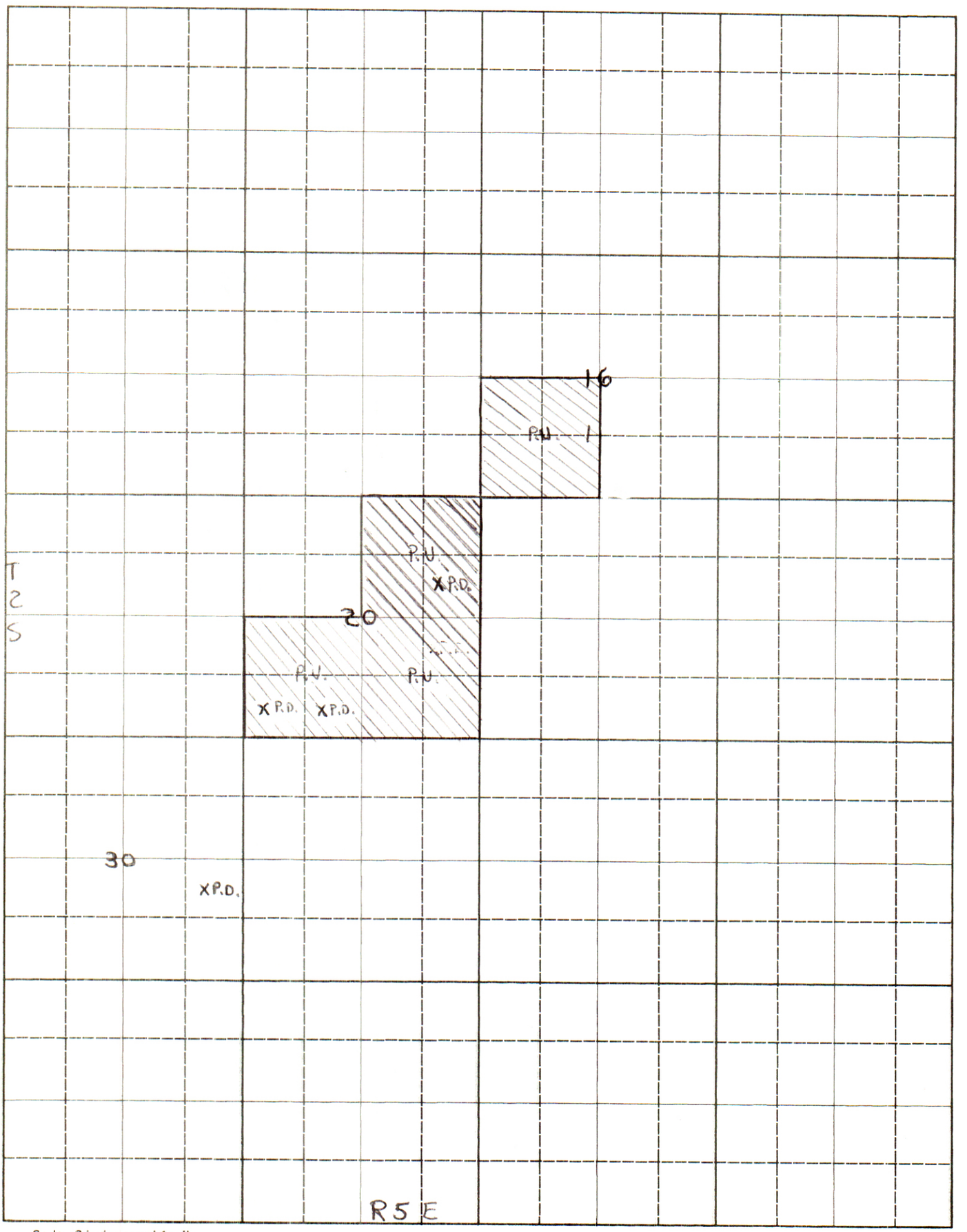
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

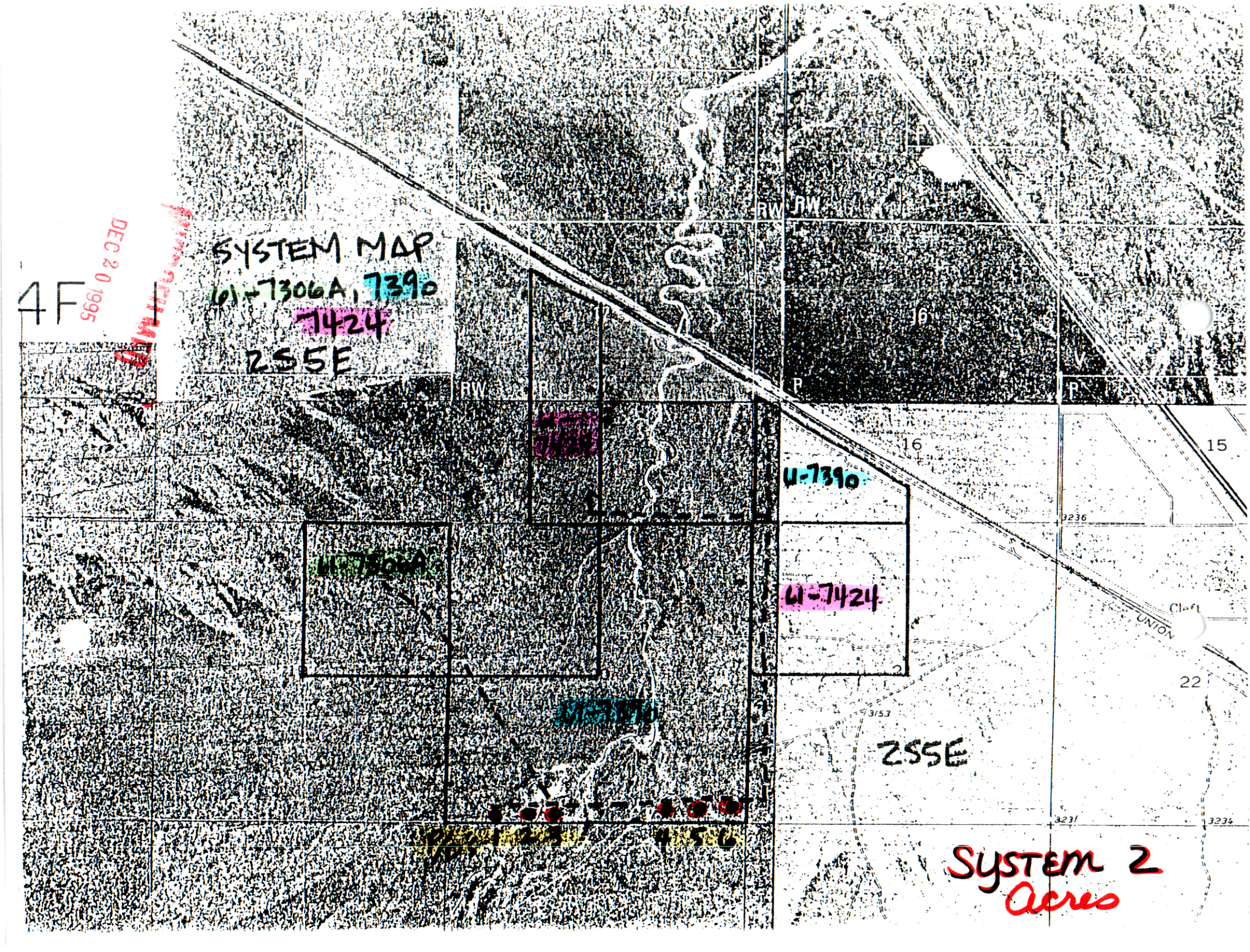


Scale: 2 inches equal 1 mile.

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.

Herbert Monteith

(Applicant)


4F
DEC 20 1995
SYSTEM MAP
61-7306A, 7390
7424
25SE
RW
P
16
15
61-7390
61-7424
61-7306A
UNION
22
3153
3236
3231
3234
25SE
System 2
Acres

LICENSE REVIEW CHECKLIST

BRENDA

PERMIT NO. 61-07390 DATE 7-13-95 8-24-95 9-8-95

	Change OK		
NAME	✓	___	Or Address Change? Correct All Three Owners
PRIORITY DATE	✓	___	Advance? YES Advanced to: 5-19-87 Order to reinstate needed? DONE Incorrect fee for rate recommended? NO
SOURCE	___	✓	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? _____
POINT OF DIV	✓ ✓	___ ___	Amendment needed? Add additional POD's Overlaps? 61-07204, ~~7306A~~, 7424
PLACE OF USE	✓ ___	~~✓~~ ___	Amendment needed? "PPU" Overlaps? _____
DIV RATE	___	___	Permit/fee limits: 9 CFS (IRR) / 640 acres Meas Q = _____ Theo Q = 11.15 Recommend: ~~8.68~~ 9 CFS System rate per = .0196 443 x .0196 = 8.68 CFS / 925-480 = 445 acres to cover Combined rates exceed capacity NO ~~All can be recommended under this permit.~~
ANNUAL VOLUME	___	✓	Volume Limit: _____ Season: (4-1 to 10-31) C/4.0 Calculations: 443 x 4 = 1772 ~~445 x 4 = 1780~~ 575 x 4 = 2300 Flow limit: ____ cfs x ____ x 1.9835 = _____ Combined volumes exceed capacity/allowable ~~NO~~ yes
USES	___	___	Change in Nature of Use or additional uses? _____ Amendment necessary? _____

4/8 445 x .02 = 8.9 exceeds Use West Wells capacity only. Increased acres per acre. East wells capped acres

Increased acres to closer 40 rate per acre of left right. 575 number chosen by Shelley

ADDITIONAL INFO

Supplemental Groundwater ___ PPU Scenario YES
Irr/Dom Combination ___ Shared G/W System YES

NEW REMARKS

(2) W32 Multiple p/d(s) in ¼ ¼? SESW & SESE/SEC 20/T2S/R5E
YES Other W36 (edit), W28, W27 (443 acres), W34 EDIT

NEW CONDITIONS

___ Watermaster control - District _____
___ Measuring/Locking Devices
~~R37~~ Irrigation Overlap
___ Other _____
___ Water Quality _____ Heat/Cool/Fish verified ____

COMMENTS: ~~Reduce acres & rate. 570 acres were irrigated by this right and 61-07306A between 1983-1988: covers the 445 ACRE BALANCE.~~
Delete domestic use (MEMO P/D & P/U)

RECOMMENDATION	CFS	VOLUME
Irrigation	~~8.68~~ 9 CFS	~~1772~~ ~~1780~~ 2300

SRBA Claim Filed YES
Adjustment Memo Needed NO

LICENSE ____

1ST AMEND LETTER P37 + P38
2ND AMEND LETTER P47

8/18 Combine all of System 2 acres for P/U. (from the 7 CFS)
Shelley 9-8 Acre amount chosen as if 7424 irrigated 350 acres at an inch/acre - leaving 925-350

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 61-07306A, -07390, -07424
Examiner: C Hodges
Date of Field Exam: 12-11-92

P/D No.: (West Wells)	1	2	3
PUMP HORSEPOWER	400	400	200
BOOSTER HORSEPOWER	0	125	0
PUMPING LEVEL	460	460	460
DISCHARGE PRESSURE	70	70	70
RATE OF FLOW (cfs)	3.96	5.20	1.98
TOTAL FLOW (cfs)			11.15

P/D No.: (East Wells)	4	5	6
PUMP HORSEPOWER	200	200	200
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	460	460	480
DISCHARGE PRESSURE	70	70	70
RATE OF FLOW (cfs)	1.98	1.98	1.92
TOTAL FLOW (cfs)			5.88

P/D No.: (East Wells) Check, Using Layne Pump test data, 1981	4	5	6
PUMP HORSEPOWER (Brake Horsepower)	212	212	168
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL (TDH)	680	680	700
RATE OF FLOW (cfs)	1.92	1.92	1.48
TOTAL FLOW (cfs)			5.32

±6%

±16%

2800 gpm rated = 6.24 cfs

USE THIS.

