustwater from groundwater to irrigate 6 acres within Lot 4 (SWSWSW), S18, T01N, R19E. This application satisfies 42-203A & C requirements.

APPROVED

APR 12 1994

MEMORANDUM

DATE: 19-Oct-1993

FROM: Loren Holmes *LH*

TO: Files Transfer 3679 and Application 37-08660

SUBJECT: Processing history, analysis and recommendation

Transfer application 3679 on water right 37-00353 and application ✓
for permit 37-8660 relate to the same place of use.

Transfers 3679 and 3678 on water right 37-00³53 were filed by Gus Chek on 1/22/90. Each application convey half of the water right to a new place of use. Transfer 3678 was approved, but 3679 ran into a problem with excessive diversion rate for the acreage because the application stated a place of use of 3 acres for the.2 cfs of water to be transferred.

The application was amended to 7.5 acres by the applicant and returned to the region where it was readvertised in August, 1990.

Application for permit was filed Aug. 9, 1990 proposing to appropriate groundwater for 6 acres in the same place of use. The additional information burdens of the Big Wood River GWMA order were imposed and the applicant eventually responded. Permit 37-08384 covers an additional 3 acres of the destination place of use.

A field examination by me in the summer of 1991 indicated that the lands to which transfers 3679 and 3678 moved the water right were dry lands.

The transfer application states in part 1, item 6.c that the original lands will continue to be irrigated with 1883 water.

The file contains a statement from Douglas and Cheryl Powers, buyers of the original place of use from Gus Chek, that it is their understanding that only 1883 water is conveyed with the property.

The file also contains a billing statement from the Big Wood River Irrigation District No 45 (District 45) indicating the delivery of 15 inches (.3 cfs) of 1883 water and 20 inches (.4 cfs) of 1886 water to Gus Chek in 1989.

RECEIVED

APR 12 1994

Analysis

The changes made by T3678 and 3679 will have no effect on delivery of the water by the watermaster. The watermaster controls the headgate of the District 45 canal and deliveries to individual users are managed by the canal company.

Transfer 3679 ^{amended 37-00353 F} may be viewed as as a surface water right used to mitigate the effect of groundwater diversions under 37-08384 and 37-08660.

Recommendation

The department should retain jurisdiction over the use of the transferred right to insure protection of senior surface water rights from flow depletion by groundwater diversion.

RECEIVED

APR 12 1994

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY J. E. Stanton DATE 8-20-90 APPLICATION NUMBER 37-08660REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ 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
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt ***PROPOSED PRIORITY DATE 8-9-90

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.) Groundwater will supplement surface rights (pending transfer)
- ☐ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Field check by _____
- ☐ Yes ☐ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

RECEIVED
OCT 26 1993

Department of Water Resources

SWAN FALLS HOLD? Yes

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

Date Requested _____

ADDITIONAL INFORMATION

LOCAL PUBLIC INTEREST

Comments received from:

<u> </u> City	<u> </u> Idaho Fish & Game	<u> </u> Irrigation District
<u> </u> County	<u> </u> Idaho Health & Welfare	<u> </u> Canal Company
<u> </u> Reservations	<u> </u> Division of Environment	<u> </u> Other _____

Project impacts/implications report

COMMENTS

AFFIDAVIT of PUBLICATION

RECEIVED

State of Idaho, }
County of Blaine } SS.

MAR 17 1992

Department of Water Resources
Southern Region Office

DANIEL J. GORHAM

being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the

annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 4 day of Mar, 1992, and

the date of the last publication was on the 11 day of Mar, 1992.

Daniel J. Gorham
Subscribed and sworn to before me this 10 day of Mar, 1992
(SEAL)

Roberta McKenney
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice 45
Number of Insertions _____
Lines tabular at _____ 6c / Pica
45 Lines straight at 22.50 5c / Pica
45 Subsequent lines at 20.25 4c / Pica
TOTAL COST 47.75

COPY OF NOTICE (Paste Here)

Kantenwein / Trust water
TITLE OF NOTICE right

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. State Water Resources
BILL TO (Twin Falls)

on trust water right

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-0000

KANTENWEIN, FIELD E.
PO BOX 1525
HAILEY, ID 83433

Source: GROUNDWATER
Diversification Pt. Lot 4 SW/4 SW/4
Sec 18 T 01N R 10E W BLAINE
County.

