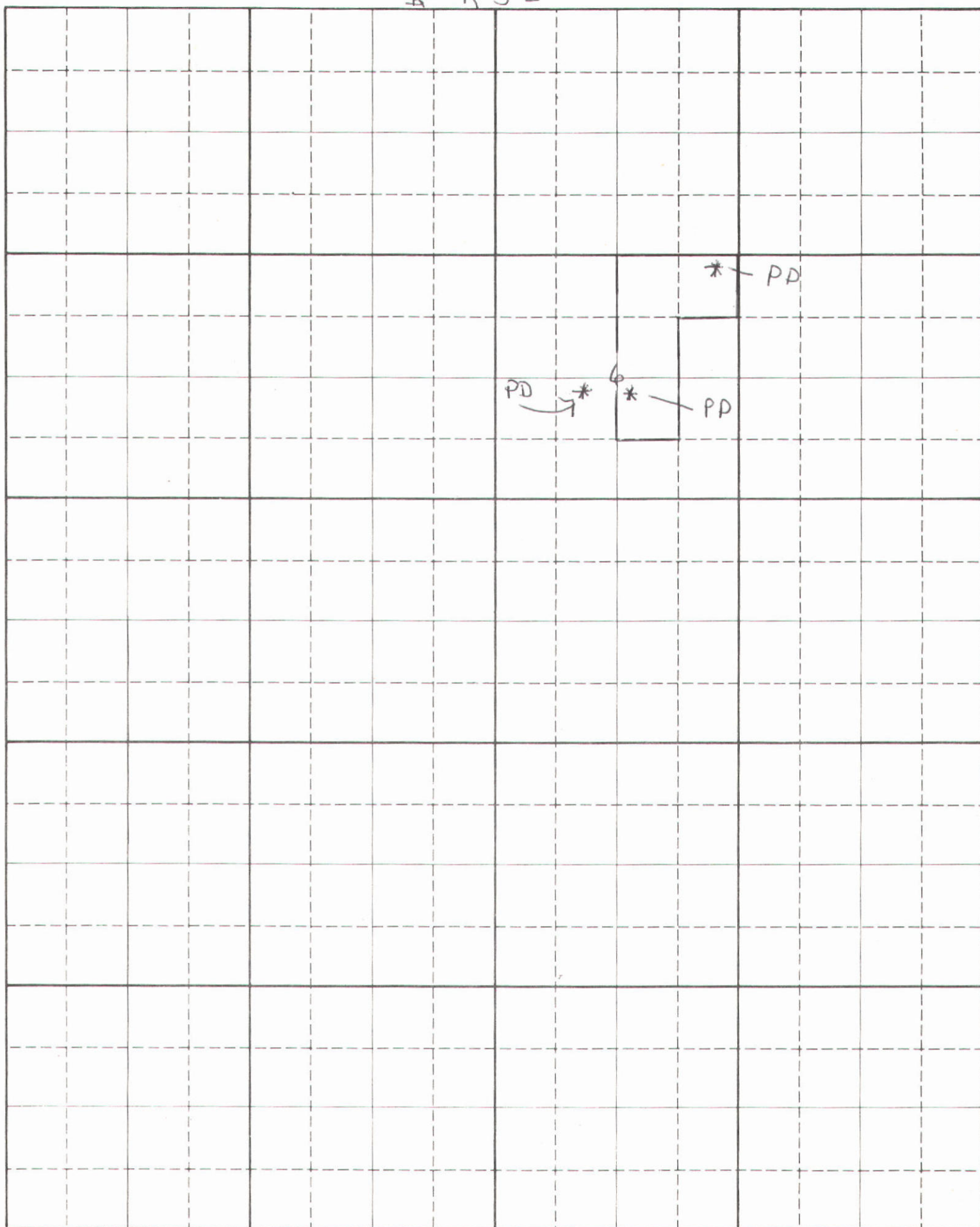


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

~~10~~ RSE



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

HR Montieith
(Applicant)

RECEIVED

MAY 3 1976

Department of Water Resources

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that H. R. MONTIERTH Kuna, ID has on April 12, 1976 submitted Application No. 61-7265 for a permit to appropriate 3.16 cubic feet per second of water from a ground-water source by means of well, pump & sprinkler system within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Gov't Lot 1 & NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 3 S, R. 5 E, B.M., Elmore County to be used from April 1 to Oct. 31 for irrigation of 157.45 acres within the Gov't Lots 1 & 2 (N $\frac{1}{2}$ NE $\frac{1}{4}$), SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6 T. 3 S, R. 5 E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before May 10, 1976.

R. KEITH HIGGINSON
Director

Published in the Mtn. Home News, Mtn. Home, ID on April 22, 1976 and April 29, 1976.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do solemnly swear that I am the foreman, or publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for

..2.... consecutive weeks, the first publica-

tion having been made on the ..22... day

of ..April....., 1976, and

the last publication having been made on the

...29..... day of ..April....

1976...; every Thursday issue of the paper

during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 29.....

day of ..April....., 1976

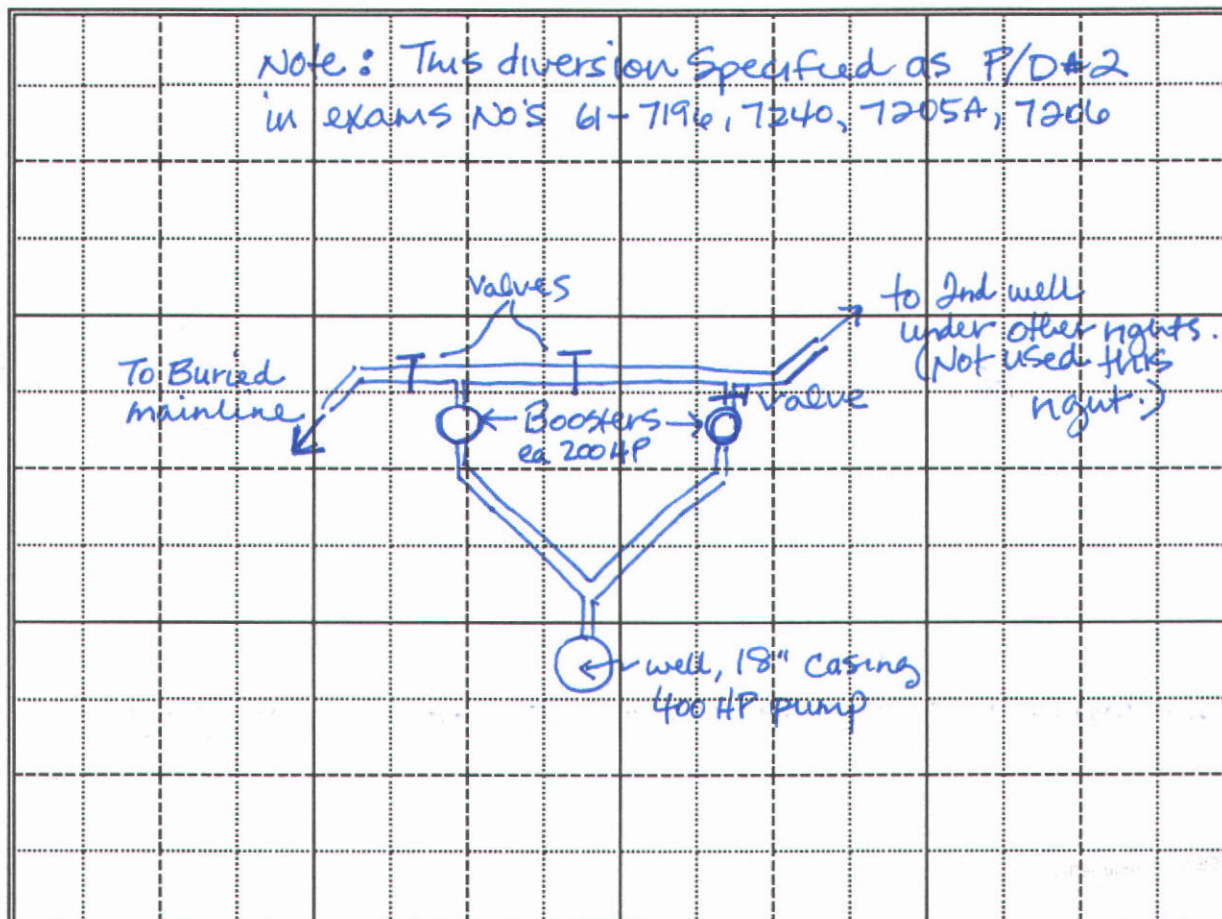
Ch. M. Waters

Notary Public

OK 16
5-3
RB

RECEIVED

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = None

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached
See 61-7240

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well	GE	400	JMJ915015	Wel-tune	12"
Booster 1	GE	200	GMJ728116	Layne	12"
Booster 2	GE	200	GMJ728117	Layne	12"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Theoretical

