

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79803

SUPPORT DATA

IN FILE # 63-3362

This is to certify that: RAY MONTIERTH
SUSAN MONTIERTH
825 HEARTLAND DR
NAMPA, ID 83686

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>
63-10383	WR/LICENSE	9/23/1986	5.220 cfs	2272.5 af	151.0	1286.0	GROUND WATER
63-11347	WR/LICENSE	7/8/1992	2.230 cfs	549.0 af	122.0	1286.0	GROUND WATER
63-3362	WR/DECREED	7/11/1963	2.670 cfs	837.0 af	186.0	1286.0	GROUND WATER
63-7531	WR/DECREED	12/10/1971	3.600 cfs	744.6 af	160.0	1286.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

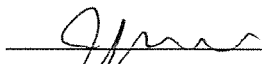
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-10383	NO	NO	NO	YES	NO	NO
63-11347	NO	NO	NO	YES	NO	NO
63-3362	NO	NO	NO	YES	NO	NO
63-7531	NO	NO	NO	YES	NO	NO

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>
63-10383	63-10383	5.220 cfs	2272.5 af	151.0	1286.0	N/A	N/A	N/A	N/A	N/A
63-11347	63-11347	2.230 cfs	549.0 af	122.0	1286.0	N/A	N/A	N/A	N/A	N/A
63-3362	63-3362	2.670 cfs	837.0 af	186.0	1286.0	N/A	N/A	N/A	N/A	N/A
63-7531	63-7531	3.600 cfs	744.6 af	160.0	1286.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		10.770 cfs	4403.1 af	619.0	1286.0		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 15th day of April, 2015.


JEFF PEPPERSACK
Interim Western Region Manager

Transfer No. 79803

WATER RIGHT NO. 63-3362**As Modified by Transfer No. 79803**

In accordance with the approval of Transfer No. 79803, Water Right No. 63-3362 is now described as follows:

Right Holder: RAY MONTIERTH AND
SUSAN MONTIERTH
825 HEARTLAND DR
NAMPA, ID 83686

Priority Date: 7/11/1963

Source: GROUND WATER

BENEFICIAL USE
IRRIGATION

From 4/01 **To** 10/31

Diversion Rate
2.670 cfs
2.670 cfs

Diversion Volume
837.0 af
837.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L4 (SWSW)	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L2 (NWNE)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NENW)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	SWSE	Sec 31 Twp 02N Rge 02E	ADA 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	
01N	02E	6	35.0	40.0	40.0	40.0	40.0			40.0	40.0			40.0		40.0	39.0		394.0
			L 1	L 2			L 3												
01N	02E	7					40.0	40.0	40.0		40.0		36.0	32.0			32.0		260.0
							L 1	L 2					L 4						
01N	02E	18	32.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					432.0
							L 1	L 2				L 3	L 4						
02N	02E	31									40.0	40.0	40.0	40.0			40.0		200.0
											L 3	L 4							

Right Acre Limit: 186.0

POU Total Acres: 1286.0

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. A single new point of diversion is authorized in either Lot 4 (SWSW) or SESW, S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.

Transfer No. 79803

WATER RIGHT NO. 63-3362

As Modified by Transfer No. 79803

CONDITIONS OF APPROVAL

3. Right holder is required to utilize cold water wells to their capacity. Low temperature geothermal water from the point of diversion in NWNE, S06, T01N, R02E, shall only be diverted at a rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water wells.
4. This right is limited to the irrigation of 186 acres within the authorized place of use in a single irrigation season.
5. Rights 63-3362, 63-7531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
6. Rights 63-3362, 63-7531, 63-10383 and 63-11347 when combined shall not exceed a total diversion rate of 10.77 cfs, nor a total annual maximum diversion volume of 4403.1 af at the field headgate.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. 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 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 25, 2008.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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.

WATER RIGHT NO. 63-10383
As Modified by Transfer No. 79803

In accordance with the approval of Transfer No. 79803, Water Right No. 63-10383 is now described as follows:

Right Holder: SUSAN MONTIERTH AND
RAY MONTIERTH
825 HEARTLAND DR
NAMPA, ID 83686

Priority Date: 9/23/1986

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
INDUSTRIAL	1/01	to 12/31	2.200 cfs	1593.0 af
IRRIGATION	3/15	to 11/15	3.020 cfs	679.5 af
			5.220 cfs	2272.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L4 (SWSW)	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L2 (NWNE)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NENW)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	SWSE	Sec 31 Twp 02N Rge 02E	ADA County

PLACE OF USE: INDUSTRIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	6	X	X	X	X	X			X	X			X		X	X		
			L 1	L 2			L 3												
01N	02E	7					X	X	X		X		X	X			X		
							L 1	L 2					L 4						
01N	02E	18	X	X		X	X	X	X	X	X	X	X	X					
							L 1	L 2					L 3	L 4					
02N	02E	31									X	X	X	X			X		
													L 3	L 4					

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	
01N	02E	6	35.0	40.0	40.0	40.0	40.0			40.0	40.0			40.0		40.0	39.0		394.0
			L 1	L 2			L 3												
01N	02E	7					40.0	40.0	40.0		40.0		36.0	32.0			32.0		260.0
							L 1	L 2					L 4						
01N	02E	18	32.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					432.0
							L 1	L 2					L 3	L 4					
02N	02E	31									40.0	40.0	40.0	40.0			40.0		200.0
													L 3	L 4					

Transfer No. 79803

WATER RIGHT NO. 63-10383
As Modified by Transfer No. 79803

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
Right Acre Limit:			151.0																
POU Total Acres:			1286.0																

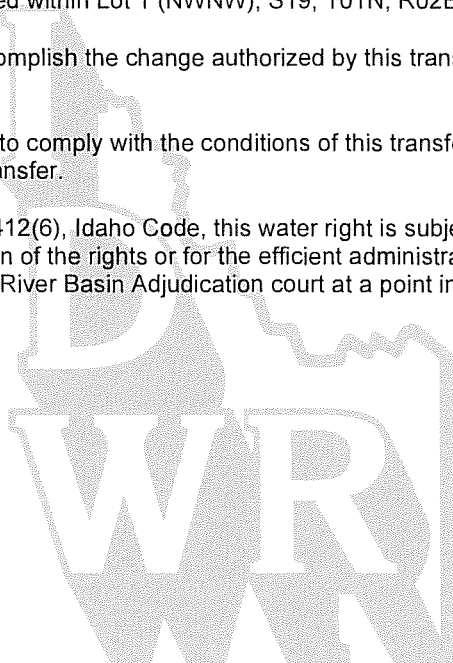
CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. A single new point of diversion is authorized in either Lot 4 (SWSW) or SESW, S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
3. Right holder is required to utilize cold water wells to their capacity. Low temperature geothermal water from the point of diversion in NWNE, S06, T01N, R02E, shall only be diverted at a rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water wells.
4. This right is limited to the irrigation of 151 acres within the authorized place of use in a single irrigation season.
5. Rights 63-7531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
6. Rights 63-3362, 63-7531, 63-10383 and 63-11347 when combined shall not exceed a total diversion rate of 10.77 cfs, nor a total annual maximum diversion volume of 4403.1 af at the field headgate.
7. Rights 63-3362, 63-7531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
10. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
11. Use of water under Rights 63-7531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

WATER RIGHT NO. 63-10383
As Modified by Transfer No. 79803

CONDITIONS OF APPROVAL

12. The place of industrial use authorized by this approval includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-7531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes as authorized under these rights.
13. Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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.



WATER RIGHT NO. 63-11347
As Modified by Transfer No. 79803

In accordance with the approval of Transfer No. 79803, Water Right No. 63-11347 is now described as follows:

Right Holder: RAY MONTIERTH AND
 SUSAN MONTIERTH
 825 HEARTLAND DR
 NAMPA, ID 83686

Priority Date: 7/8/1992

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	3/15	to 11/15	2.230 cfs 2.230 cfs	549.0 af 549.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L4 (SWSW)	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L2 (NWNE)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NENW)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	SWSE	Sec 31 Twp 02N Rge 02E	ADA 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	
01N	02E	6	35.0	40.0	40.0	40.0				40.0	40.0			40.0		40.0	39.0		394.0
			L 1	L 2															
01N	02E	7					40.0	40.0	40.0		40.0		36.0	32.0			32.0		260.0
								L 1	L 2				L 4						
01N	02E	18	32.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					432.0
								L 1	L 2				L 3	L 4					
02N	02E	31									40.0	40.0	40.0	40.0			40.0		200.0
												L 3	L 4						

Right Acre Limit: 122.0
 POU Total Acres: 1286.0

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. A single new point of diversion is authorized in either Lot 4 (SWSW) or SESW, S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.

Transfer No. 79803

WATER RIGHT NO. 63-11347
As Modified by Transfer No. 79803

CONDITIONS OF APPROVAL

3. Right holder is required to utilize cold water wells to their capacity. Low temperature geothermal water from the point of diversion in NWNE, S06, T01N, R02E, shall only be diverted at a rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water wells.
4. This right is limited to the irrigation of 122 acres within the authorized place of use in a single irrigation season.
5. Rights 63-3362, 63-7531, 63-10383 and 63-11347 when combined shall not exceed a total diversion rate of 10.77 cfs, nor a total annual maximum diversion volume of 4403.1 af at the field headgate.
6. Rights 63-3362, 63-7531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
7. 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 for land with an appurtenant surface water right(s) 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.
8. If the surface water right(s) appurtenant to the place of use is unavailable for any reason other than drought or curtailment by priority (for example abandoned, forfeited, sold, transferred, leased, used on another place of use, or disallowed by court decree), this right to divert ground water shall not be used on the land with an appurtenant surface water right(s) without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
12. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-11347
As Modified by Transfer No. 79803

CONDITIONS OF APPROVAL

14. 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.