Use: IRRIGATION: 100 CFS
Total Diversion: 100 CFS

Date Filed: 8/8/1990

In: BLAINE County
T01N R10E S18 SW/4
6.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 200 N. 1st St., Boise, Idaho 83722.

Director, Department of Water Resources
Public: Wood River Journal
Mailed: 3/11/92

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APR 12 1992

No 8088

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

37-08660

KANTENWEIN, REID E.
PO BOX 1525
HAILEY, ID 83333

Source: GROUNDWATER

Diversion Pt: *Lot 4* (SWSWSW) Sec 18 T 01N R 19E in BLAINE County.

Use: IRRIGATION (.090 CFS)
Total Diversion: (.090 CFS)

Date Filed: 8/ 9/1990

In: BLAINE County
T01N R19E S18 SWSW

6.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before MARCH 23, 1992.

Published: 3/ 4/1992 & 3/11/1992

R. Keith Higginson, Director

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APR 12 1994

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FOR TRUST WATER RIGHT**

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R. Keith Higginson, Director

Publish: Wood River Journal--
March 4 & 11, 1992.

OK
3-2-92

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FEB 28 1992

Department of Water Resources
Southern Region Office

APR 12 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208)736-3033

FEBRUARY 25, 1992

WOOD RIVER JOURNAL
PO BOX 988
HAILEY, ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 23, 1992.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

APR 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

25-Feb-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

REID E KANTENWEIN
PO BOX 1525
HAILEY ID 83333

Re: Application for Permit No. 37-08660

Dear Mr. Kantenwein:

This office will be advertising the application in the Wood River Journal on 3/4 & 3/11/92. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

APR 12 1994

Reid Kantenwein
P.O. Box 1525
Hailey, Idaho 83333

RECEIVED

FEB 24 1992

Department of Water Resources
Southern Region Office

Re: APPLICATION FOR PERMIT NO. 37-8660

Dear Mr. Kantenwein:

I reviewed your letter that was received in this office in January and asked the Director of the Department of Water Resources to provide a report on the matters you have raised. A copy of Mr. Higginson's report is attached. During the past several years, Idaho water laws and policies have been changed confirming that surface and ground water resources are to be managed conjunctively as needed to protect the prior rights which usually take water from streams and other surface sources.

In the Big Wood River Basin, the close relationship between surface water flows and ground water levels has prompted the Department of Water Resources to require conjunctive management. New consumptive uses from ground water are not being approved without provisions for avoiding or mitigating impacts on surface flows. It is my understanding that you have now provided information to the department that will allow your project to be considered under the department's water allocation procedures.

I appreciate your concerns on this matter and your efforts to assist in the careful allocation and management of Idaho's valuable water resources.

Sincerely,

Cecil D. Andrus
Governor

c. R. Keith Higginson, IDWR



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

February 20, 1992

RECEIVED

FEB 24 1992

Department of Water Resources
Southern Region Office

The Honorable Cecil D. Andrus
Governor of Idaho
Statehouse
Boise, ID 83720

Dear Governor:

I have reviewed the letter from Mr. Kantenwein regarding an application to appropriate groundwater that you forwarded to this office. The following information describes the status of the application.

Application for permit No. 37-8660 is associated with a prior permit (No. 37-8384) which was filed with the department on August 29, 1988. That application originally proposed the irrigation of ten acres and was held to be processed to receive an allocation of the trust water made available by the Swan Falls water right agreement. A backlog of applications seeking trust water existed which were then being processed at a 20,000 acres per year rate. To avoid several years of delay, Mr. Kantenwein amended the application in January 1990 by reducing the acreage to three acres in order to qualify for expedited processing under terms of the SB 1180 contract, which was commonly known in the Big Wood River valley as the "three-acre exemption." The application was then processed, and the department issued a permit on April 23, 1990.

