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MAY 09 2008

STATE OF IDAHO

Transfer No. 74823

WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Monlow Farmers Ditch Co.

Phone (202) 584-3314

Mailing address C/O Lon McCannel, 10040 Gatfield Rd

Email

A. PURPOSE OF TRANSFER

Emmett, ID 83617

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Nearly all the lands originally served by this ditch were condemned and acquired by the U.S. Bureau of Reclamation. Very little of that base is currently irrigated. The Ditch Company prefers to maintain the 1884 water right by using the decreed water to irrigate bench lands above the ditch and only a small acreage below the ditch.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

<u>1. Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
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65-00058 06-23-1884 21.63 CFS irrigation 4/1 to 11/1

65-22678 04-23-1894. 04 of 5 stockwater 1/1 to 12/31

2. Total amount of water being transferred 21.63 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Pawnee River tributary to Snake River

- 4. Point(s) of Diversion:**

[illegible]

- 5. Lands irrigated or place of use:**

[illegible]

Stockwater area same as irrigation.

Total Acres 1339.9

PART 1

6. General Information:

a. Description of diversion system The ditch diversion consists of a diversion weir, a lead in ditch and a large concrete headgate with spillway. The structure dates from 1912. Headgate is 3 Feet wide and 12 Feet high. The canal is some 8-12 Feet wide at the bottom and 8 or 10 Feet deep.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
_____ Yes 1 No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The change has already occurred and very little of the bottomland is now irrigated. The small acreage still irrigated is included in the new boundary. This land is managed by Idaho F & G Dept as the Mentous Wildlife Mgmt area.

d. Remarks:

The decreed water right would essentially be lost if this transfer is not made.
The new place of diversion is a 60HP electric pump and pipeline.
See attachment about reduced fee.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20____.

For the Director

MAY 09 2008
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RESOURCES
SOUTHERN REGION
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(Attach one copy for each right)

SEE ATTACHED printouts

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above NONE

This Part 2 covers both rights

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ae-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ae-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
A amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. **Point(s) of Diversion:**

[illegible]

3. Lands irrigated or place of use:

[illegible]

See USGS Map

Page 5 of 6

Transfer No. _____
Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

Scale: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE** *N/A*

1. New Nature of Use Amount(cfs/af-ft) Hours/days/year Period of Use
_____ to _____
_____ to _____

2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change: _____

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

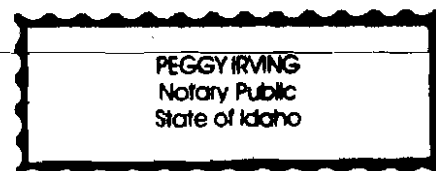
Deon L. Budell
(Signature of Applicant)

Deon L. Budell
Print Name (and title, if applicable)

Subscribed and sworn to before me this 28th day of March, 2008.

Peggy Irving
(Notary Public)

My commission expires 7-1-2012

**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 3 attachments

Received by DB Date 5-9-08 Protest filed by _____

Prelim. Check by VLM Fee \$410-

Receipted by DB / W036459 Date 5-9-08

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-58

WATER RIGHT NUMBER: 65-58

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

Priority Date: 06/23/1884

Basis: Decreed

Status: Active

Source Tributary
 PAYETTE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	21.630 CFS	
	<u>Total Diversion:</u>	21.630 CFS	

Location of Point(s) of Diversion

PAYETTE RIVER SW 1/4NE1/4 Sec. 25, Twp 07N, Rge 01E, B.M.
 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	15															X	X	
07N	01E	21				X									X	X		X	L 7
07N	01E	22	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
07N	01E	23					X	X	X	X		X	X						
										L 4									
07N	01E	26						X	X			X	X						
07N	01E	27	X	X	X	X	X	X	X	X	X				X	X	X	X	
07N	01E	28	X		X	X													
			L 1		L 2														

Attachment A
 (4 pgs)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-58

Conditions of Approval:

1. Address change by DB 5/18/2001
2. 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.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 823 ACRES WITHIN THE MONTOUR FARMERS DITCH COMPANY BOUNDARIES IN A SINGLE IRRIGATION SEASON.