DEC 20 1995

L YNE OF IDAHO, IN

P.O. BOX 1005 NAMPA, IDAHO 83651

Wells in Section 20 SE1/4

GEORGE FOSTER FARM

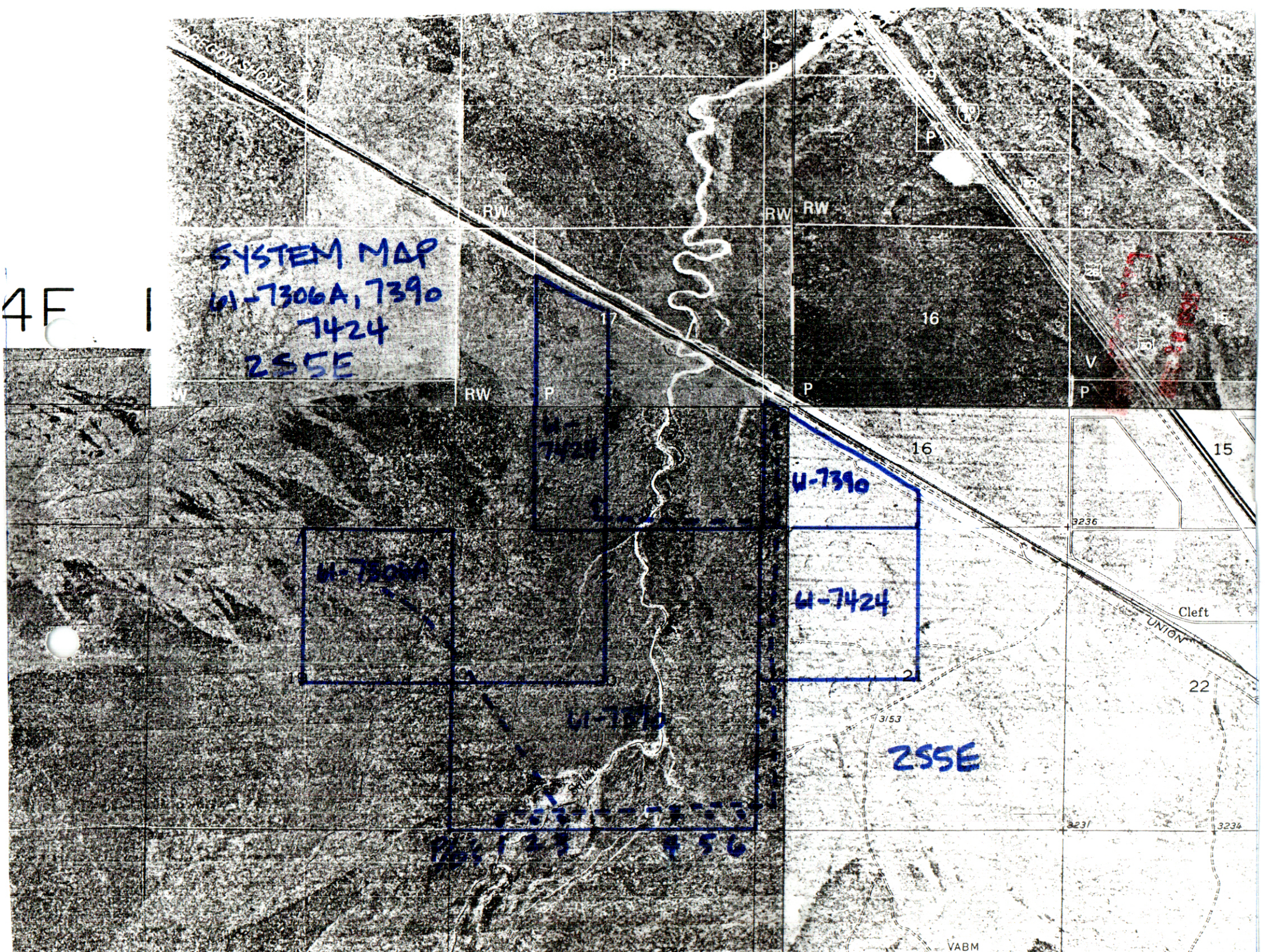
STATION # 1 First well East of 400 HP Pump # T80-193
12" Well to 490' 10" Liner to 700' 6" to 900'
(#4) Well Tested 3-18-81 Pumped
550 GPM 417'
754 " 431'
915 " 444'
1052 " 460' 3 Hr. test
New Pump - 200 HP - 500' 8"X2½"X1 11/16" Column
11 Stages 11BEH
1000 GPM @ 680' TDH - 212 BHP

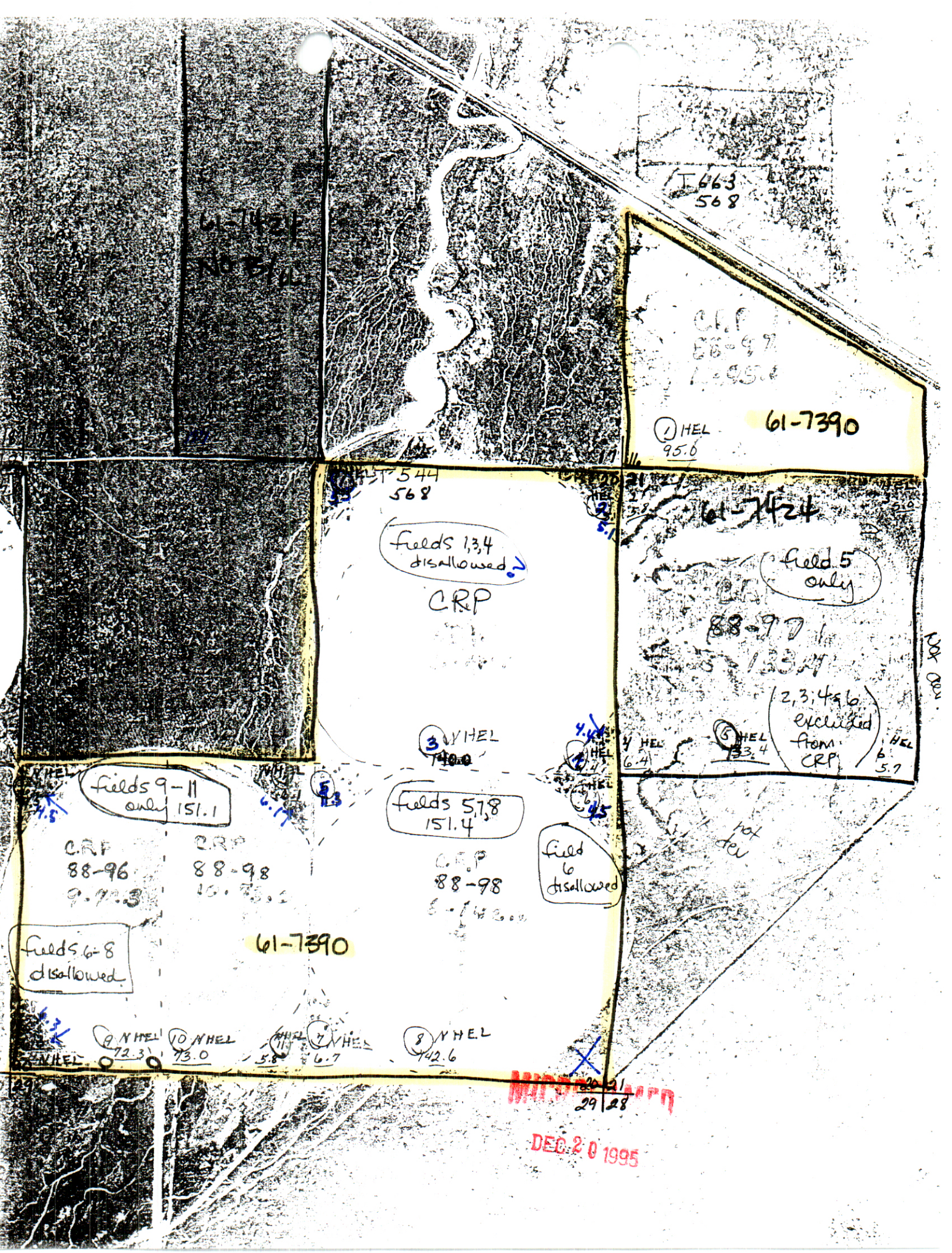
STATION # 2 Second well East of 400 HP Pump # T80-193
Tested with customers pump 5-8-81
(#5) Well Tested 1043 GPM 480' 5 Hr. test
New Pump - 200 HP - 480' 8"X2½"X1 11/16" Column
11 Stages 11BEH
1000 GPM @ 680' TDH - 212 BHP

STATION # 3 Third well East of 400 HP Pump # T80-193
12" Well to 530' 6" to 910'
(#6) Well Tested 4-6-81 Pumped
846 GPM 469' 2 Hr. test
New Pump - 200 HP - 500' 8"X2½"X1 11/16" Column
12 Stages 11BH
800 GPM @ 700' TDH - 168 BHP

2800 GPM = 6.24 CFS

MICROFILMED
DEC 20 1995


SYSTEM MAP
U-7306A, 7390
7424
25SE
4F 1
U-7424
U-7390
U-7306A
25SE
Cleft
UNION
RW
P
16
15
17
22
3236
3231
3234
3/53
VABM


61-7424
T 663
568
61-7390
1 HEL
95.6
544
568
fields 1,3,4
disallowed
CRP
61-7424
field 5
only
88-97
2,3,4&6
excluded
from
CRP
3 NHEL
40.0
fields 9-11
only 151.1
fields 5,7,8
151.4
field
6
disallowed
C.R.P
88-96
C.R.P
88-98
C.R.P
88-98
fields 6-8
disallowed
61-7390
9 NHEL
72.3
10 NHEL
73.0
11 NHEL
5.8
7 NHEL
6.7
8 NHEL
42.6
not
dev.
DEC 20 1995

61-7390

Form Approved - OMB No. 0560-0004

ASCS-578 (6-7-78)

REPORT OF ACREAGE

USDA-ASCS

NOTE: Sect. 1374a, 7 U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE 1 OF 2

KEY 1 — OPERATOR

FARM NO. 137 A OP

NAME AND ADDRESS: Carl F. Reynolds & Sons, 3169 Maverick Ln., Boise, ID 83709

FARM-LAND: 1855

CROP-LAND: 1587 ~~1577~~

See 156

KEY 2 — OWNER

137 A OW

2 Owners

Herbert/Ray/Rod - Herbert Montierth

OPERATOR: Carl - Rupert; Steve - ~~Rupert~~; Michael - ~~Rupert~~ - taken out; Randy - ~~Nort~~

OWNER: Ada

PROGRAM YEAR: 1984

OTHER: 3025253

SEC	OTHER INTERESTED PRODUCERS NAME AND ADDRESS	OTHER FARMS	ASSIGNMENT CROP	ASSIGNMENT JOB
2	taken out			
3	Elmore			
4	Elmore			
5				
6				
7				

SECTION I - FARM FIELD REPORT (NOTE: Grey Shaded Area to be Filled in by Reporter ONLY.)