WATER RIGHT NO. 63-7531**As Modified by Transfer No. 79803**

In accordance with the approval of Transfer No. 79803, Water Right No. 63-7531 is now described as follows:

Right Holder: SUSAN MONTIERTH AND
RAY MONTIERTH
825 HEARTLAND DR
NAMPA, ID 83686

Priority Date: 12/10/1971

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	1/01	to 12/31	3.200 cfs	720.0 af
DOMESTIC	1/01	to 12/31	0.200 cfs	11.2 af
IRRIGATION	3/15	to 11/15	3.200 cfs	720.0 af
STOCKWATER	1/01	to 12/31	0.200 cfs	13.4 af
			3.600 cfs	744.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESW	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L4 (SWSW)	Sec 18 Twp 01N Rge 02E	ADA County
GROUND WATER	L2 (NWNE)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NENW)	Sec 6 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	L3 (NWSW)	Sec 7 Twp 01N Rge 02E	ADA County
GROUND WATER	SWSE	Sec 31 Twp 02N Rge 02E	ADA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	7										X							
												L 3							

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	7										X							
												L 3							

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	
01N	02E	6	35.0	40.0	40.0	40.0	40.0			40.0	40.0			40.0		40.0	39.0		394.0
			L 1	L 2			L 3												

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WATER RIGHT NO. 63-7531
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PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	7					40.0	40.0	40.0		40.0		36.0	32.0			32.0		260.0
								L 1	L 2				L 4						
01N	02E	18	32.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					432.0
								L 1	L 2				L 3	L 4					
02N	02E	31									40.0	40.0	40.0	40.0			40.0		200.0
												L 3	L 4						

Right Acre Limit: 160.0

POU Total Acres: 1286.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02E	7										X							
												L 3							

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. A single new point of diversion is authorized in either Lot 4(SWSW), or SESW, S18, T01N, R02E, to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
3. Right holder is required to utilize cold water wells to their capacity. Low temperature geothermal water from the point of diversion in NWNE, S06, T01N, R02E, shall only be diverted at a rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water wells.
4. This right is limited to the irrigation of 160 acres within the authorized place of use in a single irrigation season.
5. Rights 63-3362, 63-7531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
6. Rights 63-3362, 63-7531, 63-10383 and 63-11347 when combined shall not exceed a total diversion rate of 10.77 cfs, nor a total annual maximum diversion volume of 4403.1 af at the field headgate.
7. Rights 63-7531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Transfer No. 79803

WATER RIGHT NO. 63-7531

As Modified by Transfer No. 79803

CONDITIONS OF APPROVAL

9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than July 30, 2009.
11. Use of water under Rights 63-7531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
12. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-7531 and 63-10383 shall not be used for irrigation unless the water is first used in the commercial/industrial purposes as authorized by these water rights.
13. Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E B.M.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

April 16, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

SUSAN MONTIERTH
RAY MONTIERTH
825 HEARTLAND DR
NAMPA ID 83686

Re: Transfer No. 79803
Water Right No's: 63-3362, 63-7531, 63-10383, 63-11347

Transfer Approval Notice

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

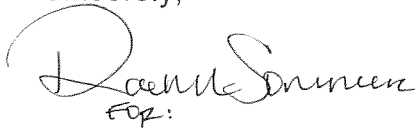
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeff Peppersack". Below the signature, the word "for:" is written in a smaller, less legible script.

Jeff Peppersack
Interim Manager, Western Region

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

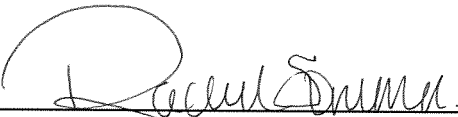
Re: Transfer No. 79803

Water Right No's: 63-3362, 63-7531, 63-10383, 63-11347

**SUSAN MONTIERTH
825 HEARTLAND DR
NAMP ID 83686**

**RAY MONTIERTH
825 HEARTLAND DR
NAMP ID 83686**

**SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706**

A handwritten signature in black ink, appearing to read "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
Water Resource Agent**

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
MAR 16 2015

AMENDED
March 12, 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the Application for Transfer Instructions for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Ray and Susan Montierth Phone (208) 989-8310

2. **MAILING ADDRESS** 825 Heartland Dr. City Nampa

State ID Zip 83686 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 63-3362, 63-7531, 63-10383, 63-11347

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 10.77 cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			SW	SE	31	2N	2E	Ada	groundwater	Well #1
N	3		NE	NW	6	1N	2E	Ada	groundwater	Well #2
N	2		NW	NE	6	1N	2E	Ada	groundwater	Well #3
N	3		NW	SW	7	1N	2E	Ada	groundwater	Gate Well
N	3		NW	SW	7	1N	2E	Ada	groundwater	Tower Well
N	3		NW	SW	7	1N	2E	Ada	groundwater	Farm Well
Y*	4		SW	SW	18	1N	2E	Ada	groundwater	
Y*			SE	SW	18	1N	2E	Ada	groundwater	

* One well will be constructed on one of the two proposed well sites

6. 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:

The existing system consists of wells connected to an integrated distribution and sprinkler system. One new well will be constructed and connected to the existing system. Each well is, or will be, equipped with a measuring

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

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

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

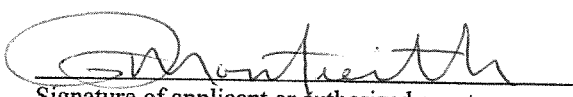
If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ 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.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

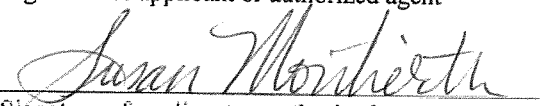
8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Ray Montierth

Print name and title if applicable

3/11/2015
Date


Signature of applicant or authorized agent

Susan Montierth

Print name and title if applicable

3/11/2015
Date

9. **FEE** - ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by CS

Date 3/16/15

Fee paid \$70⁰⁰

Date 3/16/15

Received by CS

Receipt # W042906

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-3362

Current Owner: SUSAN MONTIERTH
RAY MONTIERTH

Priority Date: 7/11/1963

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

4/01 to 10/31

Diversion Rate

2.67 CFS

Annual Volume

837 AF

Total Diversion

2.67 CFS

837 AF

Location of Point(s) of Diversion

GROUND WATER

ADA County

L2(NW1/4NE1/4)

Sec. 6, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

L3(NE1/4NW1/4)

Sec. 6, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

L3(NW1/4SW1/4)

Sec. 7, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

SW1/4SE1/4

Sec. 7, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

L2(SW1/4NW1/4)

Sec. 18, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

SW1/4SE1/4

Sec. 31, Twp 02N, Rge 02E B.M.

Place of Use

IRRIGATION Within ADA County

T01N R02E S6	Lot 1	NENE	35.00	T01N R02E S6	Lot 2	NWNE	40.00
T01N R02E S6		SWNE	40.00	T01N R02E S6		SENE	40.00
T01N R02E S6	Lot 3	NENW	40.00	T01N R02E S6		SENW	40.00
T01N R02E S6		NESW	40.00	T01N R02E S6		SESW	40.00
T01N R02E S6		NWSE	40.00	T01N R02E S6		SWSE	39.00
T01N R02E S7		NENW	40.00	T01N R02E S7	Lot 1	NWNW	40.00
T01N R02E S7	Lot 2	SWNW	40.00	T01N R02E S7		NESW	40.00
T01N R02E S7	Lot 4	SWSW	36.00	T01N R02E S7		SESW	32.00
T01N R02E S7		SWSE	32.00	T01N R02E S18		NENE	32.00
T01N R02E S18		NWNE	40.00	T01N R02E S18		SENE	40.00
T01N R02E S18		NENW	40.00	T01N R02E S18	Lot 1	NWNW	40.00
T01N R02E S18	Lot 2	SWNW	40.00	T01N R02E S18		SENW	40.00
T01N R02E S18		NESW	40.00	T01N R02E S18	Lot 3	NWSW	40.00
T01N R02E S18	Lot 4	SWSW	40.00	T01N R02E S18		SESW	40.00
T02N R02E S31		NESW	40.00	T02N R02E S31	Lot 3	NWSW	40.00
T02N R02E S31	Lot 4	SWSW	40.00	T02N R02E S31		SESW	40.00
T02N R02E S31		SWSE	40.00				

Total Acres: 1286

Conditions of Approval:

1. The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.
2. T08 Failure of the right holder to comply with the conditions of Transfer 5442 is cause for the Director to rescind approval of the transfer.
3. If the surface water right (s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, Right 63-11347 to divert groundwater 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.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. Three (3) points of diversion are located within Lot 3 (NWSW), S07, T01N, R02E
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E
8. Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.
9. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

10. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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.
11. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2 (SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
12. 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.
13. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
14. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 63-11347 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
15. Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.

Use of water under Rights 63-07531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-07531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes as authorized under these rights. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2(SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.

The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-7531

Current Owner: RAY MONTIERTH
SUSAN MONTIERTH

Priority Date: 12/10/1971

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.2 CFS	11.2 AF
STOCKWATER	1/01 to 12/31	0.2 CFS	13.4 AF
COMMERCIAL	1/01 to 12/31	3.2 CFS	720 AF
IRRIGATION	3/15 to 11/15	3.2 CFS	720 AF
	<u>Total Diversion</u>	3.6 CFS	744.6 AF

Location of Point(s) of Diversion

GROUND WATER ADA County	L2(SW1/4NW1/4)	Sec. 18,	Twp 01N,	Rge 02E B.M.
GROUND WATER ADA County	L3(NE1/4NW1/4)	Sec. 6,	Twp 01N,	Rge 02E B.M.
GROUND WATER ADA County	L3(NW1/4SW1/4)	Sec. 7,	Twp 01N,	Rge 02E B.M.
GROUND WATER ADA County	L2(NW1/4NE1/4)	Sec. 6,	Twp 01N,	Rge 02E B.M.
GROUND WATER ADA County	SW1/4SE1/4	Sec. 7,	Twp 01N,	Rge 02E B.M.
GROUND WATER ADA County	SW1/4SE1/4	Sec. 31,	Twp 02N,	Rge 02E B.M.

