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OCT 04 2018

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No.

82760

MINIMUM REQUIREMENTS CHECKLIST  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov).

Name of Applicant(s)

Dawn M. Daulton

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OCT 11 2018

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.DEPARTMENT OF  
WATER RESOURCESYes N/A \* Means the item is always required and must be included with the application.

- ☐ \* Completed Application for Transfer of Water Right form, Part 1.
- ☐ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ \* Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ \* Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. \*\*
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). \*\*  
\*\* Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at [idwr.idaho.gov/water-rights/transfers/resources.html](http://idwr.idaho.gov/water-rights/transfers/resources.html).
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☒ ☐ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: \_\_\_\_\_

82760

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES  
WESTERN REGION

## APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of Applicant(s) Deon McDonald Phone (208) 999-0261  
Mailing address 5700 Willow Creek Eagle Idaho 83616 Email Deon@AIRSupply.net  
Pump.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative \_\_\_\_\_ Phone \_\_\_\_\_

Mailing address \_\_\_\_\_ Email \_\_\_\_\_

☐ 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.

☐ 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 providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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.

Deon McDonald

Signature of Applicant or Authorized Representative

Deon McDonald  
Owner

Print Name and Title if applicable

10/04/18

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

## A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☒ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?

If yes, attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

I am Transferring ground water from Sky Right Road North  
To Sky Right Road South Proposed well Ag use

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use  | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|----------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 63-32685     | 0.17                  | Agriculture   | 03/01 to 11/15 | None               |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 63-32687     | .25                   | Agriculture   | 3/15 to 11/15  | None               |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to             |                    |

Total authorized under rights 0.42 cfs and/or 96 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.42 cubic feet per second and/or \_\_\_\_\_ acre-feet per year.

3. Point(s) of Diversion:

N/A

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)  
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.  
 Label it **Attachment #5**.

| New ? | Lot | ¼  | ¼  | ¼ | Sec | Twp | Rge | County | Source | Local name or tag # |
|-------|-----|----|----|---|-----|-----|-----|--------|--------|---------------------|
| ✓     |     | NE | SE |   | 2   | 1N  | 3W  | Canyon | ground |                     |
|       |     |    |    |   |     |     |     |        |        |                     |
|       |     |    |    |   |     |     |     |        |        |                     |
|       |     |    |    |   |     |     |     |        |        |                     |
|       |     |    |    |   |     |     |     |        |        |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp                              | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Acre Totals |
|----------------------------------|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|-------------|
|                                  |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |             |
| 1N                               | 3W  | 2   |      |    |    |    |      |    |    |    |      |    |    |    | 2.4  |    |    |    | 21.4        |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    | 21.4        |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

## 5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pump Submersible 800FT 8" Baritone Seal  
Measuring device on pump above flow

- b. Who owns the property at the point(s) of diversion? Me - Applicant  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?  
If yes, ☒ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

None Because they are leased

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Domestic 63-28914

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☒ ☐ currently leased to the Water Supply Bank,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Leased to the water supply bank and no longer used as lease

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**A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)**

- If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

### B. CHANGES IN NATURE OF USE (Water Balance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments.

Received by AA Date 10/4/2018 Preliminary check by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid 500.00 Date 10/4/2018 Received by TK Receipt # W046829

Add'l fee paid \_\_\_\_\_ Date \_\_\_\_\_ Received by \_\_\_\_\_ Receipt # \_\_\_\_\_

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

**APPLICATION FOR TRANSFER OF WATER RIGHT  
ATTACHMENT WSB:  
TRANSFERRING WATER RIGHTS LEASED TO THE WATER SUPPLY BANK**

Approval of a transfer application will not impact the terms of a Water Supply Bank Lease Contract. Any transferred water right or portion of a water right that is leased to the Water Supply Bank (Bank) shall remain unused while the lease is active.