MICROFILMED

FEB 27 1997

36

31

32

355E

3082

3098

Lot 2

Lot 1

P/W

6 149

ac

3082

3081

P/D

mainline

3085

3079

3119

7

8

3068

12

3064

3078

3067

18

17

3056

3059

MICROFILMED

FEB 27 1957

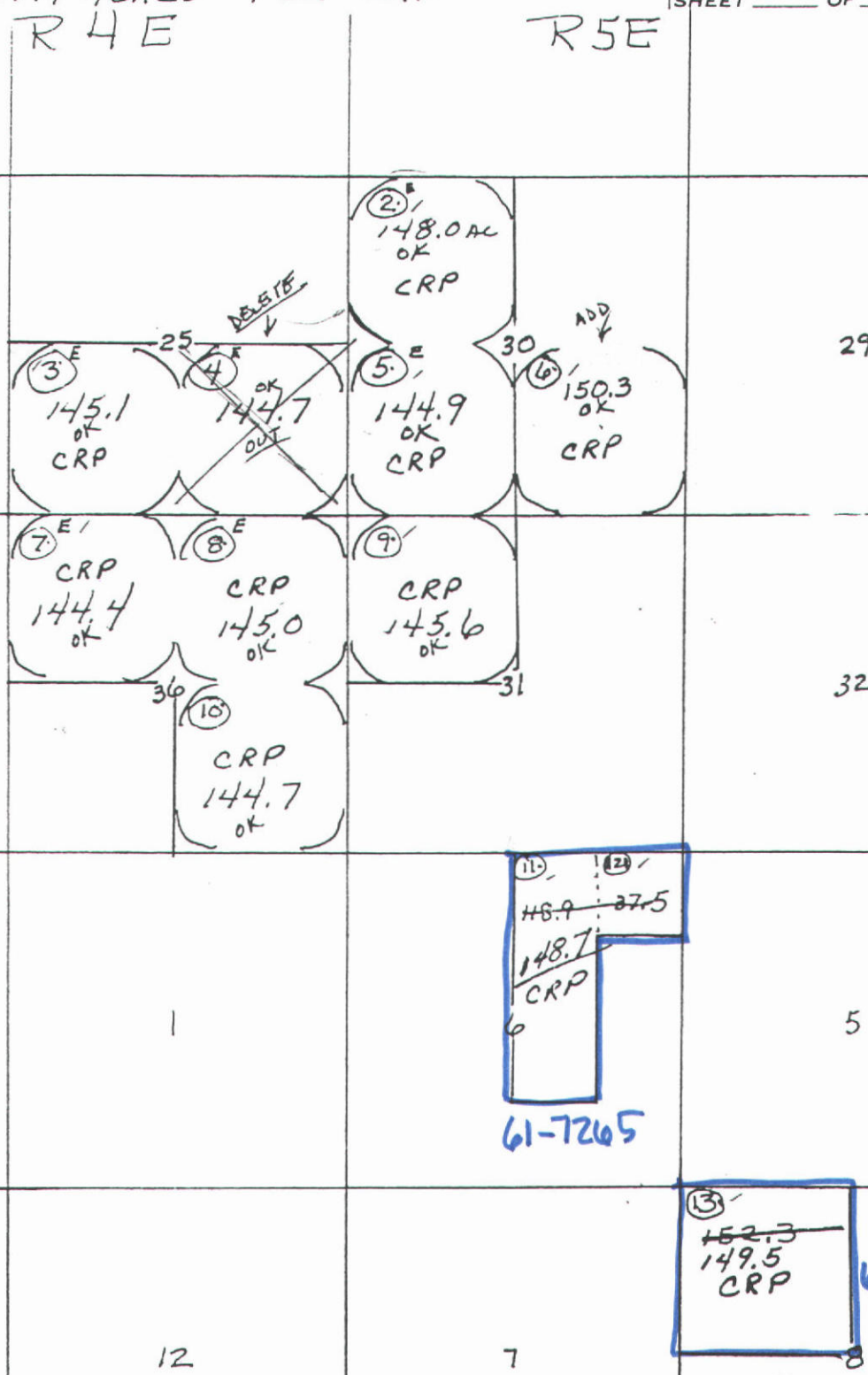
3052

STATE _____ PROJECT HERB MONTERTH
BY _____ DATE _____ CHECKED BY _____ DATE 2-17-88 JOB NO. _____

SUBJECT 1471.1 ACRES FOR CRP SHEET _____ OF _____
R 4 E R 5 E

T
2
S

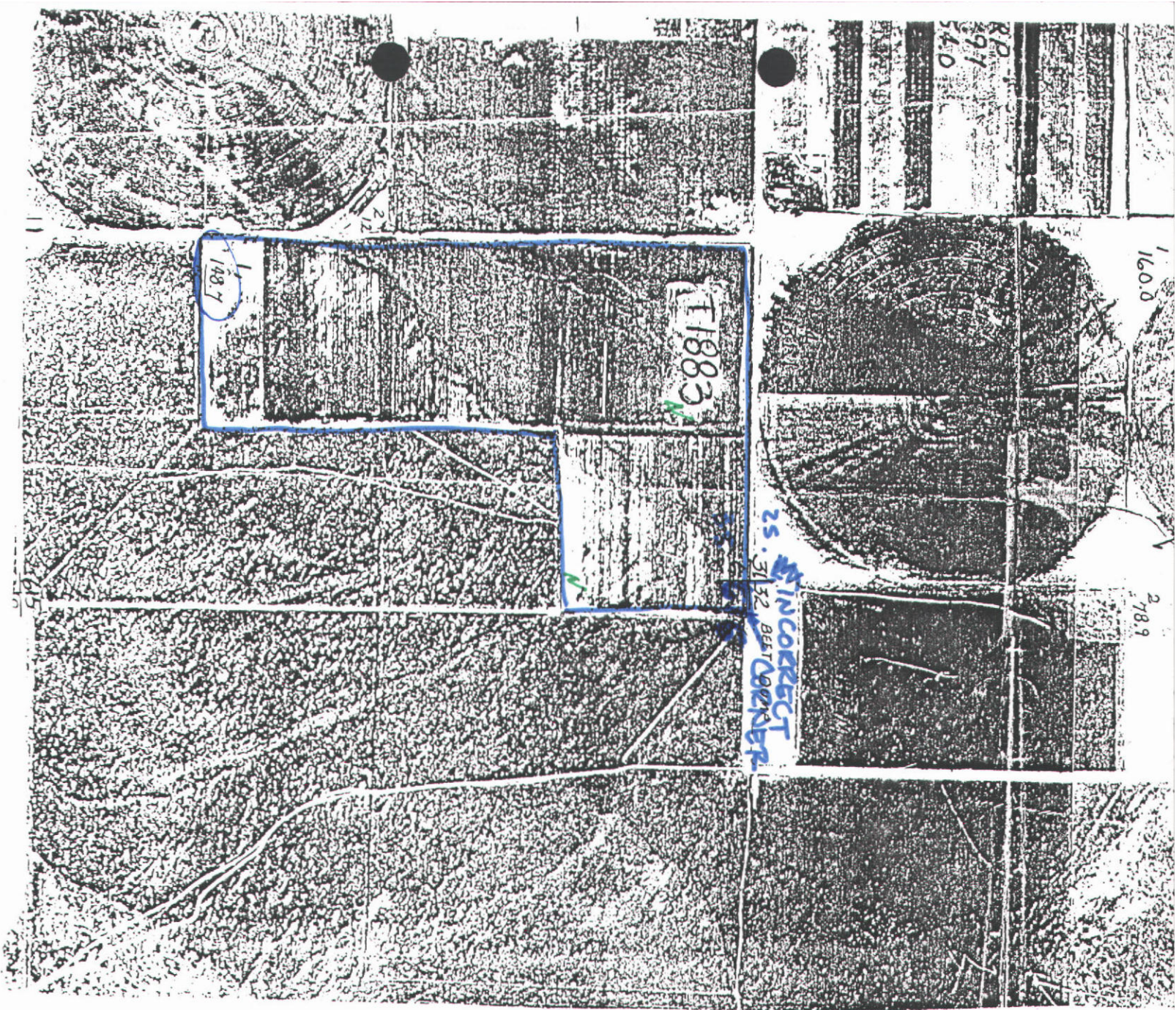
T
3
S



MICROFILMED
FEB 27 1987

Township No 3 South, Range No 5 East

[illegible]



61-7265

MICROFILMED
FEB 27 1957

NOV 23 1976

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

FORWARD THE WHITE COPY TO THE DEPARTMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 61-7240

1. Owner: Connecticut General Life Insurance Co.

Phone No. 377-0510 (noise)

Current Address: % Cigna Corp., S. Bldg. 5-305, 900 Cottage Grove Rd., Bloomfield ~~Conn~~ CT.

2. Accompanied by: Woody & Sid wing

EXAM. DATE: 8/21/87

Address: Box 572, mtm Home, Id. 83647

Phone No. 587-5319

Relationship to Permit Holder: operators

3. Source: Groundwater tributary to —

B. OVERLAP REVIEW

1. Other water rights with same place of use: ~~NONE~~ 61-7196, 7205

☒ Copies Attached

2. Other water rights with same point of diversion: 61-7196, 7205, 7206, 7265, 7274, 7298

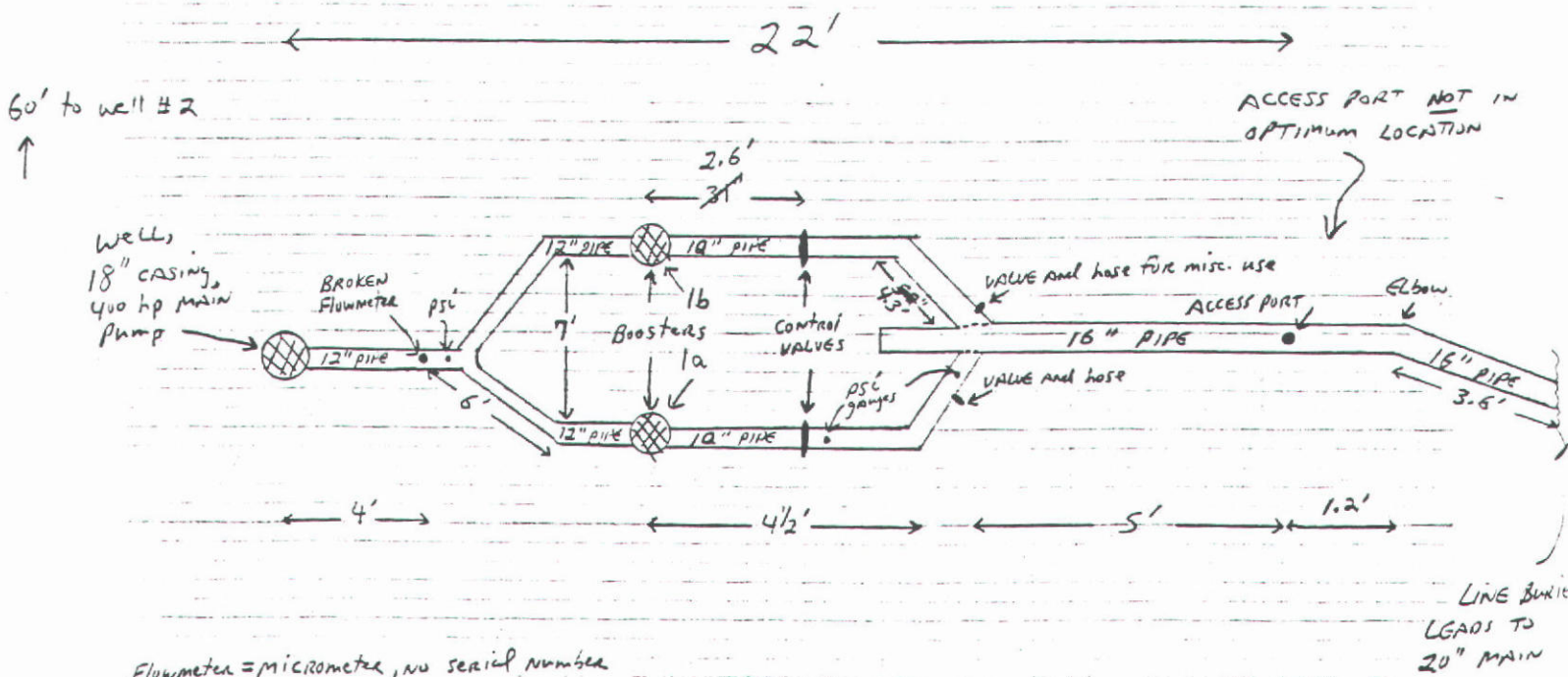
☒ Copies Attached☒ Copies of Field Exam's Attached

for 7196, 7205, 7206,
other permits not examined yet.

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached for HHD #2 and 3

~~P/O #1~~



Flowmeter = micrometer, no serial number

Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☒ Photo of Diversion and System Attached

(required for all but single household domestic groundwater, and stockwater.

☒ Aerial Photo Attached

(required for irrigation of 10 acres or more).

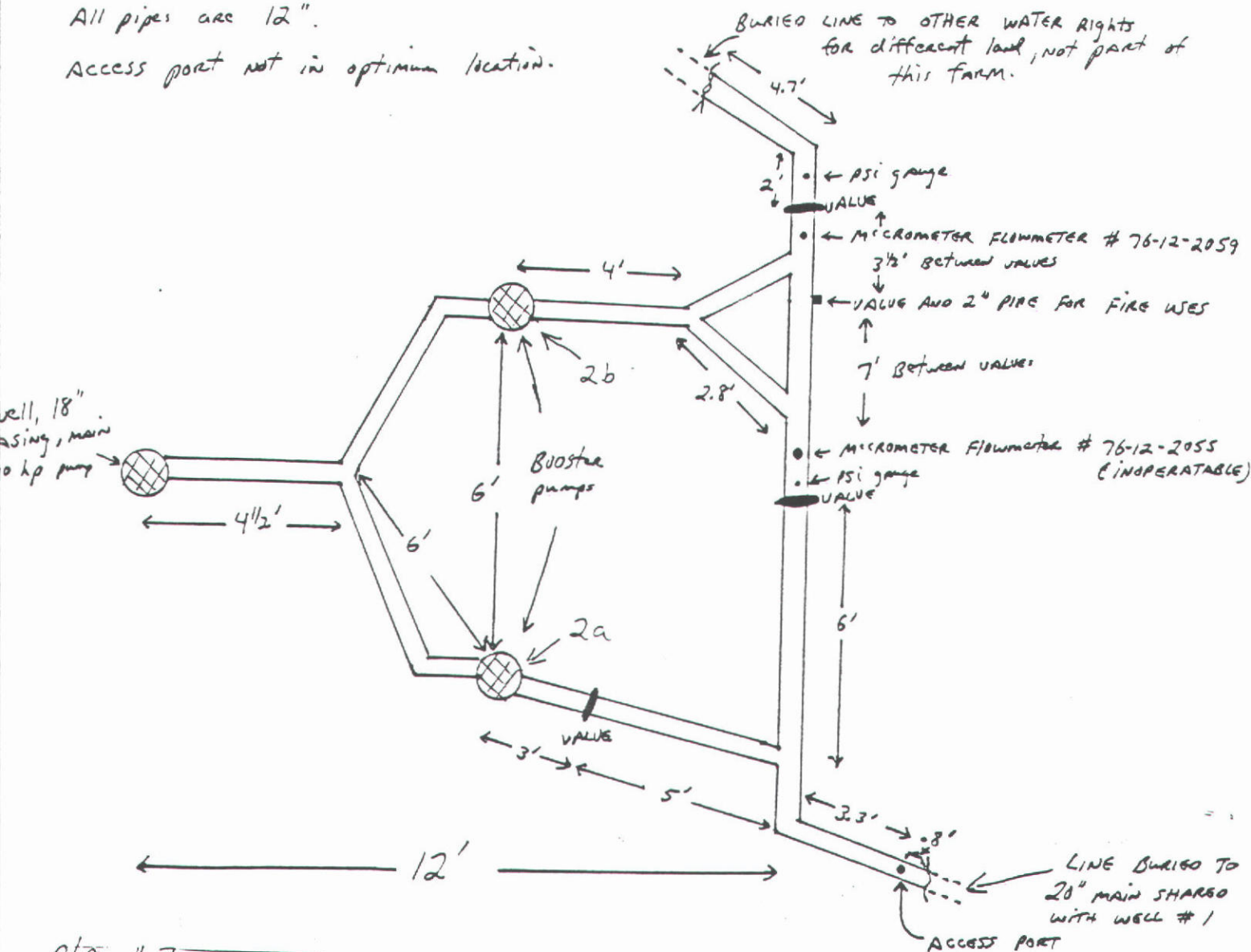
MICROFILMED
FEB 27 1997

-7240, 7196, 7206, 7205 : Alternative Diagram

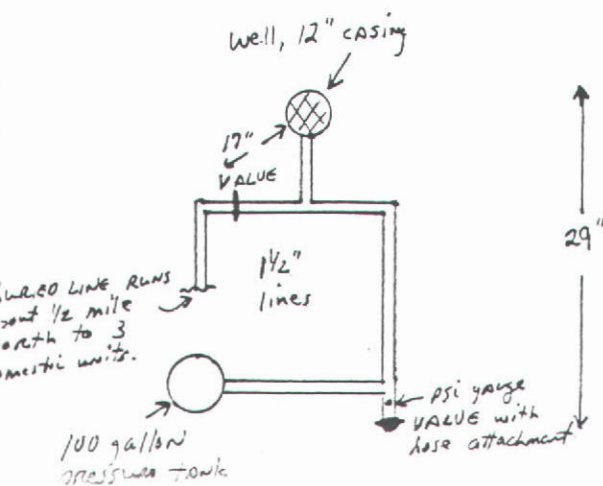
P/O #2 60' from P/O #1

All pipes are 12".

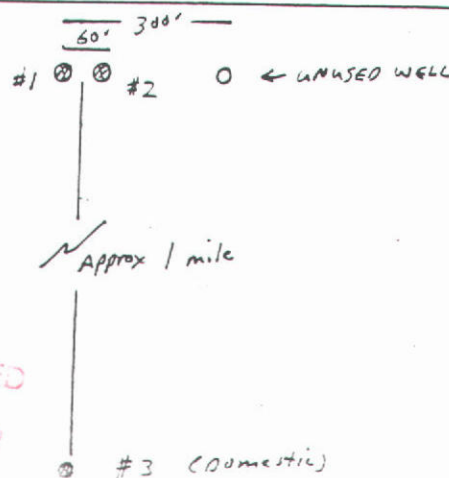
Access port not in optimum location.

