

Petition For Release Of Water Rights and Restored Back to Original Right Holder.

RECEIVED

FEB 08 2024

DEPARTMENT OF
WATER RESOURCES

ATTENTION GARY SPACKMAN:

COMES NOW ON THIS 29th day of January the original right holder to water right # 61-07647 is Basque Ranches and the right # was 61-02033. I Felipe Aguirre am the correct owner of this water right that mr. Cantrell illegally stole from my father and uncle who are known as Domingo Aguirre (my uncle) and Felipe Aguirre (my father who has the same name as me). You see I've inherited our family ranch since 2015 after my father passed. Now I've been running our ranch since 2011, and have not let mr. Cantrell access any of the water from the right he stole. I will attach appropriate documentation to not only prove my allegations but also to give back the original right we have. You see it is vital that you give my case your utmost attention as I am in need of the right to be returned since I am currently in the process of working with the usda as to receive grants and start to farm our property once again. I have brought the family ranch name Basque ranches back in business as it has always been my dream to do so. The cantrells and my father and uncle Domingo, had a huge battle over this right. Originally started with Cantrell's wanting to use some of our water. My uncle Domingo was the kind of man who wanted to help everyone. So Domingo Aguirre my uncle told mr cantrell that he could use whatever e-waste water we weren't using any given year on his handshake. You see that's how the old boys did business. He thought " you are only as good as your word". So he allowed cantrell to use excess water some years. Well mr cantrell began to get greedy. And he thought he could file for a permit of use on the water right. I have attached with this e mail and I will mail you a copy as well the whole case file proving everything. So Domingo(my uncle)and mr. Cantrell began their legal battle. Which my uncle did not know the first thing about. But managed to fight back . He would protest after cantrell would file each year. So on pages 70 – 73 of the attached file will reflect. Finally the case got brought before a judge and a formal hearing and order was signed and an agreement was reached and signed by a judge in that formal hearing. See pages 40-46 48 and 49. Then after that hearing agreement was issued and signed and the dept of water resources was present for that hearing signed on page 43 of that hearing agreement you will notice that the judge advises my uncle domingo to withdraw his protest since a hearing was held an agreement was reached and an order was signed and withdraw page 43 of the attached document that reflects this. So by advice of my uncles attorney domingo withdrew his protest. As they had an order signed already for the agreement. So he thought it should be fine. It wasn't, after he withdrew his protest, mr cantrell illegally went to the department of water resources and lied. He stated that my families water right 61-0233 was abandoned. See-pages 25 etc. . So as you can see mr. Cantrell is a liar. Plain and simple. On

behalf of my family I am seeking a final water right that will right the wrong that cantrell has done. As I've stated before I have not had any excess water that is on my land and so is the p.o.d. To give mr. Cantrell since 2011. I have photos of my land every year using this water and I have also the united states dept. of agriculture that will attest to the fact that I have not allowed any water to be used by the Cantrell's since 2011. Mr. Cantrell has not tried to come get any water either. Therefore if any one has abandoned anything it has been Cantrell. I need this to be done as time is of the essence and need to have this right for irrigation grants from the USDA for my farm plan. And the deadline is feb. 17th. 2024 to file this to be considered for this grant. Not to mention the fact that I want what was illegal and wrong on the cantrells part to be legally righted. I'm sure you can understand that anger is a part of what happens when a man steals another mans water. I will attatch all of the archived files along with this letter. Please I emlore you to make this happen immediately. Thank you for your time and consideration in this matter. Sincerely,

FELIPE AGUIRRE

Claim No. 61-02033

RECEIVED

FEB 08 2024

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Former
change this
current #
61-07647

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Felipe Aguirre and Kari B. Sinclair DBA Basque Ranches.

