

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 24 2017

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Terry V Monson, Joyce Monson Phone (208) 588-2393Mailing address 3629 W 4050 N, Moore, ID 83255 Email tm@atcnet.net

- ☐ 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.

Terry V Monson
Signature of Applicant or Authorized Representative

Terry V Monson
Print Name and Title if applicable

MAY 24 2017
Date

Joyce Monson
Signature of Applicant or Authorized Representative

Joyce Monson
Print Name and Title if applicable

MAY 24 2017
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. 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.2**.
 Change the place of use so that irrigated land is covered under the water right.

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 (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-2376	2.30	IRRIGATION	04/01 to 10/31	GROUND WATER
☐ ☐	34-169C	1.60	IRRIGATION	5/01 to 10/15	BIG LOST RIVER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.78 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.08 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ 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 #

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	
06N	25E	12		40	38.5											36.5			115
Total Acres (for irrigation use)																			115

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:

POD, named "Monson Well" is located in the NW corner of the NWNE quarter.

- b. Who owns the property at the point(s) of diversion? Applicants

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: No

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:

Land will be left dry

- 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:

34-169C

- 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:

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Proof Report

6/19/2017

Water Right 34-169C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KAREN M MONSON 3694 W 4050 N DARLINGTON, ID 83231 2085882393
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDA FARM SERVICE AGENCY 9173 W BARNES STE B BOISE, ID 83709-1555 2083785650
Current Owner	TERRY V MONSON 3694 W 4050 N DARLINGTON, ID 83231 2085882393

Priority Date: 6/30/1891

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG LOST RIVER	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/01	10/15	1.600 CFS	
	<u>Total Diversion</u>		1.600 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER SENWNW Sec. 34, Twp 07N, Rge 24E, CUSTER County

Place Of Use

IRRIGATION within BUTTE,CUSTER Counties

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	12		40.0															40.0
06N	25E	12			35.0											40.0			75.0

Right Acre Limit: 80.0

POU Total Acres: 115.0

Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-02376 IS LIMITED TO A TOTAL

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Proof Report

6/19/2017

3. COMBINED DIVERSION RATE OF 2.78 CFS.
USE OF THIS RIGHT WITH RIGHT NO. 34-02376 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 115 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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.
5. WATER IS DELIVERED THROUGH BURNETT DITCH.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

Comments:

1. TAYLOR 8/22/1991 CHANGE OF OWNERSHIP AND
RENUMBERING
A34-00169 WAS RENUMBERED AFTER IT WAS FOUND THAT FMHA HAD FILED THE
SAME CLAIM AND IT WAS NUMBERED A34-00169C. THIS CLAIM IS FOR ALL OF
34-00169B AND HALF OF 34-00169A. THE OTHER HALF OF 34-00169A DOES NOT SEEM
TO BE FILED ON.
2. TAYLOR 5/5/1992 NOTICE OF ERROR FLAG
NOTICE OF ERROR FLAG CHANGED FROM "A" TO "B". CLAIM REVERIFIED.
3. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
4. dcarlson 7/21/2010 POD
PODID 500483 correlated from SpatialDataID 299822 to SpatialDataID 299822

Dates and Other Information

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: 34
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.780		115.0
34-2376 ,34-169C		

SubCase:

N/A

Water Supply Bank:

6/19/2017

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOYCE MONSON 3629 W 4050 N MOORE, ID 83255 2085882393

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	2.300 CFS	402.5 AF
	Total Diversion		2.300 CFS	402.5 AF

Sec. 12, Twp 06N, Rge 25E, BUTTE County

IRRIGATION within BUTTE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	25E	12		40.0	35.0											40.0			115.0

POU Total Acres: 115.0

1. USE OF THIS RIGHT WITH RIGHT NO. 34-00169C IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.78 CFS.
2. USE OF THIS RIGHT WITH RIGHT NO. 34-00169C IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 115 ACRES IN A SINGLE IRRIGATION SEASON.
3. 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.
4. RIGHT NO. 34-02349 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

1. TAYLOR 5/5/1992 NOTICE OF ERROR FLAG
NOTICE OF ERROR FLAG CHANGED FROM "A" TO "B". CLAIM REVERIFIED.

2. AJU10-DS 6/9/2000 AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

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Proof Report

6/19/2017

3. jberkey 11/4/2004 POD
Correlated PODID 242802 from SpatialDataID 355259 to SpatialDataID 211226
4. dcarlson 2/16/2010 POD
PODID 242802 correlated from SpatialDataID 355259 to SpatialDataID 355259
5. nmiller 5/12/2014 POU
Updated shape to match BLR shape
6. nmiller 5/12/2014 POU
Updated Shape

Dates and Other Information

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.780		115.0
34-2376 ,34-169C		

SubCase:

N/A

Water Supply Bank:

N/A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ 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. Label it **Attachment #7b**.

