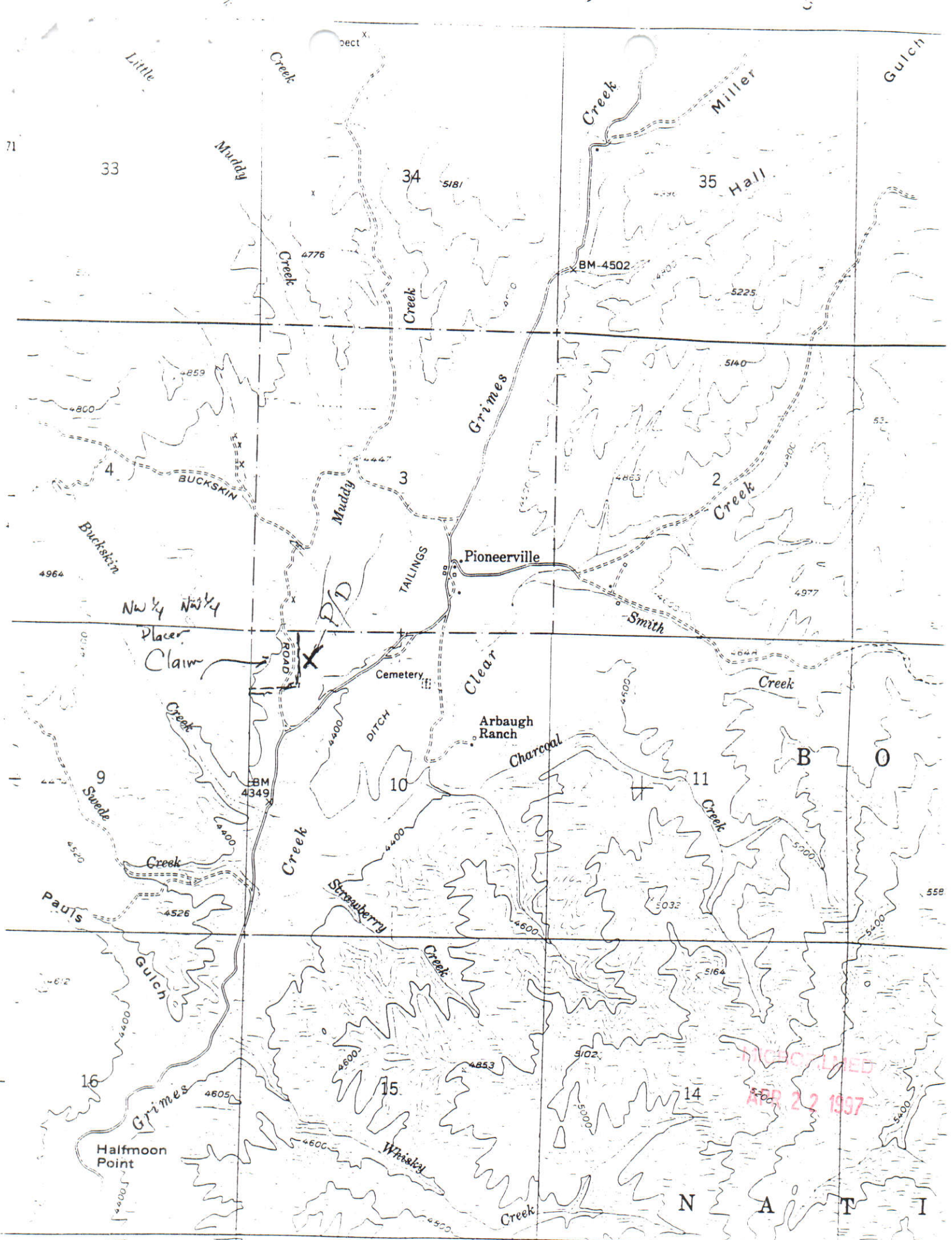


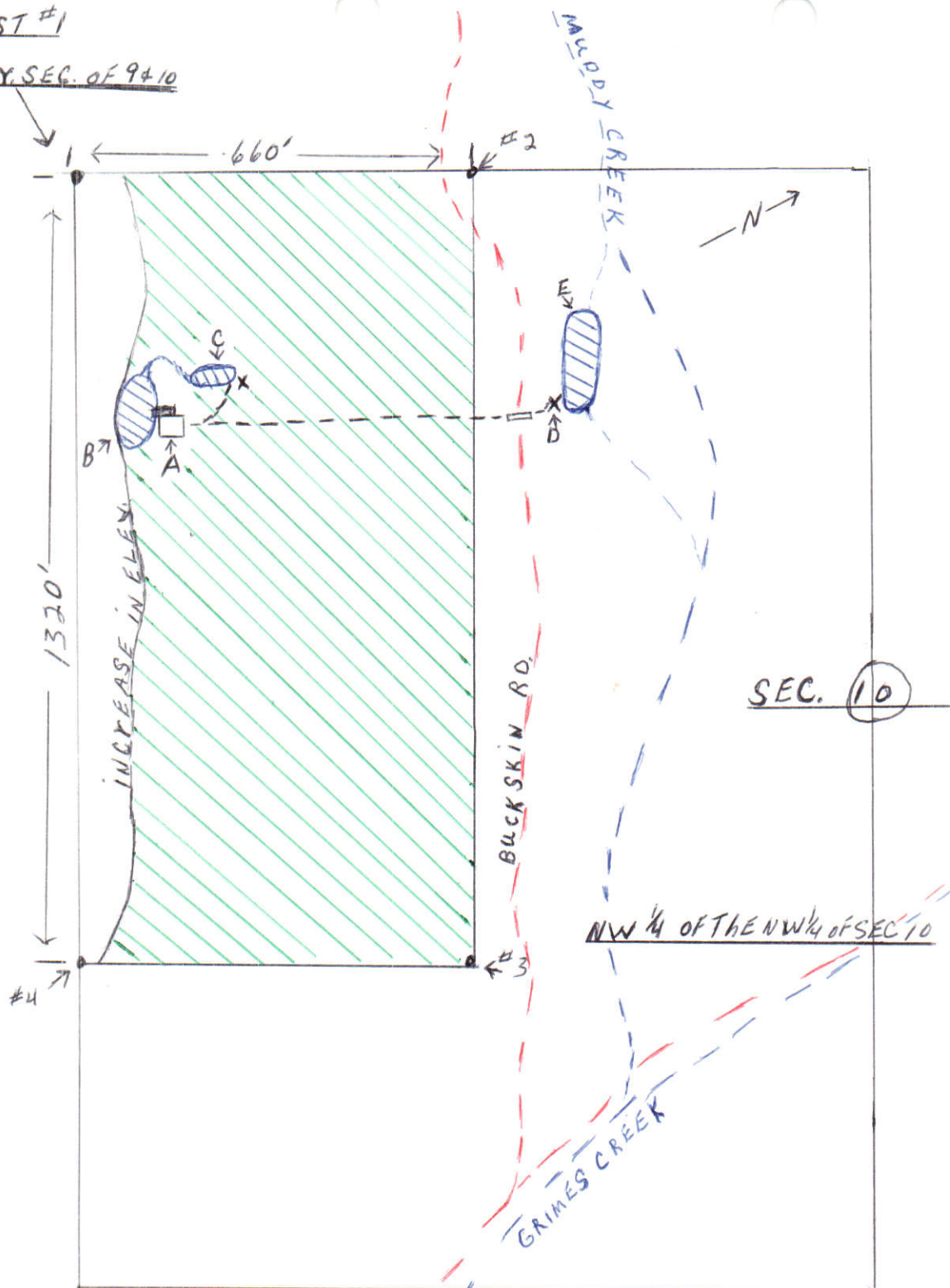


RECORDED
APR 22 1997

N A T I

POST #1

COPY SEC. OF 9 & 10



"NOT TO SCALE"

- A. Wash plant
- B. Main settling pond
- C. Recyle pond
- D. Point of diversion..pump
- E. Existing pond



Ground to be processed

MICROFILMED
APR 22 1997

The Idaho World

P O Box 99
Garden Valley, ID 83622
208 462-3487

RECEIVED

MAR 05 1997

WATER RESOURCES
WESTERN REGION

State of Idaho >
>
County of Boise >

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Feb 19, 1997 and ending with the issue of Feb 26, 1997.

Deanna Stevenson

State of Idaho >
>
County of Boise >

On this 3 day of Mar in the year 1997, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Diane E. Caughlin
Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6/26/2001

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12377 ✓

CANTRELL, HUGH E
1423 ALBANY
CALDWELL, ID 83605

Source: MUDDY CREEK

Tributary: GRIMES CREEK

Diversion Pt:

NWNWNW Sec 10 T 07N R 05E in BOISE County.

Use: MINING

(0.040 CFS)

Total Diversion:

(0.040 CFS)

Date Filed: 2/ 4/1997

In: BOISE County
T07N R05E S10

NWNW

65-13706

MOUNTAIN SIDE LLC
PO BOX 4576
BOISE, ID 83706

Source: SPRING

Tributary: SINKS

Diversion Pt:

SWNENW Sec 19 T 09N R 04E in BOISE County.

NWSENW Sec 19 T 09N R 04E in BOISE County.

USE: DOMESTIC

(0.450 CFS)

Total Diversion:

(0.450 CFS)

Date Filed: 1/ 2/1997

In: BOISE County

T09N R04E S19

Lot 4

(SWSW)

SESW

NESE

NWSE

SWSE

SESE

S30

Lot 1

(NENE)

NWNE Lot 4

(SWNE) Lot 1 (SENE)

Lot 2

(NENW)

Domestic use is for 124 homes in Garden Valley Summer Homesites.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MARCH 10, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World February 19 and 26, 1997

APR 22 1997

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. 4061028
Receipt By: 7712
Date Received: 3-29-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

MAR 29 2002

Department of Water Resources

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

1. Permit No. 63-12377 Telephone No. (208) 722-6756

2. Name of Permit Holder(s): HUGH E. CANTRELL

3. Mailing Address: PO BOX 728

City PARMA, ID State ID Zip 83660

4. Source of Water: LITTLE MUDY CK. If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____

Well Driller: _____ Drilling Permit Number: _____

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

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

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

6. Total rate of diversion and/or volume for which proof is submitted: 0.04 cfs OR _____ acre-feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required?

Yes _____ or No ☒

Has the measuring device been installed?

Yes _____ or No _____

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

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

Name: HUGH E. CANTRELL Telephone Number: (208) 722-6756

Address: PO BOX 728 / 119 N 2ND ST PARMA, ID 83660

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

Signature of permit holder: Hugh E. Cantrell - Owner Date: 3-27-02
(include your title, if on behalf of company or organization)

MICROFILMED

APR 23 2002

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 63-12377

Proposed Priority: February 4, 1997

Maximum Diversion Rate:

0.04 CFS

This is to certify, that **HUGH E CANTRELL**

1423 ALBANY

CALDWELL ID 83605

has applied for a permit to appropriate water from:

MUDDY CREEK

tributary of **GRIMES CREEK**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

MINING

04/15 to 10/31

0.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 10, Township 07N, Range 05E
BOISE County

PLACE OF USE: MINING

TWN RGE SEC

07N 05E 10

NWNW

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 2002.
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.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 63.
5. The Director retains jurisdiction of this right and any license subsequently issued to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such streamflow augmentation or other action will be required only upon a determination of need and applicability by the Director.
6. Prior to diversion and use of water under this right, the right holder shall comply with all bonding requirements of appropriate governmental entities.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.
8. Turbid water from the mining site shall not be returned directly to the stream.
9. Any discharge to a natural waterway shall comply with Idaho Water Quality Standards and Wastewater Treatment Requirements and EPA NPDES permit requirements.
10. Fuel, oil, and other hazardous materials shall be stored, and equipment refueled away from the stream to ensure that a spill cannot enter the stream channel.

State of Idaho
Department of Water Resources

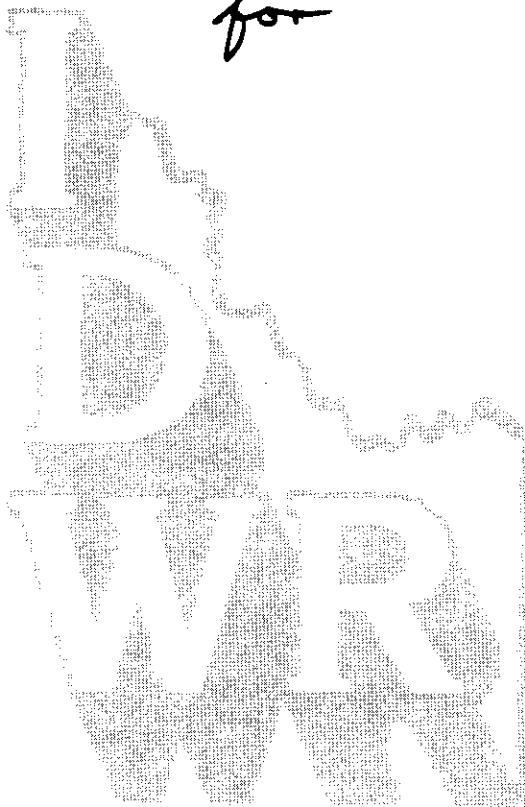
Permit To Appropriate Water

NO. 63-12377

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

1st day of April, 1997.

Karl J. Dreher
Karl J. Dreher, Director
for



APR 1 1997

Ident. No. 63-12377

RECEIVED

MAR 26 1997

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: HUGH E CANTRELL
Address: 1423 ALBANY
CALDWELL ID 83605
208-454-8258
2. Source: MUDDY CREEK
3. Location of Point of Diversion: ~~NWNWNW~~ Trib. to: GRIMES CREEK
Sec. 10, Township 07N, Range 05E
BOISE County
4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
MINING	04/15	10/31	0.040		
5. Total quantity to be appropriated is:
0.040 CFS (and/or) AF
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc.
5 HP PUMP, 3 SMALL PONDS
 - 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 inches; proposed depth of well is
feet.
 - d. Is groundwater with a temperature greater than 85F being sought? NO
 - e. If well is already drilled, when?
Drilling Firm
Well was drilled for
7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 year(s).
8. Place of Use: MINING

TWN RGE SEC
07N 05E 10

NWNW

9. a. Who owns the property at the point of diversion?
USFS
b. Who owns the land to be irrigated or place of use?
USFS
c. If the property is owned by a person other than the applicant,
describe the arrangement enabling the applicant to make this filing.
REQUESTING

10. Remarks:

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

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.

Applicant

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 50.00 Receipted by _____ #W021933 Date 2/ 4/1997

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

APR 22 1997

RECEIVED

FEB 04 1997

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Hugh E. Cantrell Phone 454-8258
Mailing address 1423 Albany, Caldwell Idaho, 83605
2. Source of water supply Muddy Creek which is a tributary of Grimes Creek
3. Location of point of diversion is Township 7N Range 5E Sec. 10, in the NN 1/4, NW 1/4, NW 1/4, Govt. Lot _____, B.M., Boise County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>0.04</u> for <u>placer mining</u>	purposes from <u>4-15-97</u> to <u>10-31</u>	(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)		
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
(cfs or acre-feet per annum)		
5. Total quantity to be appropriated is (a) 0.04 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 2" pump powered by a 5hp gasoline engine.
 - b. Height of storage dam N/A feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 10 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Water is to be used in a placer mining operation.
A 2" pump will be used to deliver the water to a wash plant and sluice box.

See attached sheet and map.