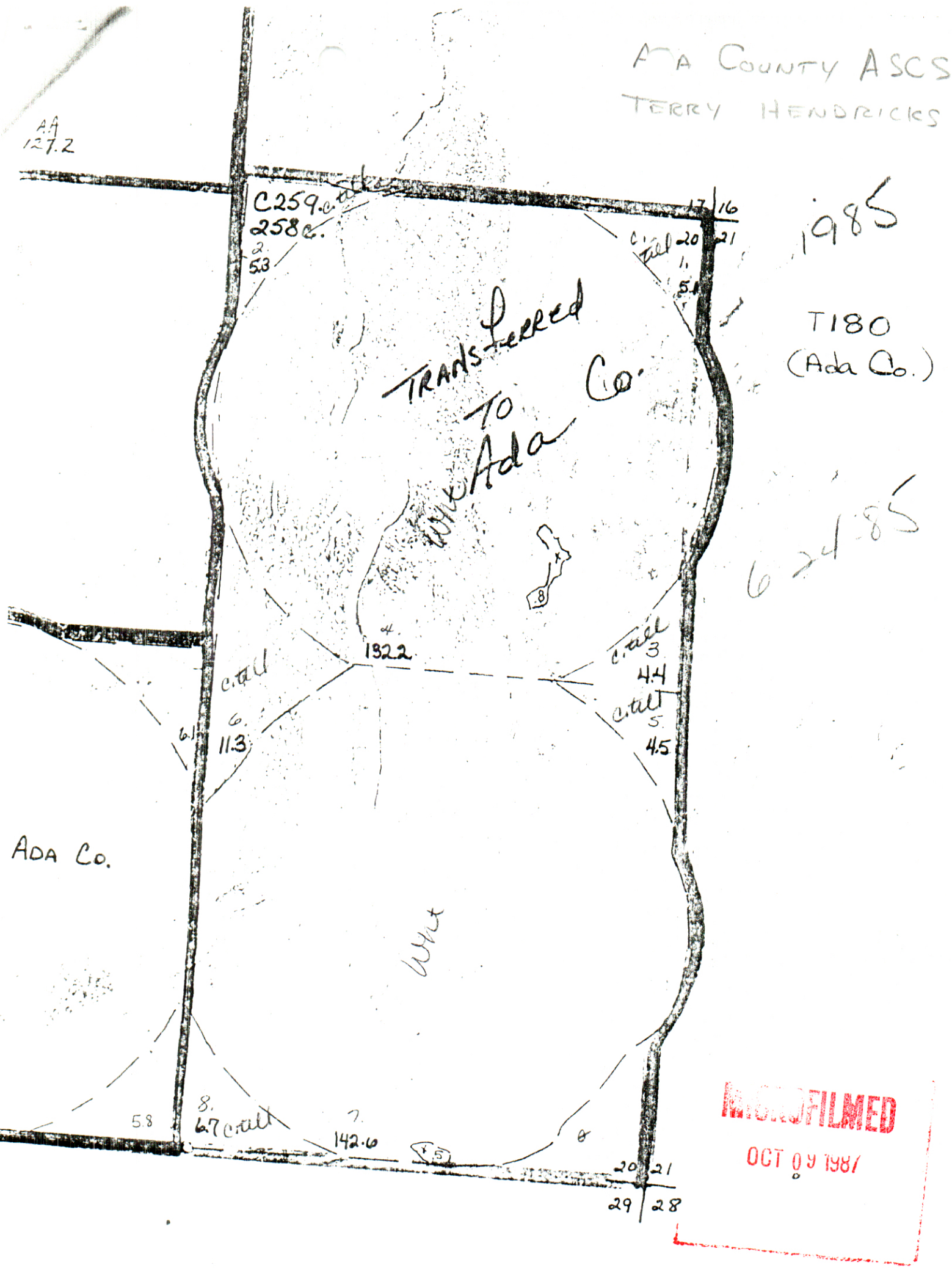
TRACT NO. 1	FIELD NO. 2	CROP OR LAND USE 3	I	CROP OR LAND USE SUMMARY: W	B	Buck	Pst			ACR	KEY 5	SHARE 6	DISPOSITION 7	METHOD 8	GROSS ACRES 9	DEDUCTIONS IDENT./MEAS. 10	DEDUCTIONS ACRES 11	NET ACRES 12	INITIAL & DATE 13
311a	C	Sugar Corn			~~39.9~~						1	1.0000							
					139.9														
	E	ACR C. till								7.0	1	1.0000							
	F	ACR C till								5.0	1	1.0000							
	G	Wht/Grain Will winter		131.9							1	1.0000							
	I	ACR W. till								10.1	1	1.0000							
	J	ACR W till								11.9	1	1.0000							
	BR	ACR W till								5.8	1	1.0000							
466 Crop Land	L1	Wht/Grain Will winter		71.3							1	1.0000							
	L2	Wht/Grain Will winter		70.8							1	1.0000							
TOTAL OPERATOR REPORT				415.0	225.0	155.7	223.2			157.9									
TOTAL REPORTER'S REPORT																			