Application No. 37-8660 was filed on August 9, 1990, and seeks to increase the amount of irrigated land by an additional 7.5 acres. The application was originally held for in-sequence trust water processing and was still in that category on June 21, 1991 when the Big Wood River Ground Water Management Area was designated. This designation was made because junior ground water rights have been determined to injure prior water rights from surface sources in the area.

On August 28, 1991, the Twin Falls office of the department notified Mr. Kantenwein of the designation and advised him that in order to approve the new consumptive use application, he needed to show that the proposed additional diversion of ground water would not reduce the amount of water available to prior water rights or that he could propose a plan of mitigation to protect the prior rights.

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Honorable Cecil D. Andrus
Page 2
February 20, 1992

On September 9, 1991, Mr. Kantenwein requested additional time in which to make the showing requested by the department. The department extended the response time to February 1, 1992. On January 10, 1992, he responded to the department. The department is now processing the application and it will be considered under the adopted rules guiding water allocation.

The place of use under permit No. 37-8384 and application No. 37-8660 is also the proposed place of use of a pending transfer of a part of right No. 37-0353C (T3679). The department has advertised the application for transfer, but needs to prepare a proposed Snake River Basin Adjudication finding involving the right before acting upon the pending application for transfer. The department is working on this finding.

I will be happy to provide further information on this matter if it is required.

Sincerely,


for R. KEITH HIGGINSON
Director

RKH:dc

cc: IDWR, Southern Region

APR 2 1992

MEMORANDUM

DATE: 19-Feb-1992

FROM: Loren Holmes *LH*

TO: File 37-08660

SUBJECT: History of application and recommended action

This application is associated with permit 37-8384, which was filed 8/29/1988. The application originally proposed the irrigation of 10 acres and was held for sequential processing as trustwater. The application was amended to 3 acres in January, 1990 to gain processing under the SB1180 contract, which was known in the Wood River Valley as the "3-acre-exemption". The application was processed and a permit was issued on 4/23/1990

Application 37-8660 was filed on Aug 9, 1990, and seeks to extend irrigated area under the water system to an additional 7.5 acres. The application was originally held for in-sequence processing as trustwater and was still in that status as of the June 21, 1991 date of the order creating the Big Wood River GWMA. To date, the application has not been advertised.

The applicant was notified of the GWMA order in a letter from this office dated 8/28/91 and advised that he must either show that his proposed additional diversion of groundwater would not reduce the amount of water available to prior rights or to propose a plan to mitigate for the reduction in water supply.

On 9/9/91, the applicant requested additional time in which to answer the department's notice.

On 11/18/91, the time to answer was extended to 2/1/92.

On 1/10/91, the applicant responded with what I would consider his answer to our 8/28/91 request for information.

The place of use under permit 37-8384 and application 37-8660 is also the proposed place of use of a proposed partial transfer of right 37-0353C (T3679). Advertising and water rights review of the transfer application is complete, but a proposed SRBA finding needs to be prepared. The transfer would result in removing a supplemental right from an overlap and putting it on land with no existing surface water right.

The GWMA order states a management policy calling for the processing of all applications subject to the presumption of injury established by the order. The applicant has responded to the questions as to his potential impact on the water supply, so I plan to proceed with advertising of this application in as soon as possible.

January 9, 1992

Dept. of Water Resources
Mr. Loren Holmes
222 Shoshone St. E.
Twin Falls, Id. 83301

RECEIVED

JAN 10 1992

RE: water right application # 37-8660

Department of Water Resources
Southern Region Office

Dear Mr. Holmes,

In regards to the department's letter dated August 28, 1991 with respect to my removal of the above water right application I am writing to attempt to satisfy your recent impossible requirements. I say impossible as I feel, as well as all the other people you placed this requirement upon do, that this requirement of proving my water usage is affecting the Big Wood river and Silver Creek is something that cannot be proven without digging a large hole 150 feet in depth and then constructing a tunnel over 1 mile long to a place beneath the Big Wood River and another 6 miles long beneath Silver Creek. If this does not seem like an impossible task to you then we may have some serious problems in attempting to understand how the human mind operates in certain individuals.

