

63-11336 Z

NOTICE OF APPLICATION FOR WATER RIGHT

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

63-11336

MARTELL, LETHA M.
1517 BEECH
CALDWELL, ID 83605
Source: GROUNDWATER
Diversion Pt:

SWSWNE
SWNWSE

Sec 12 T 03N R 04W
Sec 12 T 03N R 04W
(3.200 CFS)

Use: IRRIGATION

Total Diversion: (3.200 CFS)

Date Filed: 3/30/1990

In: T03N R04W S12 NWNE

SWNE
160.0 ACRES TOTAL

NESE

NWSE

63-11337

MUNSEY, LANA E.
MUNSEY, MICHAEL F.
15879 PLUM RD.
CALDWELL, ID 83605
Source: ROBINSON DRAIN
Diversion Pt:
Use: IRRIGATION
Use: STOCKWATER

Tributary: SMOKE RIVER
NENENE

Sec 16 T 03N R 04W
(.030 CFS)
(.020 CFS)
Total Diversion: (.050 CFS)

Date Filed: 3/13/1990

In: T03N R04W S16

1.0 ACRES TOTAL

NENE

63-11339

CITY OF NAMPA
411 3RD ST. S.
NAMPA, ID 83651
Source: GROUNDWATER
Diversion Pt:
Use: IRRIGATION

SWSESW

Sec 12 T 03N R 02W
(.030 CFS)
Total Diversion: (.040 CFS)

Date Filed: 3/26/1990

In: T03N R02W S12

1.0 ACRES TOTAL

SESW

63-11341

MUSCHBACHER, MARY A.
MUSCHBACKER, ANTHONY W.
24289 HASKINS RD.
WILDER, ID 83676
Source: SPRINGS
Diversion Pt:
Use: IRRIGATION
Use: AESTHETIC

Tributary: RUBY DRAIN
SEWNNE

Sec 13 T 03N R 05W
(1.00 CFS)
(.100 CFS)
Total Diversion: (.100 CFS)

Date Filed: 2/12/1990

In: T03N R05W S13

5.0 ACRES TOTAL

NWNE

63-11346

WHITE, CAROL K.
WHITE, TERRANCE R.
5000 SUNNYRIDGE RD.
NAMPA, ID 83686
Source: GROUNDWATER
Diversion Pt:
Use: IRRIGATION

NWSE

Sec 10 T 02N R 02W
(.150 CFS)
Total Diversion: (.150 CFS)

Date Filed: 6/13/1990

In: T02N R02W S10

5.0 ACRES TOTAL

NWSE

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before JULY 23, 1990.

R. KEITH HIGGINSON, Director

July 4, 11, 1990

RECORDED

RECORDED

0891 28 130

R4W R3W

MARSING QUADRANGLE
IDAHO

7.5 MINUTE SERIES (ORTHO PHOTOQUAD)

515

516

47' 30"

GREENLEAF 5 MI.
3.3 MI. TO IDAHO 19 230 000 FEET

519

116° 45'

43° 37' 30"



SW SW NE

P.D.

P.D.

SW NW SE

RECORDED

OCT 22 1990

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Application~~	~~63-11336~~	~~Letha M Martell~~	~~3.20~~
Full Assignment	63-11336	Martell Farms Inc.	3.20

RECEIVED

MAR 29 1995

RECEIVED

SEP 29 1995

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 03 1995

PROOF OF BENEFICIAL USE

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

1. Permit No. 63-11336 Telephone No. 208/459-7017
2. Name(s) of Permit Holder(s): Martell Farms, Inc
3. Mailing Address: 16479 MAIT RD Caldwell, ID 83605
4. Source of Water: Groundwater If **GROUNDWATER** (well), Date Drilled: mo. Aug / yr. 1977
 - a. Well Driller: Rocky Mt. Drilling Drilling Permit Number: - -
 - b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): Stockwater (No. and type of stock):
Irrigation (No. of acres): 80 OK Other: 1.6 OK
6. Total rate of diversion and/or volume for which proof is submitted: 1.6 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 ✓

Flow Measurement Port: Is a flow measurement port required?