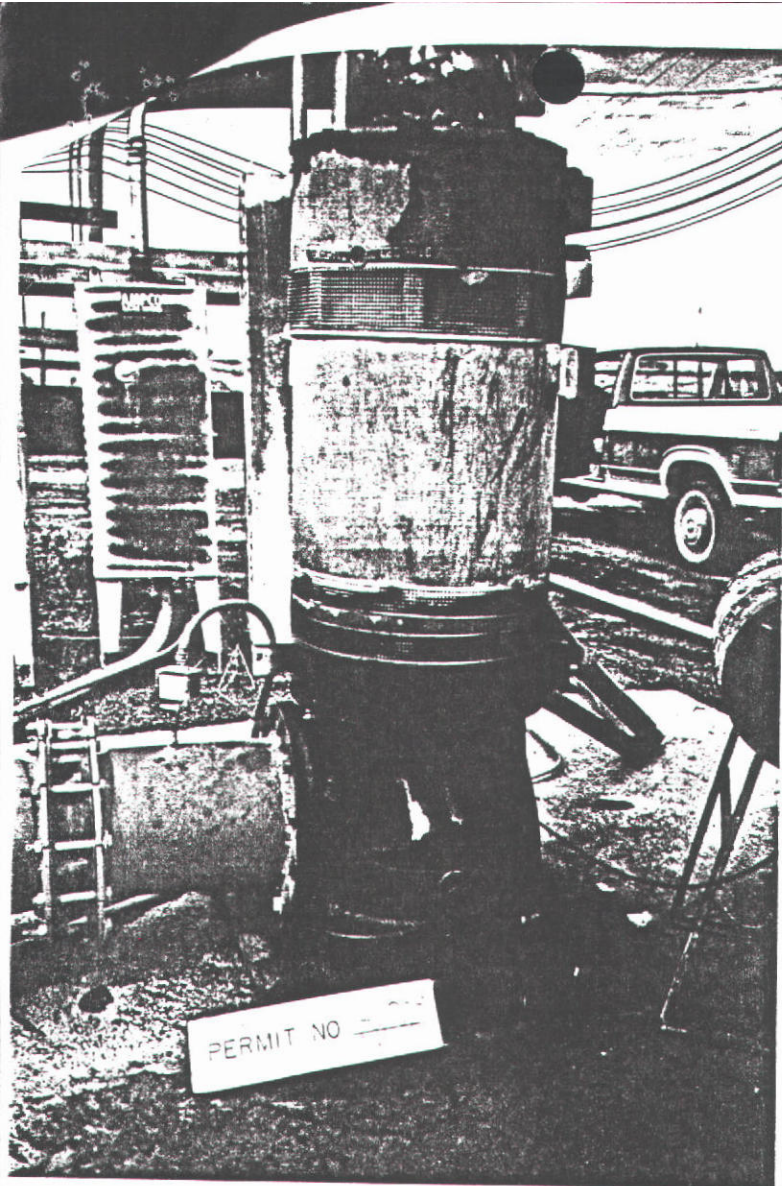


P/O #3

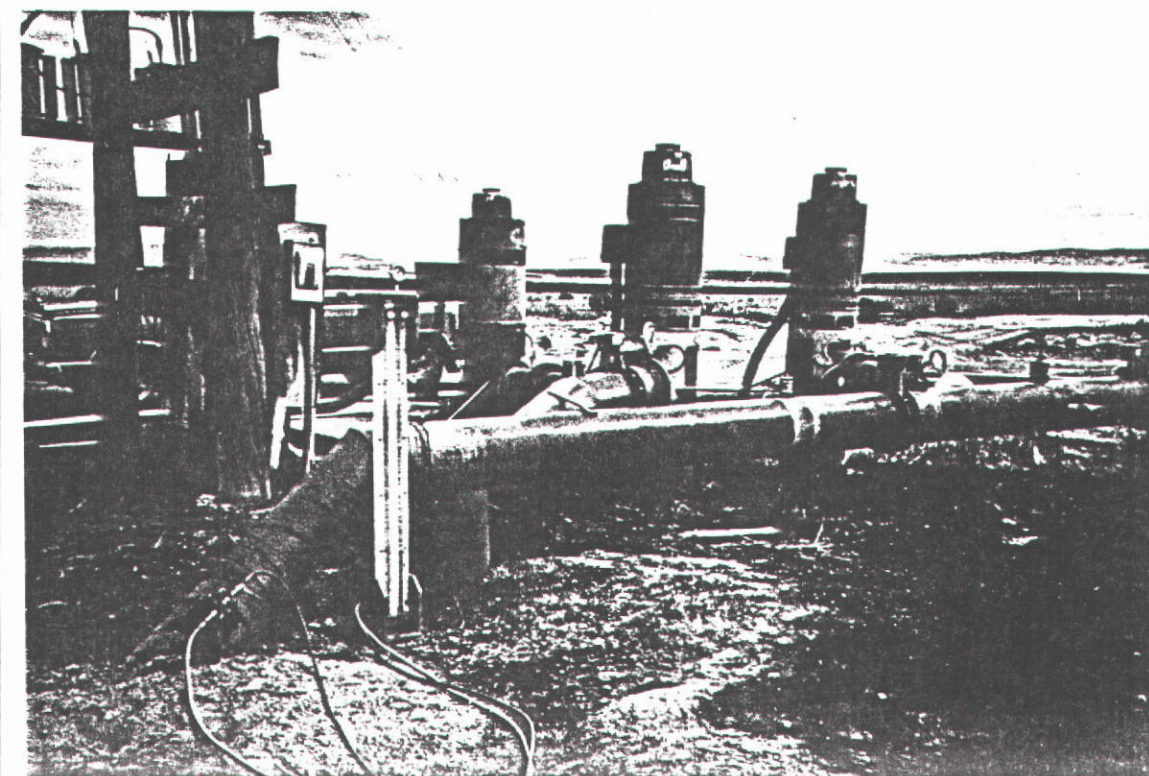


LAYOUT OF WELLS





- ③ P/O #2, approx 60' ^E of well #1. MAIN motor shown.



- ④ P/O #2 showing main and two booster pumps. These wells use mainline buried at left (12" pipe). Not shown is buried 12" pipe (out of view to right, for neighbor's permit).

Wells 1 & 2 join into 20" mainline.

FEB 27 1997

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF WATER RIGHT)
LICENSE NOS. 61-07298 AND)
61-07265 IN THE NAME OF)
CONNECTICUT GENERAL LIFE)
INSURANCE CO)

ORDER DENYING

PETITION FOR RECONSIDERATION

On November 6, 1996, the Idaho Department of Water Resources (department or IDWR) issued Water Right License Nos. 61-07265 and 61-07298 in the name of Connecticut General Life Insurance Co. (Montierth). On November 26, 1996, Herbert Montierth, David Palfreyman and Paul I. Corddry (collectively "Petitioners") submitted a Petition for Reconsideration (petition) to the department.

On December 18, 1996, the department issued an Order Designating a Recommended Order and accepting Petition For Reconsideration. The department has subsequently reviewed the petition and responds to the items in the petition as follows:

1. Condition of Approval No. 6 should not be changed on either license.

A total of 1222 acres were developed using a combination of six water rights. Two of the six water rights were filed by Herbert Montierth and four of the six water rights were filed by Elwood D. Wing (Wing). These six water rights shared a common diversion system which consisted of water being pumped from two wells. Wing and Montierth had an agreement between them that Wing could use water from both wells and Montierth could use half of the water from one of the two wells. The right holders could not provide evidence to show that there is sufficient water supply from the two wells to fully supply water to all 1222 acres in one irrigation season. It is the department's understanding that historically, Wing managed the two farms and determined which acres would be irrigated each season using crop rotation. This was done until each land owner placed their land in the Conservation Reserve Program (CRP) for a 10 year period. The land identified in the six water rights placed in the CRP program has not subsequently been irrigated until 1996.

In 1992 and in 1994, via Transfer Nos. 3934, 4241 and 4285, Wing transferred 400 acres of Water Right Nos. 61-07205B, 61-07206B & 61-07206C out of the Cinder Cone Critical Groundwater Area. After these transfers, a total of 822 acres were left to be irrigated under the remaining water rights. Condition of Approval No. 6 clearly and correctly identifies the remaining rights, volume, rate and acres after the 400 acre transfer.

MCS-10115
FEB 27 1997

2. Condition of Approval No. 7 should not be changed on either license.

Condition of Approval No. 7 reflects which water rights share the well which was used to irrigate the land covered by the two Montierth water rights.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the Petitioners Petition for Reconsideration of the Recommended Order is hereby **DENIED**.

Dated this 23rd day of December, 1996.

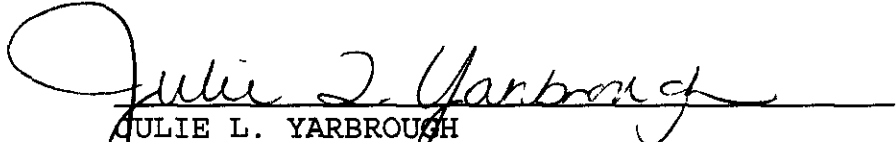

L. GLEN SAXTON, Chief
Water Allocation Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 23rd day of December, 1996,
I mailed a true and correct copy, postage prepaid, of the foregoing
ORDER DENYING PETITION FOR RECONSIDERATION to the following:

Michael C. Creamer
GIVENS PURSLEY & HUNTLEY
277 N. 6th St.
Boise, ID 83701

Julie Klein Fischer
GIVENS PURSLEY & HUNTLEY
277 N. 6th St.
Boise, ID 83701


JULIE L. YARBROUGH
Senior Secretary

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF WATER RIGHT)	
LICENSE NOS. 61-07298 AND)	ORDER DESIGNATING A
61-07265 IN THE NAME OF)	RECOMMENDED ORDER AND ACCEPTING
HERBERT MONTIERTH)	PETITION FOR RECONSIDERATION
_____)	

This matter having come before the Idaho Department of Water Resources (department), as a result of the filing of a petition for reconsideration, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On November 6, 1996, the department issued water right License Nos. 61-07298 and 61-07265 in the name of Herbert Montierth (petitioner). When issued, the department did not designate the licenses as being a recommended order, a preliminary order or final order.

2. On November 26, 1996, the petitioner submitted a petition for reconsideration to the department seeking different conditions of approval on the licenses.

CONCLUSIONS OF LAW

1. IDAPA Rule 37.01.01750 (Rule of Procedure 750) provides as follows:

If an order does not designate itself as recommended, preliminary or final at its release, but is designated as recommended, preliminary or final after its release, its effective date for purposes of reconsideration or appeal is the date of the order of designation. If a party believes that an order not designated as a recommended order, preliminary order or final order according to the terms of these rules should be designated as a recommended order, preliminary order or final order, the party may move to designate the order as recommended, preliminary or final, as appropriate.

2. The department should designate the issuance of water right License Nos. 61-07298 and 61-07265 as a recommended order and should accept the petition for reconsideration filed with the department on November 26, 1996 as being filed pursuant to IDAPA Rule 37.01.01720.02.a (Rule of Procedure 720).

ORDER

IT IS THEREFORE, HEREBY ORDERED that in accordance with Rule of Procedure 750, the issuance of water right License Nos. 61-07298 and 61-07265 is designated as a recommended order of the department.

IT IS FURTHER HEREBY ORDERED that the petition for reconsideration filed by the petitioner on November 26, 1996 will be considered for the purpose of response by the department as being filed with the department pursuant to Rule of Procedure 720 as of the date of this order.

Dated this 18th day of December, 1996.


L. GLEN SAXTON, Chief
Water Allocation Bureau

10574112

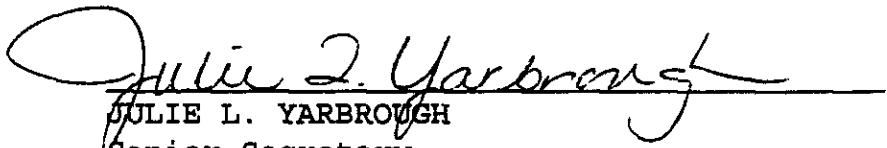
FEB 27 1997

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 18th day of December, 1996,
I mailed a true and correct copy, postage prepaid, of the foregoing
**ORDER DESIGNATING A RECOMMENDED ORDER AND ACCEPTING PETITION FOR
RECONSIDERATION** to the following:

Michael C. Creamer
GIVENS PURSLEY & HUNTLEY
277 N. 6th St.
Boise, ID 83701

Julie Klein Fischer
GIVENS PURSLEY & HUNTLEY
277 N. 6th St.
Boise, ID 83701


JULIE L. YARBROUGH
Senior Secretary

ORDER - Pg 3

NOT RECORDED

FILED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07265

Priority: April 12, 1976

Maximum Diversion Rate:

2.98 CFS

This is to certify, that CONNECTICUT GENERAL LIFE INSURANCE CO
C/O CIGNA CORP
SOUTH BUILDING S-305
900 COTTAGE GROVE RD
BLOOMFIELD CT 06002

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 12, 1976; and has submitted Proof of Beneficial Use on January 24, 1978. An examination indicates that the works have a diversion capacity of 9.630 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.98 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NESW , Sec. 6, Township 03S, Range 05E
ELMORE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
03S	05E	6	Lot 1(NENE) 37	Lot 2(NWNE) 37	SWNE 38	
			NWSE 37			149

Total number of acres irrigated: 149

CONDITIONS OF APPROVAL AND REMARKS

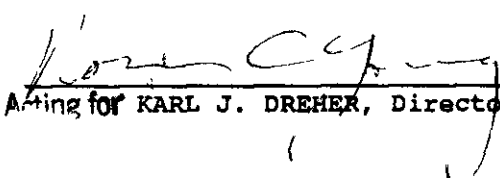
1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. Rights 61-07196, 61-07206C, 61-07240, 61-07265, and 61-07298 when combined shall not exceed a total diversion rate of 9.63 cfs from the well identified above, a total annual diversion volume of 3288.0 af and the irrigation of a total of 822 acres in a single irrigation season.
7. Rights 61-07196, 61-07206C, 61-07240, 61-07298 are also diverted through the point of diversion described above.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07265

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 6th
day of November, 1996.


Acting for KARL J. DREHER, Director

RECEIVED

State of Idaho
Department of Water Resources

JUL 25 1978

ASSIGNMENT OF PERMIT

Department of Water Resources *ok*

I, EDWARD RAY MONTIERTH, a
single person, hereby assign to CONNECTICUT GENERAL LIFE
INSURANCE COMPANY
of 910 Stemmons Tower North, Dallas, Texas 75207
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 61-7265
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

This Assignment is given as Collateral Security for a Mortgage
Loan (Loan No. 7800600) to be secured by a mortgage from
Assignor and others to Assignee covering the real property
described in said permit and other lands.

Made this 19 day of July, 19 78.

x Edward Ray Montierth
Permit Holder - EDWARD RAY MONTIERTH
(also known as Ray Montierth)

Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 19 day of July, 19 78, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he ~~(she)~~ ~~(they)~~ executed the same.

seal

C. Robert Montierth
Notary Public residing at
8645 Goddard
Boise, Id 83704

My commission expires:
July 1980

MP 7-71-77

12

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

I, H. R. MONTIERTH, hereby assign to Edward Ray Montierth
of Box 156 Kuna, ID

Address

CHECK ONE



All my right, title, and interest in and to Permit No. 61-7265
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 24th day of January, 19 78.

H R Montierth
Permit Holder

Spouse of Permit Holder

RECEIVED

JAN 24 1978

State of Idaho)
County of Ada) ss.