If the transfer proposes to relocate the place of use of an irrigation water right, and the relocated acres include land currently idled due to a Bank lease contract, the applicant is required to identify the areas that will be idled at the new place of use for the duration of the lease contract. The acres to be idled should be clearly identified on the map created for Attachment 7B of the transfer application. The applicant should confirm the map is attached when completing the table below. If the leased portion of the place of use is not proposed to be relocated, a map is not required.

A Bank lease contract shall remain in effect until it expires, a new lease proposal is processed to replace it, or the water right is released from the Bank through written confirmation issued by the Water Resource Board. If the proposed transfer is approved, the water right owner will be provided sufficient time to allow the lease contract to expire before beneficial use of water at the new place of use will be expected. Meanwhile, water rights leased to the Bank are protected from forfeiture for the duration of the lease contract.

Water right owners who would like to adjust the terms of their lease contracts can either submit a new lease proposal on an [Application to Lease a Water Right to the Water Supply Bank](#) form, or they can request early termination of their lease contracts by completing a [Request to Release a Water Right from the Water Supply Bank](#) form. If a water right is leased to the Bank, and it is currently being rented from the Bank, the lease cannot be reduced or terminated until the rental agreement concludes. A request to release a water right or to submit a new lease application should be sent to the Department's state office. To find out if there are any rentals associated with a leased water right, please call a Bank representative at the Department at 208-287-4800.

In the table below, please provide the requested information for any water right that is both proposed for transfer and leased to the Bank. The information needed to complete this table can be found in your Bank lease contract. A copy of your lease contract can be obtained using the 'Search Water Rights' option on the Department's internet page at [www.idwr.idaho.gov](http://www.idwr.idaho.gov) or by contacting any Department office.

| Water Right Number | Lease Contract Expiration Date | Water Right Quantities Leased to the Bank |             |       | Map Attachment 7B Clearly Identifies Idled Place of Use at New Location                                   |
|--------------------|--------------------------------|-------------------------------------------|-------------|-------|-----------------------------------------------------------------------------------------------------------|
|                    |                                | Rate (cfs)                                | Volume (AF) | Acres |                                                                                                           |
| 63-32687           | 12/31/19                       | .25                                       | 57          | 12.7  | Attached? <input checked="" type="checkbox"/> or No Change <input checked="" type="checkbox"/> <i>u/a</i> |
| 63-32685           | 12/31/19                       | .17                                       | 38.0        | 8.7   | Attached? <input checked="" type="checkbox"/> or No Change <input type="checkbox"/>                       |
|                    |                                |                                           |             |       | Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>                                  |
|                    |                                |                                           |             |       | Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>                                  |
|                    |                                |                                           |             |       | Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>                                  |
|                    |                                |                                           |             |       | Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>                                  |
|                    |                                |                                           |             |       | Attached? <input type="checkbox"/> or No Change <input type="checkbox"/>                                  |

Is the ownership of the water right(s) leased to the Bank being changed? ☒ Yes ☐ No

☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.

☒ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).

Additional Information:

*Plan IS To Remove from supply Bank - so w/9 form is NOT ATTACHED-*

**Agency Use Only:** Personnel processing transfer applications should forward a copy of this attachment, the original Lessor Designation form and/or IRS Form W-9, if received, to the State Office.

Attachment #9 (WSB)

