

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-03196C**
Date Received: 1/14/1992
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: H R MONTIERTH 208-922-4237
Address: 2409 W KUNA CAVE ROAD
KUNA ID 83634
AND/OR
Name: RAY MONTIERTH 208-922-4237
Address: 2409 W KUNA CAVE ROAD
KUNA ID 83634

2. Date of Priority: MAY 4, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	01W	15		NE	SE		ADA

5. Description of diverting works:
WELL, PUMP, & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) 18.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	01W	15	SE	NE		IRR	4.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	4.0
					Total Acres	4.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

SPLIT RIGHT FOR 149 OF THE 275 ACRES IN LICENSE. EACH ACRE IS ENTITLED TO .02 CFS, 4.5 AFA DIV. VOLUME, 3.5 AFA CONSUMPTIVE VOLUME.

PART A CLAIMED BY SHANE BEUS. THE 4 ACRES IN SENE CLAIMED BY MR. MONTIERTH ARE AROUND THE MONTIERTH HOMESITE.

THIS CLAIM IS A SPLIT OF A63-03196B PER TRANSFER 4912 APPROVED 3/21/97. SEE TRANSER 4912 FOR ADDITIONAL CONDITIONS AND REMARKS.

15. Basis of Claim: LICENSE

U.S. DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP RECEIVED

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

NOV 25 1998

WATER RESOURCES
WESTERN REGION

1. Water Right Number(s) 63-03311 + 463-031966
Adjudication Claim Number(s) split to C + D
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) S. Carl F. Eshelman
4. New Owner/Claimant(s) John Nord / aka Double O Dairy
Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR
New Mailing Address 2101 W. Kuna Cave Rd
City, State and ZIP Code Kuna ID 83634
New Telephone Number (208) 922-4808
5. Date you acquired the property 11/6/96
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) John Nord Date 11/19/98

Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

11/19/98

to whom it may concern:

RECEIVED

NOV 20 1998

Water Resources

I filled out the form you requested. I thought this was
all taken care of when I received water right # 63-03196.

I am confused on this water right 63-03196_B + 63-03196_A

I will send copies of some paperwork I have. Please call me
or write to me so that I know that everything is ok + in the
dairies name.

Thank-you

John Oard / Double O Dairy

RECEIVED

NOV 25 1998

WATER RESOURCES
WESTERN REGION

NOV-06-96 11:16 AM DOUBLE O DAIRY

589 837 2886

P.01

NOV-06-1996 11:58 FROM STEWART TITLE-WIN ST.OFF TO

915056372206148

P.02

BUYER(S) FINAL CLOSING STATEMENT

Prepared by
Alliance Title & Escrow Corp.
1612 West Idaho Street
Boise, Idaho 83702-5243
(208) 336-6316

Buyer(s)..... DOUBLE O DAIRY
Seller(s)..... PIONEER 1031 COMPANY
Lender.....
Property..... NW4 & S2 SEC 15 T1N, R1W N2W, ID
Closing date... 11/06/1996
File Number... 96063100
Expiration date: 11/06/1996

	DEBIT	CREDIT
SALES PRICE.....	850,000.00	
DEPOSITS:		
Earnest Money/Deposit from Buyer.....		15,000.00
REMITTER: DOUBLE O DAIRY		
ESCROW CHARGES:		
Escrow Fee - 1/2.....	375.00	
PAYEE...: ALLIANCE TITLE & ESCROW CORP.		
TITLE CHARGES:		
Lender's Title Policy.....	3,665.50	
Liability amount (MTP) \$1,950,000.00		
PAYEE...: ALLIANCE TITLE & ESCROW CORP.		
Endorsement to Mortgage Policy -	125.00	
100, 116 & 100 MOD		
PAYEE...: ALLIANCE TITLE & ESCROW CORP.		
RECORDING FEES/TRANSFER CHARGES:		
Recording Fee Deed amount \$6.00 D/T amount \$66.00	72.00	
PAYEE...: ALLIANCE TITLE & ESCROW CORP.		
.....SUBTOTALS:		
.....BALANCE DUE FROM BUYER:	854,238.50	15,000.00
.....TOTALS:	854,238.50	854,238.50

WE APPROVE THE FOREGOING SETTLEMENT STATEMENT, IN ITS ENTIRETY, AUTHORIZE
PAYMENTS IN ACCORDANCE THEREWITH AND ACKNOWLEDGE RECEIPT OF A COPY THEREOF.

DATED THIS 6th DAY OF November IN THE YEAR 1996

DOUBLE O DAIRY

By: [Signature]

By: _____

ALLIANCE TITLE & ESCROW CORP.