Department of Water Resources
Western Regional Office

On this 24th day of January, 19 78, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Reta Bendure
Notary Public residing at
Boise, ID

My commission expires:
March 8, 1980

NOTARY PUBLIC

7

ASSIGNED TO: EDWARD MONTIERTH

Identification No. _____

Application No. 61-7265

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- 1 Name of applicant H. R. Montierth Phone. 495-2245
post office address Box 156, Kuna ID
- 2 Source of water supply groundwater which is a tributary of _____
- 3 a Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6 Township 3S
Range 5E B M Elmore County; additional points of diversion if any _____
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 3S, R. 5E; Lot 1, Sec. 6, T. 3S R. 5E
- b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B M _____
- 4 Water will be used for the following purposes
Amount 3.16 for irrigation purpose from April 1 to Oct 31 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
5. Total quantity to be appropriated.
 - a 3.16 cubic feet per second and/or
 - b _____ acre feet per annum
- 6 Proposed diverting works
 - a Description of ditches, flumes, pumps, headgates, etc well, pump, & sprinkler system
 - b Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive
(Mo Day) (Mo Day)
 - c Proposed well diameter is 16 inches, proposed depth of well is 800 feet
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years
- b Estimated construction cost is \$ 80,000.00
- 8 Description of proposed uses
 - a If water is **not** for irrigation
 - (1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B M _____
 - (2) Amount of power to be generated _____ hp under _____ feet of head
 - (3) List number of each kind of livestock to be watered _____
 - (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
 - (5) If water is to be used for other purposes describe _____

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

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3S	5E	6	38.39 Lot 1	39.06 Lot 2	40											40			157.45

Total number of acres to be irrigated 157.45

c Describe any other water rights used for the same purposes as described above none

9 a Who owns the property at the point of diversion applicant

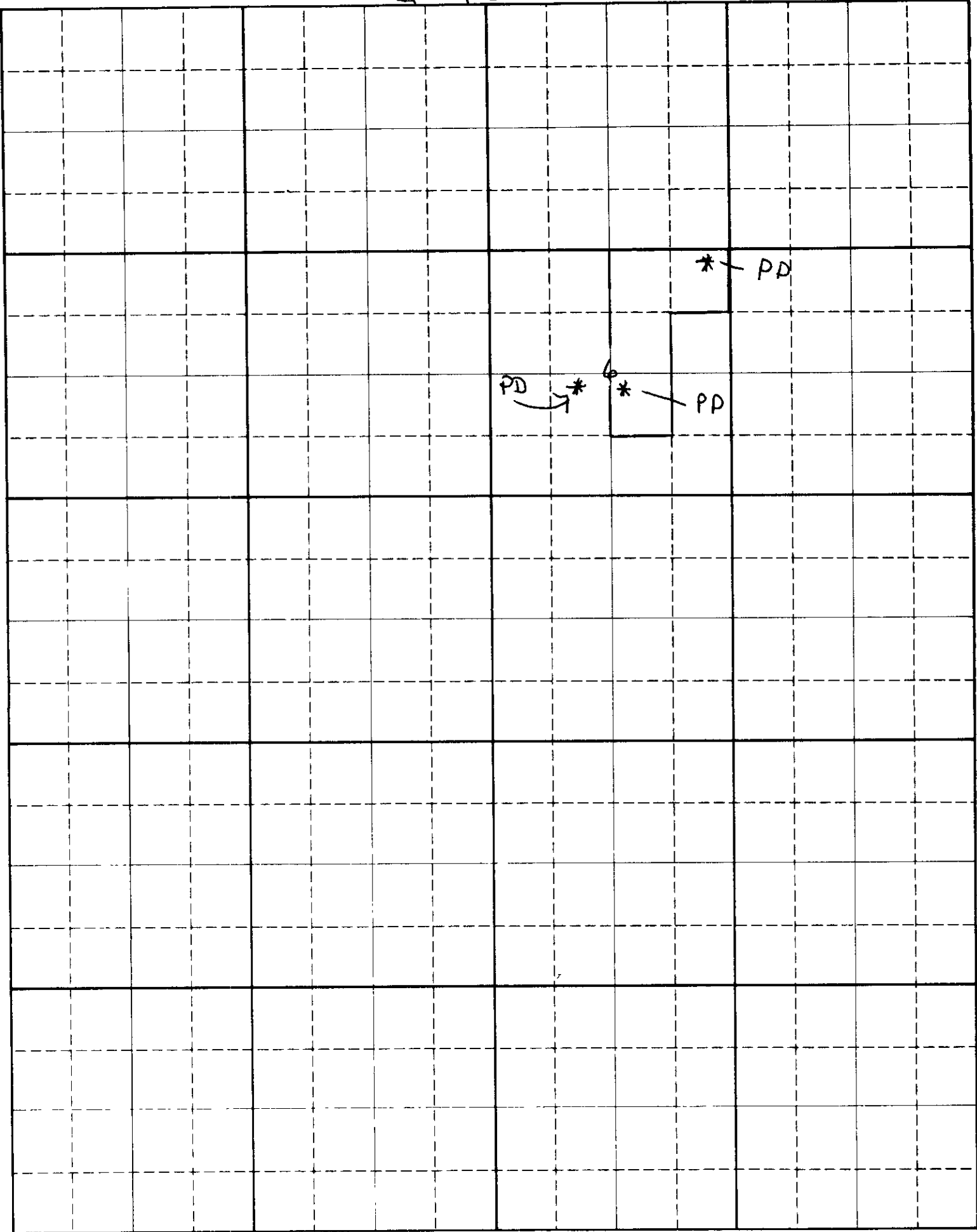
b Who owns the land to be irrigated or place of use applicant

c If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11 Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number

R 5 E



Scale 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth

HR Monticith
(Applicant)

Proposed Priority 4-12-76

Received by PJC Date 4-12-76 Time 12 30 PM
Preliminary check by PJC Fee \$ 55.00 NO. 3730
Receipted by CS Date April 12 1976
Publication prepared by RB Date 4-15-76
Published in MTW HOME NEWS
Publication dates Apr 22 + 29
Publication approved RB Date 5-3-76
Priority reduced to _____ Reason _____

Protests filed by _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JHS ORT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

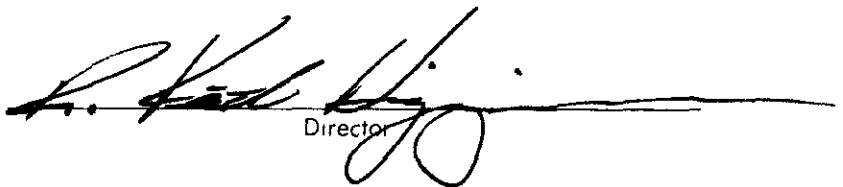
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No 61-7265, and said application is hereby APPROVED.

1 Approval of said application is subject to the following limitations and conditions

- a SUBJECT TO ALL PRIOR WATER RIGHTS.
- b Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1981.
- c Other A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2 Denial of said application is for the following reasons _____

Witness my hand this 17 day of May 19 76.


Director

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Floyd S. Waters, do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

... 2 ... consecutive weeks, the first publica-

tion having been made on the 22 day

of April, 1976, and

the last publication having been made on the

... 29 ... day of April...

1976; every Thursday issue of the paper

during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Floyd S. Waters

Subscribed and sworn to me this 29...

day of April, 1976

Wm. M. Waters
Notary Public

OK 16
5-3 23



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 23, 1996

RE: In the Matter of Water Right License Nos. 61-07298 and 61-07265 in the name of Connecticut General Life Insurance Co.

Dear Interested Parties:

I have enclosed a copy of the **ORDER DENYING PETITION FOR RECONSIDERATION** issued in connection with the above referenced water right licenses.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or, © the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, 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 recommended order shall be served on all other parties to these proceedings in accordance with Rules of Procedure 302 and 303.

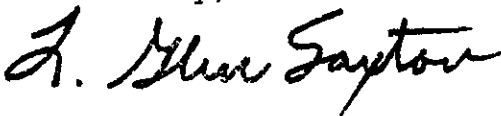
FINAL ORDER

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 agency 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.

APPEAL OF FINAL ORDER TO DISTRICT COURT

A party aggrieved by a final order of the Director is entitled to judicial review in compliance with sections 67-5271 through 67-5279, Idaho Code.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

C: IDWR - Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 18, 1996

RE: In the Matter of Water Right License Nos. 61-07298
and 61-07265 in the name of Herbert Montierth

Dear Interested Parties:

I have enclosed a copy of the **ORDER DESIGNATING A
RECOMMENDED ORDER AND ACCEPTING PETITION FOR
RECONSIDERATION** issued in connection with the above
referenced water right licenses. The department will now
consider the petition for reconsideration which has been
filed.

Please review the order and contact me directly at
(208)327-7953 if you have any questions.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Region

RECEIVED

NOV 26 1996

LAW OFFICES

GIVENS PURSLEY & HUNTLEY, LLP Department of Water Resources

A LIMITED LIABILITY PARTNERSHIP

277 NO. 6TH STREET • SUITE 200
P.O. Box 2720 • BOISE, IDAHO 83701
(208) 388-1200
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November 26, 1996

GARY G. ALLEN
JOSEPH H. BAIRD
CHRISTOPHER J. BEESON
MICHAEL C. CREAMER
ROY L. EIGUREN
JEFFREY C. FEREDAY
JULIE KLEIN FISCHER
RAYMOND D. GIVENS
L.W. GRANT III
J. BART GREEN
ROBERT C. HUNTLEY, JR.
RICHARD W. JANKOWSKI
KARL T. KLEIN
DAVID R. LOMBARDI
KIMBERLY D. MALONEY
KENNETH R. MCCLURE

CHRISTOPHER H. MEYER
L. EDWARD MILLER
PATRICK J. MILLER
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RAMONA S. NEAL
STEVEN L. OLSEN
W. HUGH O'RIORDAN
ROBERT L. PHILLIPS
KENNETH L. PURSLEY
CONLEY WARD
STEVEN R. WEEKS
STEPHANIE C. WESTERMEIER
JAMES A. MCCLURE
OF COUNSEL

Via Hand Delivery

Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83706

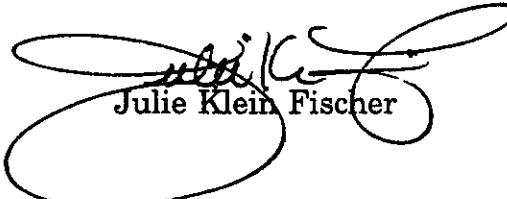
Re: *Water Right License Nos. 61-07298 and 61-07265*

Dear Mr. Dreher:

Attached for filing please find one original copy of a Petition for Reconsideration in the above-referenced matter. We also have provided copies of the enclosed Petition, via hand delivery, to Jim Johnson and Norm Young as both have been directly involved in the issuance of the water right licenses at issue.

Thank you for your kind assistance.

Sincerely,


Julie Klein Fischer

cc: **Jim Johnson**
Norm Young

Michael C. Creamer
Julie Klein Fischer
GIVENS PURSLEY & HUNTLEY, LLP
277 North 6th Street
Boise, Idaho 83701
telephone (208) 388-1200
facsimile (208) 388-1201

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

**IN RE WATER RIGHT LICENSE
NOS. 61-07298 AND 61-07265**

PETITION FOR RECONSIDERATION

Herbert Montierth, David Palfreyman and Paul I. Corddry (collectively "Petitioners"), pursuant to *Idaho Code* § 42-224 and the Rules of the Idaho Department of Water Resources ("Department") IDAPA 37, Title 1, Chapter 1, ("Department Rules") petition the Department for reconsideration of water right licenses 61-07298 and 61-07265. The grounds for this petition are as follows:

1. Herbert Montierth is the owner of 320 acres of land in Elmore County, Idaho ("Montierth Land"), to which water right nos. 61-07298 and 61-07265 are appurtenant (the "Montierth Water Rights"). The Montierth Land is located within the boundaries of the Cinder Cone Butte Critical Ground Water Area ("CGWA").

2. David Palfreyman and Paul Corddry have entered into an agreement with Mr. Montierth for the purchase of the Montierth Land, and are interested persons in this matter pursuant to Department Rule 158.

3. Licenses for the Montierth Water Rights were issued on November 6, 1996. No final order accompanied the licenses pursuant to Department Rule 740.

10/1/77

4. Petitioners request permission to file this petition before the issuance of a final order, and in the event a final order is not forthcoming, move the Department to designate the Montierth Water Right licenses as final orders pursuant to Department Rule 750, and allow filing of this petition.

5. Mr. Montierth submitted his application for permit for the Montierth Water Right No. 61-07298 on December 21, 1976, and for Water Right No. 61-07265 on April 12, 1976. Proof of beneficial use was submitted by Mr. Montierth for both Water Rights on January 24, 1978.

6. During the same time period Mr. Montierth was developing the Montierth Water Rights, Elwood Wing developed right nos. 61-07196, 61-07206C and 61-07240 (the "Wing Rights") through the same point of diversion as the Montierth Water Rights were developed.

7. Mr. Wing obtained licenses for, and subsequently transferred the Wing Rights to a location outside of the CGWA before proof of beneficial use was filed by Mr. Montierth under Mr. Montierth's permits. The Department has advised that the Wing Rights cannot return to the CGWA once they are transferred outside of the CGWA.

8. When the Department licensed Mr. Montierth's Water Rights in November 1996, it did so based on the proof of beneficial use that was made by Montierth in January 1978. Consequently, although the Wing rights no longer are diverted or used in conjunction with the Montierth Water Rights, the Department licensed the Montierth Water Rights with a condition which connects them to the

Wing Rights.

9. The Montierth Water Right licenses each contain the following conditions (hereinafter the "Wing Conditions"):

6. Rights 61-07196, 61-07206C, 61-7240, 61-07265 and 61-07298 when combined shall not exceed a total diversion rate of 9.63 cfs from the well identified above, a total annual diversion volume of 3288.0 af and the irrigation of a total of 822 acres in a single irrigation season.

7. Rights 61-07196, 61-07206C, 61-07240, and 61-07298 [or 61-07265] are also diverted through the same point of diversion described above.

10. The Wing Conditions on the Montierth Water Rights perpetuate a fiction that the Wing Rights continue to be diverted and used in connection with the Montierth Rights. The Department, incorrectly refused to acknowledge the current state of the Montierth Water Rights and instead has looked only at conditions existing when the proof of beneficial use was submitted in 1978.

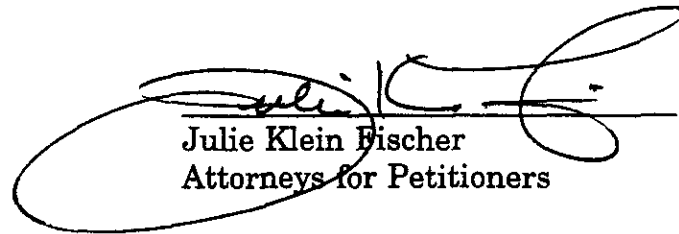
11. The Wing Conditions amount to a "cloud" on the Montierth Water Rights in that the Wing Conditions no longer are relevant to the Montierth Water Rights. Additionally, it is likely that through the Snake River Basin Adjudication, or other transfer or conveyance, Mr. Montierth will bear unnecessary expense in removing the Wing Conditions from his licenses in order to reflect the current status of the Montierth Water Rights.

12. Petitioners requests reconsideration of the conditional licensing of the Montierth Water Rights and seek clarification in the Montierth Water Right licenses

that the Wing Rights no longer are diverted from the same point of diversion as the Montierth Water Rights.

Respectfully submitted this 26 day of November, 1996.