Felipe Aguirre
(Name of Claimant)

Mailing Address: 1290 ne Frontage rd

1290 NE Frontage RD

Telephone No: 208 590 4025 or 208 590 4564

Email: sinclairkari5@gmail.com

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) 06/06/1912
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, *Idaho Code*.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Spring
spring or subterranean stream Spring tributary to Sinks

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs or af)	(Irrigation, Domestic, Stock, Etc.)	(Both dates inclusive) (MM/DD) (MM/DD)
Quantity <u>4 sec ft</u>	Use <u>irrigation, stockwater</u>	Period of Use From <u>01/01/2023</u> to <u>01/01/2024</u>
Quantity <u>4 sec ft</u>	Use <u>irrigation, stockwater</u>	Period of Use From <u>01/01/2022</u> to <u>01/01/2023</u>
Quantity <u>4 sec ft</u>	Use <u>irrigation, stockwater</u>	Period of Use From <u>01/01/2021</u> to <u>01/01/2022</u>
Quantity <u>4 sec ft</u>	Use <u>irrigation, stockwater</u>	Period of Use From <u>01/01/2020</u> to <u>01/01/2021</u>

4. 512 af TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is NE NE $\frac{1}{4}$ of SW SW $\frac{1}{4}$ of Elmore $\frac{1}{4}$, Govt. Lot Elmore
Sec. 13 Township 35 Range 6E B.M., Elmore County; additional points of diversion, if any: none

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

constructed ditch on property made by w.m. L. Frazier priority date of 6/06/1912. water right license or permit # 8456 the point of diversion is the same as it has always been for water right number 61-0233 belonging to Basque Ranches, until J.C. Cantrell died even after there was an ORDER

After the Court ordered agreement between J.C. Cantrell and Basque ranches was reached mr. Cantrell went and told someone at IDWR that Basque Ranches had abandoned their right, which was perposterous, considering the lengthy fight between Aguirre's and cantrells. After the court on

Ditches and pumps with attach photos of all
upon Request. Belong to Stewardship program
with USDA NRCS, they can provide evidence
as well.

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.

D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03	06E	13	74																167

TOTAL ACRES 167

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific.

Stockwater Irrigation

NOTE: Include here the type and number of stock watered:

6 Horses 2 Donkeys 1 pig
1 cow

7. Remarks:

8. **Map** -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an **aerial photograph** of the place of use if available.

State of Idaho)
County of Elmore) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

[Signature]
Claimant's Signature (and title if claim is for an organization)
Ken Suckew DB & BASQUE LAND

Sworn to before me this _____ day of _____, _____.

Notary Public
Residing at: _____
My commission expires: _____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee _____ Receipt # _____
Receipt prepared by _____ Date _____
Published in _____
Publication dates _____
Publication checked by _____ Date _____
Exceptions filed by _____

RECEIVED

DEPARTMENT OF WATER RESOURCES

FEB 08 2024

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

DEPARTMENT OF
WATER RESOURCES

1. Name of applicant(s) Felipe M. Aguirre Phone (208) 590-4025
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 1290 NE Frontage RD City Mountain
 State ID ZIP 83647 Email Sinclair Karis @gmail.com
2. Name of representative, if any Kari Sinclair Phone (208) 590-564
 Mailing address 11 City 11
 State 11 ZIP 11 Email 11
- a. ☒ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Spring which is a tributary of Sinks
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
03S	06E	13					Elmore	Spring	Frazier Run

5. Water will be used for the following purposes: 12 AF
- Amount 0.090 for Irrigation purposes from 3/1 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.090 for Irrigation Storage purposes from 10/31 to 3/1 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.020 for Stock water purposes from 4/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.020 for Stock water purposes from 1/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 0.090 for Renovation purposes from 4/01 to 10/31 65.2 AF
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.090 cubic feet per second (cfs) and/or (b) 0.090 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Ditches and Holding ponds for Storage
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- 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? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Received by _____ Receipt No. _____ Date _____

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. 4 horses 1 Donkey COW/calf pair
- c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households _____
- e. Other; describe fully. We have dammed the Right off for 10 years and have used it. POD is on our property and has always been. Trying to get this Right back
9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE $\frac{1}{4}$				NW				SW $\frac{1}{4}$				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3	BE	13																	56
		24																	72

Total number of acres to be irrigated: 128

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? We only use this source to irrigate, and stockwater, and lawn watering.