By: [Signature]

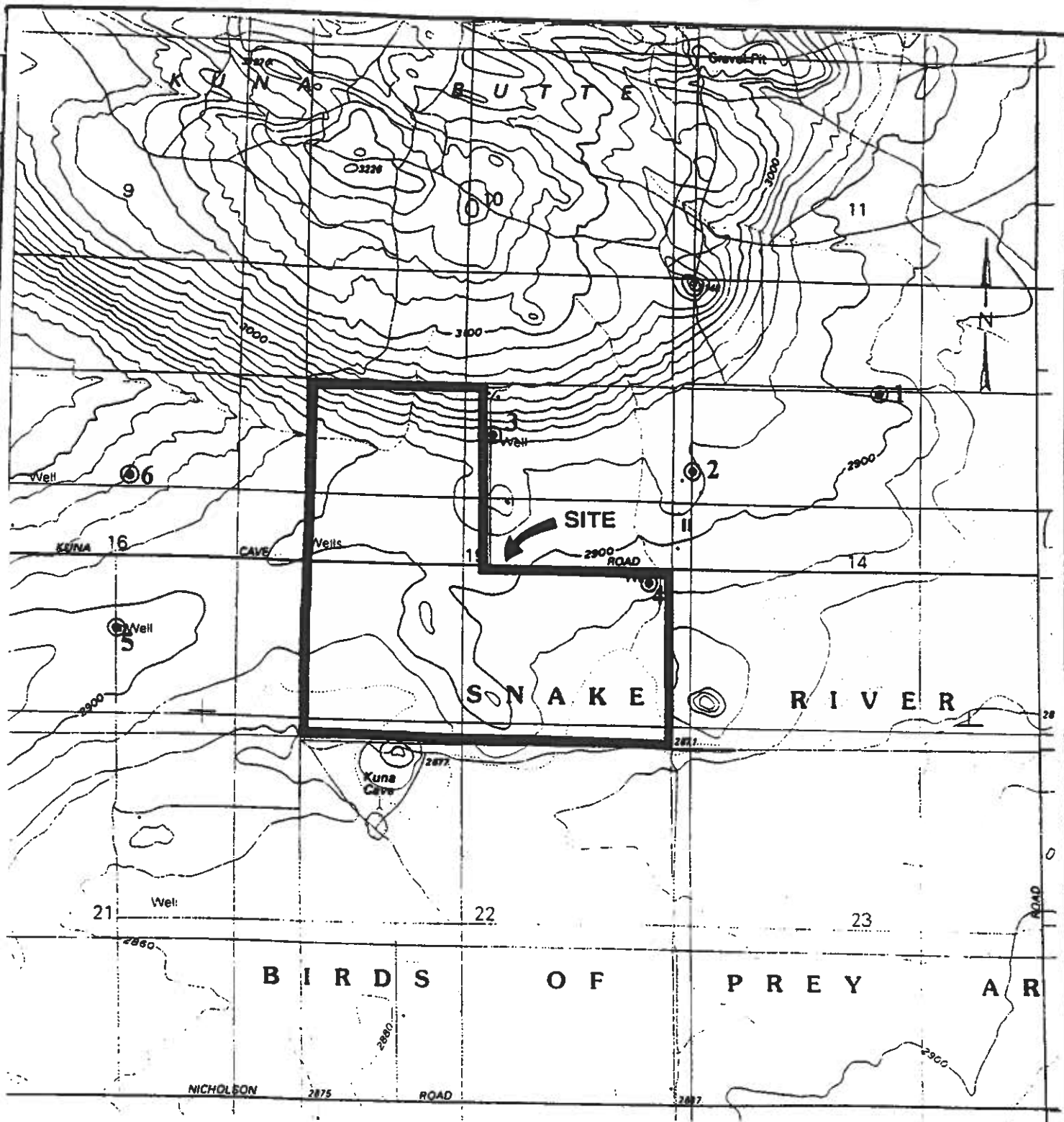
DATE: 11/6/96

**EXHIBIT A
TO
MORTGAGE**

Legal Description

The Land is located in Ada County, Idaho, and is legally described as follows:

The Northwest quarter and the South half of Section 15, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho



EXPLANATION

- Site Boundary
- ⊙ 5 Water Supply Wells
- Scale: 1 inch = 2,000 feet



QUADRANGLE LOCATION

Map adapted from USGS 7 1/2 Minute Topographic Map, Kuna, Idaho, 1992.