Place of Use

DOMESTIC Within ADA County

T01N R02E S7 Lot 3 NWSW

IRRIGATION Within ADA County

T01N R02E S6	Lot 1	NENE	35.00	T01N R02E S6	Lot 2	NWNE	40.00
T01N R02E S6		SWNE	40.00	T01N R02E S6		SENE	40.00
T01N R02E S6	Lot 3	NENW	40.00	T01N R02E S6		SENW	40.00
T01N R02E S6		NESW	40.00	T01N R02E S6		SESW	40.00
T01N R02E S6		NWSE	40.00	T01N R02E S6		SWSE	39.00
T01N R02E S7		NENW	40.00	T01N R02E S7	Lot 1	NWNW	40.00
T01N R02E S7	Lot 2	SWNW	40.00	T01N R02E S7		NESW	40.00
T01N R02E S7	Lot 4	SWSW	36.00	T01N R02E S7		SESW	32.00
T01N R02E S7		SWSE	32.00	T01N R02E S18		NENE	32.00
T01N R02E S18		NWNE	40.00	T01N R02E S18		SENE	40.00
T01N R02E S18		NENW	40.00	T01N R02E S18	Lot 1	NWNW	40.00
T01N R02E S18	Lot 2	SWNW	40.00	T01N R02E S18		SENW	40.00
T01N R02E S18		NESW	40.00	T01N R02E S18	Lot 3	NWSW	40.00
T01N R02E S18	Lot 4	SWSW	40.00	T01N R02E S18		SESW	40.00
T02N R02E S31		NESW	40.00	T02N R02E S31	Lot 3	NWSW	40.00
T02N R02E S31	Lot 4	SWSW	40.00	T02N R02E S31		SESW	40.00
T02N R02E S31		SWSE	40.00				

Total Acres: 1286

Place of Use: STOCKWATER same as DOMESTIC

Place of Use: COMMERCIAL same as DOMESTIC

Conditions of Approval:

1. Use of water under Rights 63-7531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
2. Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E B.M.
3. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2 (SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
4. Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
5. 18C Prior to diversion of water under this right, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 63-11347 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
7. The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.

8. Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
9. WD8 The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-7531 and 63-10383 shall not be used for irrigation unless the water is first used in the commercial/industrial purposes as authorized by these water right<s>.
10. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
11. 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.
12. The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.
13. Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.
14. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
15. 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.
16. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
17. Three (3) points of diversion are located within Lot 3 (NWSW), S07, T01N, R02E B.M.

Decreed Date: 7/30/2009

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-10383

Current Owner: RAY MONTIERTH
SUSAN MONTIERTH

Priority Date: 9/23/1986

Origin: Water Right

Status: Active

Basis: License

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	2.2 CFS	1593 AF
IRRIGATION	3/15 to 11/15	3.02 CFS	679.5 AF
	<u>Total Diversion</u>	5.22 CFS	2272.5 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 31,	Twp 02N,	Rge 02E B.M.
ADA County				
GROUND WATER	SW1/4SE1/4	Sec. 7,	Twp 01N,	Rge 02E B.M.
ADA County				
GROUND WATER	L3(NE1/4NW1/4)	Sec. 6,	Twp 01N,	Rge 02E B.M.
ADA County				
GROUND WATER	L2(NW1/4NE1/4)	Sec. 6,	Twp 01N,	Rge 02E B.M.
ADA County				
GROUND WATER	L3(NW1/4SW1/4)	Sec. 7,	Twp 01N,	Rge 02E B.M.
ADA County				
GROUND WATER	L2(SW1/4NW1/4)	Sec. 18,	Twp 01N,	Rge 02E B.M.
ADA County				

Place of Use

Page _____ of _____

IRRIGATION Within ADA County

T01N R02E S6	Lot 1	NENE	35.00	T01N R02E S6	Lot 2	NWNE	40.00
T01N R02E S6		SWNE	40.00	T01N R02E S6		SENE	40.00
T01N R02E S6	Lot 3	NENW	40.00	T01N R02E S6		SENW	40.00
T01N R02E S6		NESW	40.00	T01N R02E S6		SESW	40.00
T01N R02E S6		NWSE	40.00	T01N R02E S6		SWSE	39.00
T01N R02E S7		NENW	40.00	T01N R02E S7	Lot 1	NWNW	40.00
T01N R02E S7	Lot 2	SWNW	40.00	T01N R02E S7		NESW	40.00
T01N R02E S7	Lot 4	SWSW	36.00	T01N R02E S7		SESW	32.00
T01N R02E S7		SWSE	32.00	T01N R02E S18		NENE	32.00
T01N R02E S18		NWNE	40.00	T01N R02E S18		SENE	40.00
T01N R02E S18		NENW	40.00	T01N R02E S18	Lot 1	NWNW	40.00
T01N R02E S18	Lot 2	SWNW	40.00	T01N R02E S18		SENW	40.00
T01N R02E S18		NESW	40.00	T01N R02E S18	Lot 3	NWSW	40.00
T01N R02E S18	Lot 4	SWSW	40.00	T01N R02E S18		SESW	40.00
T02N R02E S31		NESW	40.00	T02N R02E S31	Lot 3	NWSW	40.00
T02N R02E S31	Lot 4	SWSW	40.00	T02N R02E S31		SESW	40.00
T02N R02E S31		SWSE	40.00				

Total Acres: 1286

Place of Use: INDUSTRIAL same as IRRIGATION

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. 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.
4. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
6. The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.
Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.
Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.
Right 63-10383 is limited to the irrigation of 151.0 acres in the place of use described above in a single irrigation season.
Right 63-11347 is limited to the irrigation of 122.0 acres in the place of use described above in a single irrigation season.
Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 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 under Right 63-03362 before 4/1 and after 10/31, and under Rights 63-07531, 63-10383 and 63-11347 before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
Use of water under Rights 63-07531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-07531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes as authorized under these rights. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2(SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.
Three (3) points of diversion are loc
7. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-11347

Current Owner: RAY MONTIERTH
SUSAN MONTIERTH

Priority Date: 7/8/1992

Origin: Water Right

Status: Active

Basis: License

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Total Diversion

Diversion Rate

2.23 CFS

2.23 CFS

Annual Volume

549 AF

549 AF

Location of Point(s) of Diversion

GROUND WATER

ADA County

SW1/4SE1/4

Sec. 7, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

SW1/4SE1/4

Sec. 31, Twp 02N, Rge 02E B.M.

GROUND WATER

ADA County

L2(SW1/4NW1/4)

Sec. 18, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

L2(NW1/4NE1/4)

Sec. 6, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

L3(NE1/4NW1/4)

Sec. 6, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

L3(NW1/4SW1/4)

Sec. 7, Twp 01N, Rge 02E B.M.

Place of Use

IRRIGATION Within ADA County

T01N R02E S6	Lot 1	NENE	35.00	T01N R02E S6	Lot 2	NWNE	40.00
T01N R02E S6		SWNE	40.00	T01N R02E S6		SENE	40.00
T01N R02E S6	Lot 3	NENW	40.00	T01N R02E S6		SENW	40.00
T01N R02E S6		NESW	40.00	T01N R02E S6		SESW	40.00
T01N R02E S6		NWSE	40.00	T01N R02E S6		SWSE	39.00
T01N R02E S7		NENW	40.00	T01N R02E S7	Lot 1	NWNW	40.00
T01N R02E S7	Lot 2	SWNW	40.00	T01N R02E S7		NESW	40.00
T01N R02E S7	Lot 4	SWSW	36.00	T01N R02E S7		SESW	32.00
T01N R02E S7		SWSE	32.00	T01N R02E S18		NENE	32.00
T01N R02E S18		NWNE	40.00	T01N R02E S18		SENE	40.00
T01N R02E S18		NENW	40.00	T01N R02E S18	Lot 1	NWNW	40.00
T01N R02E S18	Lot 2	SWNW	40.00	T01N R02E S18		SENW	40.00
T01N R02E S18		NESW	40.00	T01N R02E S18	Lot 3	NWSW	40.00
T01N R02E S18	Lot 4	SWSW	40.00	T01N R02E S18		SESW	40.00
T02N R02E S31		NESW	40.00	T02N R02E S31	Lot 3	NWSW	40.00
T02N R02E S31	Lot 4	SWSW	40.00	T02N R02E S31		SESW	40.00
T02N R02E S31		SWSE	40.00				

Total Acres: 1286

Conditions of Approval:

1. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

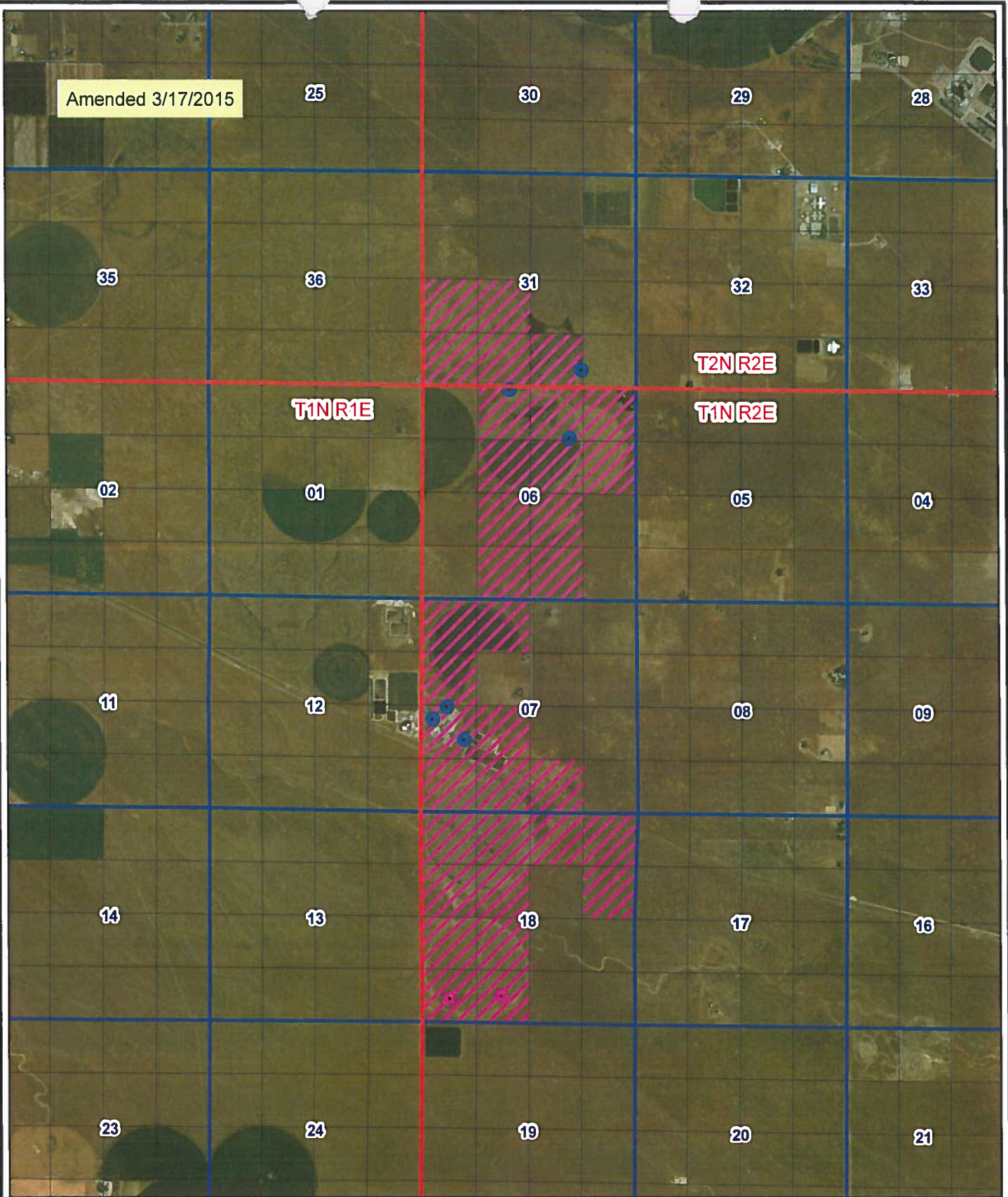
2. The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.
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The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-07531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes as authorized under these rights. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2(SWNNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.
Three (3) points of diversion are loc
3. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
7. 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.
8. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Page _____ of _____

9. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater 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.

Licensed Date: 3/12/1999

Amended 3/17/2015



Proposed Well



Existing Well



Existing Place of Use

Ray Montierth
Point of Diversion Transfer



0.5

Miles



SPF WATER
ENGINEERING



Pioneer Title Co.
GOING BEYOND

8151 W. Rifleman Street
Boise, ID 83704

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 563754 SRM/GL

ADA COUNTY RECORDER Christopher D. Rich
BOISE IDAHO Pgs=1 CHE FOWLER
PIONEER TITLE COMPANY OF ADA COUNTY

2015-002853
01/13/2015 03:36 PM
\$10.00

For Value Received

WARRANTY DEED

Tereco, which acquired title as an Idaho Limited Partnership, and which is currently filed as a General Partnership with the Idaho Secretary of State hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

#242 Pioneer Exchange Accommodation Titleholder, LLC

hereinafter referred to as Grantee, whose current address is 1414 W. Bannock St Boise, ID 83702

The following described premises, to-wit:

The Southeast Quarter of Section 18, Township 1 North, Range 2 East, Boise-Meridian, Ada County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: January 12, 2015

Tereco General Partnership

By:

N.L. Terteling Family Interests, Inc., Its General Partner
V. Dale Babbitt, President

State of Idaho, County of Ada

On this 13th day of January in the year of 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared V. Dale Babbitt as President of N.L. Terteling Family Interest, Inc., which corporation, is known or identified to me to be the General Partner in the partnership of Tereco General Partnership, and the partner who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

Susan J. Merritt
Residing at: Caldwell Id
Commission Expires: 5-5-2017



563784

DEED OF TRUST

THIS DEED OF TRUST, Made this January 13, 2015, **BETWEEN #242** Pioneer Exchange Accommodation Titleholder, LLC, an Idaho limited liability company, therein called GRANTOR, whose address is 1414 W. Bannock, Boise, Idaho 83702, Pioneer Title Co., herein called TRUSTEE, whose address is 8151 W. Rifleman, Boise, Idaho 83704, and RAY MONTIERTH AND SUSAN MONTIERTH, HUSBAND AND WIFE, herein called BENEFICIARY, whose address is 825 Heartland Drive, Nampa, Idaho 83686 WITNESSETH That GRANTOR does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE that property in the County of Ada, State of Idaho, described as follows, and containing not more than eighty acres:

The Southeast Quarter of Section 18, Township 1 North, Range 2 East, Boise-Meridian, Ada County, Idaho

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits.

For the purpose of securing the performance of that certain Exchange Agreement dated December 18, 2014 by and between #242 PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER, LLC, an Idaho limited liability company and RAY MONTIERTH AND SUSAN MONTIERTH, HUSBAND AND WIFE executed by GRANTOR in the sum of Eighty Nine Thousand Four Hundred Seventy Three and NO/100 Dollars (\$89,473.00). Final payment due 180 days from the date of recordation of this deed of trust. And to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary to the Grantor herein, or any or either of them while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefore; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay, at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured by the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from the day of expenditure at legal interest rate.

6. Should Grantor fail to make any payments or do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice or demand upon Grantor and without releasing Grantor from any obligation hereof, may: make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel, and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time or from time to time, without liability therefore and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured

hereby, Trustee may: reconvey all or any part of said property; consent to the making of any map or plat thereon; or join in any extension agreement subordinating the lien or change hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held thereunder. The recitals in any conveyance executed under this deed of trust of any matters or facts shall be conclusive proof to the truthfulness thereof. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority during the continuance of these Trusts, to collect rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6. Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the Trust to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part of therein is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, Trustee, without demand on Grantor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for each in lawful money of the United States, payable at time of sale. Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Grantor, Trustee, or Beneficiary, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including the cost of evidence of title and reasonable counsel fees in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at legal rate; all other sums then secured hereby, and the remainder, if any, to the person or persons legally entitled thereto.

7. This Deed applies to, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledgee thereof. In this Deed, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

8. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by the Trustee.

9. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein. Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

GRANTOR

#242 Pioneer Exchange Accommodation Titleholder, LLC

an Idaho limited liability company

By: Pioneer 1031 Company, an Idaho corporation

Its: Sole Member

By: 

By: Jesse Hamilton

Its: Sr. Vice President

Read and Approved by:

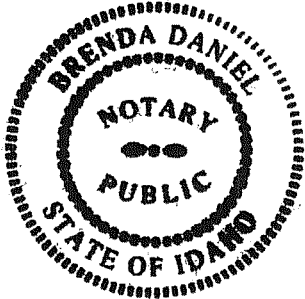
BY: RAY MONTIERTH

BY: SUSAN MONTIERTH

STATE OF IDAHO)
) ss.
County of Ada)

On the 13th day of January, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Jesse Hamilton, known to me to be the Sr. Vice President of Pioneer 1031 Company, an Idaho corporation, which corporation is the Sole Member of #242 Pioneer Exchange Accommodation Titleholder, LLC, an Idaho limited liability company, and acknowledged to me that he/she executed the within and foregoing instrument for and on behalf of said corporation as Sole Member of said limited liability company and in said corporation's name as Sole Member of said limited liability company.

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



A handwritten signature in cursive script, appearing to read "B. Daniel", written over a horizontal line.

Notary Public for Idaho
Residing at Meridian, Idaho
My commission expires: 3-7-17

563754

DEED OF TRUST

THIS DEED OF TRUST, Made this January 13, 2015, BETWEEN #242 Pioneer Exchange Accommodation Titleholder, LLC, an Idaho limited liability company, therein called GRANTOR, whose address is 1414 W. Bannock, Boise, Idaho 83702, Pioneer Title Co., herein called TRUSTEE, whose address is 8151 W. Riffman, Boise, Idaho 83704, and RAY MONTIERTH AND SUSAN MONTIERTH, HUSBAND AND WIFE, herein called BENEFICIARY, whose address is 825 Heartland Drive, Nampa, Idaho 83686 WITNESSETH That GRANTOR does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE that property in the County of Ada, State of Idaho, described as follows, and containing not more than eighty acres:

The Southeast Quarter of Section 18, Township 1 North, Range 2 East, Boise-Meridian, Ada County, Idaho

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the purpose of securing the performance of that certain Exchange Agreement dated December 18, 2014 by and between #242 PIONEER EXCHANGE ACCOMMODATION TITLEHOLDER, LLC, an Idaho limited liability company and RAY MONTIERTH AND SUSAN MONTIERTH, HUSBAND AND WIFE executed by GRANTOR in the sum of Eighty Nine Thousand Four Hundred Seventy Three and NO/100 Dollars (\$89,473.00). Final payment due 180 days from the date of recordation of this deed of trust. And to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary to the Grantor herein, or any or either of them while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefore; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay, at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured by the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due, Grantor's failure to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from the day of expenditure at legal interest rate.