Comments:

1. SBOCK 6/8/2000 BOUNDARY

Comment: THIS RIGHT IS LIMITED TO 823 ACRES OF IRR., HOWEVER THE BOUNDARY IS 1,199 ACRES ACCORDING TO DITCH CO. RECORDS AND GIS SHAPEFILE. COPIED FROM REMARKS DESCRIP. OF DIVERT. WORKS: THE DIVERSION IS A WING OUT INTO THE RIVER WHICH DIVERTS INTO A DITCH WHERE THERE IS A CEMENT STRUCTURE FOR A SPILLWAY 8ft WIDE AND A HEADGATE 8ft WIDE. PURCHASED DEADWOOD WATER USED IN T7N 1E. DON WHITE 600 AFA, SEC. 27 SW 1/4 NE 1/4-N 1/2 SW 1/4. SEC. 26 NW 1/4 SW 1/4. ALVA MC CONNEL 450 AFA SEC. 27 SE 1/4 NE 1/4, SEC. 26 SW 1/4 NW 1/4. MIKE LOWE 40 AFA SEC. 27 NE 1/4 NW 1/4. MONTOUR FARMERS DITCH CO. OWNS THE WATER AND DELIVERS UPON PAYMENT OF MAINTENANCE ASSESSMENT. 215 ACRES WERE MISTAKENLY DELETED FROM THE WATER RIGHTS BASE. 823 ACRES IS THE CORRECT AMOUNT. ***ADDRESS CORRECTION PER CONTACT WITH DITCH CO TO DEFINE BOUNDARY.

2. mlarson 11/6/2002 Large POU

Comment: Large POU linked

3. mcase 6/23/2004 POD

Comment: Correlated PODID 509347 from SpatialDataID 341675 to SpatialDataID 74186

Dates and Other Information:

Licensed Date:

Decreed Date: 7/3/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 65

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres
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21.63		
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Combined Water Rights: 65-58 , 65-22678

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-22678

WATER RIGHT NUMBER: 65-22678

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

Priority Date: 06/23/1884

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

PAYETTE RIVER	SW 1/4NE1/4	Sec. 25, Twp 07N, Rge 01E, B.M.
GEM County		

Place of Use

STOCKWATER

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	15															X	X	
07N	01E	21				X									X	X		X	L 7
07N	01E	22	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
			L 1				L 3												
07N	01E	23					X	X	X	X		X	X						
							L 4	L 3		L 4									
07N	01E	26						X	X			X	X						
07N	01E	27	X	X	X	X	X	X	X	X	X				X	X	X	X	
07N	01E	28	X			X													
			L 1																

A3

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-22678

Conditions of Approval:

1. 135 This water right is for the use of stockwater within the boundaries of the Montour Farmers Ditch Co.
2. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
5. Use of this right with Right No. 65-58 is limited to a total combined diversion rate of 21.63 cfs.

Remarks:Comments:Dates and Other Information:

Licensed Date:
 Decreed Date: 7/20/2004
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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21.63		
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Combined Water Rights: 65-58	, 65-22678	
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Montour Farmers Ditch Co.
Place of Use
T07N R01E

The map shows a topographic view of the Montour Farmers Ditch Co. area. Key features include Montour Valley, Regan Bend, and the Snake River. The map includes contour lines, a grid, and a compass rose. Key features include Montour Valley, Regan Bend, and the Snake River. The map is titled "Montour Farmers Ditch Co. Place of Use T07N R01E".

