

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79943

This is to certify that: ALBION 12 INVESTMENTS LLC
7595 E MC DONALD DR STE 130
SCOTTSDALE, AZ 85250

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-14284	WR/DECREED	2/26/1972	1.310 cfs	268.0 af	N/A	67.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-10912	WR/DECREED	3/1/1965	0.600 cfs	N/A		29.9	SPRINGS
45-14286	WR/DECREED	7/1/1876	1.300 cfs	N/A		67.0	MARSH CREEK
45-14288	WR/DECREED	3/31/1888	0.990 cfs	N/A		67.0	LAKE CLEVELAND

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-14284	NO	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-14284	45-14284	1.310 cfs	268.0 af	67.0	480.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.310 cfs	268.0 af	67.0	480.2		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 3rd day of February, 2017.



SUPPORT DATA Water Resources Program Manager

Transfer No. 79943

IN FILE 45-14284

WATER RIGHT NO. 45-14284
As Modified by Transfer No. 79943

In accordance with the approval of Transfer No. 79943, Water Right No. 45-14284 is now described as follows:

Right Holder: GEORGE A MONTGOMERY
 GWEN MONTGOMERY
 937 S 900 E
 ALBION, ID 83311

Priority Date: 2/26/1972

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 1.310 cfs
 1.310 cfs

Diversion Volume
 268.0 af
 268.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSNW Sec 21 Twp 12S Rge 25E CASSIA County
 GROUND WATER SESWNW Sec 21 Twp 12S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	25E	16						12.0	40.0	15.0		40.0	40.0	40.0		10.0	40.0	16.0	253.0
12S	25E	21	21.0	41.0			41.0	41.0	41.0	41.0									226.0
12S	25E	22						1.2											1.2

Right Acre Limit: 67.0
 POU Total Acres: 480.2

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 67 acres within the authorized place of use in a single irrigation season.
2. Rights 45-284B and 45-14284 when combined shall not exceed the irrigation of 90 acres. The places of use for these two rights overlap by 67 acres. When rights 45-284B and 45-14284 are used in combination, the total maximum diversion rate shall not exceed 1.12 cfs to irrigate the 67-acre shared place of use.
3. Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, and 45-14284 when combined shall not exceed the irrigation of 378 acres.
4. Rights 45-275, 45-284B, 45-285, 45-327D, 45-517D, 45-523A, 45-13589, 45-14284, 45-14449, 45-14450, 45-14451, and 45-14452 when combined shall not exceed the irrigation of 399.2 acres.

Transfer No. 79943

WATER RIGHT NO. 45-14284

As Modified by Transfer No. 79943

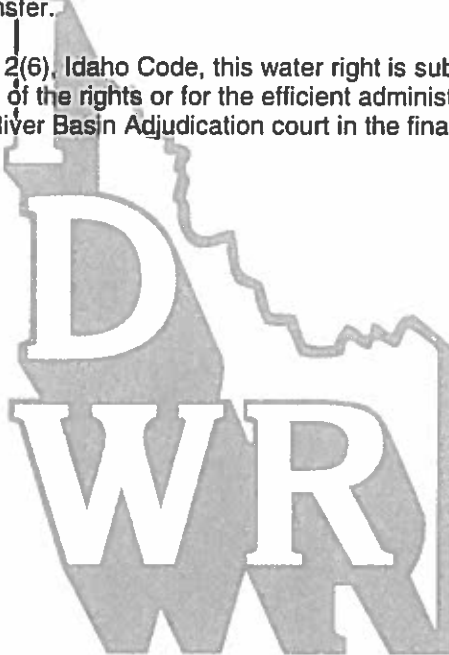
CONDITIONS OF APPROVAL

5. This right is limited to the irrigation of a specific 67.0 acres within the 480.2 acre place of use authorized by this right in a single irrigation season. The specific 67.0 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 67.0 acres to be irrigated within the 480.2 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. The two wells authorized under Transfer 79943 shall be constructed no more than 100 feet north of the south boundary of the SWNW and SENW of Section 21, T12S, R25E.
7. Water right 45-14284 shall only be diverted during times when the April 1, 1875 priority date is partially or fully curtailed on Howell Creek.
8. To prevent impact to nearby springs, the two wells authorized under Transfer 79943, located in the SESWNW and SWSNW, Section 21, T12S, R25E, shall be constructed with unperforated well casing between 0 and 250 feet below ground surface elevation.
9. 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 lands above.
10. Use of water under this right will 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. 140.
11. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
12. Prior to the diversion and use of water under Transfer approval 79943, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
13. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
14. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WATER RIGHT NO. 45-14284
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CONDITIONS OF APPROVAL

15. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
16. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
18. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 45-10912**As Modified by Transfer No. 79943**

In accordance with the approval of Transfer No. 79943, Water Right No. 45-10912 is now described as follows:

Right Holder: GEORGE A MONTGOMERY
937 S 900 E
ALBION, ID 83311

Priority Date: 3/1/1965

Source: SPRINGS

Tributary: SINKS

BENEFICIAL USE

IRRIGATION

From

04/01

To

to 10/31

Diversion Rate

0.600 cfs

0.600 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRINGS

NESENW

Sec 12 Twp 12S Rge 24E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	24E	12		27.0			1.8			1.1									29.9

POU Total Acres: 29.9

CONDITIONS OF APPROVAL

1. Rights 45-10912, 45-14286 and 45-14288 when combined shall not exceed a total diversion rate of 1.34 cfs and the irrigation of 67 acres.
2. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-14286**As Modified by Transfer No. 79943**

In accordance with the approval of Transfer No. 79943, Water Right No. 45-14286 is now described as follows:

Right Holder: GEORGE A MONTGOMERY
937 S 900 E
ALBION, ID 83311

Priority Date: 7/1/1876

Source: MARSH CREEK

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to 10/31

To**Diversion Rate**

1.300 cfs

1.300 cfs

LOCATION OF POINT(S) OF DIVERSION

MARSH CREEK NWNESW
MARSH CREEK NENWSW

Sec 12 Twp 12S Rge 24E CASSIA County
Sec 12 Twp 12S Rge 24E CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	24E	12		28.0			10.5			28.5									67.0

POU Total Acres: 67.0

CONDITIONS OF APPROVAL

1. Rights 45-10912, 45-14286 and 45-14288 when combined shall not exceed a total diversion rate of 1.34 cfs and the irrigation of 67 acres.
2. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. This right is a split from former right numbers 45-312C, 45-13617 and 45-14268.
4. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-14288**As Modified by Transfer No. 79943**

In accordance with the approval of Transfer No. 79943, Water Right No. 45-14288 is now described as follows:

Right Holder: GEORGE A MONTGOMERY
937 S 900 E
ALBION, ID 83311

Priority Date: 3/31/1888

Source: LAKE CLEVELAND

Tributary: MARSH CREEK

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	0.990 cfs	
IRRIGATION FROM STORAGE	04/01	to 10/31		24.9 af
IRRIGATION STORAGE	11/01	to 03/31		24.9 af
			0.990 cfs	

LOCATION OF POINT(S) OF DIVERSION

LAKE CLEVELAND	NWNESW	Sec 12 Twp 12S Rge 24E	CASSIA County	(R)
LAKE CLEVELAND	NENWSW	Sec 12 Twp 12S Rge 24E	CASSIA County	(R)
LAKE CLEVELAND	NWNENW	Sec 27 Twp 12S Rge 24E	CASSIA County	(I)
LAKE CLEVELAND	NWSWNW	Sec 3 Twp 13S Rge 24E	CASSIA County	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	24E	12		28.0			10.5			28.5									67.0

POU Total Acres: 67.0

CONDITIONS OF APPROVAL

1. Rights 45-10912, 45-14286 and 45-14288 when combined shall not exceed a total diversion rate of 1.34 cfs and the irrigation of 67 acres.
2. The use of water for irrigation under this right may begin as early as March 15 provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

WATER RIGHT NO. 45-14288

As Modified by Transfer No. 79943

CONDITIONS OF APPROVAL

5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