Yes or No ✓

Has the measurement port been installed?

Yes or No ✓

8. Fee Enclosed: \$ 125.00 (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: CAROLYN Martell Telephone Number: 208/459-7017

Address: 16479 MAIT RD Caldwell, ID 83605

10. The information given on this form 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.

Signature of permit holder: Martell Farms, Inc. Sandra Martell - Pres.
(include your title, if on behalf of company or organization)

Date: 9.19.95

NOV 08 1995

State of Idaho
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 13 1995

WATER RESOURCES
WESTERN REGION

ASSIGNMENT OF PERMIT

To change the ownership of a permit

West One Bank, Idaho, as Personal Representative of the estate of
Letha Martell, deceased
I, (Permit Holder), hereby assign to Martell Farms, Inc. c/o
of Carolyn Martell, 16479 Malt Road, Caldwell ID 83605 208/459-7017
(Full Address)

All my right, title, and interest in and to Permit No. 63-11336
to appropriate the public waters of the State of Idaho.

RECEIVED

FEB 14 1995

Department of Water Resources

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
Permit No. N/A to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
point of diversion location, and the amount of water in cubic feet per second.

N/A

Made this 9th day of FEBRUARY, 1995.

West One Bank, Idaho, as Personal Representative
of the estate of Letha Martell, deceased

By: Dennis C. Wagner Property Officer - Trust
Dennis C. Wagner Permit Holder(s)

State of Idaho)
County of Ada) ss

On this 9th day of February, 1995, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



CONNIE HOPKINS

Notary Public

Connie Hopkins

Signature

MAR 29 1995

My commission expires: 8-31-99

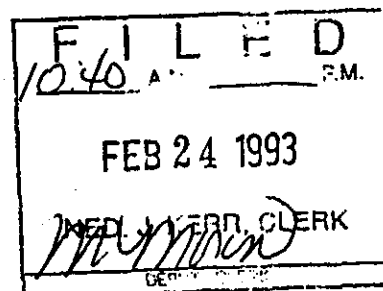
database updated 3/1/95 - cz.

RECEIVED
FEB 13 1995

WATER RESOURCES
WESTERN REGION

JOHN S. CHAPMAN
MARTIN, CHAPMAN, SCHILD & LASSAW, CHTD.
476 N. 12th Street, #100
P. O. Box 2898
Boise, Idaho 83701

Telephone: (208) 343-6485



IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

MAGISTRATE DIVISION

In the Matter of the Estate
of
LETHA M. MARTELL,
Deceased.

Case No. SP-93-00305

LETTERS TESTAMENTARY
(I.C. 15-3-602 and 15-3-702)

WEST ONE BANK, IDAHO is hereby appointed Personal Representative of the Estate of LETHA M. MARTELL, deceased, with all authority pertaining thereto. Administration of the estate is unsupervised.

These Letters are issued to evidence the appointment, qualification, and authority of the Personal Representative.

WITNESS: James C. Morfitt, Magistrate of the District Court, County of Canyon, State of Idaho, with the seal of the Court affixed this 23rd day of February, 1993.

James C. Morfitt
MAGISTRATE

RECEIVED
FEB 29 1995

STATE OF IDAHO)
) ss.
County of Ada)

The undersigned, hereby accepts the appointment to the office of Personal Representative of the Estate of LETHA M. MARTELL, deceased, and I do solemnly swear that I will perform, according to law, the duties of Personal Representative of said estate.

WEST ONE BANK, IDAHO

By A Wesley Sullivan
Trust Officer

P. O. Box 7928
Boise, ID 83707

383-7200

Personal Representative

SUBSCRIBED AND SWORN to before me this 19th day of February, 1993.

Mary L. Clemens
NOTARY PUBLIC
Residing at Boise, Idaho
My Commission Expires: 1-30-97

State of Idaho }
County of Canyon) ss.

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in this office.

DATED

Feb 24 1993
NED J. KERR, Clerk of the District Court
and Ex-Officio Recorder

By M. Minin

Deputy

MAR 29 1995

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SEP 15 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of water right under the provisions of Section 42-204, Idaho Code.