11. a. Who owns the property at the point of diversion? Basque Ranches / Felipe Aguirre
- b. Who owns the land to be irrigated or place of use? Basque Ranches Felipe Aguirre
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This water Right was previously owned by US (Basque Ranches) but Campbell falsified documents and obtained water Right. For the last 10 years Campbell's haven't used this Right

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

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Felipe M. Aguirre
Signature of Applicant
Felipe M. Aguirre
Print Name (and title, if applicable)

Kari Brooke Sinclair
Signature of Applicant
DBA Basque Ranches
Print Name (and title, if applicable)
Kari Brooke Sinclair
DBA Basque Ranches

11:57



69%

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OF WATER RESOURCES**[Water Rights](#) [Wells](#) [Streams/Dams/Floods](#) [Forms](#) [Water Data](#) [Maps/Spatial Data](#) [Legal](#) [Board](#) [About IDWR](#)

Water Rights

WATER RIGHT REPORT

2/3/2024

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 61-7647

Owner Type Name and Address

Current Owner: J C CANTRELL

Current Owner: THELMA CANTRELL

2400 N 3RD W

MOUNTAIN HOME, ID 83647

2085874301

Priority Date: 07/09/1990

Basis: License

Status: Active

Source Tributary

SPRING SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.09 CFS	12 AFA
IRRIGATION STORAGE	1/01	12/31		0.3 AFA
IRRIGATION FROM STORAGE	4/01	10/31		0.3 AFA
STOCKWATER	1/01	12/31	0.02 CFS	0.4 AFA
STOCKWATER STORAGE	1/01	12/31		0.3 AFA
RECREATION	1/01	12/31	0.09 CFS	65.2 AFA
RECREATION STORAGE	1/01	12/31		0.3 AFA
Total Diversion			0.09 CFS	65.2 AFA

Location of Point(s) of Diversion:

SPRING SENESW Sec. 13 Township 03S Range 06E ELMORE County

Licensed Diversion Capacity: 0.43

Place(s) of use:

Place of Use Legal Description: IRRIGATION ELMORE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03S	06E	13		SWSW 3							

Total Acres: 3

Conditions of Approval:

1. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. The source is known locally as Frazier Tunnel Spring. Recreation use is for a swimming pond.
3. 020 Use of water under this right may be affected by an agreement between the protestant and the right holder.
4. 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.
5. R68 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Dates:

Licensed Date: 04/06/1999

Decreed Date:

Permit Proof Due Date: 6/1/1993



1 of 1



SourceQualifier

TributaryOf

SINKS

TributaryOfQualifier

WaterDistrictNumber

EXC

DiversionName

DataSource

QQQ

MetalTagNumber

DiversionType

RightID

28,648

PointOfDiversionID

22,313

WRReport

[More info](#)

WRDocs

[More info](#)

WRMap

[More info](#)

SpatialDataID

113,006

TrustOrNonTrust

T

Use

IRRIGATION, IRRIGATION
STORAGE, IRRIGATION
FROM STORAGE,
STOCKWATER,
STOCKWATER STORAGE,
RECREATION,
RECREATION STORAGE

OverallMaxDiversionVolume 65.20

...



Source | Tributary
 SPRING | SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Vc</u>
IRRIGATION	4/01	10/31	0.09 CFS	12
IRRIGATION	1/01	12/31		0.1
STORAGE				
IRRIGATION	4/01	10/31		0.1
FROM				
STORAGE				
STOCKWATER	1/01	12/31	0.02 CFS	0.1
STOCKWATER	1/01	12/31		0.1
STORAGE				
RECREATION	1/01	12/31	0.09 CFS	65
				AF
RECREATION	1/01	12/31		0.1
STORAGE				
Total			0.09 CFS	65
Diversion				AF

Location of Point(s) of
 Diversion: