

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 36-16962

PRIORITY: December 03, 2012

Maximum Diversion Rate: 1.16 CFS

It is hereby certified that:

MONTY B And/Or JENNIE L MONTGOMERY
3581 S 1425 E
WENDELL ID 83355

have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 03, 2012, and has submitted Proof of Beneficial Use on February 05, 2018. An examination confirms water is diverted from:

SOURCE:
WASTE WATER

TRIBUTARY:
SNAKE RIVER

and a water right has been established as follows:

BENEFICIAL USE
IRRIGATION

PERIOD OF USE
03/15 to 11/15

DIVERSION RATE
1.16 CFS

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER L4 (NW¼NW¼) Sec. 3, Twp 09S, Rge 14E, B.M. GOODING County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	33																27.0	27.0
08S	14E	34											39.0						39.0

Total Acres: 66

CONDITIONS OF APPROVAL

1. Rights 36-2491, and 36-16962 when combined shall not exceed a total diversion rate of 1.32 cfs, a total annual maximum diversion volume of 264 af at the field headgate, and the irrigation of 66 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. Upon specific notification the right holder shall install a measuring device of a type approved by the Department.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

State of Idaho
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Water Right License
WATER RIGHT NO. 36-16962

6. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
7. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
8. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

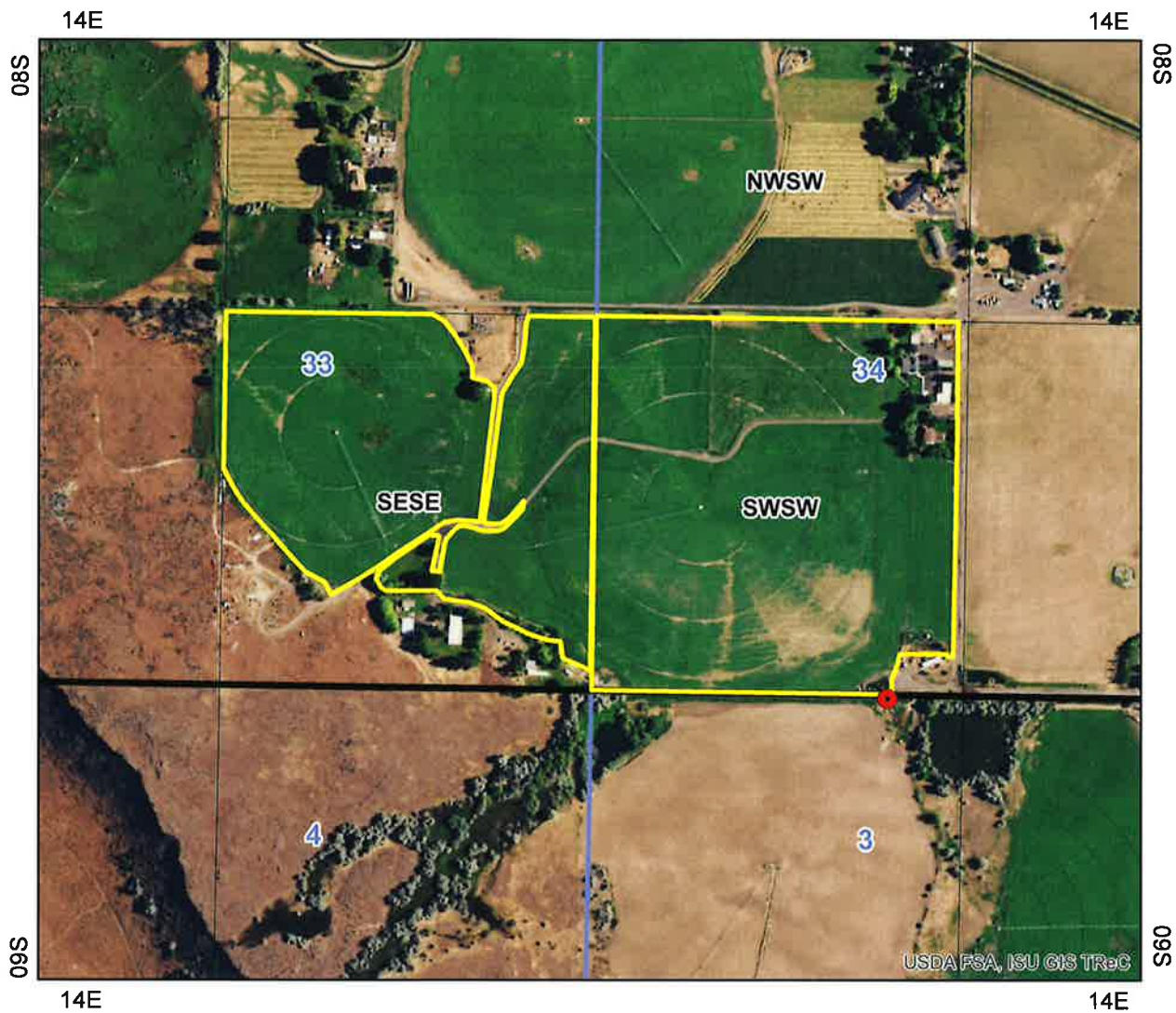
Signed this 5th day of October, 2018.



