

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76165

**** AMENDED ****

This is to certify that: MONTGOMERY TRUST
S J MONTGOMERY TRUSTEE
R P MONTGOMERY TRUSTEE
11800 N HWY 52
HORSESHOE BEND ID 83629
(208)584-3791

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
65-23295	WR/Decreed	06/22/1966	0.25 cfs	N/A	23.7	12.8	PAYETTE RIVER
65-23297	WR/Decreed	04/19/1954	0.65 cfs	N/A	37.3	32.3	PAYETTE RIVER

Purpose of Transfer (Changes Proposed)

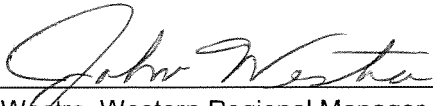
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
65-23295	NO	YES	NO	NO	NO	NO
65-23297	NO	YES	NO	NO	NO	NO

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>
65-23295	65-23295	0.25 cfs	N/A	N/A	12.8		N/A	N/A		N/A
65-23297	65-23297	0.65 cfs	N/A	N/A	32.3		N/A	N/A		N/A
COMBINED TOTALS		0.9 cfs		37.3	45.1		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of April, 2011


John Westra, Western Regional Manager

SUPPORT DATA

IN FILE # 65-23295

WATER RIGHT NO. 65-23295
As Modified by Transfer No. 76165

In accordance with the approval of Transfer No. 76165, Water Right No. 65-23295 is now described as follows.

Right Holder: MONTGOMERY TRUST
 S J MONTGOMERY TRUSTEE
 R P MONTGOMERY TRUSTEE
 11800 N HWY 52
 HORSESHOE BEND ID 83629

Priority Date: June 22, 1966

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

04/01 to 11/01

To

Diversion Rate

0.25 CFS

0.25 CFS

LOCATION OF POINT(S) OF DIVERSION:

PAYETTE RIVER

L1 (NWNE)

Sec. 25 Twp 07N Rge 01E

GEM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 01E 24															.3	3.0	3.3
															L 1	L 1	
07N 01E 25	5.0	2.0															7.0
	L 2	L 2															
07N 02E 30							2.5										2.5
							L 2										

Total Acres: 12.8

CONDITIONS OF APPROVAL

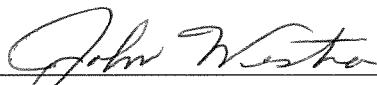
1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho 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.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65, Payette River.

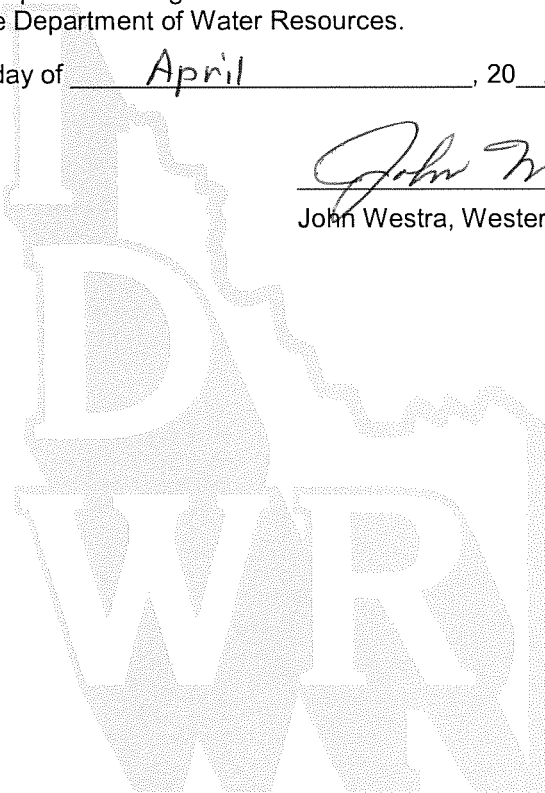
WATER RIGHT NO. 65-23295
As Modified by Transfer No. 76165

5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. Rights 65-23295 and 65-23297 when combined shall not exceed a total diversion rate of 0.75 cfs and the irrigation of 37.3 acres in a single irrigation season.
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.

This water right 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.

Dated this 6th day of April, 20 11


John Westra, Western Regional Manager



WATER RIGHT NO. 65-23297
As Modified by Transfer No. 76165

In accordance with the approval of Transfer No. 76165, Water Right No. 65-23297 is now described as follows.

Right Holder: MONTGOMERY TRUST
 R P MONTGOMERY TRUSTEE
 S J MONTGOMERY TRUSTEE
 11800 N HWY 52
 HORSESHOE BEND ID 83629

Priority Date: April 19, 1954

Source: PAYETTE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From 04/01 **To** 11/01

Diversion Rate

0.65 CFS

0.65 CFS

LOCATION OF POINT(S) OF DIVERSION:

PAYETTE RIVER

L1 (NWNE)

Sec. 25 Twp 07N Rge 01E

GEM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 01E 24															.3	3.0	3.3
															L 1	L 1	
07N 01E 25	28.8		.2														29.0
	L 2		L 2														

Total Acres: 32.3

CONDITIONS OF APPROVAL

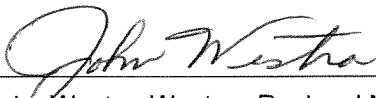
1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho 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.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65, Payette River.

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