6. Should Grantor fail to make any payments or do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice or demand upon Grantor and without releasing Grantor from any obligation hereof, may: make or do (he same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel, and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time or from time to time, without liability therefore and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured

42-222 POD - 09/14

FEB 02 2015

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Ray and Susan Montierth Phone (208) 989-8310

2. MAILING ADDRESS 825 Heartland Dr. City Nampa

State	ID	Zip	83686	Email
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- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the fee schedule.

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 63-3362, 63-7531, 63-10383, 63-11347

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 6.68* cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

[illegible]

* new well will produce approximately 3,000 gpm

Ident. No. _____

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible]

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

[illegible]

6. 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:

The existing system consists of wells connected to an integrated distribution and sprinkler irrigation system. One new well will be constructed and connected to the existing system. Each well will be equipped with a measuring device and controlling works as required by the Director.

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

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

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ 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.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.



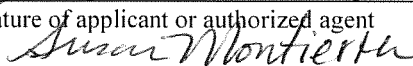
Signature of applicant or authorized agent

Ray Montierth

Print name and title if applicable

1/30/15

Date



Signature of applicant or authorized agent

Susan Montierth

Print name and title if applicable

1/30/15

Date

9. **FEE** – ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

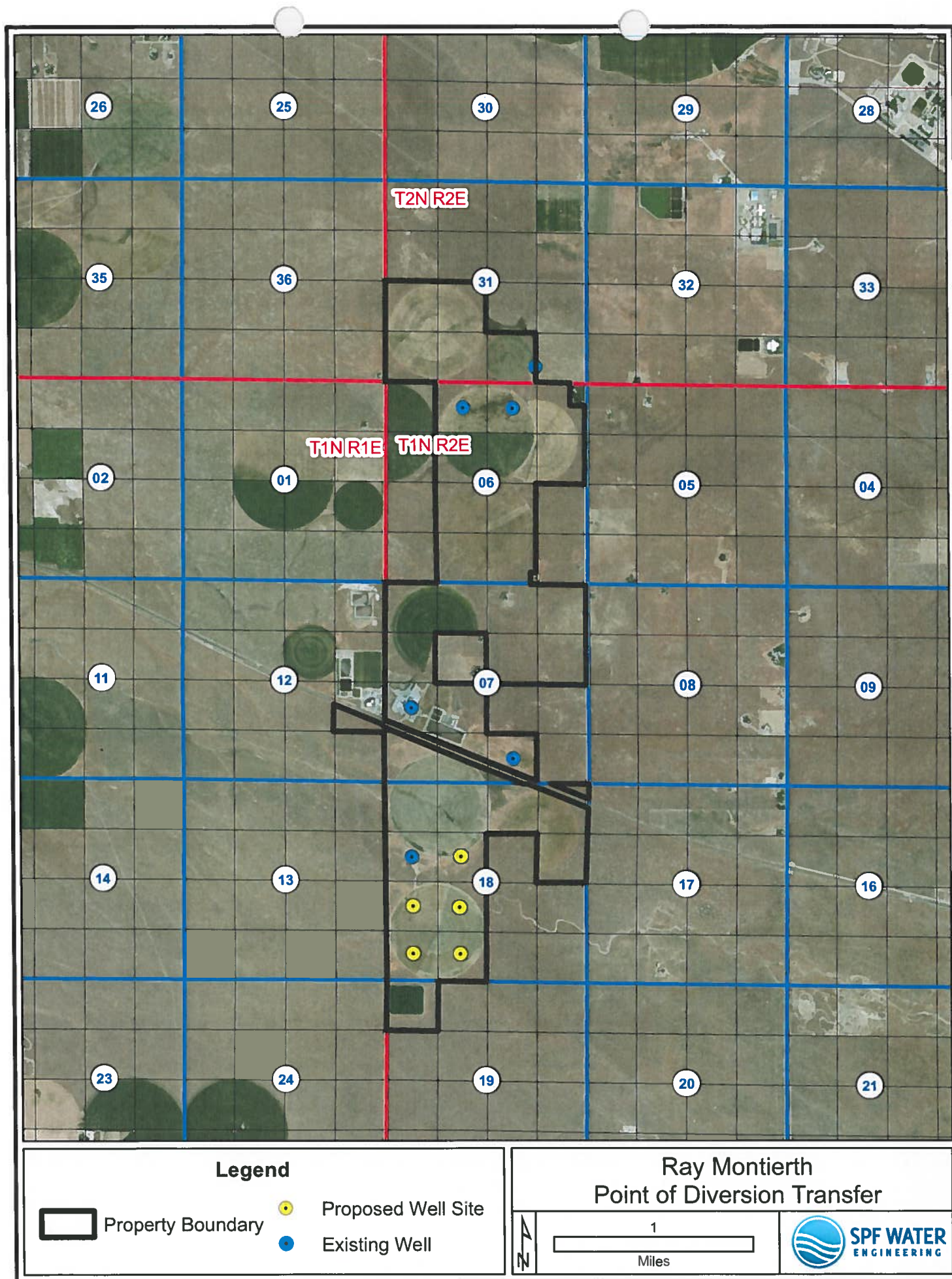
Transfer includes 14 pages of attachments. Received by CS Date 2/2/15

Fee paid \$980⁰⁰ Date 2/2/15 Received by CS Receipt # W042778

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒ Name on W-9 X W-9 forwarded to fiscal? Yes ☐ No ☒

(Do NOT scan the W-9 – confidential information is held by fiscal only)



Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-3362

Current Owner: SUSAN MONTIERTH
RAY MONTIERTH

Priority Date: 7/11/1963

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

4/01 to 10/31

Total Diversion

Diversion Rate

2.67 CFS

2.67 CFS

Annual Volume

837 AF

837 AF

Location of Point(s) of Diversion

GROUND WATER

ADA County

L2(NW1/4NE1/4)

Sec. 6, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

L3(NE1/4NW1/4)

Sec. 6, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

L3(NW1/4SW1/4)

Sec. 7, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

SW1/4SE1/4

Sec. 7, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

L2(SW1/4NW1/4)

Sec. 18, Twp 01N, Rge 02E B.M.

GROUND WATER

ADA County

SW1/4SE1/4

Sec. 31, Twp 02N, Rge 02E B.M.

Place of Use

IRRIGATION Within ADA County

T01N R02E S6	Lot 1	NENE	35.00	T01N R02E S6	Lot 2	NWNE	40.00
T01N R02E S6		SWNE	40.00	T01N R02E S6		SENE	40.00
T01N R02E S6	Lot 3	NENW	40.00	T01N R02E S6		SENW	40.00
T01N R02E S6		NESW	40.00	T01N R02E S6		SESW	40.00
T01N R02E S6		NWSE	40.00	T01N R02E S6		SWSE	39.00
T01N R02E S7		NENW	40.00	T01N R02E S7	Lot 1	NWNW	40.00
T01N R02E S7	Lot 2	SWNW	40.00	T01N R02E S7		NESW	40.00
T01N R02E S7	Lot 4	SWSW	36.00	T01N R02E S7		SESW	32.00
T01N R02E S7		SWSE	32.00	T01N R02E S18		NENE	32.00
T01N R02E S18		NWNE	40.00	T01N R02E S18		SENE	40.00
T01N R02E S18		NENW	40.00	T01N R02E S18	Lot 1	NWNW	40.00
T01N R02E S18	Lot 2	SWNW	40.00	T01N R02E S18		SENW	40.00
T01N R02E S18		NESW	40.00	T01N R02E S18	Lot 3	NWSW	40.00
T01N R02E S18	Lot 4	SWSW	40.00	T01N R02E S18		SESW	40.00
T02N R02E S31		NESW	40.00	T02N R02E S31	Lot 3	NWSW	40.00
T02N R02E S31	Lot 4	SWSW	40.00	T02N R02E S31		SESW	40.00
T02N R02E S31		SWSE	40.00				

Total Acres: 1286

Conditions of Approval:

1. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
2. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2 (SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
3. The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.
4. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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.
5. T08 Failure of the right holder to comply with the conditions of Transfer 5442 is cause for the Director to rescind approval of the transfer.
6. 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.
7. Three (3) points of diversion are located within Lot 3 (NWSW), S07, T01N, R02E
8. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
9. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Page _____ of _____

10. Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E
11. Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.
12. If the surface water right (s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, Right 63-11347 to divert groundwater 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.
13. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 63-11347 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
14. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
15. Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.

Use of water under Rights 63-07531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-07531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes as authorized under these rights. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2(SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.

The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.

Decreed Date: 11/25/2008

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-7531

Current Owner: RAY MONTIERTH
SUSAN MONTIERTH
Priority Date: 12/10/1971
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.2 CFS	11.2 AF
STOCKWATER	1/01 to 12/31	0.2 CFS	13.4 AF
COMMERCIAL	1/01 to 12/31	3.2 CFS	720 AF
IRRIGATION	3/15 to 11/15	3.2 CFS	720 AF
	<u>Total Diversion</u>	3.6 CFS	744.6 AF

Location of Point(s) of Diversion

GROUND WATER ADA County	L2(SW1/4NW1/4)	Sec. 18,	Twp 01N,	Rge 02E B.M.
GROUND WATER ADA County	L3(NE1/4NW1/4)	Sec. 6,	Twp 01N,	Rge 02E B.M.
GROUND WATER ADA County	L3(NW1/4SW1/4)	Sec. 7,	Twp 01N,	Rge 02E B.M.
GROUND WATER ADA County	SW1/4SE1/4	Sec. 7,	Twp 01N,	Rge 02E B.M.
GROUND WATER ADA County	L2(NW1/4NE1/4)	Sec. 6,	Twp 01N,	Rge 02E B.M.
GROUND WATER ADA County	SW1/4SE1/4	Sec. 31,	Twp 02N,	Rge 02E B.M.