GIVENS PURSLEY & HUNTLEY, LLP



Julie Klein Fischer
Attorneys for Petitioners



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 6, 1996

CONNECTICUT GENERAL LIFE INSURANCE CO.
C/O CIGNA CORP.
SOUTH BUILDING S-305
900 COTTAGE GROVE RD.
BLOOMFIELD CT 060020000

RE: WATER RIGHT NOS. 61-07207B/61-07265/61-07298

Dear Water Right Holder(s):

Enclosed are copies of the Water Right Licenses issued on the above referenced permits. If you have any questions, please contact me within 10 days of receipt of these licenses.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR TO July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify 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 to obtain the proper reporting form.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosures

NOV 15 1996

ELL 27 1996

MEMORANDUM

TO: Files 61-07265 & 61-07298

FROM: Sharla

DATE: November 5, 1996

RE: License Review

These two rights are being licensed together for the 299 acres found irrigated under the rights. These acres have been verified with compliance photography from the Elmore County ASCS office, the time frame being the 1985 irrigation season.

Both rights were permitted with a condition requiring measuring devices; the condition has been retained on the licenses.

The well serving these two rights is also used with other wells under Rights 61-07196, 61-07206C, and 61-07240. The theoretical HP equation has been used as the basis for system capacity of the well being licensed. The 9.63 cfs estimated as capacity is shown in remarks for total rate of diversion from the one well under all the rights when combined. Further limitations of annual volume and total acres/season have also been placed on the licenses. These limitations differ from those recommended by the examiner. However, as indicated by the examiner, the total number of acres previously confirmed as irrigated and subsequently licensed under Wing's rights was 923. Permanent transfers (Nos. 4241 and 4285) removed the irrigation of 400 acres from previous rights (also moving the points of diversion serving the acres to wells located in T4S, R6E), leaving 523 acres still appurtenant to the rights. Montierth's 299 acres bring the total back to 822 acres, with an annual volume limitation of 3288.0 af (822×4.0 af/acre).

Three transfers (Nos. 4290/4291/4292) approved on the previous licenses are temporary in nature, running through the end of the CRP period. These rights are identified in the database as X prefix rights and will be deleted from the database in December of 1998. Because the transfers are temporary in nature, they have not been considered in the overlap review for the licenses to be issued. The number of acres transferred out will be integrated back into the 523 acres mentioned above (from where they were taken); no expansion/reduction occurs in the process and the overlap limitation conditions referencing the rights from which the transfers were taken remain accurate.

160-100-1000

8/11/97

WR0749NP
No. L61-07265

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/05/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CONNECTICUT GENERAL LIFE INSURANCE CO C/O CIGNA CORP SOUTH BUILDING S-305 900 COTTAGE GROVE RD BLOOMFIELD CT 060020000	04/12/1976	IRRIGATION	04/01 10/31	2.980 CFS	
TOTAL DIVERSION:					2.980 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 9.630 CFS

Point(s) of Diversion: T03S R05E S06 NESW ELMORE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE						
T	R	S		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
03S	05E	6	:	01-37	02-37	38	:	:	:	:	:	:	:	37	:	149.0	:	
TOTAL ACRES																	149.0	

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:

61-07196 61-07206C 61-07240 61-07265 61-07298 L61-07298 X61-07196D X61-07206E X61-07206F X61-07240C

Other Water Rights Listing Overlapping Place(s) of use:

61-07265

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
- R31 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

Remarks: Rights 61-07196, 61-07206C, 61-07240, 61-07265, and 61-07298 when combined shall not exceed a total diversion rate of 9.63 cfs from the well identified above, a total annual diversion volume of 3288.0 af and the irrigation of a total of 822 acres in a single irrigation season.
Rights 61-07196, 61-07206C, 61-07240, 61-07298 are also diverted through the point of diversion described above.

Dates: App. Received: 04/12/1976 Priority Date: 04/12/1976
Proof Due Date: 05/01/1981 Proof Made Date: 01/24/1978
Exam Made Date: 12/11/1992 Exam Sent to S.O.: 03/08/1993
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '1' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

[illegible]

LICENSE REVIEW CHECKLIST

PERMIT NO. 61-07265

DATE 11/5/96

REVIEWER: S H A R L A

NAME Change OK Com. Pen. Address Change NO

SOURCE — — Is change clarification of originally intended source? —
If not, prepare Notice of Intent to Void —

POINT OF DIV — ✓ Amendment required NO

PLACE OF USE — ✓ Amendment required NO

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate 3.16 cfs

Fee limit 4.0 cfs \$17500

Measured — cfs

Theoretical 9.63 cfs

Recommended Total Div Rate 2.98 cfs

ANNUAL VOLUME/
NATURE OF USES — ✓ Use Res Volume Calculation 149 x 4 = 596.0 af

— — — — af

— — — — af

— — — — af

SUBTOTAL 596.0 af

Flow rate 2.98 cfs X 214 days X 1.9878 = 1262.7 af

Total volume recommended 596.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS W35 (61-07196/07206C/07240/07298/07265)

9.63 cfs, 822 af, 3288 af

W36 same as above

CONDITIONS Watermaster Control WD# —

R01 GW Measurement/Measuring Device

R31 Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed — 1st Amend Letter N/A

Adjustment Memo — 2nd Amend Letter —

MEMORANDUM

November 30, 1995

TO: Files 61-07265 and 61-07298

FROM: Cindy Hodges

RE: B/U Examinations, Montierth System #3 (South Cinder Cone Butte)

NOTE: These files were previously forwarded to S.O. for licensing but recalled by me for modifications to original recommendations.

The well used to develop the above rights is one of two interconnected wells licensed for a system common to right nos. 61-07196, 07205, 07206, and 07240 (Wing rights). Steve Lester conducted examinations of the four Wing rights in 1987 and identified the shared well as well #2. Steve's exams corroborate my information that well #1 was used exclusively for the Wing rights and well #2 was used on an alternating basis between Wing and Montierth. A valve in the interconnecting line may be used to isolate well #2 (see diagrams in 61-07240 and 61-07265).

In 1987, the system capacity of the two wells was assessed at about 19.26 cfs, or 9.63 cfs per well (each well fitted with identical equipment - see 61-07240). A total of 923 acres were licensed under the Wing rights with a combined rate of flow of 18.46 cfs. No restrictive conditions appeared on the licenses. 0.8 cfs was available from the system as strictly unappropriated flow.

Total found acres served by the diversion system at the time of my exam are 1222 (923 Wing, 299 Montierth). All found acres entered CRP beginning in 1989. Prior to CRP, these lands, like most other operations in the Cinder Cone area, were farmed in rotation. Consistent with other recent licensing, an accounting of cropping patterns and land rotation for the five years prior to CRP is required to verify the actual extent of development.

ASCS crop records were used to license the Wing rights; copies may be found in 61-07205. Compliance photography from Elmore County ASCS (Farm Services) for the years 1983-1988 was used for verification of the Montierth acres for the above permits (see attachment A). Photography evidences the irrigation of all 299 Montierth acres during the 1985 irrigation season.

The single well used for development of Montierth permits 61-07265 and 07298 has a potential of 9+ cfs and may easily provide one inch per acre for 299 acres, or 5.98 cfs. The configuration of the diversion works makes it exempt from POD overlap analysis per the draft guidelines, which describe acres irrigated separately. System volume capacity is not a limiter. Thus, it is appropriate to recommend all 299 acres under the Montierth permits at 5.98 cfs and limit diversion rates back to the total system capacity when combined with the Wing rights.

11/30/95

DEC 17 1995

However, overlap analysis with regard to consumptive development is not complete without investigating the combined rotation patterns on the two farms, especially for 1985. The comparative cropping histories for the two farms are shown on Attachment A. In 1985, three years prior to CRP entry, a combined maximum of 1107 acres were irrigated from the common system. (system rate = 0.017 cfs/ac)

Primary cash crops for both Wing and Montierth have been beets or potatoes. In the Cinder Cone area, irrigation application rates of one full inch per acre or better are required to meet rotation schedulings for potatoes during peak demand periods¹. In order to provide for peak application rates for more than about 960 acres under this system (19.26 capacity/0.02), it would be necessary to fallow some acres or plant a calculated ratio of lower demand or earlier maturing crops.

In 1985, approximately 425 of the 808 Wing acres were in beets or potatoes, another 75 were in beans, and the balance of 300 were in grain crops. Crops are unknown for the 299 Montierth acres. Considering that at least 300 acres were in grain for that year, the balance of the irrigated acres (800 or so) could have had one full inch per acre application rate available by mid-season, if irrigation was discontinued on the grain. However, I suspect that the crop ratio found for 1985 still required certain irrigation schedulings which crowded the logistical delivery limits of this system. Because of this demonstrated limitation, a restrictive condition on yearly diverted and consumptive volumes is necessary.

Please note that the above analysis was based on the presence of the overlapping Wing rights as they existed at the time of my exam. However, all of the irrigation (160 acres) from 61-07205 and 240 acres from 61-07206 have now been transferred away from the Cinder Cone area and are no longer diverted from these wells. Recommendation is based on the original overlapping rights; conditioning references only the remaining splits of those rights. Otherwise, the limitations imposed would not be meaningful. Because 400 acres were removed from the system, 400 acres and 8.0 cfs will be subtracted from conditioning amounts.

The following restrictive condition (or its likeness) is recommended for this right:

Use of this right with right nos. 61-07206C, 61-07196, 61-07240 and 61-(7265/7298) is limited to a total diversion rate of 11.26 cfs, a total yearly diversion volume of 2828 AFA and the irrigation of 707 acres within a single irrigation season.

MICROFILMED

7/15/77

¹ From articles by Dorrell Larsen in Energy-Efficient Irrigation Practices Handbook (IDWR and U of I), and Soil Survey of Elmore County Area, Idaho (USDA, 1985 survey).

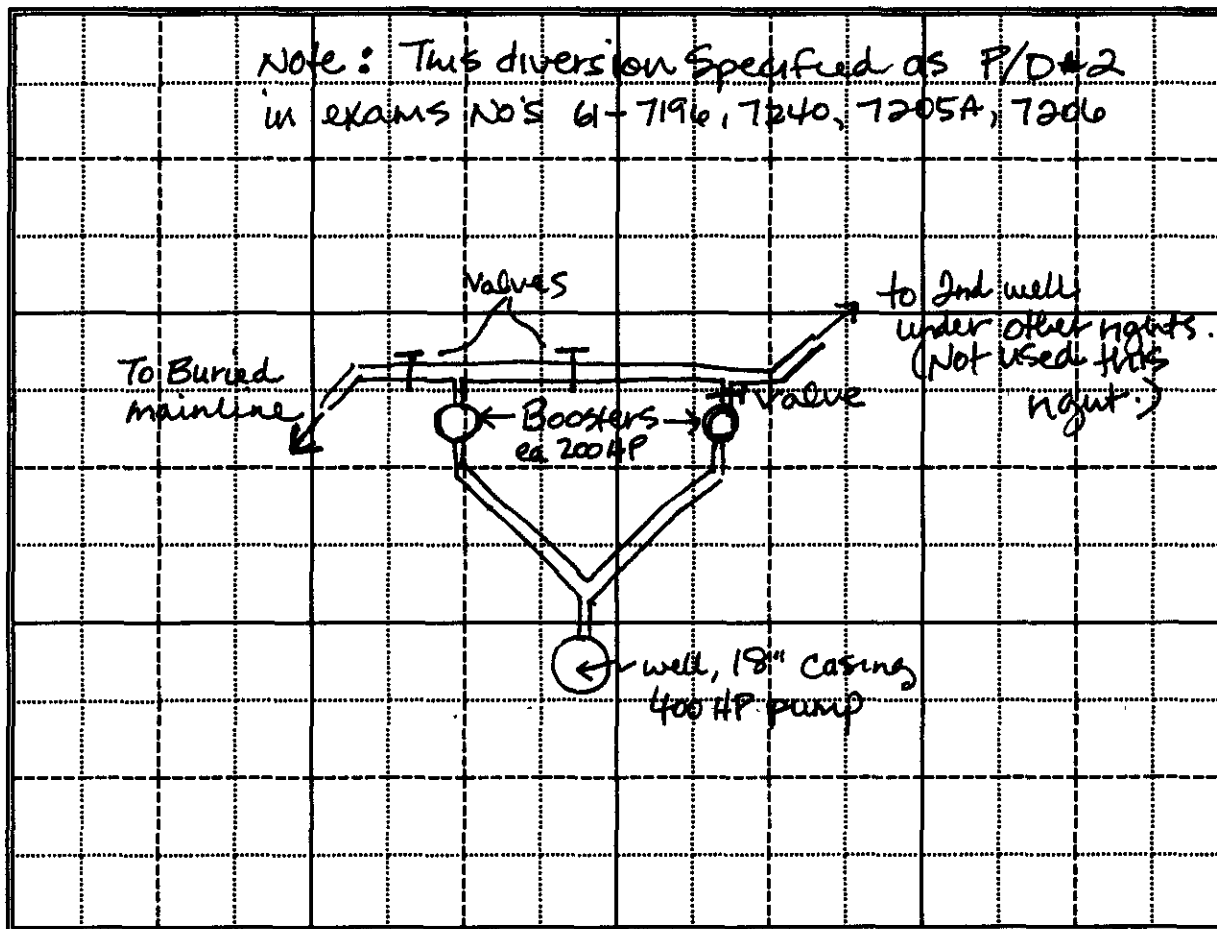
Attachment A
Comparative Cropping Histories

YEAR	IRRIGATED ACRES		
	WING	MONTIERTH	TOTAL
1983	735	150	885
1984	?	150	150+?
1985	808	299	1107
1986	705	0	705
1987	852	0	852
1988	310	125	435

MICROFILMED
FEB 27 1987

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well size/ditch size/pipe i.d. as applicable.



Scale: 1" = None

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required)

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached
See 61-7240

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Well	GE	400	JMJ915015	Wel-tune	12"
Booster 1	GE	200	GMJ728116	Layne	12"
Booster 2	GE	200	GMJ728117	Layne	12"

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Theoretical

MICHAEL

1977

E. NARRATIVE/REMARKS/COMMENTS

This well shared w/ 61-7298. This well and another adjacent well used also for 61-7196, 7240, 7205A & 7206. Wells are plumbed together. When this well being used for 7265 &/or 7298, mainline which connects to 2nd well is valved off, so only available flow is from this well.

No P/u overlaps.

Irrigation via wheel &/or handlines from buried mains.

Land is currently in CRP (enrollment 1988-1997). Research at Elmore & Ada ASCS (land recorded in Ada Co) verifies irrigation of all acres prior to CRP enrollment.

No other points of diversion developed.

*See also attached Sheet for additional system description & calculations.