9. Description of place of use:

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

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7N	5E	10						X											

Total number of acres to be irrigated _____

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

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

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: I hold a valid placer mining claim and have filed for a mining

12. Remarks: permit. I will also file for a special water permit from the USFS
allowing me to pump water from their property.

See also attached narrative. Total daily use is not anticipated to exceed
2500 gal.

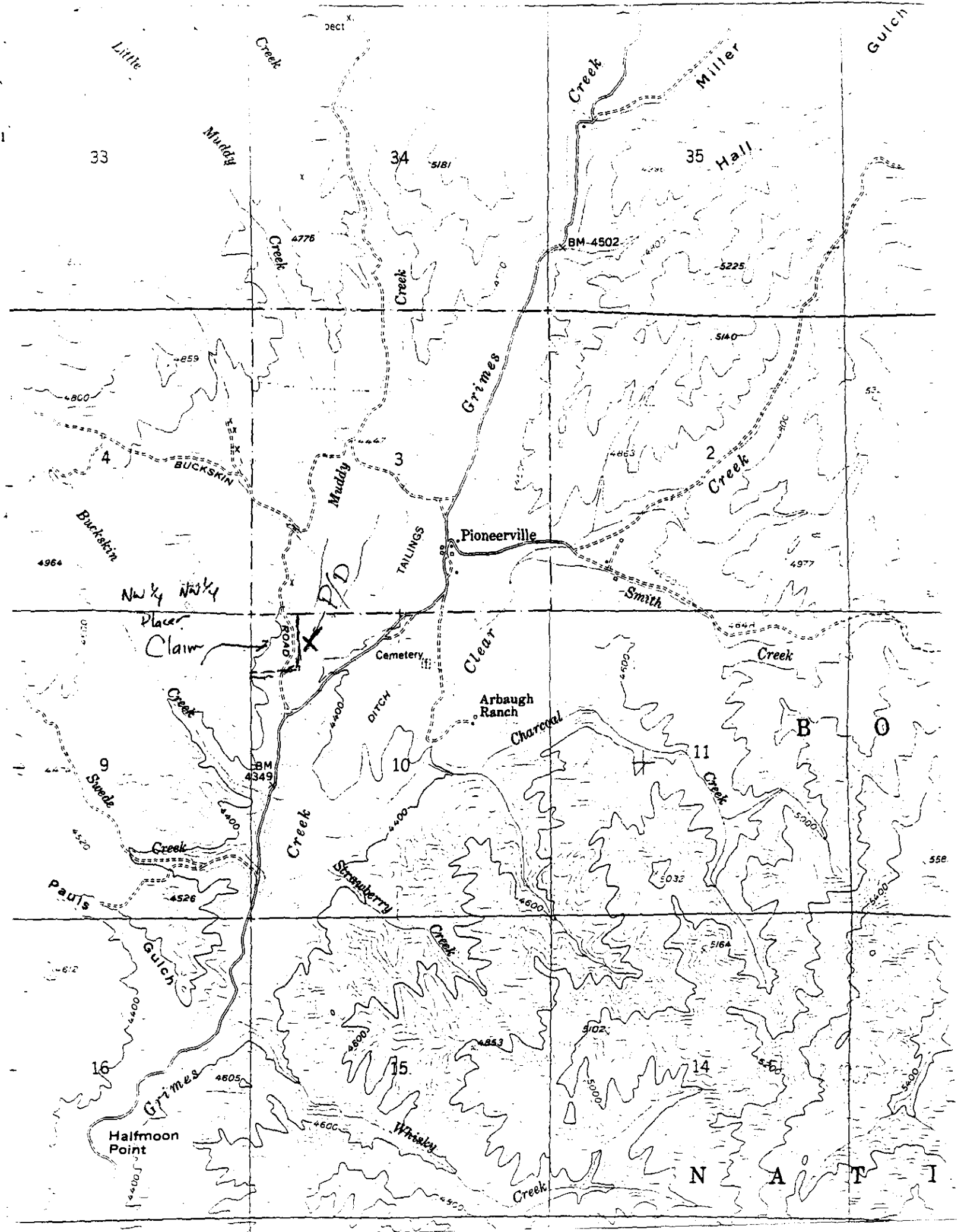
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

Alvin E. Conner

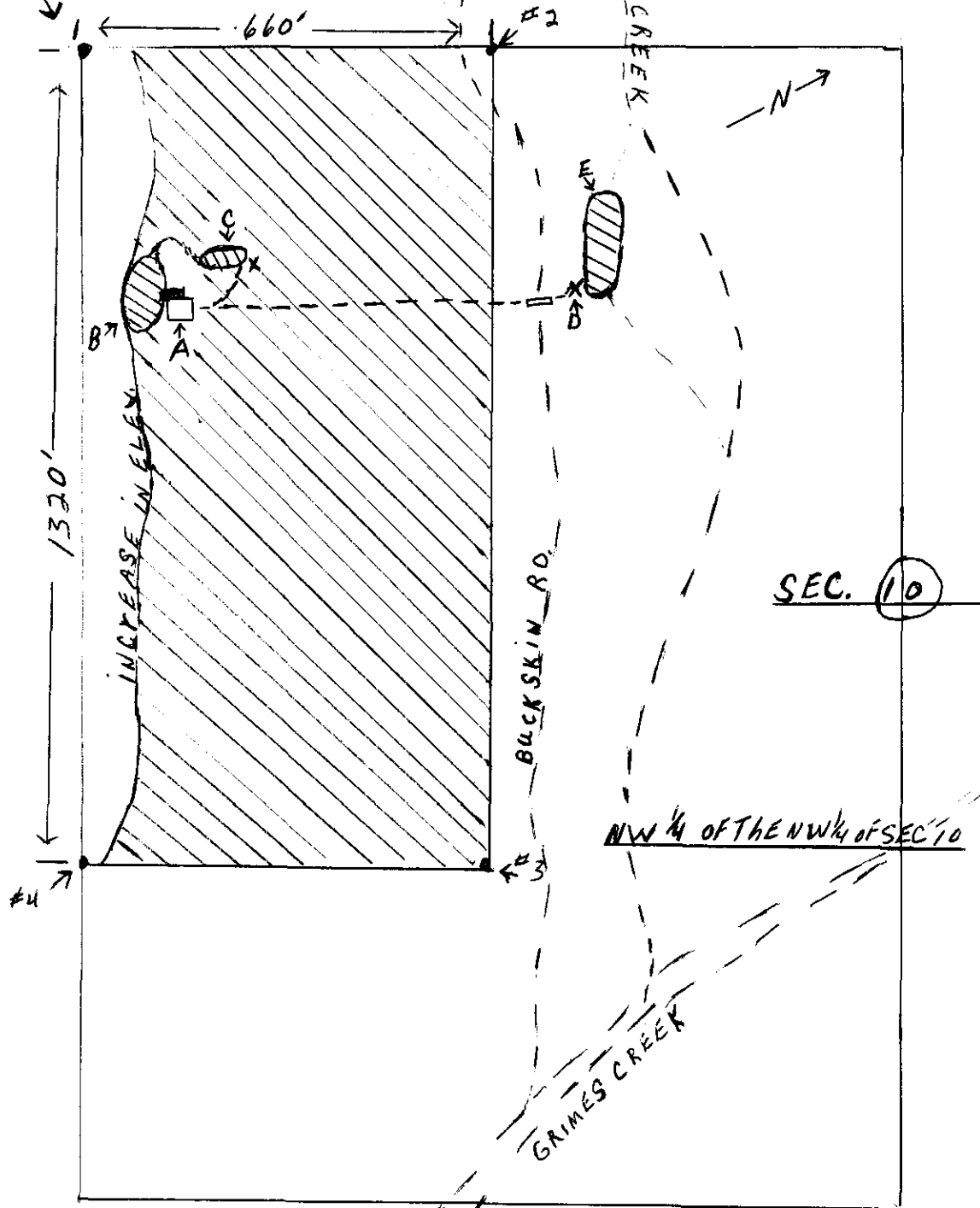
Signature of Applicant (and title, if applicable)

Received by lgl Date 2/4/97 Time 1010 Preliminary check by lg
 Fee \$ 50-00 Received by lgl # W021933 Date 2/4/97
 Publication prepared by ll Date 2-12-97 Published in Idaho World
 Publication approved ll Date 3-12-97



POST #1

COR. SEC. OF 9 & 10



"NOT TO SCALE"

- A. Wash plant
- B. Main settling pond
- C. Recycle pond
- D. Point of diversion..pump
- E. Existing pond



Ground to be processed

W. C. F. W.
APR 12 1957

1. Settling pond B will be approx. seventy feet by forty feet by three feet deep. This pond will hold an estimated sixty-three thousand gallons of water.
2. The recycle pond, noted as C, will be approx. eight feet by forty feet by four feet deep. This pond will hold an estimated nine thousand six hundred gallons of water.
3. Both pond B and C are existing ponds left by early day mining activity. It will require little work to bring these ponds to the desired levels of containment. The initial filling of the ponds will be done by the spring thaw and run-off.
4. As the surface area of both ponds is relatively small, the consumptive loss of water by evaporation will be slight. However due to the loss of water back into the aquifer, it will require replacement on an as needed basis.
5. No water will be allowed to return directly back to a stream. The existing pond noted as E on the map held its spring time level through late November when I was last on the site. I am sure that ^{it} is in a large part sub-surface water from Muddy Creek.



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

April 12, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

HUGH E CANTRELL
PO BOX 728
PARMA ID 83660

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12377

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 contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

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

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

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office (w/encl.)

MICROFILMED

APR 23 2002

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 63-12377

Reviewed By: dgibson

Date: April 11, 2002

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		C061008	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		
Are the water uses correct?	X		Measure device waiver requested?		

Priority Calculation

Date proof received		03/29/2002
Date proof due	-	04/01/2002
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	02/04/1997
New priority date	=	02/04/1997

Deficiencies of Actions Items

Acknowledge proof.

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Hugh E. Cantrell

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$

2/8/02

MICROFILMED

Postmark
Here

3 FEB 23 2002

Name (Please Print Clearly) (To be completed by mailer)

Street, Apt. No.; or PO Box No.

712 Grove St.

City, State, ZIP+4

Palma Id.