COREY SKINNER
Southern Regional Manager

State of Idaho
Department of Water Resources
Attachment to Water Right License
36-16962

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.075 0.15 0.3 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858

Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

October 09, 2018

MONTY B MONTGOMERY
JENNIE L MONTGOMERY
3581 S 1425 E
WENDELL ID 83355

RE: License No. 36-16962

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a water master in a water district. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Corey Skinner
Southern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on October 09, 2018, I served a true and correct copy of Water Right License No. 36-16962 by U.S. Mail, postage prepaid, to the following:

MONTY B MONTGOMERY (Current Owner)
JENNIE L MONTGOMERY (Current Owner)
3581 S 1425 E
WENDELL ID 83355

WATER DISTRICT #130 *via e-mail*
NATHAN ERICKSON (Water master)
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301



Denise Maline
Administrative Assistant I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

RECEIVED

SEP 25 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

Page 1

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-16962

PRIORITY: December 03, 2012

Maximum Diversion Rate: 1.20 CFS

Comes now

MONTY B MONTGOMERY and/or JENNIE L MONTGOMERY
3581 S 1425 E
WENDELL ID 83355

and represents to the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 36-16962, and requests that the permit be changed as follows:

SOURCE:
WASTE WATER

TRIBUTARY:
SNAKE RIVER

BENEFICIAL USE
IRRIGATION

PERIOD OF USE **DIVERSION RATE**
03/15 to 11/15 1.20 CFS

LOCATION OF POINT(S) OF DIVERSION:

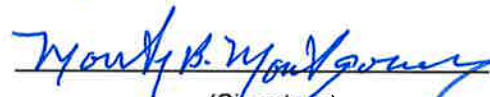
WASTE WATER L4 (NW¼NW¼) Sec. 3, Twp 09S, Rge 14E, B.M. GOODING County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	14E	33																29.0	29.0
08S	14E	34											37.0						37.0

Total Acres: 66

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 25 day of September, 2018.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 36-16962

FOR DEPARTMENT USE ONLY

Preliminary check by BW Fee = \$100 Received by TP # 5036913 Date 9/25/2018

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources hereby approves the above Application for Amendment for Permit No. 36-16962 with the following:

CONDITIONS OF APPROVAL

1. Rights 36-2491, and 36-16962 when combined shall not exceed a total diversion rate of 1.32 cfs, a total annual maximum diversion volume of 264 af at the field headgate, and the irrigation of 66 acres.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. Upon specific notification the right holder shall install a measuring device of a type approved by the Department.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
6. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
7. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
8. This right does not grant any right-of-way or easement across the land of another.

This amendment is issued pursuant to the provisions of Section 42-211, Idaho Code.

Signed this 4th day of October, 2018.



COREY SKINNER
Southern Regional Manager

REQUEST FOR EXTENSION OF TIME
TO INSTALL IDWR APPROVED FLOW METER
Please fill out one form for each affected well

Please note: This request must be approved to authorize any extension.

Owner / Operator: Monty B Montgomery

Well / Diversion Name: Waste Water Permit 36-16962

IDWR Site Tag No.: _____

Legal Description: 8S 14E 34 SWSW
(ex., T6S R14E Sec. 30 NWNW)

Water District: 130
(ex., WD120, WD130, etc.)

Reporting District: 130
(ground water district, irrigation district or other entity)
(ex., Bingham Ground Water District, Southwest Irrigation District)

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JUN 19 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

1. Is the request for extension of time because of non-use? _____ Yes ☒ No

If Yes, please go to Question #2.

If No, please describe the reason for requesting an extension of time, then go to Question #3:
Source is waste water, at this time there is no reason for measurement.

2. Is the non-use related to a federal or state program? _____ Yes _____ No

If Yes, please describe the program: _____

What date does the program contract end: _____

If No, please explain the reason for non-use: _____

3. Date requested by which the required measuring device will be installed: UNKNOWN

Attach additional explanation as necessary

PLEASE PROVIDE YOUR SIGNATURE AND CONTACT INFORMATION, AND RETURN FORM TO:

IDWR WATER DISTRIBUTION SECTION

PO BOX 83720

BOISE ID 83720-0098

Monty B. Montgomery
Name/Title

208-536-2784
Phone number

6-19-18
Date

Mailing Address

BOERT MONT 1936 @pslao.com
E-mail Address



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 14, 2018

Monty B Montgomery
3581 S 1425 E
Wendell, ID 83355

RE: Permit No. 36-16962

Dear Mr. Montgomery:

The Department of Water Resources (IDWR) is reviewing the above referenced permit so we can issue a license for the uses developed. In a review of the file, we notice that you have not complied with the following condition of approval of the permit:

Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

During the field examine I found no measuring device on your diversion. You must resolve this issue before a license can be issued. Pursuant to Idaho Code § 42-219(6), if the conditions of approval on a permit are not complied with, IDWR may issue an order voiding the permit or issue a license for only that portion of the authorized use developed in accordance with the permit.

You have some options to resolve this problem. You can submit a request for removal of the requirement. Enclosed with this letter is a copy of the recommendation acceptable to the watermaster of Water District 130 to waive the requirement of installing a measuring device with the following condition.

Upon specific notification the owner may be required to install a flow measuring device.

If you request a waiver of the requirement, IDWR will consider your request and notify you of the decision in writing.

If you request a waiver of the requirement, IDWR will consider your request and notify you of the decision in writing.

IDWR will withhold further action on your permit for 30 days from the date of this letter in order to allow you time to respond. If IDWR does not receive a response from you within this time period, it will be assumed that you are not interested in pursuing a water right license, and action will be taken to void your permit. If you need additional time to respond, please contact me to discuss your options.

If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,

Benny Walker
Sr. Water Resource Agent

RECOMMENDATION OF WATERMASTER

Water Right No: 36-16962
Applicant Name: Monty B. Montgomery

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☒ Additional comment:

The original application for permit included a condition that would require measurement of the waste water. At this time Water District 130 is willing to waive the requirement for the installation of a measuring device. However a condition should remain on the water right allowing for upon specific notification the owner may be required to install a flow measuring device.

Dated: June 6, 2018

Water District 130



Nathan Erickson, Watermaster