FIGURE 1 - Site Location Map

PROJECT NUMBER: 6580006.204

DATE: 10/96

DWG. NO. CG

PROJECT MANAGER: TPR

REVISED

PHASE I ESA

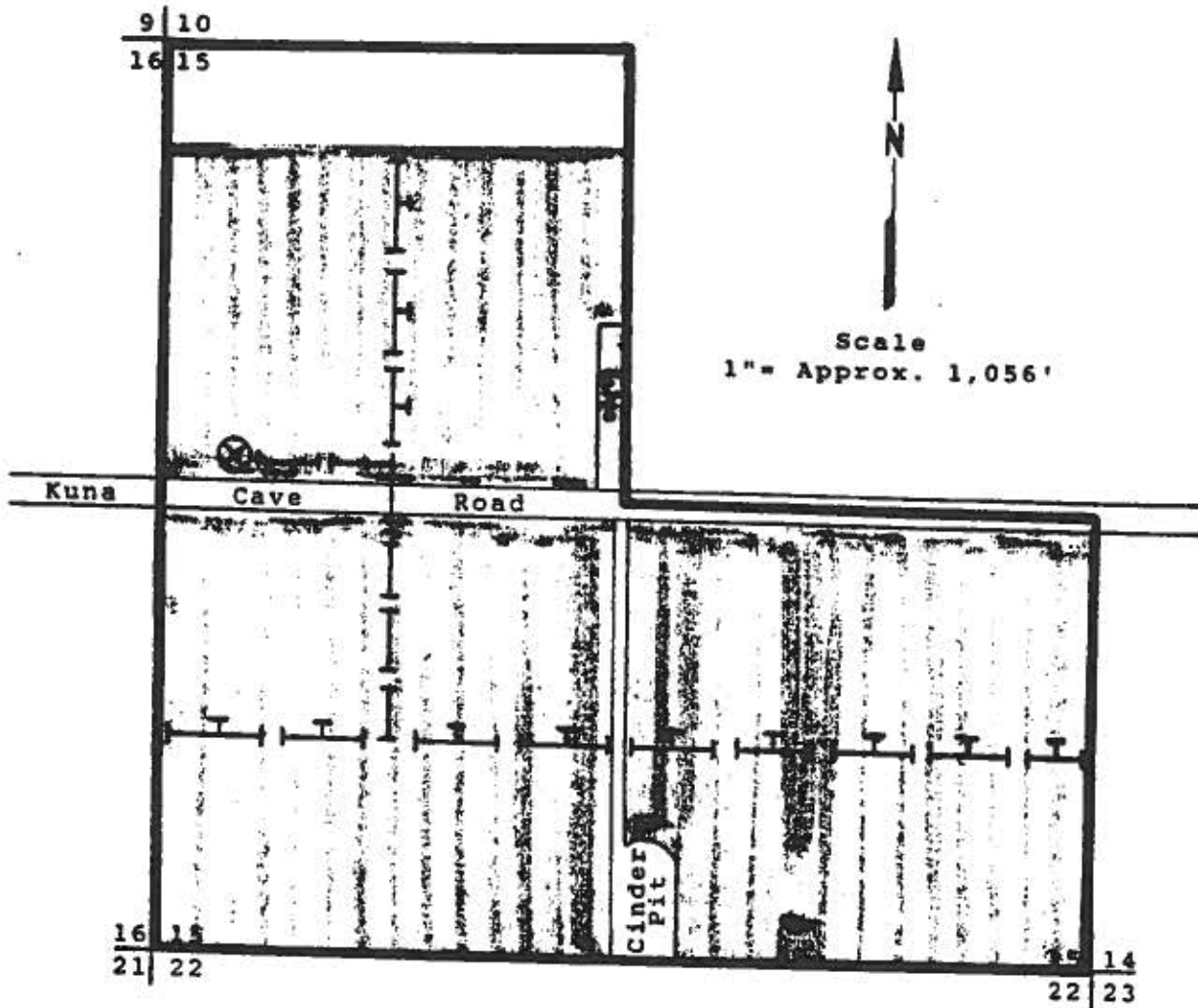
HERB MONTIERTH PROPERTY

TIN, RIW, S 1/2 Sec. 15, NW 1/4 Sec. 15



CASCADE EARTH SCIENCES, LTD
Oregon - Washington - Idaho

SUBJECT PROPERTY PLAT



Legend

-  Irrigation Well
-  Buried Mainline
-  Buried Mainline w/risers
-  Wheel Line Irrigated Land
-  Dry Land

Split Tree: 63-03196 & A63-03196B

63-03196 ✓

QR: 5.5 cfs

POB: TOIN, ROIW, SIS, NESE

POU: TOIN, ROIW, SIS, NENE - 35ac NWNE - 15ac

SWNE - 40 SENE - 40

NESE - 40 NWSE - 40

SWSE - 25 SESE - 40

Total = 275ac

A63-03196A ✓ N/O Share Land.

QR: 2.60 cfs

POB: TOIN, ROIW, SIS, NESE

POU: TOIN, ROIW, SIS, NENE - 35ac NWNE - 15ac

SWNE - 40ac SENE - 40ac

Total = 130ac

A63-03196B ✓ N/O Share Land

* QR: 2.98 cfs

POB: TOIN, ROIW, SIS, NESE

POU: TOIN, ROIW, SIS, NESE - 40ac NWSE - 40ac

SWSE - 25ac SESE - 40ac

* SENE - 4ac

Total = 149ac

* overclaimed by 4 acres and .08 cfs.