See attached for flow/volume limitations

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method: HP equation

70 psi mainline pressure - from applicant
350 dynamic - est from well log & other exams (61-7240)

$$\frac{800 \times 8.8 \times .7}{350 + (2.31 \times 70)} = 9.63 \text{ cfs capacity}$$

$$\frac{9.63 \text{ cfs}}{299 \text{ total acres under system (7265 + 7298)}} = 0.03 \text{ cfs/AC}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$149 \times .02 = 2.98 \text{ cfs (IRR)}$$

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 149 \times 4 = 596 \text{ AF}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.98 \times 214 \times 1.9835 = 1264.9$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = 596 \text{ AFA (IRR)}$$

2. Volume Calculations for Other Uses: System Volume Check:

$$9.63 \times 214 \times 1.9835 = 4087.6 - \text{well capacity (volume limiter)}$$

$$149 \text{ ac (7265)} = 596 \text{ AF}$$

$$150 \text{ ac (7298)} = 600 \text{ AF TOTAL 1196 AF OK}$$

other rights: also 932 acres under 4 separate permits using this & one other well (total capacity 19.26 cfs $\times 214 \times 1.9835 = 8175.3 \text{ AFA}$)

932 ac $\times 4 = 3728 \text{ AF} + 1196 \text{ AF} = 4924 \text{ AF}$. Adequate available volume for all acres.

H. RECOMMENDATIONS

Remarks -

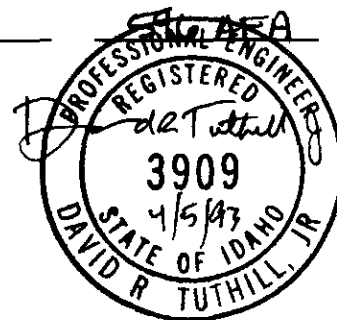
Conditions - R31

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	4/1	10/31	2.98	596
Totals:			2.98 cfs	596 AFA

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other



I. AUTHENTICATION

Field Examiner's Name C. Hodges Date 2/1/93

Reviewer Sam Skaggs Date 3-9-93

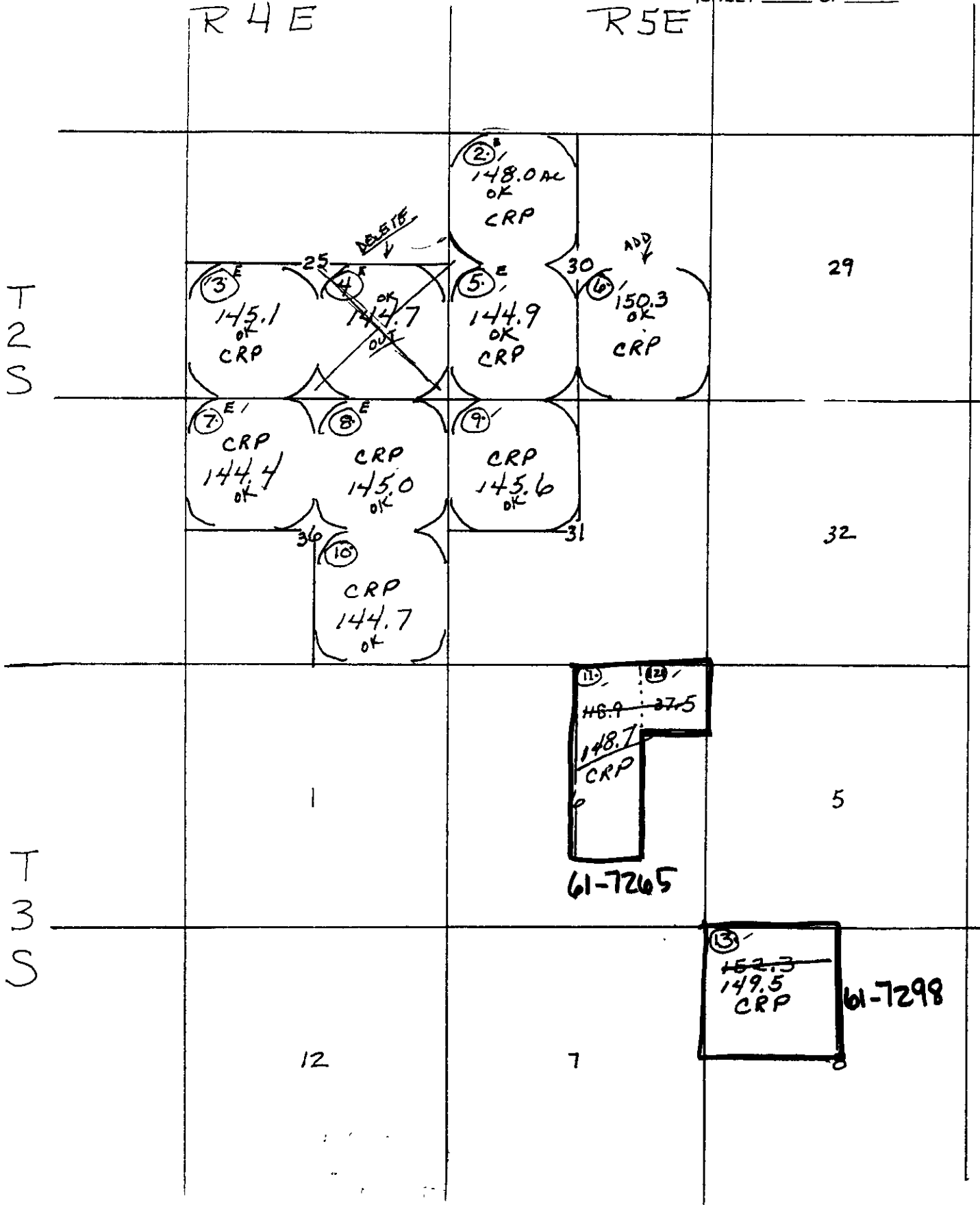
SEAL

- Montierth System #

P/D OVERLAP BUT ACRES NOT OVERLAPPING, USE FOR SYSTEM TOTAL CALCULATIONS

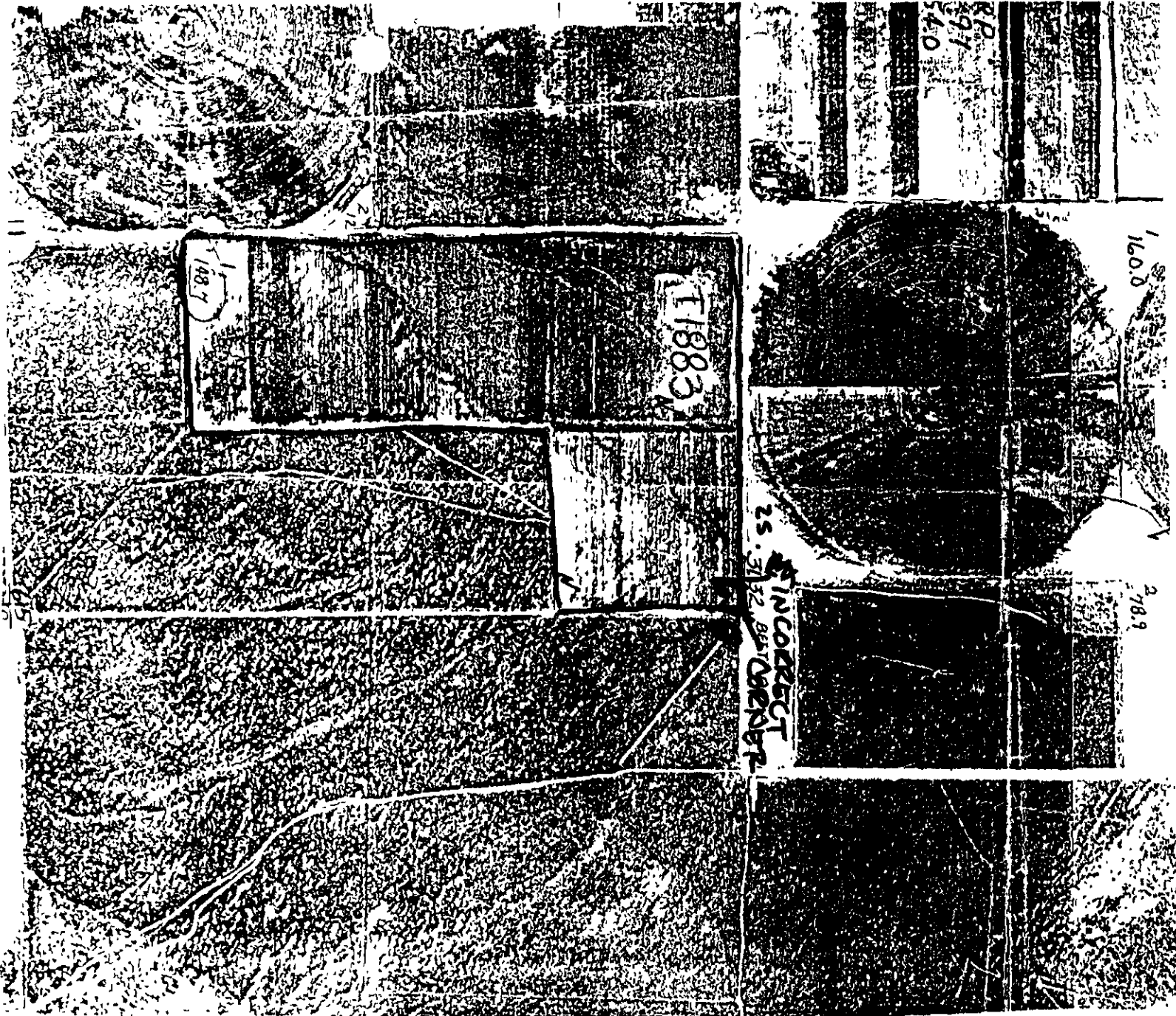
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STATE _____		PROJECT HERB MONTIERTH		JOB NO. _____	
BY _____	DATE _____	CHECKED BY _____	DATE 2-17-88		
SUBJECT 1471.1 ACRES FOR CRP				SHEET _____ OF _____	



Township No 3 South. Range No 5 East

1800	1801	1802	1803	1804	1805	1806	1807	1808	1809	1810	1811	1812	1813	1814	1815	1816	1817	1818	1819	1820	1821	1822	1823	1824	1825	1826	1827	1828	1829	1830	1831	1832	1833	1834	1835	1836	1837	1838	1839	1840	1841	1842	1843	1844	1845	1846	1847	1848	1849	1850	1851	1852	1853	1854	1855	1856	1857	1858	1859	1860	1861	1862	1863	1864	1865	1866	1867	1868	1869	1870	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880	1881	1882	1883	1884	1885	1886	1887	1888	1889	1890	1891	1892	1893	1894	1895	1896	1897	1898	1899	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	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61-7245

RECEIVED

**ERO
PEN**

USE ADDITIONAL SHEETS IF NECESSARY. FORWARD THE WHITE COPY TO THE DEPARTMENT.

This is the 6th report for 61-7240, 71-7205, 7206

Form 219
8/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

- Permit No. 61-7240
1. Owner: Connecticut General Life Insurance Co. Phone No. 377-0510 (Riviera)
Current Address: % Cigna Corp., S. Bldg. 5-305, 900 Cottage Grove Rd., Bloomfield, CT. 06002
2. Accompanied by: Woody & Sid Wing EXAM. DATE: 8/21/87
Address: Box 572, Min. Home, ID 83647 Phone No. 587-5319
Relationship to Permit Holder: operators
3. Source: groundwater tributary to —

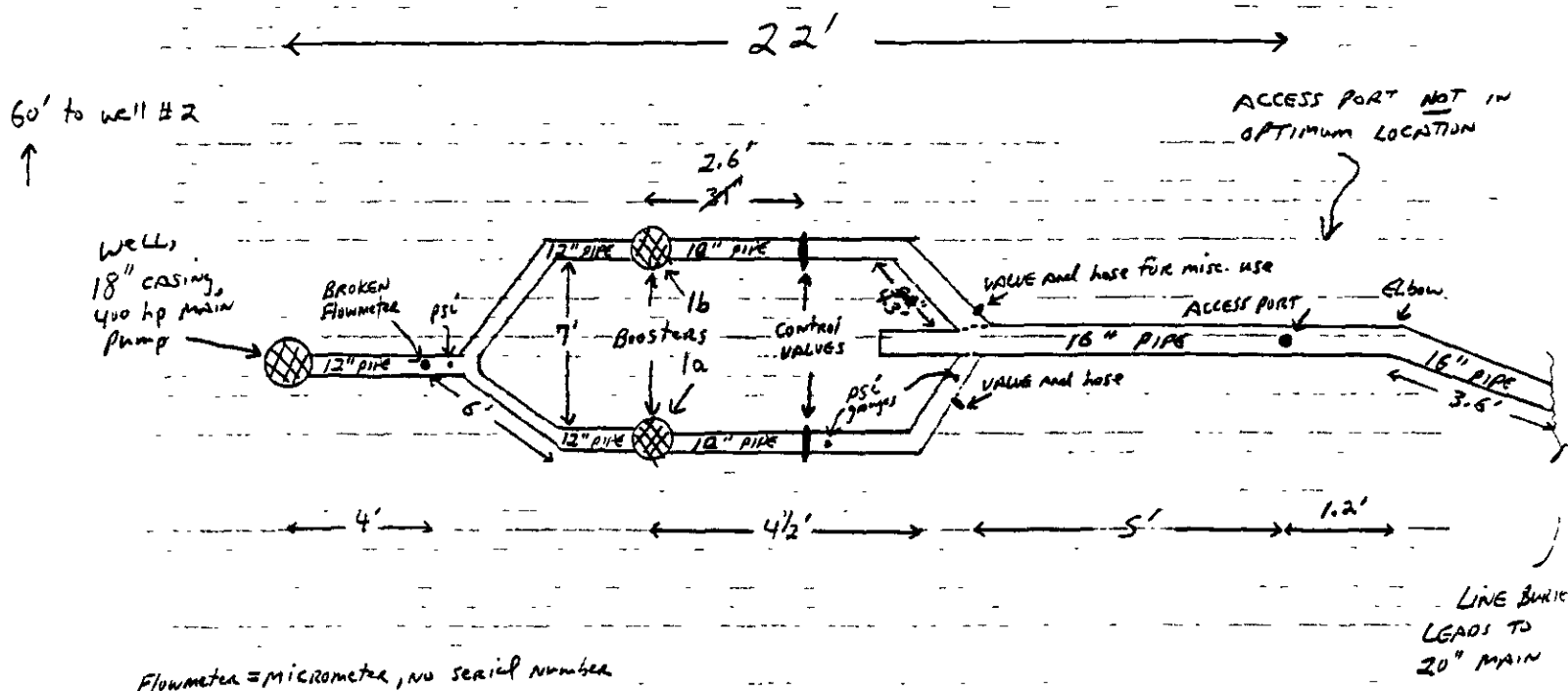
B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE 61-7196, 7205 ☒ Copies Attached
2. Other water rights with same point of diversion: 61-7196, 7205, 7206, 7265, 7274, 7298
☒ Copies Attached ☒ Copies of Field Exam's Attached
for 7196, 7205, 7206, other permits not examined yet

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached for 1112 & 2 and 3

P/O #1



Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☒ Aerial Photo Attached (required for irrigation of 10 acres or more).
- ☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater)

FILED
FEB 27 1987

3. Narrative: Description (As oper. at time of measurement. Indicate press. number of sprinklers, etc.)

4. trailer homes. The yards are irrigated from a 2" line that branches from the irrigation mainline in section 8.

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

6. Place(s) of Use:

Indicate Method of Determination AS in PLO

FEB 27 1967

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

NOTE: Attempted measurement on 8/21/87 with 12" sprayer in well #2. The system pumped too much water for a measurement to be completed with equipment available. Would have had to measure over 50' of head to obtain cfs that matched operator's minimal estimate of flow from well 2 (stated 4000-9500 gpm).

2. Measurements:

- System not operating after 9/87; tried scheduling remeasurement but unsuccessful between 8/21 to early Se.
- NO ACCESS into wells 1, 2, 3.
- measured static level in unwell well just E. of wells 1 & 2: 289' (well access from)
- Based on operator's info: 4 pivots at 1300 gpm/pivot; 13 wheel lines at 33 or 42 kfs/lin. with 4.38 gpm/hd (approximate Rainbird 30 BW at 60 psi); 8 hand lines at 33 kfs/line, with 4 gpm per 2 head flow control no 3 kfs.

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

- Measured Method: (2a) Sprinkler method

$$(4 \times 1300) + (13 \times 33 \times 4.38) + (8 \times 33 \times 4) = 8135.02 \text{ gpm} = 18.13 \text{ cfs}$$

$$= 8647.48 \text{ gpm} = 19.27 \text{ cfs}$$

$$\bar{x} = 18.70 \text{ cfs}$$

2. Alternate Method for Checking Purposes:

HP eq. where $h_p = 1600$, $\text{eff} = .6$ (reduce for "plumbing"), $Q = \frac{(8.8 \times 6 \times 1600)}{(2.31 \times 60) + 300} = 19.26 \text{ cfs}$
 $\text{psi} = 60$, $z = 300$ (assumed)

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Unsuccessful measurement, then system out of operation. No pump eff. data.

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (172)(4.5) = 774.0$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (3.42)(213)(1.9835) = 1436.5$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 774.0$$

2. Volume Calculations for Other Uses:

Domestic
 3 units, int. use only $1400 \times 3 \times .6 = 1.8$ However, permit 7240 limited to 0/1.
 $(.04)(365)(1.9835) = 29.0$ or $(.02)(365)(1.9835) = 14.48$ (1.6 AFA)
 $= 14.5$

* HP eq. for well 3:
 $172 \times 4.5 = 774.0$

REMARKS AND OVERLAP REVIEW ANALYSIS

Re: alternate flow calculations 2a & 2b. Note that 12" & 16" pipes on a normally developed system would pump 3.93 cfs & 6.98 cfs, respectively. This total of 10.91 cfs is a little more than 50% of the flows shown in alternate calculations. ~~Considering~~ Considering the available hp, the estimated flows are reasonable in 2a-b. *Rec'd licensing these lands at .02 cfs/acre. Sum of recommended flow for the four permits is 18.68 cfs.

Overlap:

PD: 61-7196, 7205, 7206 also use wells 1 & 2. 7196 & 7205 also use the domestic well (well 3).

61-7265, 7274, 7298 are candidates for sharing well #2 but, if so, irrigate another farm than the one in question. Estimated capacity of well #2 is 9.63 cfs (hp equation).

PU: SEE ATTACHED PAGE.

* Also, note that system pumped too much water for Annular measurement to be accomplished, ~~which~~ which offers additional evidence that flow is at least in 1" / sec. range.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4/1	10/31	3.40 3.42	774.0
Domestic	1/1	12/31	.04 .02	~~774.6~~ 774.6
Totals:			3.44 3.44	775.8 774.6

172 x .02 = 3.44
but permit shows 3.40
for irrigation, reduce domestic and add the .02 to irrig

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Steve Lester

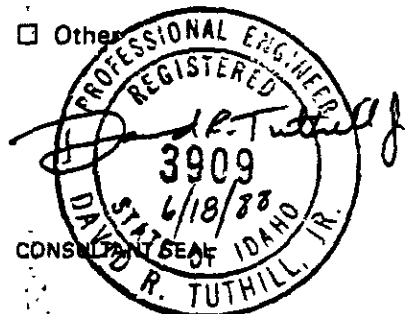
Signature

Steve Lester

Certification Date

Field Report Preparation Date

8/21/87 through 5/10/88



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

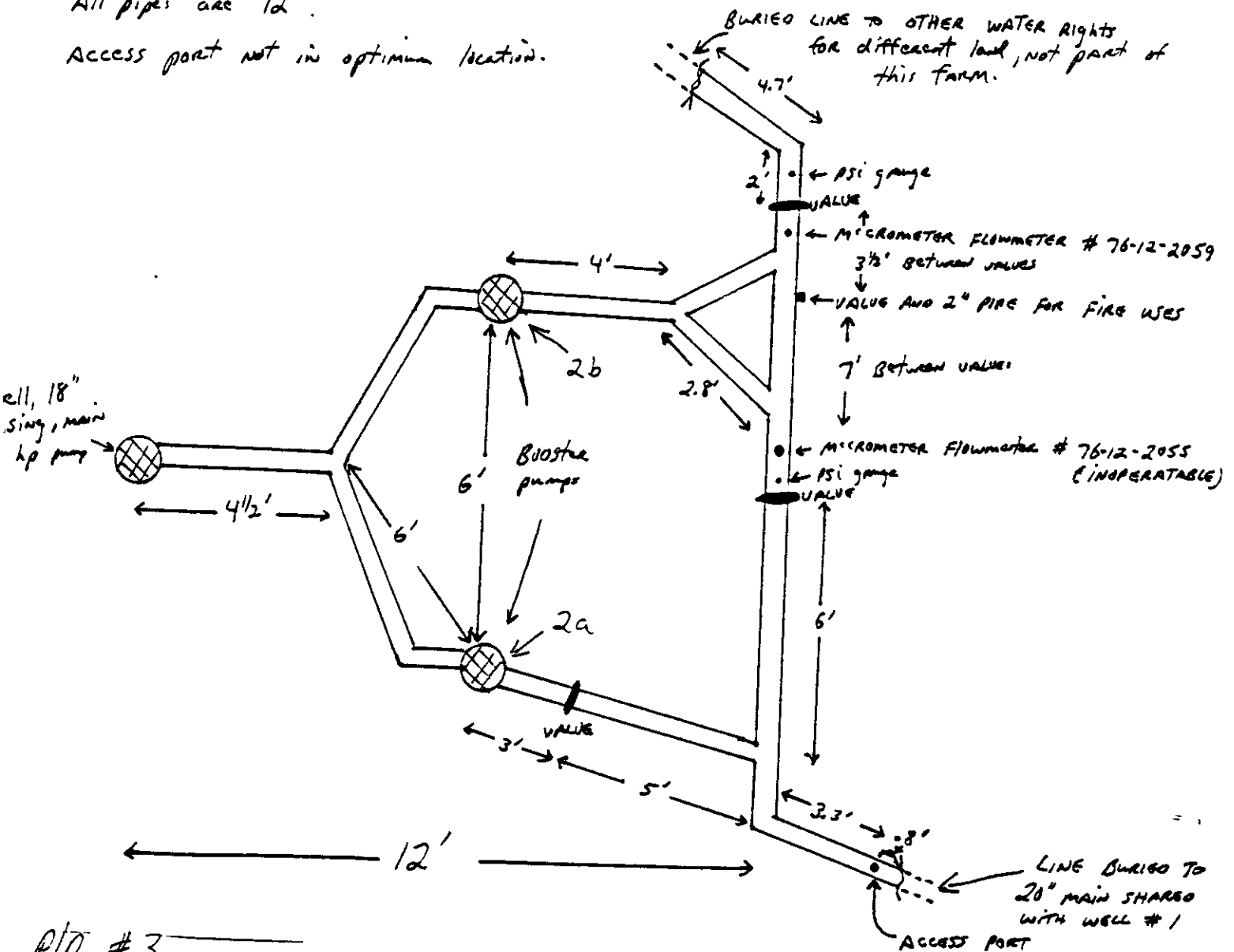
RECEIVED
FEB 27 1988

-7240, 7196, 7206, 7205 : Alternative Diagram

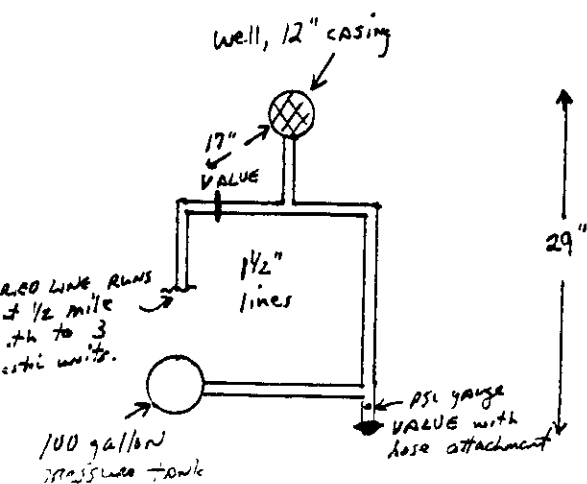
P/O #2 60' from P/O #1

All pipes are 12".

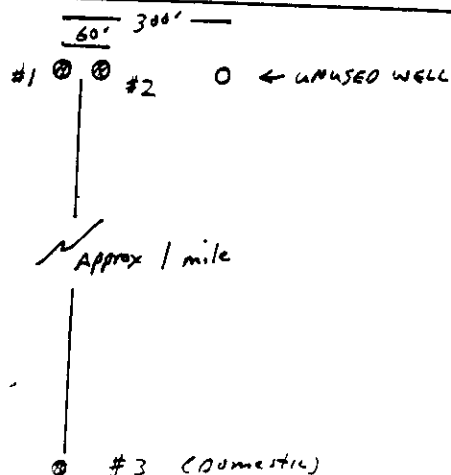
Access port not in optimum location.



P/O #3

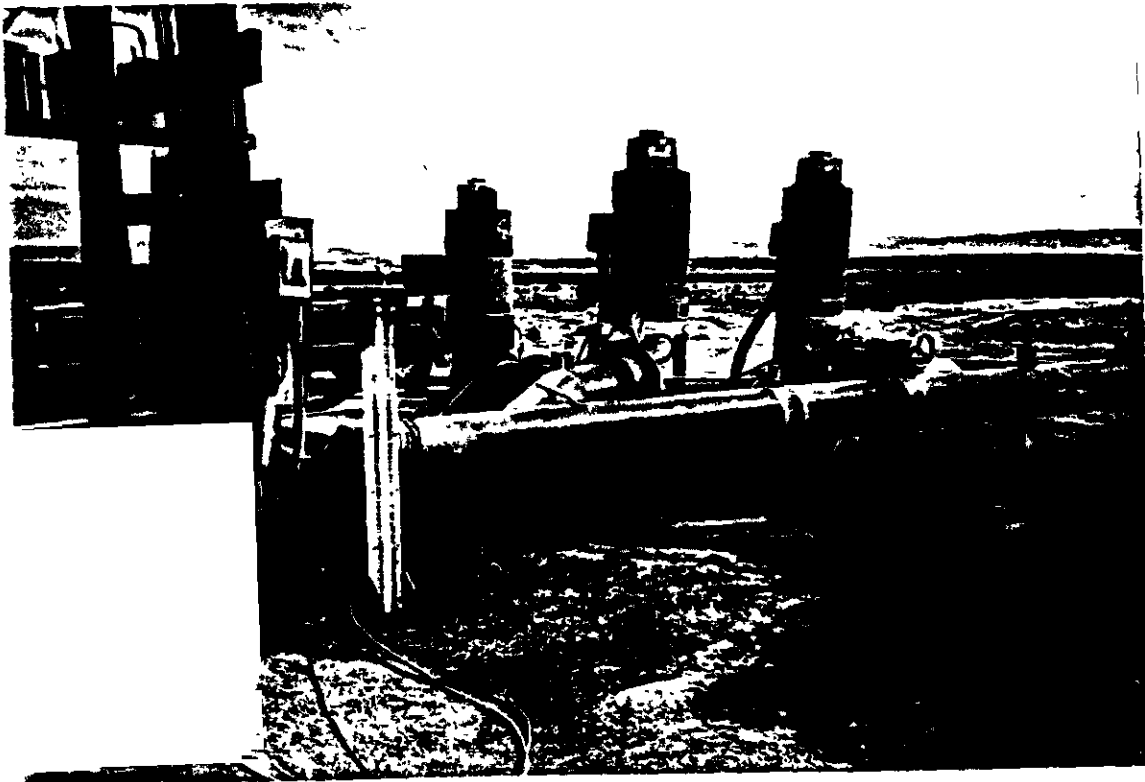


LAYOUT OF WELLS





- ③ P/O #2, approx 60' ^E of well #1. MAIN motor shown.



- ④ P/O #2 showing main and two booster pumps. These wells use mainline buried at left (12" pipe). Not shown is buried 12" pipe (out of view to right, for neighbor's permit).

Wells 1 & 2 join into 20" mainline.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

June 16, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Herb Montierth
2409 W. Kuna Cave Road
Kuna ID, 83634

RE: Permits 61-7265, 61-7298, 61-7306, 61-7390, 61-7424

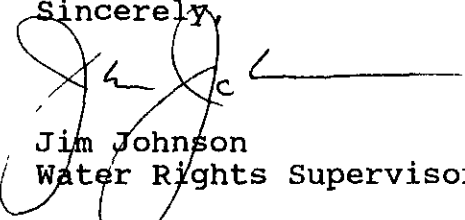
Dear Mr. Montierth;

On May 10, 1993 I requested more information in reference to licensing the above listed permits. To date I have not received any response. This letter is a reminder to you that I cannot take further action until the requested information is received.

The Department, also cannot take any further action on an application for transfer of water rights 61-7306A, 61-7390, and 61-7424 until licenses for these rights have been issued.

If you have any questions please let me know.

Sincerely,



Jim Johnson
Water Rights Supervisor

c; Western Region
c; Bennett Creek Farms
c; Cindy Hodges

MICROFILMED

FEB 27 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

May 10, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Herb Montierth
2409 W. Kuna Cave Road
Kuna ID, 83634

RE: Permits 61-7265, 61-7298, 61-7306, 61-7390, 61-7424

Dear Herb;

As you probably already know, I am in the process of reviewing your water rights for possible licensing. I do not have enough information in the file to tell me how many acres you have irrigated under your water rights. Therefore, I need to request that you provide this information. I recommend that you provide copies of ASCS reports from 1975 to Present so that a history is provided of how many acres were irrigated in a given year.

I understand that a transfer application has filed and you are wanting to have a license issued soon, if possible. I can not proceed with further review until the information I requested is provided.