Permit No. 63-11336

Name(s) of Permit Holder: Letha M. Martell

Mailing Address: 1517 Beech Caldwell, ID 83605

Date Proof is Due 10/1/92 Telephone No. 459-7325

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

well has been drilled for well #1 & is in use.
well #2 has been drilled.

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

finances have not allowed us to purchase
another pump.

Permit holder(s) request an extension to October 1, 19 97.

FEE: \$15.00

Letha M. Martell
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED
and the time within which to submit proof of beneficial use is
extended to October 1, 1995.

Signed this 16 th day September, 19 92

J. Shaw Saylor
Chief, Water Allocation Bureau

RECEIVED
SEP 21 1992

NO. 63-11336

Proposed Priority: March 30, 1990 Maximum Diversion Rate: 3.20 CFS
This is to certify, that **LETHA M. MARTELL**
1517 BEECH
CALDWELL, ID 83605
has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	3.20 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u>	SWSWNE	Sec. 12, Township 03N, Range 04W
	SWNWSE	Sec. 12, Township 03N, Range 04W
		CANYON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
03N	04W	12	NWNE	40	SWNE	40	NESE	40	
			NWSE	40					160
Total number of acres irrigated:									160

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1992.**
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

27th day of September, 1990

MICROFILMED

OCT 22 1940

R. Keith Higginson, Director

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Canyon)

Kathleen D. Steed

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily, (except Saturday) newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper
Two Times

—in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

July 4, 11, 1990

Kathleen D. Steed

STATE OF IDAHO)
)
COUNTY OF CANYON)

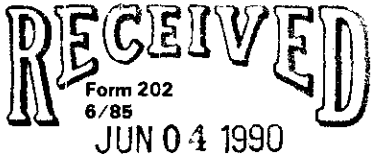
On this 11th day of July in the year of 1990, before me, a Notary Public, personally appeared Kathleen D. Steed, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Jeanne Lusk
Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JULY 12th, 1991

OCT 22 1990 JUL 12 1990

Department of Water Resources
Western Regional Office

Ident. No. 63-11336

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources
Western Regional Office

To appropriate the public waters of the State of Idaho

1. Name of applicant LETHA M. MARTELL Phone 208-459-7017
Post office address 1517 Beech Ckld. Id. 83605
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 12 Township 3N Range 4W B.M. Canyon County; additional
points of diversion if any: SW SW NE Sec. 12, 3N, 4W
4. Water will be used for the following purposes:
Amount 3.2 for Irrigation purposes from 3/15 to 11/15 (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) 3.2 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 2 wells
110' 16" casing Tractor power pumps

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 16 inches; proposed depth of well is 110 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
5 years (minimum 1 year).

RECORDED

OCT 22 1990

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	
3N	4W	12		40	40										40	40			160

Total number of acres to be irrigated 160

10. Describe any other water rights used for the same purposes as described above. Wilder Irr. Dist.

+ Nampa Meridian Irr. Dist.

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

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

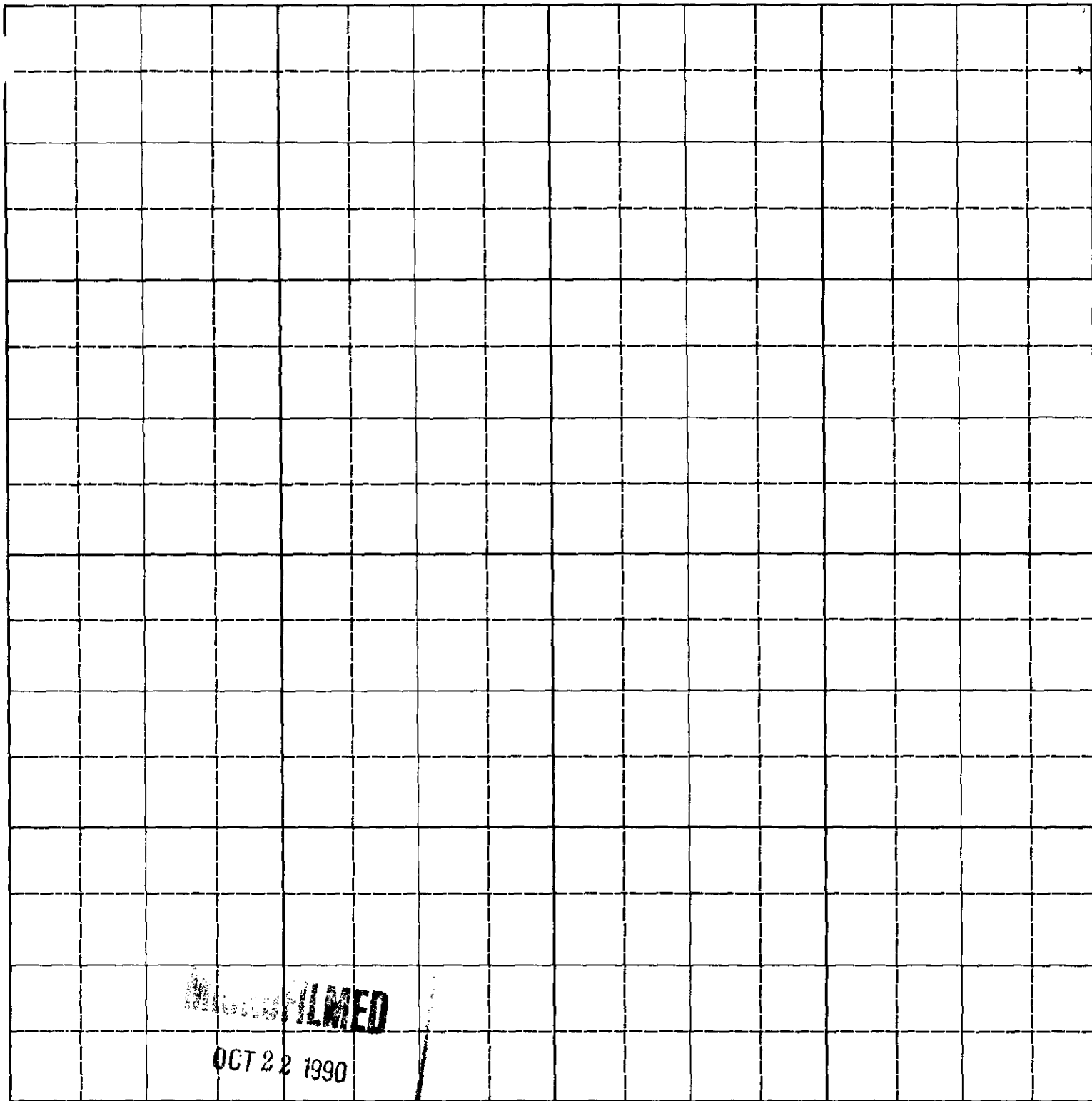
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. VERLYN G. MARTELL son of the applicant will by verbal agreement divert water to land described

12. Remarks: as follows W 1/2 NE 1/4 Sec 12, 3N. 4W.

RECORDED

OCT 27 1990

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.

Letha M. Martell
(Applicant)

Received by HH Date 6/4/90 Time 10:00 A.M. Preliminary check by RW
Fee \$ 125⁰⁰ Received by LN # W011775 Date 3-30-90
Publication prepared by GG Date 6-27-90 Published in Press-Tribune
Publication approved AT Date 7-31-90

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:

MICROFILMED

OCT 22 1990

R4W R3W

MARSING QUADRANGLE
IDAHO

7.5 MINUTE SERIES (ORTHOPHOTOQUAD)

515

516

47' 30"

GREENLEAF 5 MI.
3.3 MI. TO IDAHO 19 230 000 FEET 519

116° 45'

43° 37' 30"

CALDWELL 5 MI.

4828

SW SW NE

710 000
FEET

P.D.
SW NW SE

7.5 MI. TO S. 30
NAMPAY 18 MI.

4828
AEROPHOTOFILMED

OCT 22 1990

MEMORANDUM

To: File 63-11336

From: Cynthia Bridge Clark

Date: October 24, 2001

Re: Telephone Conversation

Dick Miller (208-250-0731) telephoned on behalf of Martell Farms, Inc. regarding that status of the field exam for permit no. 63-11336. Debbie Gibson arranged for Lori Graves to conduct the inspection, but Mr. Miller had additional questions about whether both wells on the permit could be licensed.