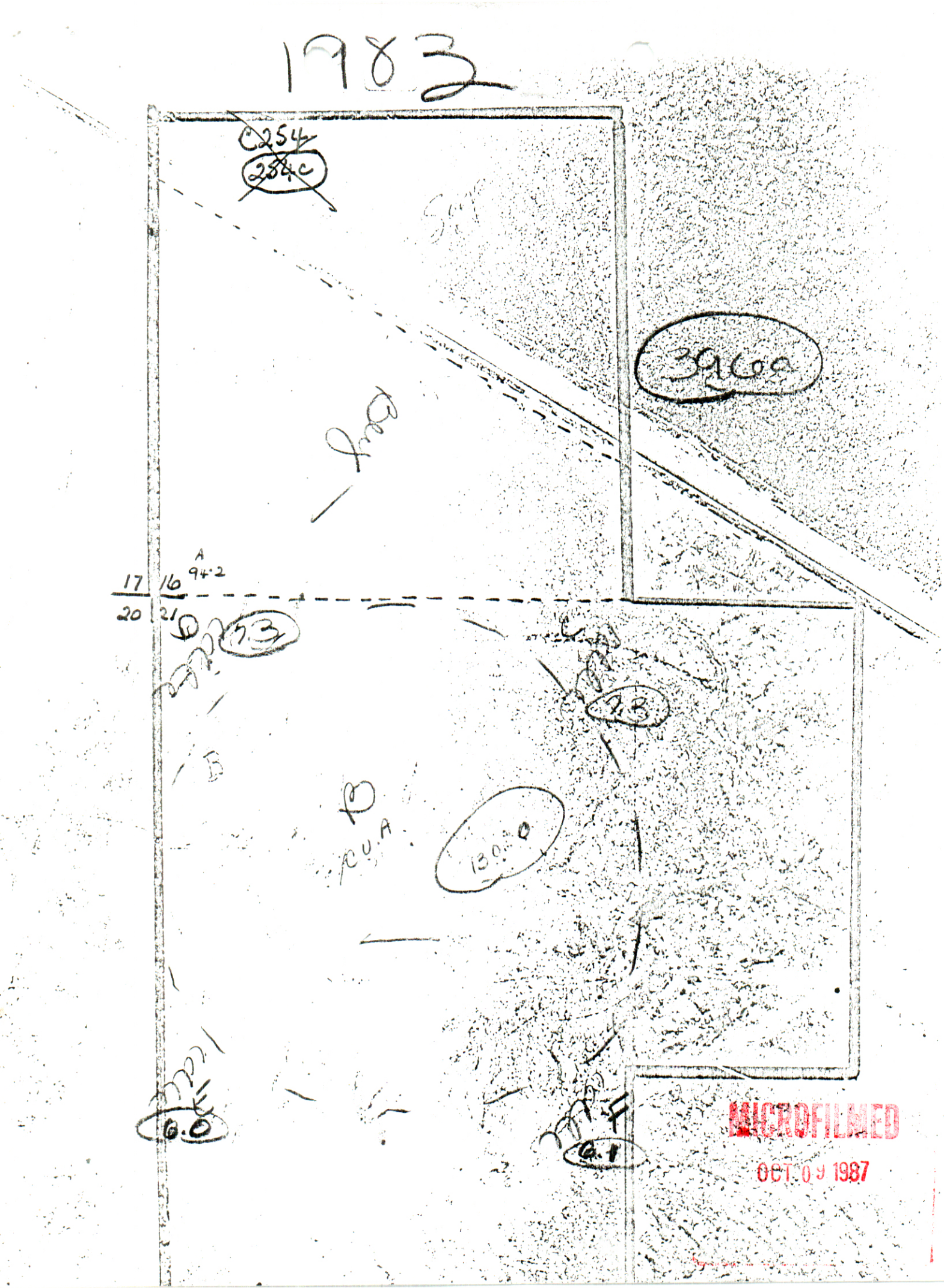
SECTION II - OPERATOR'S CERTIFICATION

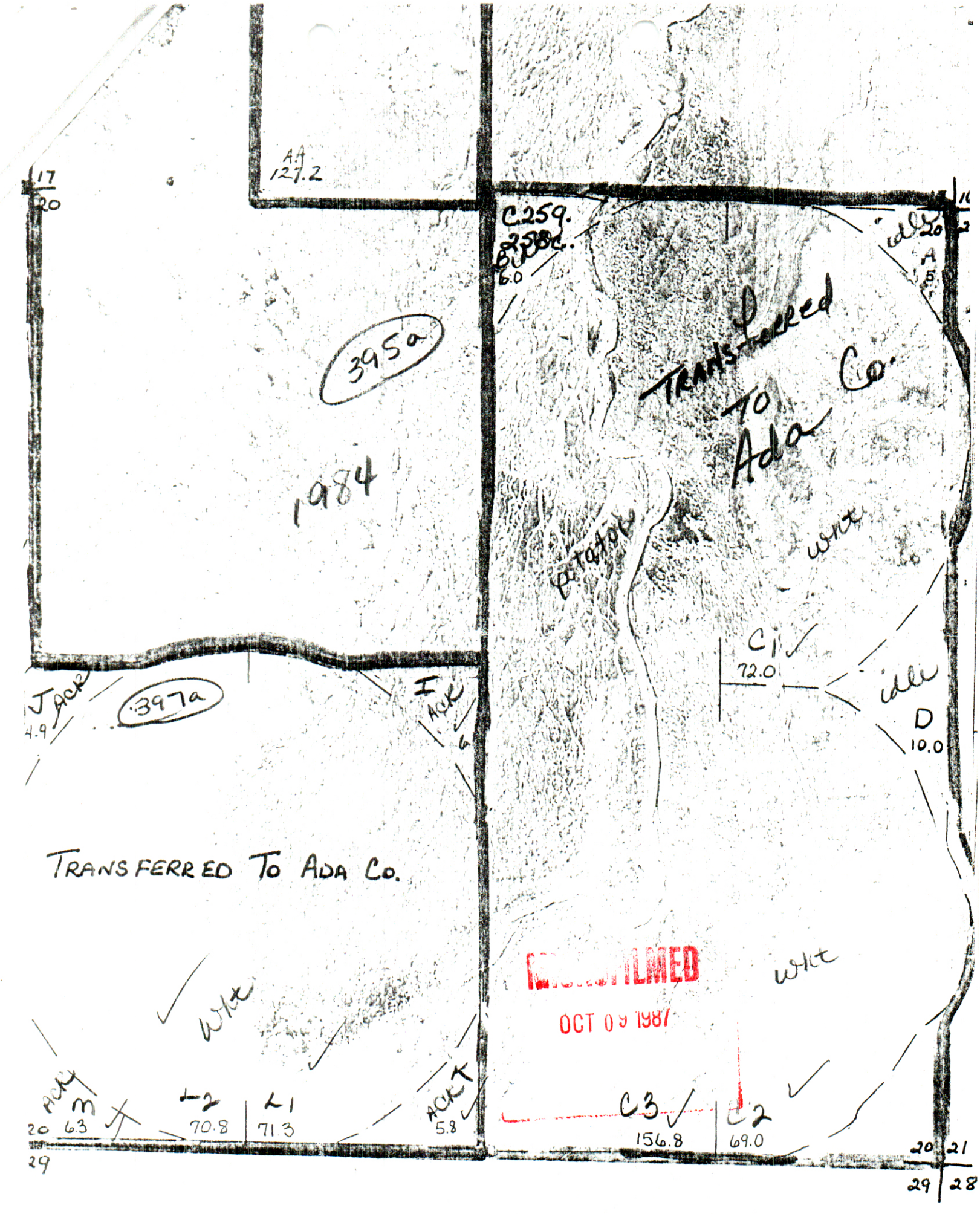
...best of my knowledge and belief that the acreages of crops and land uses

OPERATOR'S SIGNATURE | DATE | OPERATOR'S SIGNATURE | DATE

DEC 20 1995


ADA COUNTY ASCS
TERRY HENDRICKS
AA
127.2
C259.c
258c.
2
5.3
17
16
20
21
1.
5.1
1985
T180
(Ada Co.)
TRANSFERRED
TO
W/K Ada Co.
6-24-85
.8
4
132.2
c.tail
6.
11.3
6.1
c.tail
3
4.4
c.tail
5
4.5
ADA CO.
West
5.8
8.
6.7 c.tail
7
142.6
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21
29
28
MICROFILMED
OCT 09 1987


1983
C254
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17
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A
94.2
20
21
53
78
P
C.U.A.
130.0
6.0
9.1
MICROFILMED
OCT. 09 1987


AA
127.2
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6.0
TRANSFERRED
TO
Ada Co.
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ACR
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397a
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ACR
TRANSFERRED TO ADA Co.
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wht
ACR
M
20 63
L2
70.8
L1
71.3
ACR
5.8
C3
156.8
C2
69.0
20 21
29 28
29

1983

MAP NUMBER J15



MICROFILMED
OCT 09 1987

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application has been submitted for permit to appropriate the public waters of the State of Idaho:

61-7390

MONTIERTH, HERBERT
ROUTE 1, KUNA, ID 83634
Source: GROUNDWATER
Dated Filed: 11/07/1979
Amount: 9.00 CFS
Diversion Point: SWSW SESW SENE Sec 20 T 02S R 05E NESE Sec 30 T 02S R 05E, ELMORE Co.
Use: IRRIGATION (9.00 CFS) from 03/15 to 11/15; DOMESTIC (0.08 CFS) from 01/01 to 12/31
Place of Use: NENE NWNE SWNE SENE NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 20 T 02S R 05E NESW NWSW SWSW SESW Sec 16 T 02S R 05E FOR 640 ACRES
Diversion Means: 4 WELLS, PUMPS & SPRINKLING SYSTEMS
If issued, the permit will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before DECEMBER 3, 1979.

C. STEPHEN ALLRED
Director

Published 11/15 & 11/22/79.

OR-KR
12/3/79

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 publication having been made on the 15 day of Nov, 1979, and the last publication having been made on the 22 day of Nov 1979; 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 22 day of Nov, 1979

Notary Public

Department of Water Resources
Western Regional Office
NOV

MICROFILMED

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 61-07390

Priority: May 19, 1987

Maximum Diversion Rate: 8.90 CFS
Maximum Diversion Volume: 1580.0 AF

This is to certify, that H R MONTIERTH
ROD MONTIERTH
RAY MONTIERTH

4301 N DALTON LN
BOISE ID 83709

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 7, 1979; and has submitted Proof of Beneficial Use on May 19, 1987. An examination indicates that the works have a diversion capacity of 17.390 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	8.90 CFS	1580.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 20, Township 02S, Range 05E
SESW , Sec. 20, Township 02S, Range 05E
SWSE , Sec. 20, Township 02S, Range 05E
SESE , Sec. 20, Township 02S, Range 05E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
02S	05E	16	NESW	2	NWSW	18	SWSW	40	
			SESW	35					95
		17	NENW	10	SENW	39	NESW	39	
			SESW	39					127
		19	NENE	32	NWNE	32	SWNE	32	
			SENE	31					127
		20	NENE	34	NWNE	34	SWNE	38	
			SENE	34	NESW	37	NWSW	37	
			SWSW	37	SESW	40	NESE	36	
			NWSE	40	SWSE	40	SESE	36	443
		21	NENW	33	NWNW	33	SWNW	34	
			SENW	33					133

Total number of acres irrigated: 925

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

MICROFILMED
NOV 2 5 1998
MICROFILMED
MAR 1 4 1999

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 61-07390

CONDITIONS OF APPROVAL AND REMARKS

2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
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 irrigation of the lands above.
6. Two points of diversion each are located within SESW and SESE, S20, T02S, R05E.
7. Rights 61-07306A and 61-07424 are also diverted through the points of diversion described above.
8. Right 61-07204 is also diverted through one of the points of diversion in the SESW described above.
9. This right is limited to the irrigation of 395 acres within the place of use described above in a single irrigation season.
10. Rights 61-07306A, 61-07390, and 61-07424 when combined shall not exceed a total annual diversion volume of 3700 af and the irrigation of 925 acres in a single irrigation season.
11. Rights 61-07204, 61-07306A, 61-07390 and 61-07424 when combined shall not exceed a total combined diversion rate of 20.68 cfs, a total combined annual diversion volume of 4664.0 af, and the irrigation of a combined total of 1166 acres in a single irrigation season.

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 21st day of August, 1987.

KARL J. DREHER, Director

MICROFILMED
MAR 15 1999

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07390

Priority: May 19, 1987 — Maximum Diversion Rate: 8.90 CFS; Maximum Diversion Volume: 1780.0 AF

This is to certify, that H R MONTIERTH
ROD MONTIERTH
RAY MONTIERTH

4301 N DALTON LN
BOISE ID 83709

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 7, 1979; and has submitted Proof of Beneficial Use on May 19, 1987. An examination indicates that the works have a diversion capacity of 17.390 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	8.90 CFS	1780.0 AF

LOCATION OF POINT(S) OF DIVERSION:
SWSW , Sec. 20, Township 02S, Range 05E
SESW , Sec. 20, Township 02S, Range 05E
SWSE , Sec. 20, Township 02S, Range 05E
SESE , Sec. 20, Township 02S, Range 05E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
02S	05E	16	NESW	2	NWSW	18	SWSW	40	
			SESW	35					95
		17	NENW	10	SENW	39	NESW	39	
			SESW	39					127
		19	NENE	32	NWNE	32	SWNE	32	
			SENE	31					127
		20	NENE	34	NWNE	34	SWNE	38	
			SENE	34	NESW	37	NWSW	37	
			SWSW	37	SESW	40	NESE	36	
			NWSE	40	SWSE	40	SESE	36	443
		21	NENW	33	NWNW	33	SWNW	34	
			SENW	33					133

Total number of acres irrigated: 925

AMENDED
DEC 20 1995

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07390

CONDITIONS OF APPROVAL AND REMARKS

2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Two points of diversion each are located within SESW and SESE, S20, T02S, R05E.
6. Rights 61-07306A and 61-07424 are also diverted through the points of diversion described above.
7. Right 61-07024 is also diverted through one of the points of diversion in the SESW described above.
8. This right is limited to the irrigation of 445 acres within the place of use described above in a single irrigation season.
9. Use of this right with the rights listed below is limited to a total combined annual diversion volume of 3700 af and to the irrigation of a combined total of 925 acres in a single irrigation season. The combined rights include: 61-07306A and 61-07424.
10. Use of this right with the rights listed below is limited to a total combined diversion rate of 20.68 cfs, a total combined annual diversion volume of 4664.0 af, and to the irrigation of a combined total of 1166 acres in a single irrigation season.
11. The combined rights include: 61-07204, 61-07306A and 61-07424.
12. This right when combined with the following rights and all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above. The combined rights include: 61-07306A and 61-07424.

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 13TH day of NOVEMBER, 1995.

Acting for KARL J. DREHER, Director

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 61-07390

Date of Priority: May 19, 1987

Maximum Diversion Rate: 8.90 CFS
Maximum Diversion Volume: 1780.0 AF

Comes now H R MONTIERTH
ROD MONTIERTH
RAY MONTIERTH

4301 N DALTON LN
BOISE ID 83709

and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 61-07390, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	8.90 CFS	1780.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 20, Township 02S, Range 05E
SESW , Sec. 20, Township 02S, Range 05E
SWSE , Sec. 20, Township 02S, Range 05E
SESE , Sec. 20, Township 02S, Range 05E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
02S	05E	16	NESW	2	NWSW	18	SWSW	40	
			SESW	35					95
		17	NENW	10	SENW	39	NESW	39	
			SESW	39					127
		19	NENE	32	NWNE	32	SWNE	32	
			SENE	31					127
		20	NENE	34	NWNE	34	SWNE	38	
			SENE	34	NESW	37	NWSW	37	
			SWSW	37	SESW	40	NESE	36	
			NWSE	40	SWSE	40	SESE	36	443
		21	NENW	33	NWNW	33	SWNW	34	
			SENW	33					133

Total number of acres irrigated: 925

RECEIVED
DEC 20 1995

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07390

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at _____, this _____ day of 11 - 2, 1995

H R Monteith
(Signature)

DEC 20 1995

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07390

****

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = $50.00 Receipted by Ruby # Co 33821 Date 11/2/95

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 61-07390 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

DEC 20 1995

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07390

CONDITIONS OF APPROVAL AND REMARKS

5. Two points of diversion each are located within SESW and SESE, S20, T02S, R05E.
6. Rights 61-07306A and 61-07424 are also diverted through the points of diversion described above.
7. Right 61-07024 is also diverted through one of the points of diversion in the SESW described above.
8. This right is limited to the irrigation of 445 acres within the place of use described above in a single irrigation season.
9. Use of this right with the rights listed below is limited to a total combined annual diversion volume of 3700 af and to the irrigation of a combined total of 925 acres in a single irrigation season. The combined rights include: 61-07306A and 61-07424.
10. Use of this right with the rights listed below is limited to a total combined diversion rate of 20.68 cfs, a total combined annual diversion volume of 4664.0 af, and to the irrigation of a combined total of 1166 acres in a single irrigation season.
11. The combined rights include: 61-07204, 61-07306A and 61-07424.
12. This right when combined with the following rights and all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above. The combined rights include: 61-07306A and 61-07424.