If you have any questions please let me know. My phone number is 327-7947.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', with a long horizontal line extending to the right.

Jim Johnson
Water Rights Supervisor

c; Western Region
c; Bennett Creek Farms

170807150

FEB 27 1997

MEMORANDUM

Date: April 27, 1993
From: Jim Johnson
To: Herb Montierth Files
Subject: Conversation with Cindy Hodges

=====

Yesterday I talked to Cindy Hodges in order to get more background on the field exams she prepared for Herb Montierth files in basin 61.

Her exams listed several wells with a status as active, my question to her was, if the land is currently under CRP why are the wells listed active? Her response was the wells listed as active are in use by another land owner which did not have water rights.

I also asked if she had made any attempt to determine how many acres were irrigated in one season by the system listed under permits 61-7265 and 61-7298? She said no, however, on the lands irrigated under 61-7298 she had listed 150 acres as irrigated but she had an impression that only 1/2 of the acres were irrigated in any given season. Probably due to limited system capacity.

MEMORANDUM

11/1/93



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 15, 1992

Mr. Herb Montierth
2409 W Kuna Cave Road
Kuna, ID. 83634

RECEIVED
JAN 21 1992

Department of Water Resources

RE: Adjudication Claims No. A61-07195 Et Al

Dear Mr. Montierth:

Enclosed are copies of the adjudication claims that you filed on 1-13-92 for property in Ada and Elmore Counties. A receipt for the 20% payment of the total \$6846.50 bill is also included. Additional 20% payments will be due, one per year, until the total bill is paid. You will be contacted by the IDWR state office staff when the next payment is due. If you have any questions about the extended payment plan, please contact Don Shaff at the state office (327-7932).

The next step for the water right permits for which adjudication claims were filed is to schedule and conduct licensing field exams. This office will contact you in the near future to conduct some of these exams.

Copies of the claims in the names of Connecticut General or Mony Pension were mailed to the respective offices. Thank you for your help in completing this rather involved process.

Sincerely,

Steve Lester
Sr. Water Resource Agent

CC: Connecticut General Life Ins. Co. c/o Tippet Land & Mortgage Co.
Mony Pension Insurance Corp. c/o Dale Higer

1) 2

SL

SABA FEES FOR CLAIMS FILED 1/13/92

<u>CLAIM</u>	<u>FEE</u>	<u>LATE FEE</u>	<u>TOTAL</u>
A61-07195	890	133.50	1023.50
A61-07207A	210	50.00	260.00
A61-07207B	370	55.50	425.50
A61-07210	530	79.50	609.50
A61-07265	207	50.00	257.00
A61-07274	250	50.00	300.00
A61-07298	210	50.00	260.00
A61-07306A	210	50.00	260.00
A61-07306B	130	50.00	180.00
A61-07390	690	103.50	793.50
A63-03150	147	50.00	197.00
A63-03151B	50	50.00	100.00
A63-03196B	199	50.00	249.00
A63-03198	196	50.00	246.00
A63-07311	330	50.00	380.00
A63-07425	290	50.00	340.00
A63-07427A	130	50.00	180.00
A63-07427B	210	50.00	260.00
A63-07753	370	55.50	425.50
A63-07982	50	50.00	100.00

TOTAL \$ 5669 + \$ 1177.50 = \$ 6846.50



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 25, 1991

RECEIVED
OCT 29 1991

Department of Water Resources

Mr. H. R. Montierth
2409 W. Kuna Cave Road
Kuna, ID. 83634

RE: Adjudication Claims and Water Right Permits

Dear Mr. Montierth:

For several years this office has attempted to schedule water right examinations for a number of permits in order to complete the licensing process for the rights. For one reason or another, the effort has not been successful. Most of the rights show Connecticut General Life Insurance Company as the owner of record, and you are listed as the current owner for three permits discussed in this letter.

The permits for Connecticut General include nos. 61-07195, 61-07207B, 61-07210, 61-07265, 61-07274, 61-07298, and 61-07306B. Permits in your name are nos. 61-07207A, 61-07306A, and 61-07390. You are shown as the contact person for field exam purposes for all of the above rights. Therefore, this letter is addressed to you with copies sent to Connecticut General and to Tippet Land and Mortgage Company, a local contact for the insurance company.

The Snake River Basin Adjudication (SRBA) requires that adjudication claims be filed to protect all water right permits where proof of beneficial use was filed before the adjudication commencement on 11/19/1987. Rights not protected by adequate adjudication claims will be recommended to be disallowed in the SRBA. According to department records, adjudication claims have not been filed for any of the above permits.

Before I can proceed with scheduling and conducting licensing examinations, claims must be filed on all of the permits. After that step is completed, I can conduct field exams and make license recommendations and licenses will be issued. Due to new policies and technical methods, exams can be conducted without water measurements. The pumps do not need to be operating during the exams. It is conceivable to do the exams late this fall or early in the winter.

A timely response is essential to protect these permits. If claims are not filed, it will be assumed that the owners are not interested in retaining the water rights and the process to cancel the rights will commence.

H. R. Montierth
Oct. 25, 1991
Page 2

Please contact this office for assistance in filing claims. An appointment should be made if you want department staff to prepare the claims. Alternatively, claims could be completed by the owners and mailed to this office. It would be helpful to work through this office instead of the main office (Orchard Street) to avoid confusion in the process.

A response by December 2, 1991 would be appreciated. If I am not available, ask for an adjudication agent for assistance.

Sincerely,

A handwritten signature in cursive script that reads "Steve Lester".

Steve Lester
Sr. Water Resource Agent

CC: Connecticut General Life Insurance Company
Tippett Land and Mortgage Company

4/86

RECEIVED

JUN 18 1987

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

Water Resources
Regional Office

EXAMINATION FEE INFORMATION

For Office Use Only OK
Fee Received # 175
Date 6-5-87
Receipt # 44925
Receipt by SA
Sent to S.O. 6/8/87 E/H

1. Permit No. 61-7265

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

CONNECTICUT GENERAL LIFE INSURANCE COMPANY
c/o CIGNA Corporation

2. Permit Holder: _____

South Building S-305

3. Post Office Address: 900 Cottage Grove Road, Bloomfield, CT. 06002

BOISE REGIONAL OFFICE

Telephone No. 208-377-0510

4. Source of Water: ground water

5. Extent of Use:

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 157.45 (acres) Other/Remark _____

6. Total rate &/or volume for which proof is submitted 3.16 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1976

8. Person to contact to accompany the department representative during the field examination:

Herb Montierth

(Name)

Route 1, Box 156, Kuna, ID. 83634 208-922-4237

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

CONNECTICUT GENERAL LIFE INSURANCE COMPANY
BY: CIGNA INVESTMENTS, INC.

BY: _____

Date April 20, 1987

Signature of Permit Holder (and title, if appropriate)

BY: Robert M. Tippet, Assist. V. Pres.

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.



Cecil D. Andrus
Governor

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region

2735 Airport Way
Boise, Idaho 83705
(208) 334-2190

61-7265
CONNECTICUT GENERAL LIFE INSURANCE
C/O CIGNA CORPORATION
SOUTH BUILDING S-305
900 COTTAGE GROVE ROAD
BLOOMFIELD, CT 06002

138152

April 3, 1987

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information set showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

A DUAL OFFICE MOVE HAS CHANGED OUR MAILING ADDRESS

PLEASE CHANGE ADDRESS FOR ANYTHING YOU HAVE
CONNECTICUT GENERAL LIFE INSURANCE COMPANY
TO:

% CIGNA CORPORATION
SOUTH BUILDING ----- S-305
900 COTTAGE GROVE ROAD
BLOOMFIELD, CONNECTICUT 06002

MICROFILMED

61-7265
~~45-70868~~

DEPARTMENT OF STATE RESOURCES
FOOTNOTES
1942-1943

August 10, 1978

Re: Permit Nos. 61-7298 -- Herbert R. Montierth
61-7265 -- Edward Ray Montierth

Connecticut General Life Insurance Co.
910 Stemmons Tower North
Dallas, Texas 75207

Gentlemen:

This office acknowledges receipt of the assignments conveying the above referenced permits to you. The assignments have been entered into the Department's records.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:rf

HAWLEY TROXELL ENNIS & HAWLEY

ATTORNEYS AND COUNSELORS

ONE CAPITAL CENTER

POST OFFICE BOX 1617

BOISE, IDAHO 83701

AREA CODE 208
TELEPHONE 344-7683

ROBERT I TROXELL
JESS B HAWLEY, JR
PAUL B ENNIS
JOHN T HAWLEY
THOMAS A MILLER
M NEAL NEWHOUSE
ROBERT J ENNIS
CRAIG L MEADOWS
ROBERT L BILOW
JOSEPH D MCCOLLUM, JR
WAYNE B SLAUGHTER, JR
JESS B HAWLEY III
GARY D BABBITT
P CRAIG STORTI
RICHARD F GOODSON
CARL W HARDER
T STEVE JOYCE

July 24, 1978

RECEIVED

JUL 25 1978

Department of Water Resources

State of Idaho
Department of Water Resources
373 West Franklin
Boise Idaho 83702

RE: Water Permit Nos. 61-7298 and 61-7265,
Connecticut General Life Insurance Company
Loan No. 7800600, Montierth, Herbert R., et al

Gentlemen:

Please find enclosed herewith the following:

1. Executed original and carbon original
Assignment of Permit No. 61-7298.
2. Executed original and carbon original
Assignment of Permit No. 61-7265.

Please file the enclosed original Assignments of each
permit in the proper office and return to our office the
enclosed carbon original stamped with your filing data.

We would also like you to return to our office the
enclosed copy of this letter evidencing the fact that you
agree to notify Connecticut General Life Insurance Company
910 Stemmons Tower North, Dallas, Texas 75207 of any and
all facts which pertain to the above referenced water permits.

If you have any questions concerning this matter,
please contact our office. Thank you in advance for
your usual time and consideration.

Sincerely yours,

Richard F Goodson

RICHARD F. GOODSON

MICROFILMED

Water Resources Department
Page Two
July 24, 1978

WE agree to notify Connecticut General Life Insurance Company
910 Stemmons Tower North, Dallas, Texas 75207 of any and all
pertinent facts, protests, notices, etc. which may be filed in
connection with Water Permits Nos. 61-7298 and 61-72-65.

STATE OF IDAHO
Department of Water Resources

By _____
Name:
Title:

RFG:pe
encls.

cc: Tippet Land and Mortgage Company, Boise and Kennewick (w/encls)

February 10, 1978

Re: Permit No. 61-7265

Edward Ray Montierth
Box 156
Kuna, Idaho 83634

Dear Mr. Montierth:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been entered into the Department's records.

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Boise.

Sincerely,

JANICE RENK
Water Rights

RECEIVED
FEB 14 1978
BOISE

Identification No. _____

Permit No. 61-7265

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

[Signature]
Deputy Regional Office

1. a) Name of Permit Holder EDWARD RAY MONTIERTH
b) Post Office Address Box 156 Kuna, ID
2. Permit Number 61-7265
3. Date of Priority that you are prepared to establish 4-12-76
4. a) Source from which water was appropriated groundwater
b) Location of the point of diversion: NW ¼ SE ¼, Section 6
Township 3S, Range 5E, Boise Meridian, Other points of diversion:
NE¼SW¼ Sec 6 T3S-R5E, Lot 1 Sec 6 T3S-R5E

5. a) The amount of water and use to which the water has been applied:
Amount 3.16 for irrigation purposes from 4-1 to 10-31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 3.16 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: meter installed in system

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 16 inch well, 321 feet deep, 400 hp pump and 400 hp booster pump, sprinkler system
b) Describe the type and size of measuring device which you have installed at your point of diversion: Rockwell meter

- c) Give well driller's name and address and the date the well was completed: Brinkerhoff
Winnemucca, Nevada

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

MONTIERTH

[Signature]
Ev

May 17, 1976

Re: Permit No. 61-7265

H. R. Montierth
Box 156
Kuna, ID 83634

Dear Mr. Montierth:

Enclosed is a copy of your approved Application for Permit No. 61-7265 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 61-7265

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) PJC 4-12-76

In form to receipt

(2) _____

Send Copies to:

Idaho State Health Department

Idaho Fish and Game Department

Bureau of Land Management

(3) PJC 4-12-76

Request Special Use Permit from U.S.F.S.

Request Easement from B.L.M.

Request Information from Applicant

(4) _____

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) _____

Critical groundwater area: yes _____ no ☒

(8) _____

Groundwater levels: slight decline
_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use none platted

(10) _____

Comments: _____

(11) RB OK

Affidavit of Publication received(date) 5-3-76

(12) _____

Final date for protests _____
Protests received: yes _____ no ☒

(13) _____

All requested information received from agencies or
applicant: yes _____ no _____

(14) _____

Action recommended:

☒ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

☒ Measuring device S required

_____ See attached sheet for other conditions of
approval

_____ No special conditions for approval

(15) District W

By JJA Date 5-11-76



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN DISTRICT — ANNEX 3

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2190

April 15, 1976

Re: Application for Permit Nos. 61-7264 -- John G. Jr. &/or Laurice D. Bentz
61-7265 -- H. R. Montierth

Mountain Home News
Drawer O
Mountain Home, ID 83647

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear in the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

--- (Signature of Claimant) ---

Sincerely,

Bill Submitted

5-3-76

RB

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that H. R. MONTIERTH
Kuna, ID
has on April 12, 1976 submitted Application No. 61-7265
for a permit to appropriate 3.16 cubic feet per second ~~some feet~~
~~per second~~ of water from a groundwater source
by means of well, pump & sprinkler system
within the NE1/4 Sec. 6 Gov't Lot 1 & NE1/4 Sec 6 T3S-R5E 8.M., Elmore County

to be used from April 1 to Oct. 31
for irrigation of 157.45 acres

within the Gov't Lots 1 & 2 (NE1/4), SW1/4 Sec 6 T3S-R5E 8.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before APRIL May 10, 1976.

R. KEITH HIGGINSON

Director

Published in the MAHARTIAN Mtn. Home News, Mtn. Home, ID
on April 22, 1976 and April 29, 1976.

**NOTICE OF APPLICATION FOR
WATER PERMIT**

Notice is hereby given that H. R. MONTIERTH Kuna, ID has on April 12, 1976 submitted Application No. 61-7265 for a permit to appropriate 3.16 cubic feet per second of water from a ground water source by means of well, pump & sprinkler system within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Gov't Lot 1 & NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T. 3 S, R. 5 E, B.M., Elmore County to be used from April 1 to Oct 31 for irrigation of 157.45 acres within the Gov't Lots 1 & 2 (N $\frac{1}{2}$ NE $\frac{1}{4}$), SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 6 T 3 S, R. 5 E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, Statehouse, Boise, Idaho, 83720, on or before May 10, 1976.

R. KEITH HIGGINSON
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