82760

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

10/4/2018

Water Right 63-32685

| <u>Owner Type</u>         | <u>Name and Address</u>                                                                                                              |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Attorney                  | WILLIAM A PARSONS<br>PARSONS SMITH STONE LOVELAND & SHIRLEY LLP<br>137 W 13TH ST<br>PO BOX 910<br>BURLEY, ID 83318<br>(208) 878-8382 |
| Current Owner             | SUSAN MONTIERTH<br>825 HEARTLAND DR<br>NAMPA, ID 83686<br>(208) 989-8310                                                             |
| Current Owner             | EDWARD RAY MONTIERTH<br>825 HEARTLAND DR<br>NAMPA, ID 83686<br>(208) 989-8310                                                        |
| Directors Report<br>Owner | BARRON DEVELOPMENT LLC<br>1605 S KIMBALL AVE STE 101<br>CALDWELL, ID 83605<br>(208) 454-3936                                         |
| Original Owner            | LADISLAV MAGLECIC<br>12754 DEER FLAT RD<br>NAMPA, ID 83686<br>(208) 466-3075                                                         |
| Original Owner            | RODNEY KENT MONTIERTH<br>1528 ADDISON AVE E<br>TWIN FALLS, ID 83301<br>(208) 733-5217                                                |
| Original Owner            | ROBERT J MEYERS<br>3921 N 3300 E<br>TWIN FALLS, ID 83301<br>(208) 735-5321                                                           |
| Original Owner            | KATHI L MEYERS<br>3921 N 3300 E<br>TWIN FALLS, ID 83301<br>(208) 735-5321                                                            |
| Original Owner            | FARM CREDIT BANK OF SPOKANE<br>PO BOX 15367<br>BOISE, ID 83715<br>(208) 343-7782                                                     |
| Original Owner            | RUBY C VICTOR                                                                                                                        |

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

10/4/2018

1528 ADDISON AVE E  
TWIN FALLS, ID 83301  
(208) 733-1359

Original Owner     W NOLAN VICTOR  
1528 ADDISON AVE E  
TWIN FALLS, ID 83301  
(208) 733-1359

Previous Owner     HERBERT R MONTIERTH JR  
6312 S ZITHER AVE  
BOISE, ID 83709  
(208) 407-2243

Previous Owner     THE ESTATE OF GOLDA D MONTIERTH  
825 HEARTLAND DR  
NAMPA, ID 83686  
(208) 463-8163

**Priority Date:** 4/17/1961

**Basis:** Decreed

**Status:** Active

**Water Supply Bank Status:** Active

**Source**

GROUND WATER

**Tributary**

**Beneficial Use**

IRRIGATION

**From**

03/01

**To**

11/15

**Diversion Rate**

0.170 CFS

**Volume**

39.0 AF

**Total Diversion**

0.170 CFS

39.0 AF

**Source and Point(s) of Diversion**

GROUND WATER

NENE

Sec. 14, Twp 02N, Rge 03W, CANYON County

**Place Of Use**

IRRIGATION within CANYON County

|     |     |     | NE   |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE   | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02N | 03W | 14  | 26.0 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 26.0   |

Right Acre Limit: 8.7

POU Total Acres: 26.0

**Conditions of Approval:**

1. This right is a split from former right 63-3232 .
2. C18 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

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

10/4/2018

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.

3. K06 This right is limited to the irrigation of 8.7 acres within the place of use described above in a single irrigation season.

**Comments:**

1. lharris 6/13/2007 Ownership Change Correction  
Per Mr. Montierth's visit to Western Region office 6/12/07, this ownership change is being filed as a correction, since the right was not split when original ownership change was filed.

2. agrimm 10/20/2011 POD  
PODID 703090 correlated from SpatialDataID 27117 to SpatialDataID 27117

**Dates and Other Information**

Decreed Date: 3/9/2010  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

Lessor Name: THE ESTATE OF GOLDA D MONTIERTH  
Lease Status: Active  
Lease Amount: 17cfs  
Rental Availability: None  
Date Received: 2/17/2015  
Lease Begin Date: 2/17/2015  
Expiration Date: 12/31/2019