✓ A63-03196 C N/O Monticelli

DR: .08 cfs

~~total 10.3~~

POD: TOIN, ROW, S15, NESE

POU: TOIN, ROW, S15, SENE - 4 ac

* A63-03196 D N/O John Oord dba Double O Dairy

DR: Irrigation = 1.70 cfs

AV: 382.5 AF

Stockwater = .38 cfs

56 AF

Commercial = .38 cfs

79.8 AF

Totals = 2.08 cfs

518.3 AF

POD: TOIN, ROW, S15, SWNW

S15, NWSE

POU: Irrigation - TOIN, ROW, S15, NESE-10 NWSE-1
SWSE-25 SESE-4

Commercial - TOIN, ROW, S15, NESE, NWSE

Stockwater - TOIN, ROW, S15 NESE, NWSE

* GEN. RMK = This claim is a split of A63-03196 B per Transfer
4912 approved 3-21-97. See Transfer 4912
for additional conditions and remarks.

DOUBLE O DAIRY

2101 W. Kuna Cave Rd.
Kuna, ID 83634

Tele: (208) 922-9808 Fax: (208) 922-9809

John Oord - Cellular
(208) 867-5624

Brian Oord - Cellular
(208) 850-7537

96 2238

THIS FORM FURNISHED COURTESY OF:

ALLIANCE TITLE & ESCROW CORP.

READ & APPROVED BY GRANTEE(S):

(0000)

ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID

ALLIANCE TITLE

'96 NOV 6 PM 2 25

FEE 6.00 DER B. B. B. B.
RECORDED AT THE REQUEST OF

SPACE ABOVE THIS LINE FOR RECORDING DATA

Order No.: 96063100X (0000-1000)

WARRANTY DEED

FOR VALUE RECEIVED H.R. MONTIERTH, also known as HERBERT R. MONTIERTH and CAROLYN MONTIERTH, husband and wife and HERBERT R. MONTIERTH as the Personal Representative of the Estate of Golda Darlene Montierth, Deceased

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto DOUBLE O DAIRY, a Washington general partnership

GRANTEE(S), whose current address is: 2371 STOVER ROAD, GRANDVIEW, WA 98930

the following described real property in ADA County, State of Idaho, more particularly described as follows, to wit:

The Northwest Quarter and the South Half of Section 15, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: October 30, 1996

The Estate of Golda Darlene Montierth, Deceased

By: Herbert R. Montierth
Herbert R. Montierth, Personal Representative

Herbert R. Montierth
Herbert R. Montierth

Carolyn Montierth
Carolyn Montierth

STATE OF IDAHO, County of Ada, ss.

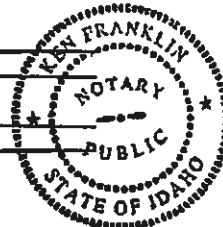
On this 6th day of November in the year of 1996,
before me, the undersigned, a Notary Public in and for said
State, personally appeared Herbert R. Montierth known or
identified to me to be the person whose name is subscribed to
the within instrument, as the Personal Representative of the
Estate of Golda Darlene Montierth and acknowledged to me that he
executed the same as such Personal Representative of the Estate
of Golda Darlene Montierth.

Signature: [Signature]
Name: _____

(Type or Print)

Residing At: Boise

My Commission expires: 10-5-98



STATE OF IDAHO, County of Ada, ss.

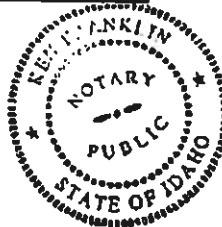
On this 6th day of November in the year of 1996,
before me, the undersigned, a Notary Public in and for said
State, personally appeared Herbert R. Montierth and Carolyn
Monthierth known or identified to me to be the persons whose
names are subscribed to the within instrument, and acknowledged
to me that they executed the same.

Signature: [Signature]
Name: _____

(Type or Print)

Residing At: Boise

My Commission expires: 10-5-98



ALLIANCE TITLE & ESCROW CORP.

250 SO. 5TH STREET SUITE 100

BOISE, ID 83702

FACSIMILE TRANSMITTAL SHEET

TO:	DENISE BUFFINGTON	FROM:	Ken Franklin, Sr. Commercial Escrow Officer Direct line 208.947.9113 Fax - 208.947.9199 Toll Free - 1.888.311.2194 E-MAIL: kenf@mail.alliancetitle.com
COMPANY:	DEPARTMENT OF WATER RESOURCES	DATE:	10/19/99
FAX NUMBER:	334.2348	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	
RE:	DOUBLE O DAIRY JOHN OORD	YOUR REFERENCE NUMBER:	

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

PER OUR CONVERSATION I AM ENCLOSING A COPY OF THE RECORDED WARRANTY DEED FROM MONTIERTH TO DOUBLE O DAIRY. PLEASE ASSIST MR. OORD IN TRANSFERRING WATER RIGHTS.