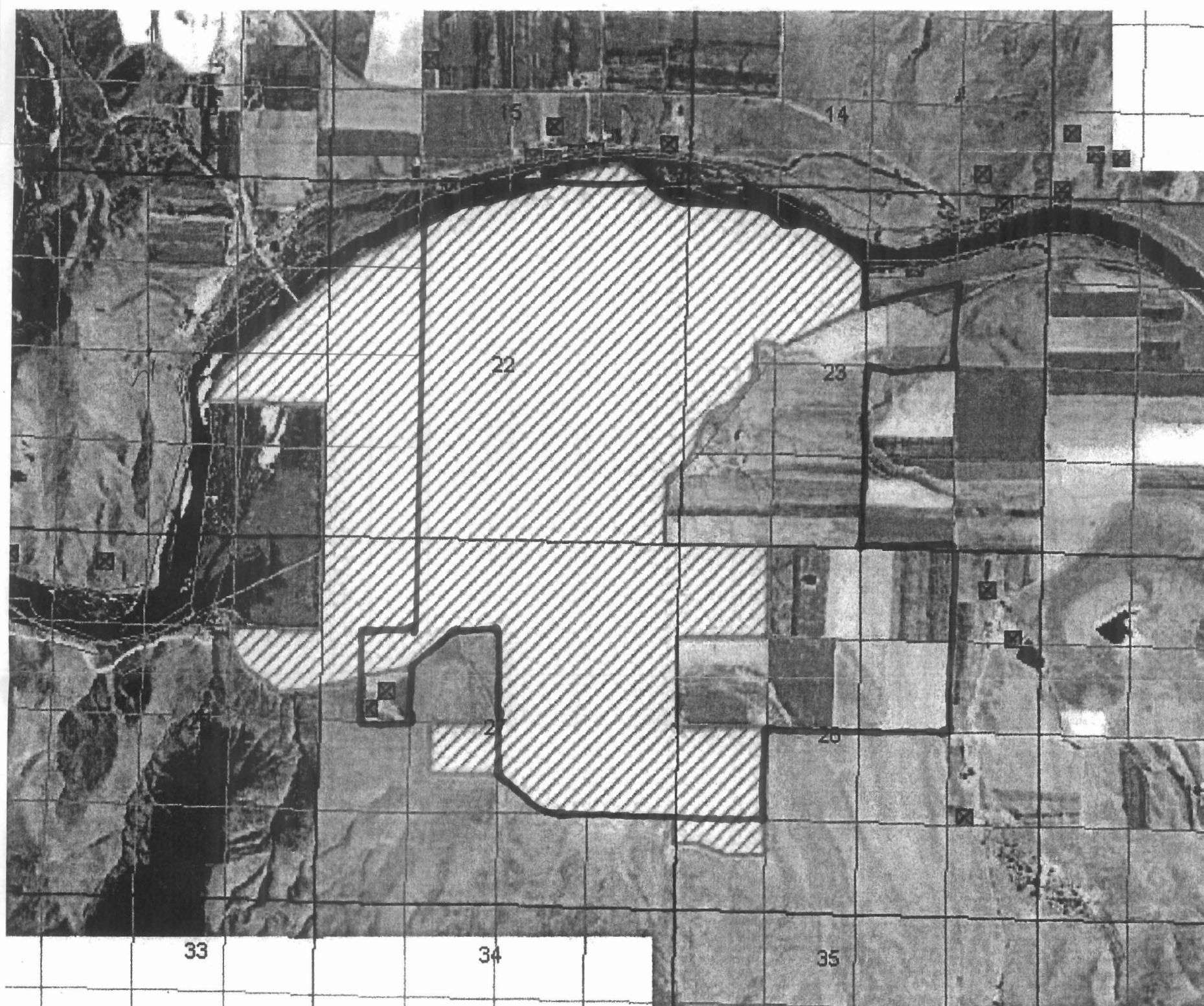
4862 4863 4864 T. 7 N. (HORSESHOE BEND 1:24 000) 2771 / NW 4868
 END (IDAHO 15) 2.9 MI. CASCADE 5.4 MI.

Montour Farmers Ditch Co.

Place of Use

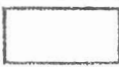
T07N R01E

B-2



0.6 0 0.6 1.2 Miles



-  Sections
-  Montour.shp
-  GCDB07N02E GCDB
-  GCDB07N01E GCDB
-  Recommendation POD

IDWR
D. Shaff
2/25/2004

MONTOUR FARMERS DITCH CO.

PRO-RATED FEE FOR APPLICATION FOR TRANSFER

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

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

Pro-rated fee based on:

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

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

9 $\rightarrow$
$$\frac{\# \text{ new } \frac{1}{4} - \frac{1}{4}\text{s to add}}{48 \frac{1}{4} - \frac{1}{4}\text{s}} \times 21.63 \text{ cfs} = \underline{4.06} \text{ cfs affected by change}$$

fee due
\$410

(b) for new river diversion to add: 200 ft

maximum cfs of 21.63 cfs to divert at new river point = $\underline{4.06}$ cfs $\div 370$
affected by change

(c) $\frac{1}{4}$ $\frac{1}{4}$ s River $\div$ 200 ft =

5.17 cfs

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

= $\underline{4.06}$ cfs affected by change

= \$410

Attachment C