This being set aside for now I shall attempt to offer you some of my thoughts on my personal situation, with regard to my application, and try to explain why I feel my application should be issued and approved. To make this explanation short and to the point I shall simply list my concerns as follows:

1. In regards to your asking me to prove that I am not affecting the rivers I feel that in the United States we have a situation whereby if one charges another with a fault it is the responsibility of the accusing party to prove his/her case. Your agency is not doing that, but just the opposite. I must prove to you. This does not coincide with our country's laws.
2. I have taken every possible step to provide a system that is technologically very advanced in order to conserve every drop of water. I have installed sprinkler systems for the pasture grasses, drip irrigation systems for my agricultural tree farm and timers for all my systems. In addition to these items my watering schedule is extremely limited.
3. Your office has implied that I am using my water in a consumptive use situation. I disagree with this idea. I have taken 10 acres of barren, thorn infested, weed infested, dry, fire hazard land and developed it into an erosion resistant, well maintained, low fire area. There are no noxious weeds at present and I feel this not to be consumptive. Also there is the fact that the land is being used for agricultural proposes.
4. I spoke agricultural use on the land. By attempting a tree farm situation I feel the use is not consumptive. By changing barren land to productive land I feel no consumptive use is happening. By growing pasture grasses to feed a sideline business of horses and not having to water 24 hours a day to grow alfalfa, consumption does not seem to fit in. I have neighbors who are having no problems with your office in acquiring their permits. Yet these same people are watering 24 hours a day in order to grow alfalfa to sell and make a profit on. I ask you "What has making a profit in a commercial situation have to do with agricultural use?" I can

APR 12 1994

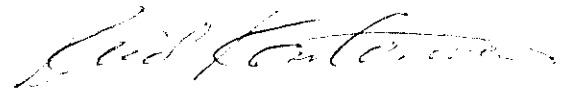
understand the farmer that feeds his cows with his own alfalfa but to just grow it then sell it as a sideline, well really, where does this stand?

5. I have gone to the trouble of applying for this permit twice now due to the fact that your office seems to have trouble understanding the rules. I have paid your fees twice in order to receive your permission to purchase 10 inches of water rights. I purchased these rights in June of 1989 and to date you still have not granted them. Why? How long does it take to approve something so simple. This is a capitalistic society and I have every right to purchase something from someone who owns what I am purchasing. I intended to use these ten inches to subsidize my swan falls permit which in itself proves that I am concerned. Looking at this a bit differently if you would consummate my ten inches I could be putting that water back into the ground which would make my situation of your so-called consumptive use and depletion of the rivers nil. In actuality I am giving back what I am taking and I can see that this is not happening very often here in the Wood River Valley.

The bottom line to this request of your department is that it is absurd. As stated above your request is an impossible task, for you as well as I. Therefore, I am asking that you consider what I have mentioned as my points to issue my Swan Falls permit. I believe I have proven that my use is not consumptive but agricultural. I also believe that I shall not and have not abused the water situation. It is with this belief that I feel I have no impact upon the Big Wood River or the Silver Creek, each being a minimum of one mile from my 150 ft. deep well.

Thank you for your time in reading and considering this endeavor.

Sincerely



Reid Kantenwein
421 Freedom Loop
Bellevue, Id. 83313

P.O.Box 1525
Hailey, Id. 83333
208-788-9776

cc: Governor Cecil Andrus
Mr. Larry Echohawk - Attorney General

APR 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Nov-1991

Reid E. Kantenwein
P.O. Box 1525
Hailey, ID 83333

Re: Application for permit 37-8660

Dear Applicant:

You have requested additional time to prepare a response to my previous letter of August 28, 1991 in which you were advised of the requirements for additional hydrologic information to aid in the review of your application or, alternatively, for a plan for mitigation of impacts on stream flows.