CC: JOHN OORD
922.9809

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 584168524

NOV - 7 2000

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources

Name of applicant: Shane BeusPhone: (208) 922-5968, 855-1662

AUG 21 2001

Post Office address: 1580 West Kuna Cave Rd. Kuna ID 83634

A. PURPOSE OF TRANSFER

Department of Water Resources

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other
2. Describe the reason for the proposed changes: Applicant wishes to expand the dairy facility on the site.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
<u>63-03196C</u>	<u>05/04/60</u>	<u>2.38 / 536</u>	<u>irrigation</u>	<u>03/15</u>	<u>to</u>	<u>11/15</u>
<u>63-03196D</u>	<u>05/04/60</u>	<u>.22 / 33.6</u>	<u>Stockwater</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
<u>63-03601C</u>	<u>06/15/67</u>	<u>.14 / 32</u>	<u>irrigation</u>	<u>03/01</u>	<u>to</u>	<u>11/15</u>
<u>63-03601D</u>	<u>06/15/67</u>	<u>.28 / 44</u>	<u>Stockwater</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>
		<u>.04 / 5.6</u>	<u>Commercial</u>	<u>01/01</u>	<u>to</u>	<u>12/31</u>

2. Total amount of water being transferred 3.06 cubic feet per second and/or 651.2 acre-feet per annum.3. Source of water groundwater tributary to

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion
		NE	SE	15	T01N	R01W	Ada	Irrigation well
		SW	NW	14	T01N	R01W	Ada	Dairy Well

5. Lands irrigated or place of use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
63-03601C:																			
01N	01W	14						7											7
63-03601D:																			
01N	01W	14						X, C											
63-03196C:																			
01N	01W	15	35	15	40	29													119
63-03196D:																			
01N	01W	15				X													
01N	01W	15	C	C	C	C													
Total acres																			126

MICROFILMED

Prepared by: Darwin Vander Stelt

5841/68524

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCETransfer No. 5841

PART 1

6. General Information:

- a. Description of diversion system: The existing well has adequate capacity to provide for dairy use.
- b.
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer.
Land now irrigated will be covered with corrals, feed storage and building sites for new dairy buildings.

d. Remarks:

See attachments:

- A. Proof of ownership and lienholder permission
- B. Daily Fresh Water Requirement For Dairy Facility Worksheet
- C. Flow, Volume, and Allocation Calculations
- D. Crop history and calculation of consumptive use
- E. Lagoon sizing calculations
- F. Memorandum addressing the four issues raised in the Idaho code 42-222

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

MICROFILMED

SEP 07 2001

APPLICATION FOR TRANSFER OF WATER RIGHT

Prepared by: Darwin Vander Stelt

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5841**PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED1. Right evidenced by: SEE FOLLOWING PROFILE REPORTS

a. Decree No. _____ Decreed to _____

in case of _____

dated _____ in _____ county of _____

b. License No. _____

c. Claim No. _____ on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other

3. Source of water _____

4. Date or priority _____

5. Water is used for the following purpose:

Amount (cfs/ac-ft)					
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion

8. Lands irrigated or place of use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

9. Describe any other water right used for the same purpose as described above:

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SEP 07 2001

Page 4 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5841

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non use? **NO** If yes, describe:

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1.

Amount (cfs/ac-ft)					
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion

3. Lands irrigated or place of use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

C. Description of unchanged portion of right

1.

Amount (cfs/ac-ft)					
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to
	for		purposes from		to

2. Point(s) of Diversion:

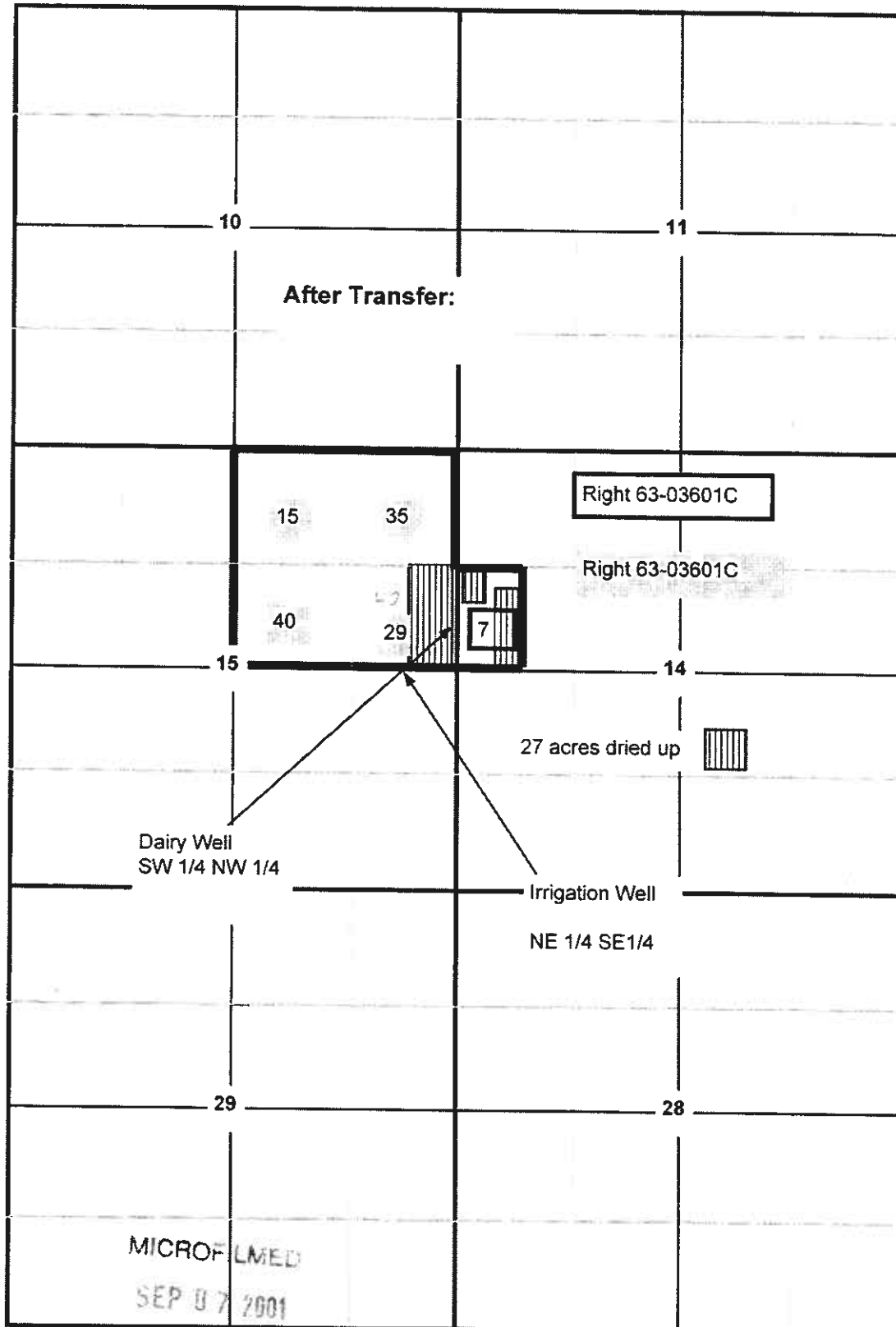
Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local Name for diversion

