

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**RECEIVED****AUG 31 2015**

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 forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Montauk Farmers Ditch Co.Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☐ 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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #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: _____

RECEIVED

AUG 31 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESWATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant(s) asdfsdf Montour Farmers Nitch Co Phone (208) 859-0623
 Mailing address 9747 E. Hatfield Rd. Montour, Id. 83657 Email deon@speedyquick.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.

Deon L. Budell
Signature of Applicant or Authorized Representative

Deon L. Budell/President
Print Name and Title if applicable

5-10-2015
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. 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**.

This is to include acres in the allowable acres that already exist.

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 ☒ ☐	65-58	21.63	IRRIGATION	4/1 to 11/1	PAYETTE R. / SNAKE R.
☒ ☐	65-22678	0.04	STOCKWATER	1/1 to 12/31	PAYETTE R. / SNAKE R.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 21.63 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.58 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion: - SEE 9/2/15 MEMO IN FILE REGARDING THIS PAGE OF THIS APPLICATION
☒ 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. - N/A
 Label it Attachment #5.

New ?	Lot	%	%	%	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

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

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	01E	22	.6	34	40	40	26			38	38			38	40	40	40	40	
			21																
			.33																
07N	01E	23			25			23	40	40	40	40	40	40					
					.33			27											
07N	01E	26		40	40		40	40	40	40		40	.1						
07N	01E	27	40	40	40	40	40		20	40	20	20			40	33		.2	

Total Acres (for irrigation use)

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:

N/A

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Utility Easement

- 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:

- 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:

- 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:

Before

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the Part 2B form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

PARTS 2A

IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

9/1/2015

Water Right 65-58

<u>Owner Type</u> Current Owner	<u>Name and Address</u> MONTOUR FARMERS DITCH CO LON MC CONNEL 10040 GATFIELD RD EMMETT, ID 83617 (208)584-3314
---	---

Priority Date: 6/23/1884

Basis: Decreed

Status: Active

<u>Source</u> PAYETTE RIVER	<u>Tributary</u> SNAKE RIVER
---------------------------------------	--

<u>Beneficial Use</u> IRRIGATION	<u>From</u> 04/01	<u>To</u> 11/01	<u>Diversion Rate</u> 21.630 CFS	<u>Volume</u>
	<u>Total Diversion</u>		21.630 CFS	

Source and Point(s) of Diversion

PAYETTE RIVER	SWSE	Sec. 24, Twp 07N, Rge 01E, GEM County
PAYETTE RIVER	SWNE	Sec. 25, Twp 07N, Rge 01E, GEM County

Place Of Use

IRRIGATION within GEM 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	
07N	01E	22	X L1	X L2	X	X	X L3			X	X			X	X	X	X	X	0.0
07N	01E	22	X L1																0.0
07N	01E	23			X L5		X L4	X L3	X	X L4	X	X	X	X					0.0
07N	01E	23								X L4									0.0
07N	01E	26		X	X		X	X	X	X		X	X						0.0
07N	01E	27	X	X	X	X	X		X	X					X	X		X	0.0

Right Acre Limit: 823.0

POU Total Acres: 1,339.9

Conditions of Approval:

1. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/1/2015

- attached to this approval document to illustrate the place of use described by the digital boundary.
2. X27 This right is limited to the irrigation of 823 acres within the 1339.9-acre service area of The Montour Farmers Ditch Company in a single irrigation season.
 3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 5. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
 6. R05 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. 65.
 7. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
 8. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 7/3/2002.
 9. R62 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
 10. Use of this right with Right No. 65-22678 is limited to a total combined diversion rate of 21.63 cfs.
 11. F06 The following rights are diverted through points of diversion described above: 65-58 and 65-22678 .
 12. The point of diversion in the SWSE of Section 24 is limited to a diversion rate of 4.0 cfs.

Comments:

- | | | |
|---|-----------|-------------------|
| 1. vmusic
Updated Shape | 1/26/2009 | POU |
| 2. vmusic
Updated PLS | 1/26/2009 | POU |
| 3. vmusic
Updated Shape | 1/26/2009 | POD |
| 4. scurtis
This is now an approved transfer, transfer number = 74823 | 5/4/2009 | Transferred Right |
| 5. mciscell
Updated Shape | 3/9/2011 | POD |

Dates and Other Information

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/1/2015

Decreed Date: 7/3/2002
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 65
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.0
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
21.630		
65-58	,65-22678	

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

9/1/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONTOUR FARMERS DITCH CO LON MC CONNEL 10040 GATFIELD RD EMMETT, ID 83617 (208)584-3314

Status: Active

Tributary
SNAKE RIVER

Volume

PAYETTE RIVER	SWSE	Sec. 24, Twp 07N, Rge 01E,	GEM County
PAYETTE RIVER	SWNE	Sec. 25, Twp 07N, Rge 01E,	GEM 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
07N	01E	22	X L1	X L2	X	X	X L3			X	X			X	X	X	X	X	
07N	01E	22	X L1																
07N	01E	23			X L5		X L4	X L3	X L4	X	X	X	X	X					
07N	01E	23							X L4										
07N	01E	26		X	X		X	X	X	X		X	X						
07N	01E	27	X	X	X	X	X		X	X					X	X		X	

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. T19 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/1/2015

- water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
 5. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
 6. Use of this right with Right No. 65-58 is limited to a total combined diversion rate of 21.63 cfs.
 7. F06 The following rights are diverted through points of diversion described above: 65-58 and 65-22678 .
 8. The point of diversion in the SWSE of Section 24 is limited to a diversion rate of 4.0 cfs.

Comments:

- | | | |
|---|-----------|-------------------|
| 1. vmusic
Updated Shape | 1/26/2009 | POD |
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Updated Shape | 1/26/2009 | POU |
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Updated PLS | 1/26/2009 | POU |
| 4. scurtis
This is now an approved transfer, transfer number = 74823 | 5/4/2009 | Transferred Right |
| 5. mciscell
Updated Shape | 3/9/2011 | POD |

Dates and Other Information

Decreed Date: 7/20/2004
Civil Case Number: 39576
Judicial District: FIFTH
Water District Number: 65
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
21.630		
65-58 ,65-22678		

Verification Log

SubCase:

SubCaseNumber: 65-22678
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 5/5/2004
Attorney Assigned:

Mountour Farmers Distribution System

ATTACHMENTS 7A & 7B



Legend

- Montour POU (CURRENT)
- Township/Range
- Sections

QQ

80361

MEMORANDUM

Date: September 2, 2015
To: File
From: Nick Van Dyke
Re: Application for Transfer No. 80361. Montour Farmers Ditch Co.

This memorandum addresses page 3 of the transfer application. I received a visit in office, around mid-summer of 2015 from Deon Budell, president of Montour Farmers Ditch Co. She asked what was the correct, proportionate amount of water to transfer based on the proposal, and thus the correct fee to be paid. At that visit, I explained I was not 100 percent certain and would get back with her after discussing with staff.

After discussing with staff and following a template developed by Steve Lester of IDWR, I contacted Ms. Budell, explaining the correct proportionate water to be transferred and accompanying fee. Fee was received 8/31/2015. Inadvertently page 3 had not been fully completed due to the initial uncertainty of the amount of water to be transferred. Rather than have the applicant resubmit or come into the office, I completed the missing parts on page 3 (amounts, nature of use, period of use, source and tributary, and amounts to be transferred). I spoke with Ms. Budell this morning and confirmed with her as applicant, she was okay with this.

Mootook

$$\frac{3}{41} \times 21.63 = 1.58 \text{ fs}$$

1.58 / 0.02 fs

$$\frac{3}{41} \times 0.04 = (\text{rounded } 0.01 \text{ fs})$$

RECEIVED

AUG 31 2015

WATER RESOURCES
WESTERN REGION

RECEIVED

SEP 01 2015

WATER RESOURCES
WESTERN REGION

80361

MONTOUR FARMERS DITCH CO.

PRO-RATED FEE FOR APPLICATION FOR TRANSFER

Current right for 21.63 cfs includes 48 $\frac{1}{4}$ - $\frac{1}{4}$ s in total service area per background information in adjudication recommendation report.

Expected fee if based on entire 21.63 cfs in water right = \$1050.

Pro-rated fee based on:

- a) # new $\frac{1}{4}$ - $\frac{1}{4}$ s to add to service area; and
- b) total cfs rate for new river point of diversion

(a) for new $\frac{1}{4}$ - $\frac{1}{4}$ s to add:

$$\frac{\text{\# new } \frac{1}{4} - \frac{1}{4}\text{s to add}}{48 \frac{1}{4} - \frac{1}{4}\text{s}} \times 21.63 \text{ cfs} = \underline{\hspace{2cm}} \text{ cfs affected by change}$$

(b) for new river diversion to add:

$$\text{maximum cfs of 21.63 cfs to divert at new river point} = \frac{\underline{\hspace{2cm}} \text{ cfs}}{\text{affected by change}}$$

PRO-RATA FEE BASED ON GREATER CFS IN (a) OR CFS IN (b):

$$= \underline{\hspace{2cm}} \text{ cfs affected by change}$$

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) asdfsdf Montour Farmers Nitch Co Phone (208) 859-0623
Mailing address 9747 E. Hatfield Rd. Montour, Id. 83657 Email deon@speedyquick.net

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☒ 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.
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Deon L. Budell
Signature of Applicant or Authorized Representative

Deon L. Budell/President
Print Name and Title if applicable

5-10-2015
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 _____

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