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.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

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:

Change in Ownership

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

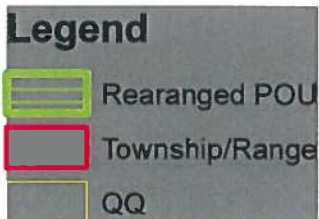
Fee paid \$200.00 Date 5-24-2017 Received by [Signature] Receipt # E043046

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 ☐ (_____ office)

E043068 \$25. -
to June 5, 2017

Monson Transfer



213488

Custer County Reg. of

Terry V. Monson

Time 3:47 P.M. Date 12/27/2010

Barbara C. Tierney, Clerk

Christy Feltus 10.00
Deputy

QUITCLAIM DEED

NO 0048281

RECORDED

DEC 27 2010

AM 1:20 PM
BUTTE COUNTY RECORDS
Sharon Burnett

THIS INDENTURE, Made this 27th day of December, 2010,
between TERRY V. MONSON, Husband of Grantee, as Grantor,
to JOYCE MONSON, A Married Woman as her Sole and Separate Property, as Grantee,
whose current address is 3629 W. 4050 N., Moore, ID 83255

WITNESSETH That said Grantor for and in consideration in lawful money of the United States
of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by
these premises remise, release and forever QUITCLAIM, unto the said Grantee and to his heirs
and assigns all that certain lot, piece or parcel of land, situate, lying and being in the Counties of
Butte and Custer, State of Idaho, bounded and particularly described as follows, to wit:

Township 6 North, Range 25 East of the Boise Meridian, Butte County, Idaho
Section 12: W1/2NE1/4; NW1/4SE1/4, EXCEPT those portions in Custer County, Idaho.

Township 6 North, Range 25 East of the Boise Meridian, Custer County, Idaho
Section 12: That portion of the W1/2NE1/4 and the NW1/4SE1/4 South of Pass Creek.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or
appurtenant thereto, including, but not limited to, rights to ground waters produced from a
well or wells located on the premises, especially such water under license No. 34-2376, and
Water from the Big Lost River: Priority Date: June 30, 1891; Amount: 80 inches;
Storage 3260 inches.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders,
rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances,
unto the Grantee and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said Grantor has hereunto set his hand and seal the day and year
first above written.

Terry V. Monson
Terry V. Monson

State of Idaho

ss.

County of Butte

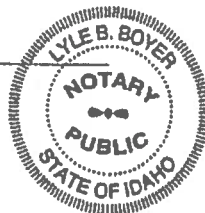
On this 27th day of December, 2010, before me, the undersigned, a Notary Public, in and for
said State, personally appeared, TERRY V. MONSON, known to me, and/or identified to me
on the basis of satisfactory evidence, to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Lyle B. Boyer
Notary Public

Commission Expires: 6-5-2015

Residing at: Arco, Idaho



AFTER RECORDING MAIL TO:

Terry V. Monson
3629 West 4050 North
Moore, ID 83255

NO. 0044582
RECORDED

MAY 29 2007

9:37 A.M.
BUTTE COUNTY RECORDER
Terry L. Williams PM

QUITCLAIM DEED

File No.: 209592-B (th)

Date: May 21, 2007

For Value Received, **Karen Monson**, do hereby convey, release, remise, and forever quit claim unto **Terry V. Monson**, whose address is **3629 West 4050 North**, herein after called the Grantee, the following described premises situated in **Butte County, Idaho**, to-wit:

Township 6 North, Range 25 E.B.M., Butte County, Idaho
Section 12: W $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; EXCEPTING that portion lying with Custer County.

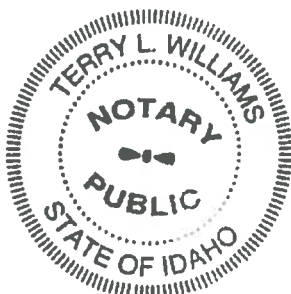
together with its appurtenances.

Dated: 5-25-07

Karen Monson
Karen Monson

STATE OF Idaho)
COUNTY OF Butte)

On this 25th of May 2007, before me, a Notary Public in and for said State, personally appeared **Karen Monson**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same.



Terry L. Williams
Notary Public of Idaho
Residing at: Butte Co Area Id.
Commission Expires: 1-26-2010

RECEIVED

MAY 08 2017

Department of Water Resources
Eastern Region

204062

QUITCLAIM DEED

THIS INDENTURE Made this 5th day of MAY.

1993, between Karen Monson, party of the first part, and
Terry V. Monsen, party of the second part.

WITNESSETH That party of the first part, for and in
consideration of the sum of Ten Dollars (\$10.00) lawful
money of the United States of America, in hand paid by party
of the second part, the receipt whereof is hereby
acknowledged, does by these presents remise, release and
forever QUITCLAIM unto party of the second part, and to his
heirs and assigns all of that certain real property
situated, lying and being in Butte County and Custer County,
State of Idaho, bounded and particularly described as
follows, to wit:

T.6N., R.25, E.B.M. Butte County and Custer County.
Section 12: W 1/2 NE 1/4; NW 1/4 SE 1/4 except those
portions in Custer County Section 12: That portion of
the W 1/2 NE 1/4 and NW 1/4 SE 1/4 South of Pass Creek

TOGETHER With all and singular the tenements,
hereditaments and appurtenances thereunto belonging or in
anywise appertaining, the reversion and reversions,
remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises
together with the appurtenances, unto the party of the
second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part
has hereunto set her hand and seal the day and year first
above written.

QUITCLAIM DEED - 1

*F.Y.I.
needs to
Be Recorded
in Butte
County!*

515 NINTH STREET
IDAHO FALLS, IDAHO 83401
(208) 524-4002
FAX (208) 524-4131

81739

0204062

above written.

Karen M Monson
KAREN MONSON

STATE OF IDAHO)

COUNTY OF BONNEVILLE)

On this 5th day of May, 1993, before me, a notary public in and for the State of Idaho, personally appeared Karen Monson, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

[Signature]
NOTARY PUBLIC
Residing:
Commission expires:



204062

Custer County Reg. of

Swafford Law

Office

11:30 A.M.

May 24 1993

Elmer M. Pack, Clerk

Wanda J. Murphy

6.02

Deputy

515 NINTH STREET
IDAHO FALLS, IDAHO 83401
(208) 574-0002
FAX (208) 574-4131

QUITCLAIM DEED - 2

81739