Place of Use

Page _____ of _____

DOMESTIC Within ADA County

T01N R02E S7 Lot 3 NWSW

IRRIGATION Within ADA County

T01N R02E S6	Lot 1	NENE	35.00	T01N R02E S6	Lot 2	NWNE	40.00
T01N R02E S6		SWNE	40.00	T01N R02E S6		SENE	40.00
T01N R02E S6	Lot 3	NENW	40.00	T01N R02E S6		SENW	40.00
T01N R02E S6		NESW	40.00	T01N R02E S6		SESW	40.00
T01N R02E S6		NWSE	40.00	T01N R02E S6		SWSE	39.00
T01N R02E S7		NENW	40.00	T01N R02E S7	Lot 1	NWNW	40.00
T01N R02E S7	Lot 2	SWNW	40.00	T01N R02E S7		NESW	40.00
T01N R02E S7	Lot 4	SWSW	36.00	T01N R02E S7		SESW	32.00
T01N R02E S7		SWSE	32.00	T01N R02E S18		NENE	32.00
T01N R02E S18		NWNE	40.00	T01N R02E S18		SENE	40.00
T01N R02E S18		NENW	40.00	T01N R02E S18	Lot 1	NWNW	40.00
T01N R02E S18	Lot 2	SWNW	40.00	T01N R02E S18		SENW	40.00
T01N R02E S18		NESW	40.00	T01N R02E S18	Lot 3	NWSW	40.00
T01N R02E S18	Lot 4	SWSW	40.00	T01N R02E S18		SESW	40.00
T02N R02E S31		NESW	40.00	T02N R02E S31	Lot 3	NWSW	40.00
T02N R02E S31	Lot 4	SWSW	40.00	T02N R02E S31		SESW	40.00
T02N R02E S31		SWSE	40.00				

Total Acres: 1286

Place of Use: STOCKWATER same as DOMESTIC

Place of Use: COMMERCIAL same as DOMESTIC

Conditions of Approval:

1. 18C Prior to diversion of water under this right, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
2. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2 (SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
3. The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.
4. 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.
5. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
6. Three (3) points of diversion are located within Lot 3 (NWSW), S07, T01N, R02E B.M.
7. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 63-11347 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

Page _____ of _____

8. 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.
9. Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
10. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
11. Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
12. WD8 The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-7531 and 63-10383 shall not be used for irrigation unless the water is first used in the commercial/industrial purposes as authorized by these water right<s>.
13. The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.
14. Use of water under Rights 63-7531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
15. Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E B.M.
16. Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.
17. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Decreed Date: 7/30/2009

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-10383

Current Owner: RAY MONTIERTH
SUSAN MONTIERTH

Priority Date: 9/23/1986

Origin: Water Right

Status: Active

Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	1/01 to 12/31	2.2 CFS	1593 AF
IRRIGATION	3/15 to 11/15	3.02 CFS	679.5 AF
	<u>Total Diversion</u>	5.22 CFS	2272.5 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4	Sec. 31,	Twp 02N,	Rge 02E B.M.
ADA County				
GROUND WATER	SW1/4SE1/4	Sec. 7,	Twp 01N,	Rge 02E B.M.
ADA County				
GROUND WATER	L3(NE1/4NW1/4)	Sec. 6,	Twp 01N,	Rge 02E B.M.
ADA County				
GROUND WATER	L2(NW1/4NE1/4)	Sec. 6,	Twp 01N,	Rge 02E B.M.
ADA County				
GROUND WATER	L3(NW1/4SW1/4)	Sec. 7,	Twp 01N,	Rge 02E B.M.
ADA County				
GROUND WATER	L2(SW1/4NW1/4)	Sec. 18,	Twp 01N,	Rge 02E B.M.
ADA County				

Place of Use

Page _____ of _____

IRRIGATION Within ADA County

T01N R02E S6	Lot 1	NENE	35.00	T01N R02E S6	Lot 2	NWNE	40.00
T01N R02E S6		SWNE	40.00	T01N R02E S6		SENE	40.00
T01N R02E S6	Lot 3	NENW	40.00	T01N R02E S6		SENW	40.00
T01N R02E S6		NESW	40.00	T01N R02E S6		SESW	40.00
T01N R02E S6		NWSE	40.00	T01N R02E S6		SWSE	39.00
T01N R02E S7		NENW	40.00	T01N R02E S7	Lot 1	NWNW	40.00
T01N R02E S7	Lot 2	SWNW	40.00	T01N R02E S7		NESW	40.00
T01N R02E S7	Lot 4	SWSW	36.00	T01N R02E S7		SESW	32.00
T01N R02E S7		SWSE	32.00	T01N R02E S18		NENE	32.00
T01N R02E S18		NWNE	40.00	T01N R02E S18		SENE	40.00
T01N R02E S18		NENW	40.00	T01N R02E S18	Lot 1	NWNW	40.00
T01N R02E S18	Lot 2	SWNW	40.00	T01N R02E S18		SENW	40.00
T01N R02E S18		NESW	40.00	T01N R02E S18	Lot 3	NWSW	40.00
T01N R02E S18	Lot 4	SWSW	40.00	T01N R02E S18		SESW	40.00
T02N R02E S31		NESW	40.00	T02N R02E S31	Lot 3	NWSW	40.00
T02N R02E S31	Lot 4	SWSW	40.00	T02N R02E S31		SESW	40.00
T02N R02E S31		SWSE	40.00				

Total Acres: 1286

Place of Use: INDUSTRIAL same as IRRIGATION

Conditions of Approval:

1. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
2. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.
Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.
Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.
Right 63-10383 is limited to the irrigation of 151.0 acres in the place of use described above in a single irrigation season.
Right 63-11347 is limited to the irrigation of 122.0 acres in the place of use described above in a single irrigation season.
Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 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 under Right 63-03362 before 4/1 and after 10/31, and under Rights 63-07531, 63-10383 and 63-11347 before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
Use of water under Rights 63-07531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-07531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes as authorized under these rights. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2(SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.
Three (3) points of diversion are loc

Page _____ of _____

Licensed Date: 11/16/1993

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-11347

Current Owner: RAY MONTIERTH
SUSAN MONTIERTH

Priority Date: 7/8/1992

Origin: Water Right

Status: Active

Basis: License

Source

GROUND WATER

Tributary

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

3/15 to 11/15

2.23 CFS

549 AF

Total Diversion

2.23 CFS

549 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4SE1/4

Sec. 7, Twp 01N, Rge 02E B.M.

ADA County

GROUND WATER

SW1/4SE1/4

Sec. 31, Twp 02N, Rge 02E B.M.

ADA County

GROUND WATER

L2(SW1/4NW1/4)

Sec. 18, Twp 01N, Rge 02E B.M.

ADA County

GROUND WATER

L3(NE1/4NW1/4)

Sec. 6, Twp 01N, Rge 02E B.M.

ADA County

GROUND WATER

L2(NW1/4NE1/4)

Sec. 6, Twp 01N, Rge 02E B.M.

ADA County

GROUND WATER

L3(NW1/4SW1/4)

Sec. 7, Twp 01N, Rge 02E B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T01N R02E S6	Lot 1	NENE	35.00	T01N R02E S6	Lot 2	NWNE	40.00
T01N R02E S6		SWNE	40.00	T01N R02E S6		SENE	40.00
T01N R02E S6	Lot 3	NENW	40.00	T01N R02E S6		SENW	40.00
T01N R02E S6		NESW	40.00	T01N R02E S6		SESW	40.00
T01N R02E S6		NWSE	40.00	T01N R02E S6		SWSE	39.00
T01N R02E S7		NENW	40.00	T01N R02E S7	Lot 1	NWNW	40.00
T01N R02E S7	Lot 2	SWNW	40.00	T01N R02E S7		NESW	40.00
T01N R02E S7	Lot 4	SWSW	36.00	T01N R02E S7		SESW	32.00
T01N R02E S7		SWSE	32.00	T01N R02E S18		NENE	32.00
T01N R02E S18		NWNE	40.00	T01N R02E S18		SENE	40.00
T01N R02E S18		NENW	40.00	T01N R02E S18	Lot 1	NWNW	40.00
T01N R02E S18	Lot 2	SWNW	40.00	T01N R02E S18		SENW	40.00
T01N R02E S18		NESW	40.00	T01N R02E S18	Lot 3	NWSW	40.00
T01N R02E S18	Lot 4	SWSW	40.00	T01N R02E S18		SESW	40.00
T02N R02E S31		NESW	40.00	T02N R02E S31	Lot 3	NWSW	40.00
T02N R02E S31	Lot 4	SWSW	40.00	T02N R02E S31		SESW	40.00
T02N R02E S31		SWSE	40.00				

Total Acres: 1286

Conditions of Approval:

1. 065 The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
2. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
3. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. 01M After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. 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.
6. 104 If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater 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.
7. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

8. The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.
Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.
Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.
Right 63-10383 is limited to the irrigation of 151.0 acres in the place of use described above in a single irrigation season.
Right 63-11347 is limited to the irrigation of 122.0 acres in the place of use described above in a single irrigation season.
Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 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 under Right 63-03362 before 4/1 and after 10/31, and under Rights 63-07531, 63-10383 and 63-11347 before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
Use of water under Rights 63-07531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-07531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes as authorized under these rights. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2(SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.
Three (3) points of diversion are located
9. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

MEMORANDUM

TO: Transfer No. 79803

FROM: Kay Walker *Kay*

DATE: March 17, 2015

RE: Evaluation of Application

The transfer proposes to correct the locations of existing wells and add a new well to an integrated system. The Department had different locations for the existing wells on this property and asked the representative to verify the actual well locations.