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

10/4/2018

Water Right 63-32687

| <u>Owner Type</u>         | <u>Name and Address</u>                                                                                                              |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Attorney                  | WILLIAM A PARSONS<br>PARSONS SMITH STONE LOVELAND & SHIRLEY LLP<br>137 W 13TH ST<br>PO BOX 910<br>BURLEY, ID 83318<br>(208) 878-8382 |
| Current Owner             | EDWARD RAY MONTIERTH<br>825 HEARTLAND DR<br>NAMPA, ID 83686<br>(208) 989-8310                                                        |
| Current Owner             | SUSAN MONTIERTH<br>825 HEARTLAND DR<br>NAMPA, ID 83686<br>(208) 989-8310                                                             |
| Directors Report<br>Owner | BARRON DEVELOPMENT LLC<br>1605 S KIMBALL AVE STE 101<br>CALDWELL, ID 83605<br>(208) 454-3936                                         |
| Original Owner            | KATHI L MEYERS<br>3921 N 3300 E<br>TWIN FALLS, ID 83301<br>(208) 735-5321                                                            |
| Original Owner            | RUBY C VICTOR<br>1528 ADDISON AVE E<br>TWIN FALLS, ID 83301<br>(208) 733-1359                                                        |
| Original Owner            | RODNEY KENT MONTIERTH<br>1528 ADDISON AVE E<br>TWIN FALLS, ID 83301<br>(208) 733-5217                                                |
| Original Owner            | FARM CREDIT BANK OF SPOKANE<br>PO BOX 15367<br>BOISE, ID 83715<br>(208) 343-7782                                                     |
| Original Owner            | CHRYSTAL R EVANS<br>9990 ROAN MEADOWS DR<br>BOISE, ID 83705                                                                          |
| Original Owner            | EDWARD T EVANS<br>9990 ROAN MEADOWS DR                                                                                               |

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

10/4/2018

BOISE, ID 83709  
(208) 362-9411

Original Owner     ROBERT J MEYERS  
3921 N 3300 E  
TWIN FALLS, ID 83301  
(208) 735-5321

Original Owner     W NOLAN VICTOR  
1528 ADDISON AVE E  
TWIN FALLS, ID 83301  
(208) 733-1359

Previous Owner     THE ESTATE OF GOLDA D MONTIERTH  
825 HEARTLAND DR  
NAMPA, ID 83686  
(208) 463-8163

Previous Owner     HERBERT R MONTIERTH JR  
6312 S ZITHER AVE  
BOISE, ID 83709  
(208) 407-2243

**Priority Date:** 10/31/1966

**Basis:** Decreed

**Status:** Active

**Water Supply Bank Status:** Active

**Source**

GROUND WATER

**Tributary**

**Beneficial Use**

IRRIGATION

**From**

03/15

**To**

11/15

**Diversion Rate**

0.250 CFS

**Volume**

57.0 AF

**Total Diversion**

0.250 CFS

57.0 AF

**Source and Point(s) of Diversion**

GROUND WATER

NENE

Sec. 14, Twp 02N, Rge 03W, CANYON County

**Place Of Use**

IRRIGATION within CANYON County

|     |     |     | NE |    |    |    | NW |      |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|------|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 02N | 03W | 13  |    |    |    |    |    | 38.0 |    |    |    |    |    |    |    |    |    |    | 38.0   |

Right Acre Limit: 12.7

POU Total Acres: 38.0

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

10/4/2018

**Conditions of Approval:**

1. This right is a split from former right 63-3557A.
2. C18 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.
3. S39 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.
4. K06 This right is limited to the irrigation of 12.7 acres within the place of use described above in a single irrigation season.

**Comments:**

1. lharris 6/13/2007 Ownership Change Correction  
Per Mr. Montierth's visit to Western Region office 6/12/07, this ownership change is being filed as a correction, since the right was not split when original ownership change was filed.
2. agrimm 10/20/2011 POD  
PODID 703094 correlated from SpatialDataID 27148 to SpatialDataID 27117

**Dates and Other Information**

Decreed Date: 3/9/2010  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Mitigation Plan: False

**Combined Use Limits**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

Lessor Name: RODNEY KENT MONTIERTH  
Lease Status: Active  
Lease Amount: .25cfs  
Rental Availability: .18cfs  
Date Received: 2/17/2015  
Lease Begin Date: 2/17/2015  
Expiration Date: 12/31/2019

State of Idaho  
Department of Water Resources  
**Water Right License**  
63-32685

current



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.0375 0.075 0.15 Miles



82760

State of Idaho  
Department of Water Resources  
**Water Right License**  
63-32687

*Current*



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.075 0.15 0.3 Miles



 82760

# Proposed Changes



**Hersley, Jean**

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**From:** Hersley, Jean  
**Sent:** Wednesday, November 28, 2018 11:03 AM  
**To:** 'LEGALS@IDAHOPRESS.COM'  
**Subject:** Transfer No. 82760, Water Right No(s): 63-32685, 63-32687  
**Attachments:** LegalNoticeTransferMerged.doc

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 12/24/2018. Your cooperation is appreciated.