3. Lands irrigated or place of use:

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICROFILMED

SEP 07 2001



Shane Beus	Site map	
T 01 N, R 01 W , sec 14 and 15		Scale 3" = 1 mile
		Prepared by: Darwin Vander Stelt

PART 3

B. CHANGES IN NATURE OF USE

1. New Nature of use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use		
Stockwater	.50 / 77.7	365	01/01	to	12/31
Commercial	.04 / 5.6	365	01/01	to	01/01

2. Quantity and quality of return flows and location of discharge:

Used process and runoff to be contained in the lagoon on the NE 1/4 sec 15 T01N R01WEstimated volume of return flow is 5.6 acre feet (See Attachment E) to be land applied during the growing season.

3. Describe effects on other water uses resulting from the proposed change:

See Attachment F.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

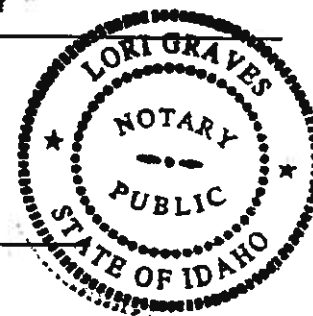
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Shane Beus
(Signature of Applicant)

Subscribed and sworn to before me this 28th day of July, 2000

Loi Gruver
(Notary Public)

My commission expires 6/18/04



FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 6 attachments A-F

Received by Ly Date 7/28/00 Protest filed by _____

Prelim. check by Ly Fee \$370 #W026798

Receipted by Ly Date 7/28/00

Published in Idaho Statesman Copies of protest forwarded by _____

Pub. Dates 10-5-00 & 12-00 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

MICROFILMED
SEP 07 2001

MEMORANDUM

TO: FILE NO. 63-03196
 FROM: PAM SKAGGS^{PS}/STATE OFFICE
 SUBJECT: TRANSFER NO. 4912
 DATE: March 12, 1997

Transfer No. 4912 adds and changes the points of diversion, changes the place, nature and season of use under a portion of Right No. 63-03196, splitting the right into parts A and B. The applicant has purchased the SE, S15, T01N, R01W and plans to develop a dairy on a portion of the irrigated land (60 acres; 30 acres in both the NESE & NWSE, S15).

The applicant provided specific needs of the proposed dairy and this information was used to evaluate the extent of beneficial and consumptive use of water under his portion of the right. Region staff modified the diversion rate & volume identified on the front page of the application with a transposition error in the volume figures related to the dairy uses that does not affect the total diversion volume.

The net result of the transfer is a reduction of irrigated acres, diversion rate, diversion and consumptive use volumes. The applicant has identified 60 acres needed to construct the dairy and stock area, which is more than sufficient to provide for all the dairy uses.