The site is located on the east side of South Cole Road, 1 mile west of Pleasant Valley Road, and includes land 0.5 miles north of Kuna Mora Road and 3 miles south of Kuna Mora Road.

Contact person for the applicant is Roxanne Brown of SPF Water Engineering at 300 E. Mallard Drive, Suite 350, Boise, ID, 83706, telephone number 383-4140.

Deviations from Transfer Policy Standards

The application for transfer came into the office with a map that showed the applicant's ownership of lands in this area. I requested that the map only show the water rights place of use rather than the applicant's property. The representative amended the map so that it is now consistent with the water rights place of use.

We also found that there were well locations that were not consistent with locations provided on transfer application and a new water right application also being processed. The wells were inventoried and we now feel we have good locations for each of the existing wells along with proposed wells under this transfer application and the application for permit.

Summary of Information Submitted

Authority to File:

The applicants are the water right holders of record.

Water Right Validity:

Partial decrees were issued on Rts. 63-3362 in November 2008 and 63-7531 in July of 2009; Rt. 63-10383 was licensed in Nov. 1993; and a license was issued on Rt. 63-11347 in March of 1999. Evidence of use was found on aerial photography dated 1992-2000, 2004, 2006, 2009 and 2011. Water rights appear to be valid.

Injury to Other Water Rights:

The applicants intend to drill one new well under this transfer application. The application shows two proposed locations for the new well but they only intend to actually develop one well

within the two locations. There should be no injury to other water rights since the transfer application does not provide for any new rate, volume or acres.

Enlargement of Use:

No enlargement of use should occur. The rights currently have a 1,286 acre permissible place of use (ppu) and are limited to the irrigation of 619 acres in any irrigation season. The right holders have a permit for additional water from the existing wells and have also filed an application for permit for additional acres. This transfer application does not allow any new acres or water and should not cause any enlargement.

Local Public Interest:

It is within the local public interest to allow water users' to change their water rights to allow more flexibility and better use of their water rights. Additional wells should be allowed if existing wells are not producing the amount of water that has been decreed &/or licensed.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

It was determined that this application does not need to be advertised since the right holders are just seeking to develop one additional well within the location of their water rights.

Data entry affected the correct records which are the decrees and licenses issued between 1993 and 2011.

Overlapping rights at existing &/or proposed POD's consist of the rights involved in this transfer, Permit 63-12546 and Application for Permit 63-33884. The permit was issued for the six existing wells listed under transfer application.

Overlapping rights at existing POU consist of water from Pleasant Valley Irrigation Company, Permit 63-12546, Application for Permit 63-33884, and the rights included in this transfer application.

In review of the rights involved in this application, it was noticed that they had an unusual condition regarding use of water under Rt. 63-11347. The transfer approval includes conditions that state: 1) The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Rt. 63-11347 and shall only divert ground water under this right when water from the appurtenant surface water rights cannot be delivered to the right holder. 2) If the surface water rights appurtenant to the place of use is sold, transferred, leased or used on any other place of use, Rt. 63-11347 to divert ground water shall not be used without an approved transfer pursuant to Sec. 42-222, Idaho Code, or approval of the Department if a transfer is not required. These conditions confirm that Rt. 63-11347 has historically been used as a supplemental right when used in combination with Pleasant Valley Irrigation water shares. The conditions listed above will be carried forward in the current transfer process.

The rights are located within the South Ada County Ground Water Area which is an area that groundwater levels are declining. The Department has been sending letters to applicants in this area advising them of the decline and instilling stringent conditions upon any new approvals. The rights under this transfer application are existing and deserve to be able to pump the water allotted to them.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.



SPF WATER
ENGINEERING

March 16, 2015

RECEIVED

MAR 16 2015

WATER RESOURCES
WESTERN REGION

Angela Grimm
IDWR Western Region via hand-delivery
2735 Airport Way
Boise, ID 83705-5082

*Subject: Amended Application for Permit No. 63-33884,
Transfer Application No. 79803 (SPF Job No. 1058.0010)*

Dear Angie,

This letter is a response to your correspondence dated February 18, 2015 concerning Application for Permit No. 63-33884 and Application for Transfer No. 79803, both in the name of Ray and Susan Montierth. The Montierths own and farm a property with a complex water right history (also known as the "Tyson property"), and have now filed the subject applications to authorize the irrigation of additional acres with existing wells and a proposed new well. Your correspondence summarized issues with the applications identified by IDWR during its review. We will respond in the order in which the issues were presented in your letter:

1. **Name of Applicant.** Permit Application No. 63-33884 has been amended to include the name of Susan Montierth as an applicant at Item 1. See the attached amended application.
2. **Point of Diversion.** The currently authorized points of diversion for the four existing water rights proposed for change were first described in transfer #5442, which was approved April 27, 2000. The transfer authorized use of up to seven wells within eight legal locations. Three points of diversion were authorized within Lot 3 (NWSW) S07, T01N, R02E; one point of diversion was authorized in Lot 2 (NWNE), S06, T01N, R02E; one in Lot 3 (NENW), S06, T01N, R02E; and one in SWSE, S31, T02N, R02E. One additional point of diversion was proposed in either SWSE, S07, T01N, R02E, or Lot 2 (SWNW), S18, T01N, R02E. A well has not been constructed at either of the locations proposed by transfer #5442 and these locations have been removed from the permit and transfer applications and maps. The location of each of three wells in Lot 3 (NWSW), S07, T01N, R02E is now shown on the application maps. These wells are known to the landowner as the Farm, Tower, and Gate wells.
3. **Place of Use.** The permissible place of use (PPU) proposed on the permit application has been amended to remove one acre in T01N, R02E, S07, Lot 3 (NWSW), and 10 acres in T01N, R02E, S07, NWNE. These areas are not owned by the Montierths. The same PPU is shown on the amended transfer application map.

4. **Place of Use.** The Montierths recently acquired an approximate 160-acre parcel in the SE of S18, T01N, R02E from Tereco. The Montierths are in the process of obtaining the Tereco property through a tax-deferred property exchange based on federal Internal Revenue Code, Section 1031. Please see the attached Warranty Deed and Deed of Trust executed on January 12, 2015. These documents convey the property from Tereco to the #242 Pioneer Exchange Accommodation Titleholder LLC (PEAT). (PEAT was formed solely to hold title to the property during the exchange process.) PEAT then executed the Deed of Trust to convey the Tereco property to Pioneer Title Company to be held in trust on behalf of Ray and Susan Montierth (the beneficiaries of the trust). Thus the Montierths have possessory interest in the Tereco property during the exchange process as beneficiaries of the trust.
5. **Any other water rights used for the same purposes as described above.** There are four existing groundwater rights (63-3362, 63-7531, 63-10383 and 63-11347) and one groundwater permit (63-12546) for this system. Surface water delivered by Pleasant Valley Irrigation Co. (PVIC) is also used on the property, when available. PVIC's service area only covers a portion of the proposed permissible place of use and based on information on file this property only receives 495 shares (assume enough for 495 acres) worth of water for irrigation. The existing water right authorizations within the proposed permissible place of use for this groundwater system provide irrigation of up to 825 acres. The permit application proposes new irrigation of an additional 493 acres. PVIC water, when available, is delivered through the combined system and may inadvertently be applied throughout the system. The PVIC water is limited seasonally and the amount of PVIC water available will not be increased to include the new 493 acres. The new 493 acres will be irrigated solely with groundwater.
6. **Any other water rights used for the same purposes as described above.** Water right 63-26168 authorizes use of groundwater from a well in Lot 2 (NWNE) S06, T01N, R02E for domestic and stockwater use. Water right 63-26168 is diverted from a separate system than the system proposed for additional development under the permit application.
7. **Map of proposed project.** The maps included with the permit application and transfer application have been amended to incorporate the changes made by the amended applications.
8. **Fee:** A check for \$70.00 is enclosed for the balance of the transfer application fee..

Thank you for your continued consideration of Mr. Montierth's project.

Sincerely,



Roxanne Brown

cc: Ray Montierth

SPF Job No. 1058.0010

Walker, Kay

From: Grimm, Angie
Sent: Wednesday, February 18, 2015 2:50 PM
To: Roxanne Brown
Cc: Walker, Kay; Lester, Steve
Subject: Montierth - Application for Permit No. 63-33884 & Application for Transfer No. 79803
Attachments: DOC040.pdf

Roxanne,

Good afternoon! In the spirit of expediting, I'm emailing you a copy of a letter I drafted (in the mail to you just now) requesting an amended permit application, an amended transfer application, and some additional information to further processing of the applications you've submitted on behalf of Ray and Susan Montierth. Should you have any questions regarding the requested amendments or additional information for the permit application please feel free to give me a call, for questions regarding the transfer application amendments please contact Kay Walker. Look forward to hearing from you. Hope you have a great afternoon!