*Jean Hersley  
Idaho Dept Water Resources  
Technical Records Specialist II  
208-287-4942*

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 82760**

DEVON MCDONALD, 5700 WILLOW CREEK RD, EAGLE, ID 83616-2024; has filed Application No. 82760 for changes to the following water rights within CANYON County(s): Right No(s). 63-32685, 63-32687; The purpose of the transfer is to change a portion of the above rights as follows:

move point of diversion & place of use about 4 miles south to property about ½ mile north of the intersection of Stage Coach Rd & Sky Ranch Rd in Canyon County.

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see

<http://www.idwr.idaho.gov/water-rights/transfers/search.html>

Protests may be submitted based on the criteria of Idaho Code Sec. 42-222.

Any protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 12/24/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 12/6/2018 and 12/13/2018



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

November 28, 2018

DEVON MCDONALD  
5700 WILLOW CREEK RD  
EAGLE, ID 83616-2024

RE: Transfer No. 82760  
Water Right No(s). 63-32685, 63-32687

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the PRESS TRIBUNE on 12/6/2018 and 12/13/2018. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley  
Technical Records Specialist

## MEMORANDUM

**Date:** November 16, 2018

**To:** Transfer 82760

**From:** Clay Webster

**Re:** Review & Evaluation of Sufficiency of Information

The department received this application from Devon McDonald on October 4, 2018. The applicant proposes to move the place of use and point of diversion for these two water rights about 4 miles south away from Lake Lowell. The new place of use and point of diversion are located about ½ mile north of the corner of Stage Coach Rd and Sky Ranch Rd in Canyon County.

The applicant wishes to remove the rights from the Water Supply Bank upon transfer completion.

I deleted the past owner's attorney (William A. Parson's) from the water rights in the transfer database. I verified this action with the new owner of the water right.

**Authority to File:**

This application was signed by Devon McDonald. He provided a Notice of Change of Water Right Ownership along with conveyance documentation to show his authority to file this transfer.

**Water Right Validity:**

Water rights 63-32685 and 63-32685 were decreed in the SRBA in 2010. They were then conveyed by quitclaim deed to new owners. They were both placed in the Water Supply Bank in 2015. This action protected the rights from forfeiture and made them available for transfer.

**Injury to Other Water Rights:**

Since the current POD and proposed POD locations are both located within the South Canyon area of drilling concern, no injury is anticipated. The diversion is being moved a little over four miles further away from the shores of Lake Lowell.

**Enlargement of Use:**

This transfer will not authorize additional overall diversion of water nor any increase in beneficial use from current water rights. There was documentation in the files showing that the water rights were severed from the property in a property sale in 2005. Since these rights were retained during a sale of property and placed into the WSB, which avoided diversion with other water rights, there are no overlapping enlargement concerns.

The proposed place of use has water right 2-10387 in place on the west side of the property. Combined limits will need to be added to these rights to prevent enlargement. 2-10387 has a combined diversion rate of 74.3 cfs with many water rights. I have reviewed the splits of these rights and will update the condition on this right. I will place a comment in the other rights records to point to this right's condition for future transfer processing.

**Local Public Interest:**

This transfer application will be advertised to allow for local concerns to be addressed.

**Beneficial Use/Conservation of Water Resources:**

This proposed transfer will not change the authorized beneficial use under these rights. The transfer appears consistent with the conservation of water resources in Idaho.

**Effect on Economy the Local Area:**

No effects are anticipated.

**Effect on Agricultural Base of the Local Area:**

This application should have no effect.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.