Witness my hand this 13TH day of NOVEMBER, 1995.

Acting for KARL J. DREHER, Director

DEC 20 1995

Form 217
03/86

RECEIVED
MAY 02 1988

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources [redacted]

EXAM FEE

For Office Use Only
Fee Received $ 300
Date 5 2 88
Receipt # 200489
Receipt by CCW
Reviewed by _____
Sent to region ____

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 61- 7390

Name(s) of Permit Holder: H. R. Montierth &/or Ray Montierth &/or Rod Montierth

Post Office Address: Rt. 1 Kuna, Id 83634

Telephone No. 922-4237

Source of Water: GROUNDWATER

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation 640 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 9.0 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1980

Measuring Device: Required? X Yes ___ No
Installed? ___ Yes ___ No

Fee enclosed $ 300.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? X Yes ___ No
Installed? X Yes ___ No

Person to contact to accompany the Department representative during the field examination:

HER SAME AS ABOVE
(Name) (Telephone Number)

(Address)

RECEIVED
JUN 29 1988

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

4-29-88 H R Montierth
Date Signature of Permit Holder (and title, if appropriate)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-7390 IN THE NAME OF H.R. &/OR RAY &/OR ROD MONTIERTH	ORDER OF REINSTATMENT

This matter having come before the Idaho Department of Water Resources (Department) the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On December 20, 1979 the Director of the Department of Water Resources issued Permit No. 61-7390 with a condition of approval that proof of construction of works and application of water to beneficial use be submitted on or before December 1, 1986.

2. On October 1, 1986 the Department sent a proof due notice to the permit holder.

3. On December 29, 1986 the Department sent a lapse notice to the permit holder since neither proof of beneficial use nor a request for extension of time had been received from the permit holder.

4. On May 19, 1987 Proof of Beneficial Use was received by the Department from the permit holder.

5. Section 42-218a, Idaho Code, authorizes the Department to reinstate a lapsed permit, advancing the priority of the permit to the date that proof of beneficial use was received, upon submittal of evidence showing that water was

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OCT 09 1987

beneficially used prior to the proof due date and a showing of reasonable cause why the proof was submitted late.

6. The permit holder submitted copies of aerial photos from ASCS identifying the circular systems used under this permit giving evidence that water was beneficially used prior to the proof due date of December 1, 1986.

7. The permit holder identified the reason for not submitting proof of beneficial use in a timely manner as being due to the fact that several water rights are owned by the permit holders for which responses have been made to similar notices and this notice was overlooked as it was believed that the requirements had been met.

CONCLUSIONS OF LAW

1. The permit holder submitted proof of beneficial use along with supporting evidence to show that water was in fact beneficially used for the purpose(s) identified on the permit prior to the proof due date.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

4. Section 42-217, Idaho Code, states that those who have submitted proof of beneficial use for which a field examination has not been conducted must pay an examination fee within 60 days of notice that the fee is due.

ORDER

IT IS HEREBY ORDERED that Permit No. 61-7390 is reinstated.

IT IS FURTHER ORDERED that the date of priority of this permit is advanced to May 19, 1987.

IT IS FURTHER ORDERED that the permit holder must submit within 60 days of the date of this Order, an examination fee as required under Section 42-217 and Section 42-221, Idaho Code.

Dated this 24th day of September, 1987.

L. Glen Saxton
Chief, Operations Bureau

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of September, 1987, I mailed a true and correct copy, by U.S. Mail, postage prepaid, of the Order of Reinstatement to:

H.R. &/or Ray &/or Rod Montierth
Rt. 1
Kuna, ID 83634

Sharla R Curtis
SHARLA R. CURTIS,
Water Rights Processing Clerk

MICROFILMED
OCT 09 1987

Form 217
03/86

For Office Use Only
Fee Received _____
Date _____
Receipt # _____
Receipt by _____
Reviewed by _____
Sent to region ____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 61-7390

Name(s) of Permit Holder: Herbert Montierth

Post Office Address: Rt. 1, Kuna, ID 83634

Telephone No. 922-4237

Source of Water: groundwater

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation 640 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 9.0 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: spring of 1980

Measuring Device: Required? __ Yes __ No
Installed? __ Yes __ No

Fee enclosed $ _____
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ✓ Yes __ No
Installed? __ Yes __ No

none - will pay when permit is reinstated. fee will be $300.00

Person to contact to accompany the Department representative during the field examination:

H. R. Montierth (Name) 922-4237 (Telephone Number)

Rt. 1, Kuna, ID 83634 (Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

OCT 09 1987

5-19-1987 (Date)

X H R Montierth (Signature of Permit Holder (and title, if appropriate))

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

I, ~~H~~ Herbert R. Montierth, hereby assign to H. R. Montierth &/or Ray Montierth &/or Rod Montierth

of Rt. 1, Kuna, ID 83634
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 61-7390 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 19th day of May, 1987.

X H R Montierth
Permit Holder

_____
Spouse of Permit Holder

State of Idaho)
) ss.
County of Ada)

On this 19th day of May, 1987, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

seal

MICROFILMED
OCT 09 1987

Kathleen A. Walker
Notary Public residing at
Eagle, Idaho

My commission expires:
2-14-1993

Form 204
3 81

For Office Use Only	
Fee Received	15.50
Date	12/17/84
Receipt #	35892

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use on a water right permit

RECEIVED
DEC 17 1984
Department of Water Resources

Herbert Montierth of Route 1, Kuna, ID
(Name) (Address)

State of Idaho, deposes and says

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No 61-7390

That under the terms and conditions of said permit, work thereunder was required to be completed on or before December 1, 19 84

That he has heretofore performed the following work described under said permit Presently irrigating approximately 580 acres and have one domestic use.
(This must be filled out! If no work has been completed put none.)

Costing $ 500,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit I have a problem with one of the pumps sanding in and need more time to correct the situation. This permit is for the irrigation of 640 acres. Almost all of it is presently being irrigated except a small portion. It has been difficult to get this entire project under irrigation in five years.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to December 1, 19 86
(1 yr minimum, 5 yrs maximum)

NOTE
AS OF JULY 1 1980 THERE IS A $15 00 CHARGE FOR REQUESTS FOR EXTENSION OF TIME

X Herbert Montierth
(Signature)*
**IF OTHER THAN HOLDER Power of Attorney must be supplied*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to December 1, 1986.

IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to November 23, 1979, pursuant to Section 42-218a, Idaho Code.

Signed this 2nd day of January, 19 85

L. Glen Saxton
Chief, Operations Bureau

MICROFILMED

Form 202
3/78

Ident. No. 61-7390

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Herbert Montierth Phone 922-4237 - Roy 362-3312

   Post office address Route 1, Kuna, ID 83634

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SW ¼ of SW ¼ of Section 20 Township 2S

   Range 5E B.M. Elmore County, additional points of diversion if any: _____

   SESW, SENE, Sec. 20, T 2S, R 5E; NESE Sec. 30, T 2S, R 5E

4. Water will be used for the following purposes:

   Amount 9.0 cfs (cfs or acre-feet per annum) for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)

   Amount .08cfs (cfs or acre-feet per annum) for Domestic purposes from 1/1 to 12/31 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

   a. 9.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. _____

   Four wells, pumps, and sprinkling systems.

   b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

   Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.

   c. Proposed well diameter is 20 inches; proposed depth of well is 800 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is five years *(minimum 1 year – maximum 5 years).* Estimated cost is $400,000.

8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) Give the place of use of water: SE ¼ of NE ¼ of Section 20 Township 2S

      Range 5E B.M.

      (2) Amount of power to be generated: _____ horsepower 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 two.

      (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.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	5E	20	40	40	40	40					40	40	40	40	40	40	40	40	480
2S	5E	16									40	40	40	40					160

Total number of acres to be irrigated 640

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

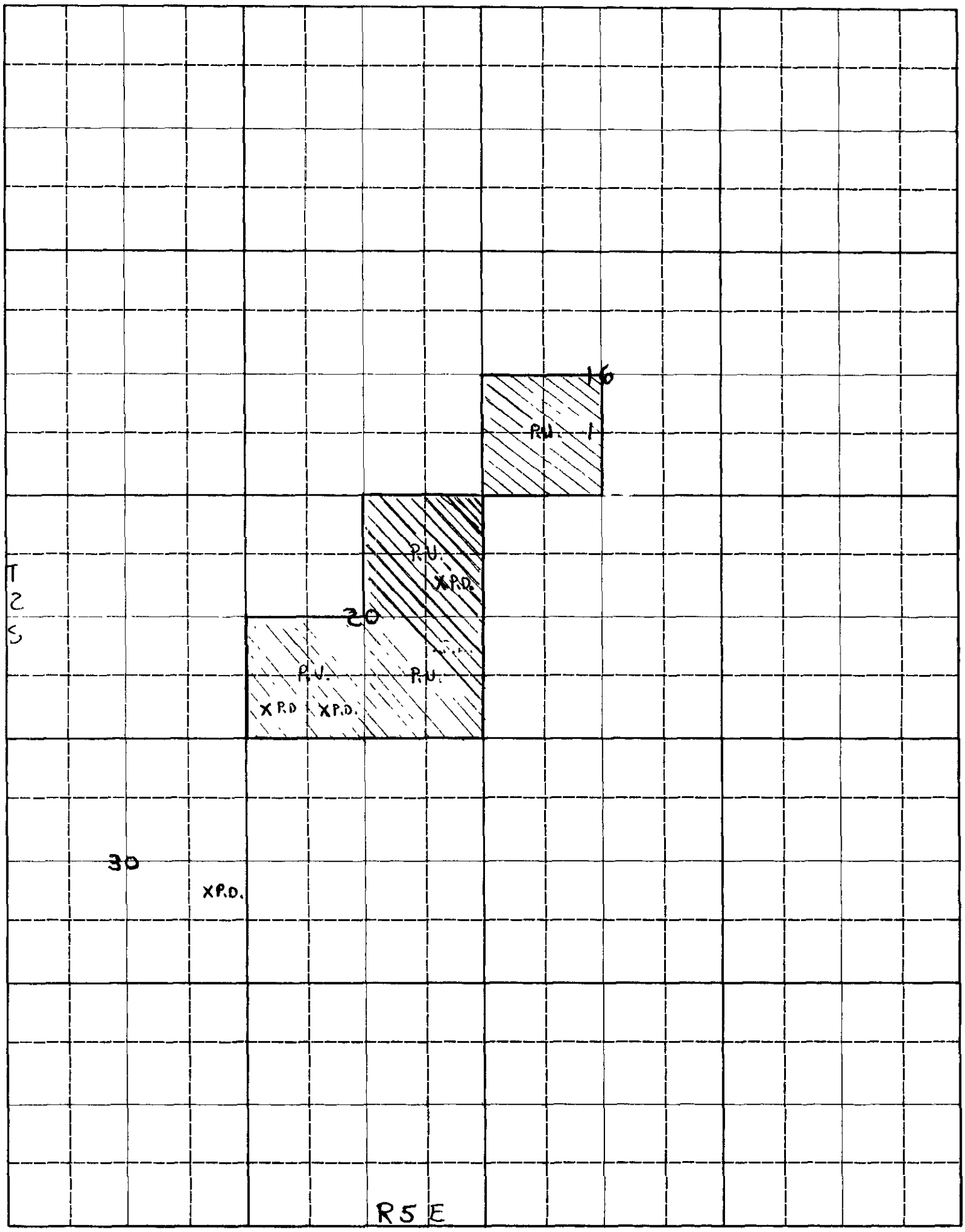
9. a. Who owns the property at the point of diversion Applicant

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.