Change in Nature of Use Evaluation

				Div.Vol./C.U.Vol.
63-03196:	5.50 cfs	IRR	275.0 acres	1237.5 af/962.5 af
63-03196A:	2.60 "	IRR	130.0 "	585.0 af/455.0 af
63-03196B:	1.70 "	IRR	85.0 "	382.5 af/297.5 af
	0.38 "	STOCK	(12.4 ")	56.0 af/ 10.0 af
	0.38 "	COMMER	(17.7 ")	79.8 af/ 31.5 af
	2.08 cfs		85.0 acres	518.3 af/339.0 af
Totals After:	4.68 cfs		215.0 acres	1103.3 af/794.0 af

Season of use for commercial and stockwater were adjusted to year round use. Recommended conditions include irrigation overlap, multiple points of diversion/measuring devices, future annual reporting, water quality, limits of remaining irrigation (Part A) and standard transfer conditions.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-03196B
Date Received: ~~1-8-1992~~ 1/13/92
Receipt No: W014008
Received By: RL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: H.R. MONTIERTH 208-922-4237
Address: 2409 W KUNA CAVE ROAD
KUNA ID 83634

2. Date of Priority: MAY 4, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	01W	15	NE	SE			ADA

5. Description of diverting works:
WELL, PUMP, & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.900		

7. Total Quantity Appropriated is:
2.980 C.F.S. (and/or) 670.50 A.F.A.

8. Total consumptive use is 521.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	01W	15	SE	NE		IRR	4.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	1/4 of 1/4	Lot	Use	Acres
01N	01W	15	SE	SE		IRR	40.0

Section Acres 149.0

Total Acres 149.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

SPLIT RIGHT FOR 149 OF THE 275 ACRES IN LICENSE. EACH ACRE IS ENTITLED TO .02 CFS, 4.5 AFA DIV. VOLUME, 3.5 AFA CONSUMPTIVE VOLUME.

PART A CLAIMED BY SHANE BEUS. THE 4 ACRES IN SENE CLAIMED BY MR. MONTIERTH ARE AROUND THE HOMESITE. S.L. 1/8/92.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: 2

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): FR Montierth Date: 1-13-92

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13 day

of January 19 92

Lori Harris
Notary Public

Seal

Residing at LOTI HARRIS
RESIDING IN STATE OF IDAHO
My Commission Expires DEC. 8, 1994

09/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3196C

NAME AND ADDRESS: HERBERT R MONTIERTH JR
825 HEARTLAND DR
NAMPA ID 83686

EDWARD RAY MONTIERTH
825 HEARTLAND DR
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS
18.000 AFY

PRIORITY DATE: 05/04/1960

POINT OF DIVERSION:

T01N R01W S15 NESE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.080 CFS
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.		

PLACE OF USE: IRRIGATION Within ADA County

T01N R01W S15 SENE 4.00

4 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Idaho Department of Water Resources

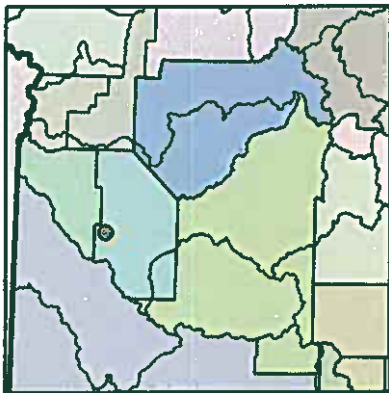
SRBA Recommendation:

63-3196C

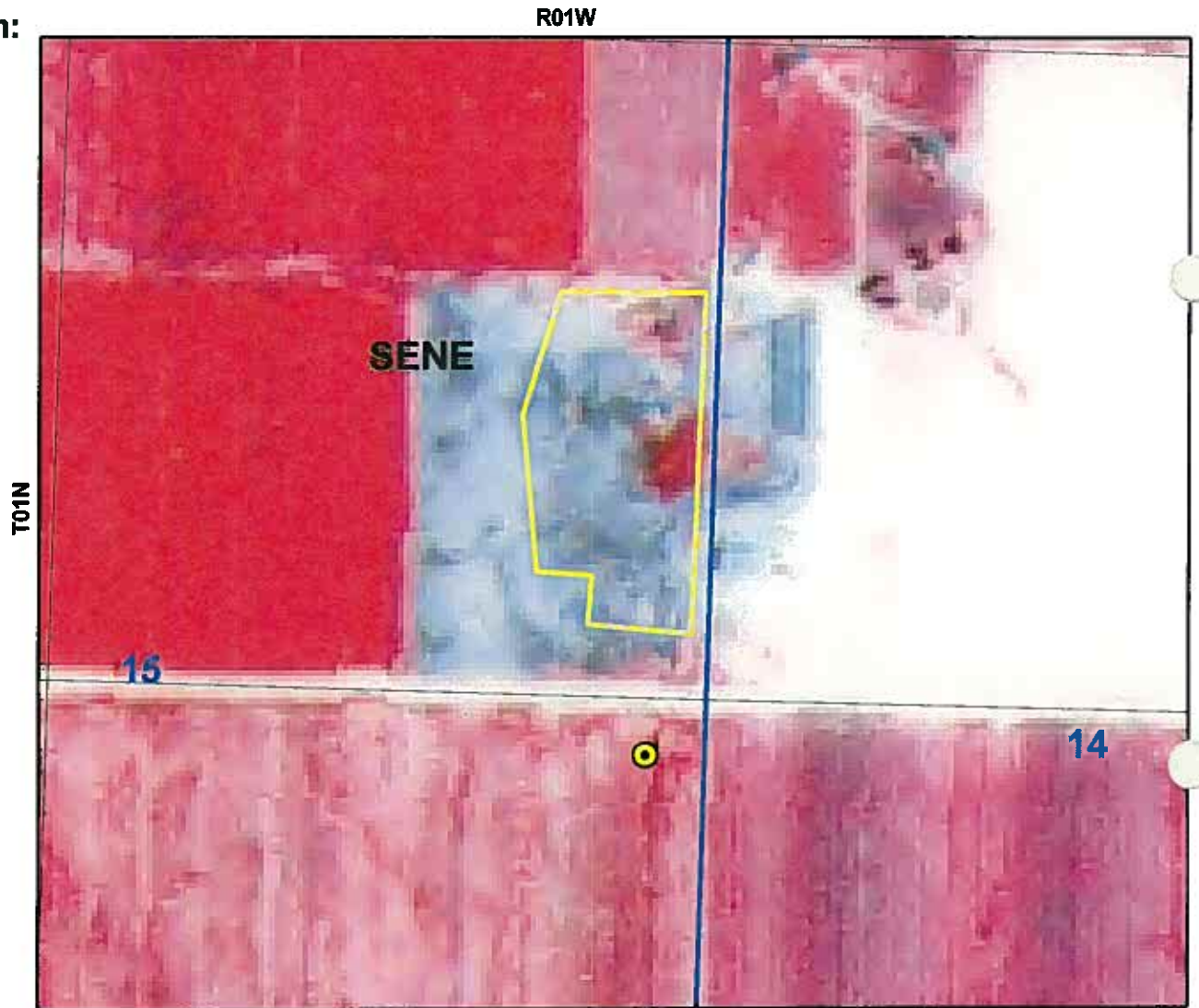
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63