83660

PS Form 3800, July 1999

See Reverse for Instructions

7099 3220 0006 2688 2581

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and 2 for additional services.
- Complete items 3, 4 and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

HUGH E CANTRELL
712 GROVE ST
PARMA ID 83660

63-12377

4a. Article Number

70993220000626882581

4b. Service Type

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

7. Date of Delivery

2-12-02

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

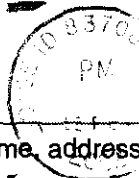
X *Delores McKinnon*

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
JSPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEBORAH J GIBSON
DEPARTMENT OF WATER RESOURCES
1301 N. ORCHARD ST.
BOISE, ID 83706-2237

RECEIVED

MICROFILMED

FEB 13 2002

APR 23 2002

Department of Water Resources



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Return Service Requested

Not at this Address

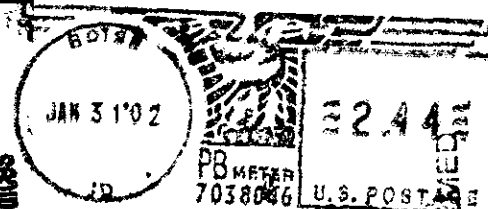
CERTIFIED MAIL



7099 3220 0005 5178 455

RECEIVED
FEB - 7 2002

Department of Water Resources



RECEIVED

FEB 06 2002

DIVISION OF BUILDING SAFETY

resent 2/8/02 dg

CANT423 836052223 1301 11 02/04/02
RETURN TO SENDER
CANTRELL
712 GROVE ST
PARMA ID 83660

RETURN TO SENDER

836052223 13



January 31, 2002

HUGH E CANTRELL
1423 ALBANY
CALDWELL, ID 83605

PROOF DUE NOTICE

RE: PERMIT NO. 63-12377

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 April 01, 2002. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

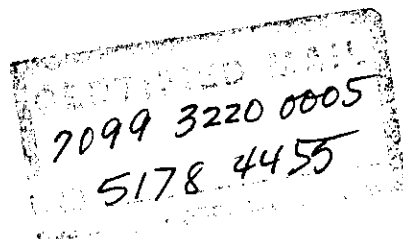
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures

MICROFILMED
APR 23 2002





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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 2, 1997

HUGH E CANTRELL
1423 ALBANY
CALDWELL ID 83605

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12377

Dear Permit Holder:

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

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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.

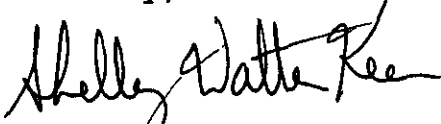
The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Also, 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 to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

241107

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:ph

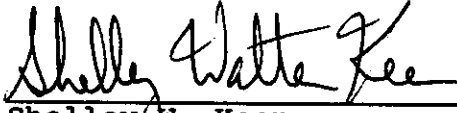
Enclosures

CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of April, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 63-12377

HUGH E CANTRELL
1423 ALBANY
CALDWELL ID 83605



Shelley W. Keen
Water Rights Supervisor

01/97

COMMENTS:

MEMO

RECEIVED

MAR 26 1997

TO: File No. 63-12377 in the Name of Hugh E. Cantrell Department of Water Resources

FROM: Gary Spackman *Gary*

RE: Conditions of Approval

DATE: March 21, 1997

The following conditions of approval are recommended:

1. Turbid water from the mining site shall not be returned directly to the stream.
2. Any discharge to a natural waterway shall comply with Idaho Water Quality Standards and Wastewater Treatment Requirements and EPA NPDES permit requirements.
3. Fuel, oil, and other hazardous materials shall be stored, and equipment refueled away from the stream to ensure that a spill cannot enter the stream channel.
4. Use of water under this right shall be non-consumptive.

63-12377
APR 23 1997

*SEE - send comment letter
USFS, copy to
Bene for*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: 6 DATE: 2/7/97 APPLICATION: 63-12377

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee:
- ☒ Yes ☐ No* In form to receipt:
- Gov't. Lots:
 P/D
 P/U

ADDITIONAL INFORMATION

YES NO

- ☐ ☒ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☐ ☒ Overlapping point of diversion.
- ☐ ☐ Field check required: Field check by: _____
- ☐ ☐ Field report attached:
- ☐ ☒ Critical groundwater area:
- ☐ ☒ Groundwater management area:
- ☐ ☒ 1992 moratorium: *exempt < 2500 GPD*
- ☒ ☐ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☐ ☒ Copy to Dam Safety staff: (for any storage)
- ☐ ☒ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ☐ ☒ Send power requirement letter:
- ☐ ☒ Send fish farm requirement letter:
- ☐ ☒ Power residency affidavit:
- ☐ ☒ Power efficiency form:
- ☐ ☒ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☐ ☒ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED

ADDITIONAL INFORMATION ON REVERSE SIDE:

PROCESSING

APP. NO. 63 - 2377

YES NO

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

SEND COPIES TO:

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands
☐ ☒ Adjudication Bureau

YES NO

☐ ☒ U.S. BLM
☒ ☐ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Other _____

FINAL REGIONAL PROCESSING REVIEW:

YES NO

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

☐ ☒ Published 2/19 & 2/26/1997
☐ ☒ No Publication dates and paper recorded on application:
☐ ☒ Protests received. Final date for protest 3-10-97
☐ ☒ NA Protest dates, resolution of protest recorded on application:
☒ ☐ Recommendations attached:
☐ ☒ Measuring device required:
☐ ☒ Measuring port required:
☐ ☒ Water delivered by water master? District # _____
☐ ☐ Special conditions of approval or cover letter: See memo

See below for additional information

Recommended Date or Priority 2/4/97
Recommended by: Davis Date: 3/18/97

STATE OFFICE REVIEW _____

See below for additional information. By _____ Date _____ADDITIONAL INFORMATION:

The Idaho World

P O Box 99
Garden Valley, ID 83622
208 462-3487

RECEIVED

MAR 05 1997

WATER RESOURCES
WESTERN REGION

State of Idaho >
>
County of Boise >

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-12377 ✓

CANTRELL, HUGH E
1423 ALBANY
CALDWELL, ID 83605

Source: MUDDY CREEK Tributary: GRIMES CREEK
Diversion Pt: NWNWNW Sec 10 T 07N R 05E in BOISE County.
Use: MINING (0.040 CFS)
Total Diversion: (0.040 CFS)
Date Filed: 2/ 4/1997
In: BOISE County
T07N R05E S10 NWNW
65-13706

MOUNTAIN SIDE LLC
PO BOX 4576
BOISE, ID 83706

Source: SPRING Tributary: SINKS
Diversion Pt: SWNENW Sec 19 T 09N R 04E in BOISE County.
NWSNENW Sec 19 T 09N R 04E in BOISE County.
USE: DOMESTIC (0.450 CFS)
Total Diversion: (0.450 CFS)

Date Filed: 1/ 2/1997
In: BOISE County
T09N R04E S19 Lot 4 (SWSW) SESW NESE NWSE
SWSE SESE
S30 Lot 1 (NENE) NWNE Lot 4 (SWNE) Lot 1 (SENE)
Lot 2 (NENW)

Domestic use is for 124 homes in Garden Valley Summer Homesites.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MARCH 10, 1997. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World February 19 and 26, 1997

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Feb 19, 1997 and ending with the issue of Feb 26, 1997.

Deanna Stevenson

State of Idaho >
>
County of Boise >

On this 3 day of Mar in the year 1997, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Deanna Stevenson
Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6/26/2001

Turbid water from the mining site shall not be returned directly to the stream (Alternatives are: settling pond, sump hole, irrigation ditch, etc.). Any discharge to a natural waterway shall be in compliance with Idaho Water Quality Standards and Wastewater Treatment Requirements and EPA NPDES permit requirements.

Fuel, oil, and other hazardous materials shall be stored, and equipment refueled, away from the stream to ensure that a spill cannot enter the stream channel.

Comments from SCPP

ENCLOSURE
APR 22 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 4, 1997

TERRY HARDY
US DEPT OF AGRICULTURE
BOISE NATIONAL FOREST
1750 FRONT ST
BOISE ID 83702

Re: Application for Permit No. 63-12377 in the Name of Hugh E. Cantrell

Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest must be received in this office by March 10, 1997, with the required \$25 protest fee per application being protested.

If you have any questions regarding the application, please contact this office.

Sincerely,


Gary Spackman

GS/st

Enclosure(s):



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 13, 1997

US DEPT OF AGRICULTURE
FOREST SERVICE
324 25TH ST
OGDEN UT 84401

BNF
~~SUPERVISORS OFFICE~~ BNF
TERRY HARDY
1750 FRONT ST 83702

Re: Application for Permit No. 63-12377 in the Name of Hugh E. Cantrell

Dear Sir:

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If you have any questions regarding the application, please contact this office.

Sincerely,

Gary Spackman

GS/st

Enclosure(s):

1/27/97 10:00

CONVERSATION MEMORANDUM

Date: 1-13-97

Employee Initials: VR

File #: _____

Name of Party: Hugh Cantrell 454-8258

Mr. Cantrell rec'd temp WR last year to operate highbank mining. He wants to apply for ~~the~~ appl. for permit - maybe? He wants to expand his operation. Depending what info the agent gives him - he may go with the temp WR - in which I would need to receive the info to send out for 30 day comment. We do not approve temp WR for highbank mining automatically.

I gave him the 'appl for permit' along with the instructions. He is available Mon & Tues for appts.

1/27/97 Visited with Mr. Cantrell about highbanking and gave him application form - He will complete and return or call for another appt.

1/27/97

1/27/97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF or less)

(HM)

Name of Applicant Hugh E. Cantrell Phone 454-825-8

Post Office address 1423 ALBANY, CALDWELL, ID 83605

1. Source of water MURPHY CREEK Tributary to GRIMES CREEK

2. Location of point of diversion 1/4 NW 1/4 Sec. 10 Township 7N Range 5E

B.M., County BOISE *

3. Location of place of use NW 1/4 NW 1/4 Sec. 10 Township 7N Range 5E

B.M., County Boise

4. Proposed use of water HIGH BANKER PLACER

5. Amount of water:

Maximum rate of diversion .07 * cfs or 31 gpm. for 3 hours/day
Volume: Max. daily vol. 5580 gal per day AF Total vol. .017 AF/day = Total .41 ac-ft

6. Duration of diversion: From 8-3- to 9-30-96 3 days per wk
Day-month Day-month

7. Proposed diverting works 1 1/2" pump

8. Who owns the property at the requested point of diversion? BOISE FOREST

9. Describe the arrangement allowing access to the water WORKING CLAIM IN SEC. 10, 7N, 5E

10. Remarks REC. MINING

Pumping = 31 gpm - 3 hours/day for 3 days/week for 8 weeks - 41 ac-ft

* SL 8/5/46

I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

8-1-96
Date

Hugh E. Cantrell
Applicant

Received by JFW Date 8/1/96 Time 3:00 PM

\$50.00 fee receipted by ~ ~ # W021289 Date 8/1/96

Watermaster Comments received? N/A - DE MINIMIS Date 8/5/96

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202a, Idaho Code, and has determined that:

 a) The application for temporary approval should be denied.