The permit provided for irrigation of 160 acres, a rate of 3.20 cfs, and two points of diversion. Apparently the Martells own 80 acres in the NESE and NWSE, and have been leasing the other 80 acres in the NWNE and SWNE. The Martells are now planning to lease their property and the lessee would like verification that the two wells on the property will be available for use. Apparently, the land is generally irrigated with canal water and the wells are rarely used, but they would like to get both wells licensed if possible.

Mr. Miller said there is a third well in the NE quarter that has been used for irrigation, but that the Martells developed only one of the wells identified on the permit. He stated that they drilled the second well, but never installed a pump because the department told them that the second well could not be developed. Mr. Miller did not know the basis for this statement, but said they did not want to install a pump if there was a chance the well could not be licensed. On a request for extension of time received on February 1, 1995, the applicant wrote that well no. 1 was in use, and that well no. 2 had been drilled but did not have a pump. The applicant noted that the reason for the extension was that power would not be available on the property until the summer of 1996. There is no documentation in the file indicating that the applicant would not be allowed to develop the second well.

Proof of Beneficial Use was due on November 1, 1995, and was received on October 3, 1995. The applicant claims that 80 acres were developed with a diversion rate of 1.6 cfs. Mr. Miller said that all 160 acres were irrigated, but that the Martells use the current landowners water right so they did not include the leased acres on the proof form. No water rights were found for the current owners (Holland); therefore I explained that this permit constituted the only legal water use on the property for irrigation.

I also explained that the examiner should be shown all of the property irrigated under the permit, as well as all of the points of diversion. The examiner can recommend more acres and a higher rate of flow than were identified on the proof of beneficial use form up to the permitted amount. We also discussed the applicant's options for developing the second well, including filing a transfer to add a point of diversion if the examiner did not find that it had been developed enough for use during the development period.

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 03-11336 Reviewed by [Signature] Date 10-12-95

GENERAL CONSIDERATIONS

TYPES OF USE

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

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

MEASURING DEVICE

yes Required?
125.00 Amount Submitted
yes Correct?
no Required?
_____ Installed?
_____ Waiver requested?

PRIORITY CALCULATION

Date proof received	_____		_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address _____ Proof Made 9-29-95

October 13, 1995

MARTELL FARMS INC
C/O CAROLYN MARTELL
16479 MALT RD
CALDWELL ID 83605

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-11336

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 WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

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NOV 08 1995

July 31, 1995

MARTELL FARMS INC
C/O CAROLYN MARTELL
16479 MALT RD
CALDWELL ID 83605

PROOF DUE NOTICE

RE: PERMIT NO. 63-11336

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 October 1, 1995. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

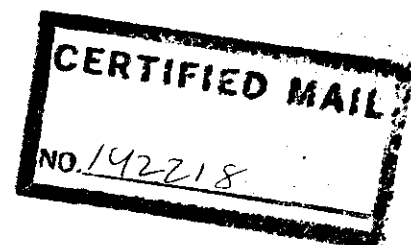
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the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

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

NOV 08 1995





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

March 23, 1995

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Martell Farms Inc
C/O Carolyn Martell
16479 Malt Rd
Caldwell ID 83605

RE: Permit No. 63-11336

Dear Ms. Martell,

This letter is to confirm that the assignment of ownership on the above referenced water right is satisfactory. We have modified our computer records to reflect this change in ownership.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

RECEIVED
MAR 29 1995

WR0749NP
No. 63-11336

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/01/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARTELL FARMS INC C/O CAROLYN MARTELL 16479 MALT RD CALDWELL ID 83605 (208) 459-7017	03/30/1990	IRRIGATION	03-15 11-15	3.200 CFS	
TOTAL DIVERSION:					3.200 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T03N R04W S12 SWSWNE SWNWSE CANYON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
03N	04W	12	:			40		40										40		40	:	160.0
																				TOTAL ACRES	160.0	

Pou County: CANYON

Other Rights: WILDER IRRIGATION DISTRICT, NAMPA MERIDIAN IRRIGATION DISTRICT

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 026 - Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
- 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.