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.

Herbert Monteith

(Applicant)

Proposed Priority 11/7/79

Received by [illegible] Date 11/7/79 Time 1:00 PM

Preliminary check by CWB Fee $ 15.00

Receipted by [illegible] Date 11/7/79 #15224

Publication prepared by kk Date 11/8/79

Published in Mtn. Home News

Publication dates 11/15 & 11/22/79

Publication approved KK Date 12/3/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by DBS [illegible]

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. 61-7390, 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 December 1, 19 84.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. Other: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 20th day of December, 19 79.

L. Glen Saxton

Director

THIS

RIGHT HAS BEEN

DECREED IN THE

SRBA

State of Idano
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 18, 1997

MICHAEL C CREAMER
GIVENS PURSLEY & HUNTLEY LLP
PO BOX 2720
BOISE ID 83701

Re: Water Right No. 61-07390/61-07424/61-07306A
Your file no. 4463-10

Dear Mike:

We have corrected the errors of initials in your clients names as they were pointed out in your letter of July 16, 1997.

Our computer database will not allow entry of ownership exactly as shown on item no. 4 of the Notice of Change of Water Right Ownership form (copy enclosed). However, the Notice of Change of Water Right Ownership form is an official document representing the ownership of the right rather than the database which is a reflection of water right ownership.

Be assured that, while the database may not be an exact representation, any future processing of the water rights referenced above will require conformance with the ownership of record which is reflected in the Notice of Change of Water Right Ownership form.

Please contact our office if you have any questions.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMED
NOV 25 1998

LAW OFFICES

GIVENS PURSLEY & HUNTLEY LLP

A LIMITED LIABILITY PARTNERSHIP

277 NO. 6TH STREET • SUITE 200

P O. BOX 2720 • BOISE, IDAHO 83701

(208) 388-1200

FACSIMILE (208) 388-1201

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
JUDSON B. MONTGOMERY
TERRY L MYERS
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

July 16, 1997

RECEIVED

JUL 17 1997

Department of Water Resources

MICHAEL C CREAMER
DIRECT DIAL
(208) 388-1247

Mr. Jim Johnson
Senior Water Rights Engineer
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706

Matter: Idaho Waste Systems Transfer
Our file: 4463-10

Dear Jim:

David Palfreyman provided me with a copy of your letter of July 9, 1997 concerning the revision of the Department of Water Resources' records to reflect the change in ownership of Water Right No. 61-07424. Please note that the water right record incorrectly reflects the names of the owners of this water right. Please indicate the owners in the same manner as they are shown in Paragraph 4 of the Notice of Change of Water Right Ownership form which was filed with your office on May 13, 1997. Also, please note that Mr. Palfreyman's middle initial is "L" and not "R". Mr. Corddry's middle initial is "I".

In all other respects, the changed record for 61-07424 is accurate. However, I would also like to review the revised records for the other two water rights, 61-7390 and 61-7306A, which were included in the Notice of Change of Water Right Ownership form. I also would like the opportunity to review the revised records for Water Right No. 61-7207A and 61-7207B which also were transferred to the Palfreymans and Corddrys. The Notice of Change of Water Right Ownership form for these rights are also included in Ms. Fisher's May 13th submission. Again, the listed owners for those revised records should also duplicate the ownership as indicated in item 4 of the Change of Ownership form.

MICROFILMED

NOV 25 1998

If you have any questions concerning these items, please feel free to call me at your convenience.

Sincerely,

Michael C. Creamer

MCC:dr
4463\10\CORR\JOHNSO01.MCC

cc: David Palfreyman

Direct Phone Line
388-1247

MEU
'93

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 14, 1995

H R MONTIERTH
RAY MONTIERTH
ROD MONTIERTH
4301 N DALTON LN
BOISE ID 83709

RE: WATER RIGHT NOS. 61-07306A/61-07390/61-07424

Dear Water Right Holder(s):

Enclosed are copies of the Water Right Licenses issued on the above referenced permits along with copies of your approved Applications for Amendment.

Should you have any questions regarding these documents, please contact me.

Sincerely,

Shelley Watte Keen

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosures

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DEC 20 1995

MEMORANDUM

DATE: November 7, 1995

TO: Files 61-07306A, 61-07390, and 61-07424

FROM: Shelley W. Keen SWK

RE: Licensing Recommendations

The rights listed above are being reviewed together because they are under common ownership and they share a common source, points of diversion, and distribution system.

61-07424 -- 12/8/1980 priority date

Permit limits	= 7.00 cfs / 480 acres
Examiner Recommendations	= 4.78 cfs / 260 acres
License Recommendations	= 7.00 cfs / 480 within 925 acres

61-07390 -- 5/19/1987 priority date

Permit limits	= 9.00 cfs / 640 acres
Examiner Recommendations	= 8.68 cfs / 443 within 538 acres
License Recommendations	= 8.90 cfs / 445 within 925 acres

61-07306A -- 5/19/1987 priority date

Permit limits	= 3.40 cfs / 160 acres
Examiner Recommendations	= 2.49 cfs / 127 acres
License Recommendations	= 1.49 cfs / 79 within 925 acres

Unlike the field examiner, I recommend that these three licenses be issued with a common permissible place of use. The total acres would remain the same at 260 + 538 + 127 = 925. The total acres allowed to be irrigated in one season would be adjusted to 925 from 443 + 127 + 260 = 830 based on the examiner's statement that she believes all 925 acres were irrigated in 1981. The combined diversion rate of 15.95 cfs would be adjusted to 17.39 cfs based on the examiner's determination of the 1981 system capacity from the six wells.

Had these three rights been reviewed separately in priority order, the senior right would probably have been licensed for the maximum rate and number of acres authorized by the permit. There is no reason the right holder should expect a different result because the three rights were reviewed together. Therefore, I recommend that the maximum allowable number of the acres and highest allowable rate be covered by the earliest priority right, number 61-07424. Right 61-07390 would then cover the remaining acres and a diversion rate of 0.02 cfs per acre. The remaining right, 61-07306A, is useful for covering the remaining 1.49 cfs

DEC 20 1995

of developed capacity. The 79 acres under 61-07306A are redundant to what is covered under the other two rights, so the three licenses will have to carry a condition limiting the three rights to 925 acres in a single irrigation season.

This system also contributes to the irrigation under right 61-07204, which is under different ownership. Therefore, additional combined use remarks limiting the use in combination with 61-07204 should be applied to rights 61-07306A, 61-07390, and 61-07244. Please see the file for 61-07204 for an explanation of those conditions.

DEC 20 1995

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

October 12, 1995

H R MONTIERTH
RAY MONTIERTH
ROD MONTIERTH
4301 N DALTON LN
BOISE ID 83709

RE: WATER RIGHT NO. 61-07306A/61-07390/61-07424

Dear Water Right Holder(s):

I previously forwarded to you Applications for Amendment so that you could amend your permits to depict your water rights as they have actually been developed.

As of this date, I have not received these amendments. If I do not receive the amendments within fourteen (14) days, Water Right Licenses will be issued for less than could have been allowed. In case the amendment forms I sent you have been misplaced, new ones are enclosed. Please note that the filing fee for these amendments are $50.00 each for a total of $150.00.

If you have any questions, please call me at (208) 327-7946.

Sincerely,

Shelley Walter Keen

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED
DEC 20 1995

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

September 11, 1995

H R MONTIERTH
RAY MONTIERTH
ROD MONTIERTH
4301 N DALTON LN
BOISE ID 83709

RE: WATER RIGHT NO. 61-07306A/61-07390/61-07424

Dear Water Right Holder(s):

The above referenced water rights are in the process of being licensed. However, before licenses can be issued, your permits must be amended to depict your water rights as they have actually been developed.

The enclosed Applications for Amendment contain information that will be included on the licenses when they are issued. The amendments reflect a change in the location of the point(s) of diversion and the place(s) of use descriptions. Please review carefully and if you concur, sign the amendments and return with the $150.00 filing fee ($50.00 each) within 14 days.

The last page of the Application for Amendment forms contain a list of CONDITIONS/REMARKS proposed for the licenses when they are issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