X b) The application for temporary approval should be approved, since

1. The temporary approval can be properly administered.

2. Other water sources are not readily available.

3. The approval is in the public interest.

4. The approval will not injure known public values associated with the water source or any known water rights.

This application is therefore hereby:

 a) DENIED

X b) APPROVED, subject to the following conditions:

1. Diversion and use of water under this approval is subject to all valid existing water rights.

2. The applicant assumes all risk the use of water under this approval may injure other water rights.

3. This approval authorizes a maximum diversion of 1.0 AF and a maximum rate of diversion of .07 cfs. 31 gpm
↓

4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use water and may not be used in connection with a use which requires a continuing water supply.

5. The department may cancel this approval at any time if the department identifies injury to other water rights.

6. This approval expires on 10-15-1996.

7. This approval does not create a continuing right to use water.

8. The holder of this temporary permit shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public values.

9. Other: This approval does not constitute approval by any other entity such as the Boise National Forest. Separate approvals may be required from such entities.

DATED this 5th day of August, 1996.

Steve Latta Deputy Regional
For the Director
M. Latta



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

January 30, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN GREG VISCONTY DISTRICT GEOLOGIST
IDAHO CITY RANGER DISTRICT BNF
PO BOX 129
IDAHO CITY ID 83631

RE: MUDDY CREEK MINING PROPOSAL

Dear Mr. Visconty:

The Idaho Department of Water Resources ("IDWR") offers the following comments on the above-referenced project described by your recent letter regarding the reworking of hydraulic mine tails near Pioneerville.

IDWR administers the Stream Protection Act requiring a SCA Permit for any work within the ordinary high water mark of a perennial stream. Such applications must be submitted sixty (60) days before any work is scheduled to start. IDWR is available to review preliminary plans and offer specific comments in this process.

A valid water right is required to divert any water from Muddy creek or any other surface water source for mining purposes or for any other beneficial use. It is possible that some work within the ordinary high water mark of a perennial stream might be exempted from the SCA process. Generally speaking, diversion works within a valid water right are exempted from SCA Permits.

A new water right permit could probably be issued by IDWR in the upper Boise River drainage to the extent that the proposed use remains non-consumptive at least during the irrigation season. A permit for up to .04 cfs (18 gpm) not to exceed 2500 gallons per day would be considered non-consumptive without other analysis. Anything beyond these rate of flow or volume limits should be evaluated by IDWR to determine the extent of consumptive use.

Please contact this office for more specific information.

Sincerely,

Steve Lester
Water Rights Supervisor

100-200000
100-200000

United States
Department of
Agriculture

Forest
Service

Idaho City Ranger District
P.O. Box 129
Idaho City, ID 83631

letter
any work below
DHWM requires
SCA

Gene ✓
Steve

Reply to: 2850

Date: December 13, 1996

Dear Interested Party,

The Idaho City Ranger District, Boise National Forest, recently received a mining proposal to rework old hydraulic mine tails near Pioneerville. The following is a brief summary of the proposed action:

The proposal consists of excavating and processing ten to twenty yards of tailings material per day. The material would be processed on site through a sluice, with the larger material being returned to the excavation sites and the fines saved for final reclamation. Water for this operation would be obtained from nearby Muddy Creek through a permit from Idaho Department of Water Resources. An existing settling pond will be used to recirculate water for most of the operation, with needed clean water for final cleanup. Equipment would consist of a backhoe or front end loader, wash box and sluice, and a 5 hp water pump. No new roads would be constructed, and all disturbed areas will be smoothed and covered with fines from the operation and seeded.

The Idaho City Ranger District requests comments concerning this proposal. Please direct your comments to Greg Visconty, District Geologist at P.O. Box 129, Idaho City, ID 83631. Your comments will be most helpful if received by **January 31, 1997** so they can be incorporated in the environmental analysis. The decision to be made includes the mitigation measures which would be necessary for this operation to protect the surface resources. The decision is expected to be made by the end of March, 1997. For further information, call 208-392-6681.

Hal D. Gibbs

HAL D. GIBBS
Idaho City District Ranger

SCA }
WR } comments needed

ENCLOSURE

11/19/96

63-12377

CANTRELL, HUGH E
1423 ALBANY
CALDWELL, ID 83605

Source: MUDDY CREEK

Tributary: GRIMES CREEK

Diversion Pt: NWNWNW Sec 10 T 07N R 05E in BOISE County.

Use: MINING	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 2/ 4/1997

In: BOISE County	
T07N R05E S10	NWNW

RECORD FILMED

APR 22 1997