0 0.1 0.2 Miles



Prepared by S. Egbert
On Thursday, September 14, 2006
1987/88 Aerial Photography

State of Idaho

License and Certificate of Water Right

Water License No. G-28679 Priority May 4, 1960 Amount 5.5 c.f.s.

THIS IS TO CERTIFY that

CHARLES H. ESHELMAN

of Nampa, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 4, 1960; that Permit No. G-28679 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 5.5 second feet, was issued thereunder on June 29, 1966, showing that said works were completed on the 22nd day of April, 1966; and that on the 22nd day of April, 1966

CHARLES H. ESHELMAN

of Kuna, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation under Use Permit No. G-28679 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses, at Page 8519, on the 29th day of June, 1966.

The right hereby confirmed dates from May 4, 1960.

The Point of Diversion is located

in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, Twp. 1 N, R. 1 W, B.M. Ada County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 5.5 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Party-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 N	1 W	15	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	35
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	15
			S $\frac{1}{2}$ NE $\frac{1}{4}$	80	80
			N $\frac{1}{2}$ SE $\frac{1}{4}$	80	80
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	25
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
Total number of acres to be irrigated					275

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 29th day of June, 1966.

R. Keith Higgins
Deputy State Reclamation Engineer.

63 5190

28679



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

October 25, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

H R MONTIERTH
RAY MONTIERTH
2409 W KUNA CAVE RD
KUNA ID 83634

Re: Original Notice of Claim to a Water Right No. A63-03196B

Renumbered to Notice of Claim to a Water Right No. A63-03196C

Dear Claimants:

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office.

If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

DB:d

Enclosure

AJ5809NP
No. A63-03196C

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/13/00
PAGE: 54

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	H R MONTIERTH	05/04/1960	IRRIGATION	03-15 11-15	0.080 CFS	
C	RAY MONTIERTH 2409 W KUNA CAVE ROAD KUNA ID 83634 (208) 922-4237					
TOTAL DIVERSION:					0.080 CFS	18.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T01N R01W S15 NESE

ADA County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE					
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
---	---	---	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
01N	01W	15	:				04	:					:					:					:	4.0	
TOTAL ACRES																							4.0		

POU County: ADA

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-03196A A63-03196D A63-03601A A63-03601B R63-03196A R63-03601A R63-03601B

Other Water Rights Listing Overlapping Place(s) of Use:
A63-03196 A63-03196A A63-03196B R63-03196A

Remarks: GEN SPLIT RIGHT FOR 149 OF THE 275 ACRES IN LICENSE. EACH ACRE IS ENTITLED TO .02 CFS, 4.5 AFA DIV. VOLUME, 3.5 AFA CONSUMPTIVE VOLUME.
PART A CLAIMED BY SHANE BEUS. THE 4 ACRES IN SENE CLAIMED BY MR. MONTIERTH ARE AROUND THE MONTIERTH HOMESITE.
THIS CLAIM IS A SPLIT OF A63-03196E PER TRANSFER 4912 APPROVED 3/21/97. SEE TRANSER 4912 FOR ADDITIONAL CONDITIONS AND REMARKS.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 10/22/99 DBUFFING 10/25/99 DBUFFING