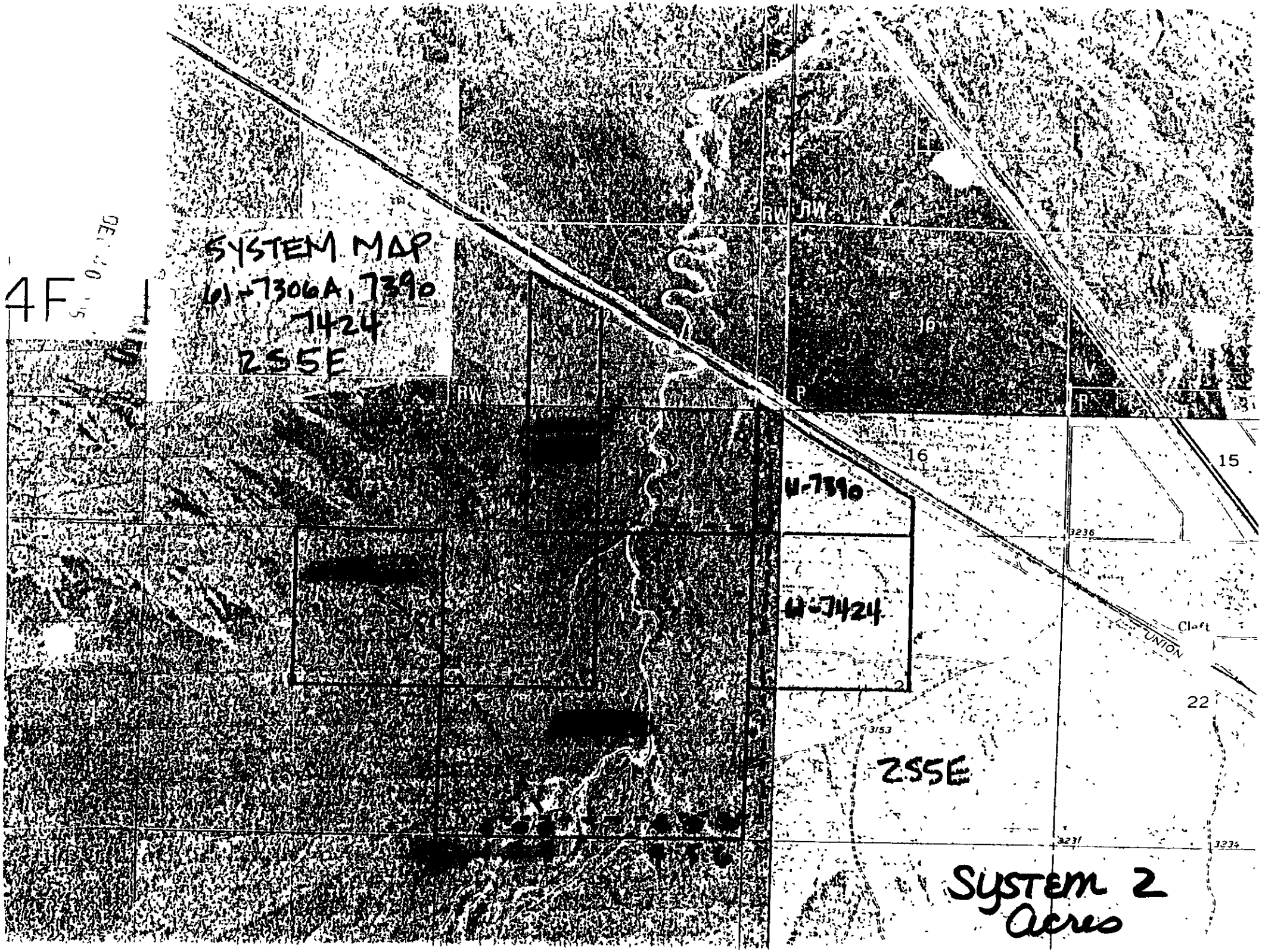
Shelley Watter Keen

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure

RECEIVED
DEC 20 1995


SYSTEM MAP
61-7306A, 7390
7424
25SE
4F
U-7390
U-7424
25SE
System 2
Acres
UNION
Clark
16
15
22
RW
P

LICENSE REVIEW CHECKLIST

BRENDA

PERMIT NO. 61-07390 DATE 7-13-95 8-24-95 9-8-95

	Change OK		
NAME	✓	___	Or Address Change? Correct All Three Owners
PRIORITY DATE	✓	___	Advance? YES Advanced to: 5-19-87 Order to reinstate needed? DDNe Incorrect fee for rate recommended? NO
SOURCE	___	✓	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? ___
POINT OF DIV	✓ ✓	___ ___	Amendment needed? Add additional POD's Overlaps? 61-07204, ~~7306A~~, 7424
PLACE OF USE	✓ ___	~~✓~~ ~~✓~~	Amendment needed? "PPU" Overlaps? _____
DIV RATE			Permit/fee limits: 9 CFS (IRR) / 640 acres (9 CFS) Meas Q = ___ Theo Q = 11.15 Recommend: ~~9.68~~ System rate per = .0196 / 925-480 = 445 443 x .0196 = 8.68 CFS / acres to cover Combined rates exceed capacity NO ~~All can be recommended under this permit.~~
ANNUAL VOLUME		✓	Volume Limit: ___ Season: (4-1 to 10-31) C/4.0 Calculations: 443 x 4 = 1772 ~~445 x 4 = 1780~~, 575 x 4 = 2300 Flow limit: ___ cfs x ___ x 1.9835 = _____ Combined volumes exceed capacity/allowable ~~NO~~ YES
USES	___	✓	Change in Nature of Use or additional uses? ___ Amendment necessary? ___
ADDITIONAL INFO			Supplemental Groundwater ___ PPU Scenario YES Irr/Dom Combination ___ Shared G/W System YES
NEW REMARKS	(a) W32 YES		Multiple p/d(s) in ¼ ¼? SESW & SESE / SEC 20 / T2S / R5E Other W36 (edit), W28, W27 (443 acres), W34 (EDIT)
NEW CONDITIONS	___ ___ ~~B31~~ ___ ___		Watermaster control - District ___ Measuring/Locking Devices Irrigation Overlap Other _____ Water Quality ___ Heat/Cool/Fish verified ___

4/8 445 x .02 = 8.9 exceeds. Use West Wells only. Capacity ~~increased~~ per acre. East wells capped. ~~acres~~

Increased acres to closer 40 rate per acre of right. .575 number chosen by Shelley

COMMENTS: ~~Reduce acres & rate - 570 acres were irrigated by this right and 61-07306A between 1983-1988 - could not use 445 acre BALANCE.~~ Delete domestic use (MEMO P/D & P/U)

RECOMMENDATION	CFS	VOLUME
Irrigation	~~9.68~~	~~1772~~
	9 CFS	~~1780~~
		2300

SRBA Claim Filed YES
Adjustment Memo Needed NO

LICENSE ___

[redacted] P37 + P38

[redacted] P47

8/18 Combine all of System 2 acres for P/U. (from the 7 CFS)

Shelley 9-8 Acre amount chosen as if 7424 irrigated 350 acres at an inch/acre - leaving 925-350

Form 219
6/92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 61-7390

1. Owner: H.R. &/OR Ray &/OR Rod Monfierth Phone No. 208 378 8157

Current Address: c/o Herb Monfierth 4301 N Dalton Ln Boise ID 83709

2. Accompanied by: Ray/Herb EXAM DATE: 12/11/92

Address: _____ Phone No. _____

Relationship to Permit Holder: _____

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: 61-7204, 7306A, 7424

C. DIVERSION AND DELIVERY SYSTEM

1. **Point(s) of Diversion:** See attached P/D list & pump schedule

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
									Total 6 points

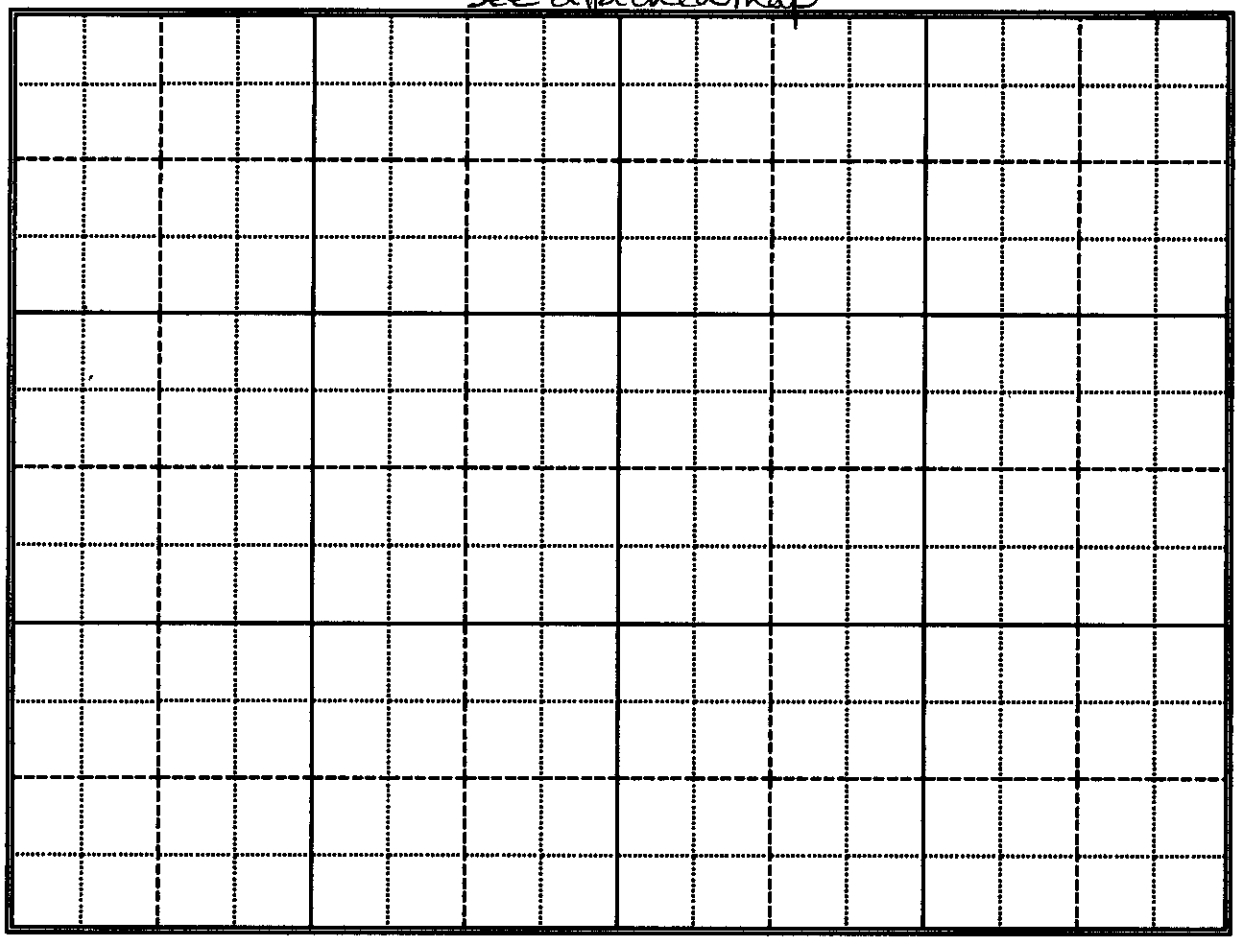
2. **Place(s) of Use:** (permissible P/U) Indicate Method of Determination ASCS photos

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2S	5E	16									2	18	40	35					95
		20	34	34	38	34					37	37	37	40	36	40	40	36	443
																			=
																			538

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

See attached map



Scale: 1" = _____.

_____ Copy of USGS Quadrange 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

4. See attached P/D list and pump Schedule

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*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 equation, pump test data

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E. NARRATIVE/REMARKS/COMMENTS

Land enrolled in CRP 1988-1997 (Sec 16) and 1989-1998 (Sec 20)

System shared with 61-7306A and 61-7424. (See narrative) See also narrative for amendments and recommended conditions.

Maximum seasonal use under this right has been determined to be 443 acres irrigation.

There is a possibility of 4 years accrued forfeiture prior to CRP enrollment in Section 16. (See 42-222 regarding accrued forfeiture). Land must be irrigated ~~immediately~~ within one year following CRP termination unless it may be shown that other qualified protections are in place or have been established.

Original photos and all well inspection forms are in 61-7306A

No measuring device present. Enough information is available that theoretical calculations are possible.