I am uniformly extending the deadline for submittal of a response to February 1, 1992 to allow time for you to proceed.

Please let me know if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Loren O. Holmes".

Loren O. Holmes, P. E.
Southern Region Manager

37-8660

APR 12 1994

September 6, 1991

State of Idaho
Dept. of Water Resources
222 Shoshone St. East
Twin Falls, Id. 83301

RECEIVED

SEP 09 1991

Department of Water Resources
Southern Region Office

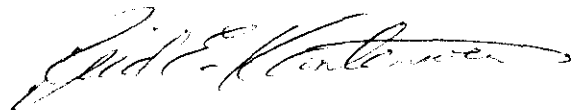
Dear Mr. Holmes,

In reference to Application number 37-8660 and your letter dated August 28, 1991, with regard to my withdrawing of my Swan Falls Water Right application, I wish to ask the Dept. for an extension of time of 90 days in order to accomplish what you are asking me to submit to you. I have been waiting for over two years for the permit and have had the patience of dealing with your dept. in submitting two applications for the permit at your request without any refund of fees. It only seems fair that my request be granted by the dept. as thirty days is nowhere time enough to complete your requests.

Please be advised I have no intention of withdrawing my application as I feel the usage of the water, in the manner I plan to use it, has no implications on Silver Creek or the Big Wood River. I also feel that my use is not a consumptive use but an agricultural use due to the fact that growing trees, developing barren land, and preventing the erosion of the earth in a very conscientious and conservative manner shows concern not consumption.

I appreciate your time and positive measures in this request and further correspondence will be necessary.

Thank you.



Reid E. Kantenwein
P.O.Box 1525
Hailey, Id. 83333
208-788-9776/0148 wk

SEP 11 1991

SEP 11 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-Aug-1991

Reid E. Kantenwein
P.O. Box 1525
Hailey, ID 83333

Re: Application number 37-8660

Dear Applicant:

The Department of Water Resources recently designated a ground water management area (GWMA) which encompasses the upper Big Wood River Valley, the Bellevue Triangle, a portion of the Silver Creek drainage, and the Camas Prairie. You have filed the above referenced application(s) which proposes a point of diversion within the ground water management area.

The Department intends to process pending applications within the GWMA. Any applicant who proposes a consumptive water use, other than domestic use not exceeding one-half acre of irrigation, must show that his proposed use will not reduce flows in the Big Wood River or Silver Creek, or he must propose a reasonable plan to mitigate the reduction in flow.

Your application proposes a consumptive use of water. Prior to further processing of your application, or conducting a hearing if the application is protested, you must submit the following information:

1. Hydrologic evaluation of the ground water aquifer at the proposed point of diversion and its relationship to surface water, including timing of potential impacts.
2. If the hydrologic evaluation results in a conclusion that a well can be constructed without impact, a prospectus discussing well construction methods and standards must be submitted which will be implemented to prevent depletion of surface flow.
3. If the hydrologic evaluation results in a conclusion that a well cannot be constructed without depleting surface flow, a plan of mitigation and/or compensation must be submitted that will replace depletions of surface water caused by proposed ground water withdrawal.

37-8660

RECEIVED

APR 12 1994

Page 2

28-Aug-1991

If you do not wish to submit the above information, you may withdraw your application by completing the enclosed withdrawal form. if your application includes a domestic component, and you wish to limit the application to domestic use, please inform this office.

Failure to respond to this inquiry within thirty (30) days, with either the withdrawal or a schedule for submittal of the above information, is cause for the Department to void the application for failure to submit the requested information.

Sincerely,



Loren O. Holmes, P. E.
Southern Region Manager

APR 12 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

30-Aug-1990

R. KEITH HIGGINSON
Director

REID E KANTENWEIN
PO BOX 1525
HAILEY ID 83333

Re: Application for permit No. 37-08660

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

APR 12 1994