Dates: App. Received: 03/30/1990 Priority Date: 03/30/1990
Proof Due Date: 10/01/1995 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 09/15/1992 User-ID: VAULT Subject: Extension of Time Received
Extension of Time Received

Date: 03/01/1995 User-ID: CZIMMERM Subject: CORPORATE OFFICERS
The corporate officer of Martell Farms, Inc. are:
Sean T Martell, President.
The Board of Directors of Martell Farms, Inc. consists of
Brent G Martell.

MEMORANDUM

DATE: March 1, 1995
TO: File No. 63-11336
FROM: Cindy Zimmerman *cz*
SUBJECT: Corporate Officers

=====

Per telecon with Carolyn Martell today, the corporate officers of Martell Farms Inc. are:

President:

Sean T. Martell, 16479 Malt Rd., Caldwell ID 83605

Board of Directors:

Brent G. Martell, 16479 Malt Rd., Caldwell ID 83605

RECEIVED
MAR 29 1995

West One Bank, Idaho
Post Office Box 7928
Boise, Idaho 83707
208 383-7200

RECEIVED

FEB 13 1995

WATER RESOURCES
WESTERN REGION

WESTONE

TRUST

RECEIVED

FEB 14 1995

Department of Water Resources

February 10, 1995

Mr. Rob Whitney
Department of Water Resources
2375 Airport Way
Boise ID 83705

Re: Martell 14104881 & 11013592
Canyon County farm in Sec 12
T3N, R4W

Mr. Whitney:

Enclosed is the executed **Assignment of Permit** for permit no. 63-11336 for the above referenced property. Letha Martell deceased in January, 1993, and West One Bank, Idaho was appointed Personal Representative in February, 1993. A photocopy of the Letters Testamentary is enclosed.

The above mentioned permit is for an irrigation well and is an active permit. We also discussed permit no. 63-8897, which you indicated has lapsed, and is now inactive.

Thank you for your cooperation and quick response.

Sincerely,



Dennis C. Wagner
Trust property Officer

encls.

cc: A. Wesley Seideman, Trust Officer
Carolyn Martell, Martell Farms, Inc.

MAR 29 1995



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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 28, 1995

Martell Farms, Inc.
16479 Malt Rd.
Caldwell, ID 83605

RE: Permit No. 63-11336

Dear Permit Holder:

I am returning the Request for Extension of Time you submitted to the Western Regional Office on February 21, 1995. Proof of beneficial use is not due until October 1, 1995. The department will not consider an extension request for denial or approval which is submitted earlier than sixty (60) days prior to the proof due date.

I have begun the process to refund the \$50.00 filing fee you submitted with the extension request. The refund should arrive in seven (7) to ten (10) days under separate cover.

If you have any questions or concerns, please do not hesitate to contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

2/17/95

State OFFICE:

The applicant would like the Department to expedite the request, so if it is denied they can make a limited attempt to complete the system before 10/1/95.

JFW
Western.

RECEIVED
MAR 29 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME ^{IVED}
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF ^{FOR 21 1995}
BENEFICIAL USE FOR A WATER RIGHT PERMIT

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 63-11336

Name(s) of Permit Holder: ONARTELL FARMS, Inc

Mailing Address: 16479 Malt Road Caldwell, ID 83605

Date Proof is Due: 10/1/95 Telephone No. 208/459-7017

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Well #1 has been drilled and is in use. Well #2
has been drilled but needs pump.

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

The property has recently been purchased by the
CORPORATION. Power contractor will be unable to supply
power until summer of 1996 (Anderson-Wood Const)

Permit holder(s) request an extension to October 1, 1997.