Sincerely,
Angie

Angela M. Grimm, P.G.
Water Resources Agent, Sr.
IDWR - Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190 phone
(208) 334-2348 fax



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 18, 2015

RAY MONTIERTH
C/O ROXANNE BROWN
SPF WATER ENGINEERING
300 E MALLARD DR SUITE 350
BOISE ID 83706

Re: Application for Permit No. 63-33884 & Transfer Application No. 79803 – Amended Applications Request

Dear Roxanne:

The Idaho Department of Water Resources (IDWR) is expediting processing of the above referenced applications for your clients Ray and Susan Montierth. Upon review of the applications, it appears the applications require amendments and/or additional information to address the following items:

- **Name of Applicant (item no. 1):** Application for Permit no. 63-33884 (permit application) lists only Ray Montierth as the applicant, but is signed by both Ray and Susan Montierth. An amended permit application should be submitted including both Ray and Susan Montierth as applicants (based on property ownership documentation on file).
- **Point of Diversion (item no. 3):** The most recent water right documentation (permit record no. 63-12546) for the system proposed for additional development under the permit application and point of diversion (POD) addition under the transfer application indicates the system consists of six existing wells. The public land survey (PLS) locations and associated well construction permit information is outlined in the table "Attachment 1: Existing/Proposed Points of Diversion" (copy enclosed) submitted with the permit application no. 63-12546 and the proof of beneficial use statement (later withdrawn) for the same permit.

The currently authorized PODs for the four existing water rights proposed for change were established via approval of Transfer No. 5442. The transfer authorized use of up to five wells within six PLS locations. Four PLS locations currently listed on the rights match the POD locations of permit no. 63-12546, but two do not. The transfer application currently being processed provides an opportunity to correct the POD PLS locations for all the rights within the system.

The permit application and transfer application POD PLS locations and associated maps need to be amended to correct the PLS locations for the existing wells so all the records are correct. IDWR recommends the applicant collect Global Positioning System (GPS) locations of the existing wells to verify the PLS locations and provide more accurate location information than the nominal centroid locations provided on the application maps.

- **Place of Use (item no. 8):** The permissible place of use (PPU) proposed on the permit application includes the following land that may not be owned by the applicant (per Ada County tax lot data):
 - **T1N R2E Sec 7 Gov't Lot 3 (NWSW)** – proposed PPU 40 acres, applicant owns 39 acres.
 - **T1N R2E Sec 7 NWNE** – proposed PPU 40 acres, applicant owns ~30 acres.
 - **T1N R2E Sec 18 SE** – proposed PPU 160 acres, applicant owns 0 acres.

Please provide information describing the arrangement enabling the applicant to make this filing, or amend permit application item no. 8 and the map to exclude this land from the proposed PPU.

- **Any other water rights used for the same purposes as described above (item no. 9):** The permit application indicates there are four existing ground water rights (63-3362, 63-7531, 63-10383 and 63-11347) and one ground water permit (63-12546 – application sites basin 65 right, but assume this is a typo) for this system. Also, the application indicates Pleasant Valley Irrigation Co. (PVIC) surface water is also used on the property proposed for irrigation. PVIC service area only covers a portion of the proposed PPU and based on information on file this property only receives 495 shares (assume enough for 495 acres) worth of water for irrigation. The existing water right authorizations within the proposed PPU for this ground water system provide irrigation of up to 825 acres. This permit application proposes new irrigation of an additional 493 acres. Will the new 493 acres be irrigated solely with ground water or will PVIC surface water be used to some degree on this land?

Right 63-26168 authorizes use of ground water from a POD in Gov't Lot 2 (NWNE) Section 6 T1N R2E for domestic and stockwater use. Well construction records in conjunction with the POD table for permit no. 63-12546 (enclosed) indicate there were at one time three wells within this 40 acre tract, Well #1 & Well #2 listed on the table and a third well once 97 feet which was abandoned in 2000. Recognizing the right authorizes different uses than the permit application proposes, is right 63-26168 diverted from the system proposed for additional development under the permit application?

- **Map of proposed project (item no. 13):** The maps included with the permit application and transfer application should be amended to incorporate any changes made to the PODs and/or PPUs to address the items outlined above.
- **Fee:** The permit application as received on February 2, 2015 requires a total processing fee of \$610.00. To date, a total of \$860.00 (\$490.00 on 12/6/13 + \$370.00 on 2/2/15) has been received. The transfer application as submitted (only a change of up to 6.68 cfs) requires a \$980.00 fee, received 2/2/15. Should you amend the transfer application to correct the POD PLS locations for all the rights, a total of 10.77 cfs (combined limit four water rights in transfer) will be affected, requiring a transfer application processing fee of \$1300.00. \$250.00 overpaid for the permit application may be applied to the increased transfer application processing fee should the transfer application be amended as recommended. However, an additional \$70.00 would be required to process the amended transfer application (if amended per recommendations outlined above).

Please submit amended permit and transfer applications (incorporating any other amendments already requested by IDWR staff) with the additional information requested above to allow for processing to continue. You may seek additional time to provide the amended applications and additional information by making a written request to interrupt processing for up to six months. **Your response including the amended applications, or a request for more time to submit amended applications, must be received within the next thirty (30) days.** The permit application will be voided and transfer application rejected without a timely written reply.

Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,



Angela M. Grimm, P.G.
Water Resource Agent, Sr.

Enclosure(s): Copy of Attachment 1: Existing/Proposed Points of Diversion from 63-12546 file.

Attachment 1: Existing/Proposed Points of Diversion

Well No.	Location	Well Diameter	Depth	Date Completed	Driller	Owner when Drilled	Permit No.
#2 1 ✓	T1N R2E Sec 6 NENW (Lot 3)	20"	535'	8/15/1995	Bill Doty	Iowa Beef Packing, Inc	729090
#3 2	T1N R2E Sec 6 NWNE (Lot 2)	16"	710'	10/13/1995	Ponderosa	Iowa Beef Processors	729687
Gate 3	T1N R2E Sec 7 NWSW (Lot 3)	16"	340'	6/18/1972	Stevens & Sons	Missouri Beef Packers	820945
Tower 4	T1N R2E Sec 7 NWSW (Lot 3)	16"	455'	Feb-74	Stevens & Sons	Missouri Beef Packers	831255
Farm 5	T1N R2E Sec 7 NWSW (Lot 3)	20"	498'	4/17/1987	Bill Doty	Iowa Beef Processors	774334
#1 6	T2N R2E Sec 31 SWSE	14"	440'	4/11/1965	Russel Cowe	Dick Green	778037

Walker, Kay

From: Roxanne Brown [RBrown@spfwater.com]
Sent: Friday, February 13, 2015 2:30 PM
To: Walker, Kay
Subject: RE: Montierth amendments

ARggggh! Will do.

From: Walker, Kay [<mailto:Kay.Walker@idwr.idaho.gov>]
Sent: Friday, February 13, 2015 2:24 PM
To: Roxanne Brown
Cc: Walker, Kay
Subject: RE: Montierth amendments

Roxanne:

The map is still not correct. You have included the NWSW, Sec. 7 as part of the place of use but it is not included in their water rights. Will need a correct map of the place of use.

Thanks,
Kay

From: Roxanne Brown [<mailto:RBrown@spfwater.com>]
Sent: Friday, February 13, 2015 9:58 AM
To: Walker, Kay
Subject: Montierth amendments

Happy Friday Kay –

I have attached a corrected POD supplement page and GIS map showing the current POU as you requested. I'll drop off the originals for your files today.

Thanks for your attention to this one!

Roxanne

Roxanne Brown | Sr. Water Right Specialist

SPF Water Engineering, LLC
300 E Mallard Drive, Suite 350 | Boise, ID 83706
p. 208.383.4140 | f. 208.383.4156 | d. 208.489.2136
e. rbrown@spfwater.com | w. www.spfwater.com



Walker, Kay

From: Roxanne Brown [RBrown@spfwater.com]
Sent: Friday, February 13, 2015 9:58 AM
To: Walker, Kay
Subject: Montierth amendments
Attachments: Montierth.pdf

Happy Friday Kay –

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Roxanne Brown | Sr. Water Right Specialist

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Point of Diversion/Place of Use Supplement

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer** ☐ Adjudication Claim
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

Location of points of diversion (POD): One (1) well will be constructed on one of the following sites.

[illegible]

Description of place of use (POU):

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

[illegible]



SPF WATER
ENGINEERING

RECEIVED

FEB 02 2015

February 2, 2015
Steve Lester, Interim Manager
IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082

WATER RESOURCES
WESTERN REGION

Subject: Amended Application for Permit No. 63-33884, Application for Point of Diversion Transfer (SPF Job No. 1058.0010)

Dear Steve,

Thank you for meeting with Mr. Montierth last week concerning the farm property he owns south of Boise (often referred to as the "Tyson property"). In response to our discussion, the applicant has decided to move forward with an amended application for permit to add additional flow rate and area to the existing proposal (currently numbered 63-33884) to irrigate a recent land purchase. The new land is contiguous to the Tyson property and will be irrigated by an extension of the existing water delivery system. You will find the signed, amended application attached to this letter. We understand IDWR is willing to advertise this application as soon as possible. We also understand that additional concerns will be addressed prior to issuance of the permit.

In addition, we are submitting an application for transfer of Mr. Montierth's water rights to authorize an additional point of diversion. The application proposes the construction of one additional well. Five wells sites are described on the transfer application simply because it is unknown at this time precisely where the preferred site will be.

Mr. Montierth respectfully requests IDWR to process the transfer application as quickly as possible. The existing Tyson wells are in poor repair, and it is essential to construct the new well to allow maintenance and repair of the other wells without losing production, and to prevent crop loss should there be a well failure. Mr. Montierth has engaged a well driller and will construct the new well as soon as the transfer is approved and a drilling permit issued.

Thank you for your consideration of Mr. Montierth's project.

Sincerely,

Roxanne Brown

Enclosures
cc: Ray Montierth