FEE: \$50.00

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this _____ day of _____, 19 _____

MAR 29 1995



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

September 17, 1992

Letha M. Martell
1517 Beech
Caldwell, ID 83605

Re: Permit No. 63-11336

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to October 1, 1995. Please note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

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

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: IDWR-Regional Office

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SEP 21 1992

**ANALYSIS SHEET
FOR
EXTENSION OF TIME**

Permit No. 63-11336 Reviewed by Ulg Date 9/16/92

BASIC INFORMATION

9/15/92 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
no Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?
Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? Requested?
Is delay by a government agency?
Is supporting documentation needed to complete the file? Requested?
Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

*Recommend approval Based on due diligence
Extend to 10/1/95*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address _____
Change Proof Due Date 9/16/92 Ulg
Change Priority Date _____

July 31, 1992

LETHA M. MARTELL
1517 BEECH
CALDWELL ID 83605

PROOF DUE NOTICE

RE: PERMIT NO. 63-11336

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 October 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

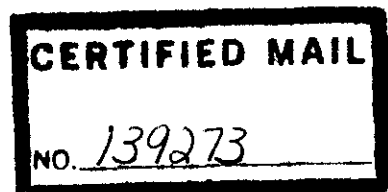
SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

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SEP 21 1992



S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
October 1, 1990

LETHA M. MARTELL
1517 BEECH
CALDWELL, ID 83605

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 63-11336

Dear Permit Holder:

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

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of

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OCT 22 1990

Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ: SC
Enclosures

MINISTERED

OCT 22 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: RW DATE: 5-18-20 APPLICATION: 63-11336

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: OK RW
☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee:
☒ Yes ☐ No* In form to receipt:
- Gov't. Lots:
N P/D
N P/U

ADDITIONAL INFORMATION

YES NO

- ☒ Overlapping place of use: (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion:
Field check required: Field check by: _____
Field report attached: _____
Critical groundwater area: _____
Groundwater management area: _____
Send dam safety information: _____
Send power requirement letter: _____
Send fish farm requirement letter: _____
Power residency affidavit: _____
Power efficiency form: _____
Within trust water boundary: (If yes, attach Trust Water Supplementary Analysis Sheet.)
Diversion greater than 5 cfs or 500 af: (If yes, attach Large Diversion supplementary analysis sheet.)
*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED: _____

Additional information on reverse side: _____

RECEIVED
SEP 13 1990
Department of Water Resources

63-11336

X In form for advertising:

X Statewide advertising:

X Fee amount, receipt number and date recorded on application:

YES NO

_____	I.D. Health and Welfare
_____	I.D. Fish and Game
_____	I.D. Lands
_____	Adjudication Bureau

YES NO

_____ U.S. BLM
 _____ U.S. Forest Svc.
 _____ Water Dist. # _____
 _____ Other _____

~~YES~~ / NO

✓
✓
✓
—
Affidavit of publication received:
Application published correctly: If not, record action taken.

✓ Publication dates and paper recorded on application:
 ✓ Protests received. Final date for protest July 23, 19
 ✓ Protest dates, resolution of protest recorded on application:
 ✓ Recommendations attached: Dr. Approve
 ✓ Measuring device required:
 ✓ Measuring port required: (New memo)
 ✓ Water delivered by water master? District # 63-P05
 ✓ Special conditions of approval or cover letter:

26A (Allow 2 yrs)

See below for additional information

Recommended Date or Priority 3/30/1990

Recommended by: DR Date 9/11/1990

STATE OFFICE REVIEW

P05, P23

P/M

46 36

See below for additional information. By KW Date 9-20-90

ADDITIONAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region
2735 AIRPORT WAY

Boise, Idaho 83705
(208) 334-2190

JUNE 27, 1990

Press-Tribune
P.O. Box 9399
Nampa, ID 83652

Dear Legal Dept.:

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 JULY 23, 1990.

Yours truly,

GAIL GARRETT
Secretary

Encl.

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OCT 22 1990

63-11336

MARTELL, LETHA M.
1517 BEECH
CALDWELL, ID 83605

Source: GROUNDWATER

Diversion Pt: SWSWNE Sec 12 T 03N R 04W
 SWNWSE Sec 12 T 03N R 04W

Use: IRRIGATION (3.200 CFS)
 Total Diversion: (3.200 CFS)

Date Filed: 3/30/ 1990

In: T03N R04W S12 NWNW SWNE NESE NWSE
 160.0 ACRES TOTAL

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OCT 22 1990