Have conditions of permit approval been met? ___ yes ___ no

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F. FLOW CALCULATIONS X Additional Computation Sheets Attached

Measured Method:

System capacity (West wells only) 11.15

See narrative – allowable licensed rate = 8.68 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 443 x 4.0 = 1772

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = 8.68 x 214 x 1.9835 = 3684

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 1772

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRR	4/1	10/31	8.68	1772
		Totals:	8.68	1772

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 Cindy J Hodges Date 2/9/95

Reviewer _____ Date _____ SEAL

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SYSTEM DESCRIPTION AND NARRATIVE
RIGHT NOS. 61-07306A, -07390, -07424

General Comments

Permits are appurtenant to agricultural lands currently enrolled in federal set-aside programs. Pursuant to Idaho Code 42-222, all water rights on set-aside lands are protected from forfeiture for the duration of the enrollment. Water right permits with proofs filed have been determined to be protected only to the extent to which they have been developed. For this reason it is imperative that an assessment be made of this system which will quantify and document development prior to set-aside. It is also important to note any ongoing activity under other rights from the same system. Because of the pending SRBA review in this area, the water right license(s) should be issued prior to the distribution of the Basin 61 Director's Report and before the termination of CRP enrollment so that additional development is not encouraged under the outstanding permit.

Diversion System/System Capacity

Two wells drilled as early as 1977 (no logs), and four wells drilled in 1981 were found integrated into a common system serving lands under the above permits. Well pumps discharge into 18-24" buried main with valves to 5 center pivots and assorted hand/wheel line sets (see system map). Existing wells in Section 30, T02S R05E and Section 36, T02S R04E, were connected to this system at an unknown date (1981?) via a mainline extension north from Section 30; the best information available is unclear as to the role of the additional wells during the permit development period, so only the Section 20 wells will be assessed for licensing purposes.

Because of the inactive status of the system, theoretical calculations were used to determine system capacity. The pumping plant with booster at site #2 was intact as operated during development. Sites #1 and 3 had pump motors removed but pumps left in the wells. Sites #4, 5, and 6 (east wells) were capped, with all equipment removed. All available pump information was collected on-site. Other information was obtained from permit holder or Layne Pump. Pumping level was estimated from well logs. An estimated wellhead pressure of 70 psi was obtained from permit holder. See attached pump schedule and calculation page.

All six wells were operated together only in the years 1981 and 1982. By 1983, lands in Section 17 and 21 had been placed into set-aside, and lesee (George Foster) had left the farm. All equipment was removed from the east wells (4, 5, and 6) and the wells were capped. The balance of lands in Sections 16, 19, and 20 were then irrigated using only the west wells (1, 2, and 3). Two unique system capacities (with and without east wells) are thus relevent during the system development period. One or the other were used to assess licensed rates of flow, depending on which wells were actually used for development of the permitted acres.

Beneficial Use

At the time of field exam, all previously irrigated acres were enrolled in either the CRP set-aside program or in the yearly 092 Wheat and Feed Grain program. Some pivot corners have been excluded from CRP eligibility (see maps). All enrollment was verified at the Elmore County ASCS (CFAS) office in Mountain Home. Pre-CRP irrigation patterns were also verified at same office using yearly compliance photography for the years 1983 through 1988. By identifying pre-CRP irrigation patterns during the last 5 years of operation, it was possible to determine the most recent extent of beneficial use under this system. CRP enrollment does not always relect recent irrigation, so CRP acres do not always equal recommended acres. Any beneficial use forfeited in the 5 years before CRP (or other) enrollment cannot be recommended for licensing.

Acreage patterns under this system show a decline in total irrigated acres under 61-07306A and 61-07390 between 1983 and 1988. This period represents the 6 irrigation years immediately preceeding 1989 CRP enrollment for Section 20, and the 5 irrigation years preceeding 1988 CRP enrollment for Sections 19 and 16. A land rotation pattern emerged which utilized all acres initially developed but which did not show the irrigation of all acres in any single season. From information obtained from permit holder and operator, the switch to land rotation was due primarily to the conversion to potato cropping. Land rotation is necessary to maintain soil fertility; decreased acres allowed for increased application rates. For licensing of these two permits, permissible place of use equals all acres initially cultivated and subsequently enrolled in qualifying set-aside, but seasonal use under each permit is limited to the maximum number of acres found irrigated within a single season during the forfeiture period (see attached Development Timeline and Schedule of Acres Irrigated).

The use of defined irrigation patterns for licensing in Sections 17 and 21 under 61-07424 is not applicable as for the other permits, because these lands were only irrigated in one or two seasons, 1981 and/or 1982, and only on spring wheat. Once a grain crop base was established, the lands were enrolled in the 092 Wheat and Feed Grain Program. In Section 17, irrigation under hand lines occurred in 1981. Documents on file at Elmore County ASCS verify that the land has been enrolled in the 092 grain program from 1982 to the present, and was not entered into CRP. In Section 21, irrigation occurred under a pivot system in 1981 and 1982 before enrollment in 092 began, but this parcel was enrolled in CRP in 1988. It came to my attention that 42-222 was not amended to add set-aside protection language until 1988. Conceivably, those lands in Sections 17 and 21 may have been considered forfeited several years before they were protected by this statute. I have been advised by our legal staff (Lynn Krogh via Dan Steckel) that this statute was intended to be retroactive, therefore, since qualifying enrollment

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has been continuous, I am proceeding with recommendations pursuant to 42-222.

I have been told and am willing to believe that all 925 acres under this system were irrigated in 1981. George Foster is said to have operated the east wells and sometimes well #3 to irrigate lands leased from Montierth in Sections 16, 17 and 21. Steve Reynolds states that, at the same time, he operated the west wells to irrigate the balance in Sections 19 and 20. The wells were all joined at the time and shared when necessary. After Foster left, lands in Section 16 were irrigated once again in 1983 (by Reynolds?), but from the west system, since the east wells had been dismantled. It was about this time that land rotation patterns became evident on the lands which were still in active production.

Accordingly, the following method was used to determine recommended rate of flow on eligible acres:

<u>For 61-07424</u>

1981 system capacity (all wells)	= 17.39
1981 total acres irrigated	= 925
1981 system rate of flow	= 0.0184 cfs/acre
Eligible permit acres	= 260
Licensed rate of flow	= 260 X 0.0184 = 4.78 cfs

<u>For 61-07306A and 61-07390</u>

1983 system capacity (west wells)	= 11.15
1983-88 maximum yearly acres	**= 570**
1983-88 system rate of flow	= 0.0196 cfs/acre
Eligible permit acres, 7306A	= 127
Licensed rate of flow	= 127 X 0.0196 = 2.49 cfs
Eligible permit acres, 7390	= 443
Licensed rate of flow	= 443 X 0.0196 = 8.68 cfs

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Amendments

All rights

P/D amendments to add wells in Section 20. Well in Section 30 not to be included as a point of diversion unless it can be shown that flows from this well were actually utilized.

Overlaps

P/D overlaps as noted. Permit 61-07204 was also developed, beginning in 1989, using the #2 well and the well in Section 30, after lands were placed into CRP. See 61-07204 file for more info.

Conditions

Recommend that the following conditions appear upon the referenced licenses:

61-07390:

Irrigation under this right is limited to 443 acres within the listed place of use in a single irrigation season.

All rights:

Total combined diversions under 61-07204, 61-07306A, 61-07390 and 61-07424 shall not exceed 17.39 cfs, 4062 AFA, or the irrigation of 1071 acres in a single irrigation season. BC

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P/D LIST AND PUMP SCHEDULE
RIGHT NOS. 61-07306A, -07390, -07424

P/D #	Location	Motor Size, Make, ID#
1	SESWSW S20 T02S R05E	400 HP, removed pump still in place
2	SWSESW S20 " "	400 HP US Motors SN CE 9538-639 89-03585
2 (Booster)		125 HP US Motors SN FBJ608149
3	SWSESW S20 " "	200 HP, removed Vertiline pump #T81211
4	SESWSE S20 " "	200 HP, make unknown Layne pump model 11BEH (11 stg)
5	SWSESE S20 " "	200 HP, make unknown Layne pump model 11BEH (11 stg)
6	SESESE S20 " "	200 HP, make unknown Layne pump model 11BH (12 stage)

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DEVELOPMENT TIMELINE AND
SCHEDULE OF ESTIMATED ACRES IRRIGATED
RIGHT NOS. 61-07306A, -07390, -07424

PERMIT NO.	61-07306A	61-07390 Sec 20	Sec 16	61-07424 Sec 21	Sec 17
File Date	2-1-77	11-7-79		12-8-80	
Priority	5-19-87	5-19-87		12-8-80	
Permit Acres	160	640		480	
Found Acres	127	538		260	
Proof Made	5-19-87	5-19-87		5-2-88	
CRP Entry	1988	1989	1988	1988	NONE
Acres irrigated by year:[1]					
1988	0	233	0	0	0
1987	127	230	0	0	0
1986	0	439	0	0	0
1985	127	428	0	0	0
1984	127	443	0	0	0
1983	0	443	95	0	0
1982[2]			0	133	0
1981[2]				133	127

1. Confirmed using ASCS (CFAS) compliance photography slides on file at Elmore County office.

2. Hard records for these years were not readily available. However, permit holder's claim that acres were irrigated in these years was upheld by Elmore County ASCS director Jeff Groat. Records on file (copies not included but seen by examiner) document Grain Program enrollment 1983-1987 in Sec 21 and 1982-present in Sec 17.

System total derived from these figures. BC

THEORETICAL HORSEPOWER EQUATION WORKSHEET (cjh 1/92)

Water Right No.: 61-07306A, -07390, -07424
Examiner: C Hodges
Date of Field Exam: 12-11-92

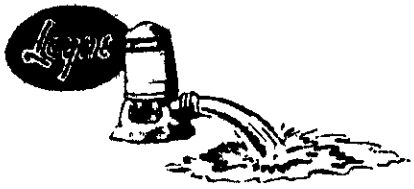
P/D No.: (West Wells)	1	2	3
PUMP HORSEPOWER	400	400	200
BOOSTER HORSEPOWER	0	125	0
PUMPING LEVEL	460	460	460
DISCHARGE PRESSURE	70	70	70
RATE OF FLOW (cfs)	3.96	5.20	1.98
TOTAL FLOW (cfs)			11.15

P/D No.: (East Wells)	4	5	6
PUMP HORSEPOWER	200	200	200
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL	460	460	480
DISCHARGE PRESSURE	70	70	70
RATE OF FLOW (cfs)	1.98	1.98	1.92
TOTAL FLOW (cfs)			5.88

P/D No.: (East Wells)	4	5	6
Using Layne Pump test data, 1981			
PUMP HORSEPOWER	212	212	168
BOOSTER HORSEPOWER	0	0	0
PUMPING LEVEL (TDH)	680	680	700
RATE OF FLOW (cfs)	1.92	1.92	1.48
TOTAL FLOW (cfs)			5.32

L YNE OF IDAHO, IN

P.O BOX 1005 NAMPA, IDAHO 83651



Wells in Section 20, SE¼

GEORGE FOSTER FARM

STATION # 1 First well East of 400 HP Pump # T80-193
12" Well to 490' 10" Liner to 700' 6" to 900'
(#4) Well Tested 3-18-81 Pumped
550 GPM 417'
754 " 431'
915 " 444'
1052 " 460' 3 Hr. test
New Pump - 200 HP - 500' 8"X2½"X1 11/16" Column
11 Stages 11BEH
1000 GPM @ 680' TDH - 212 BHP

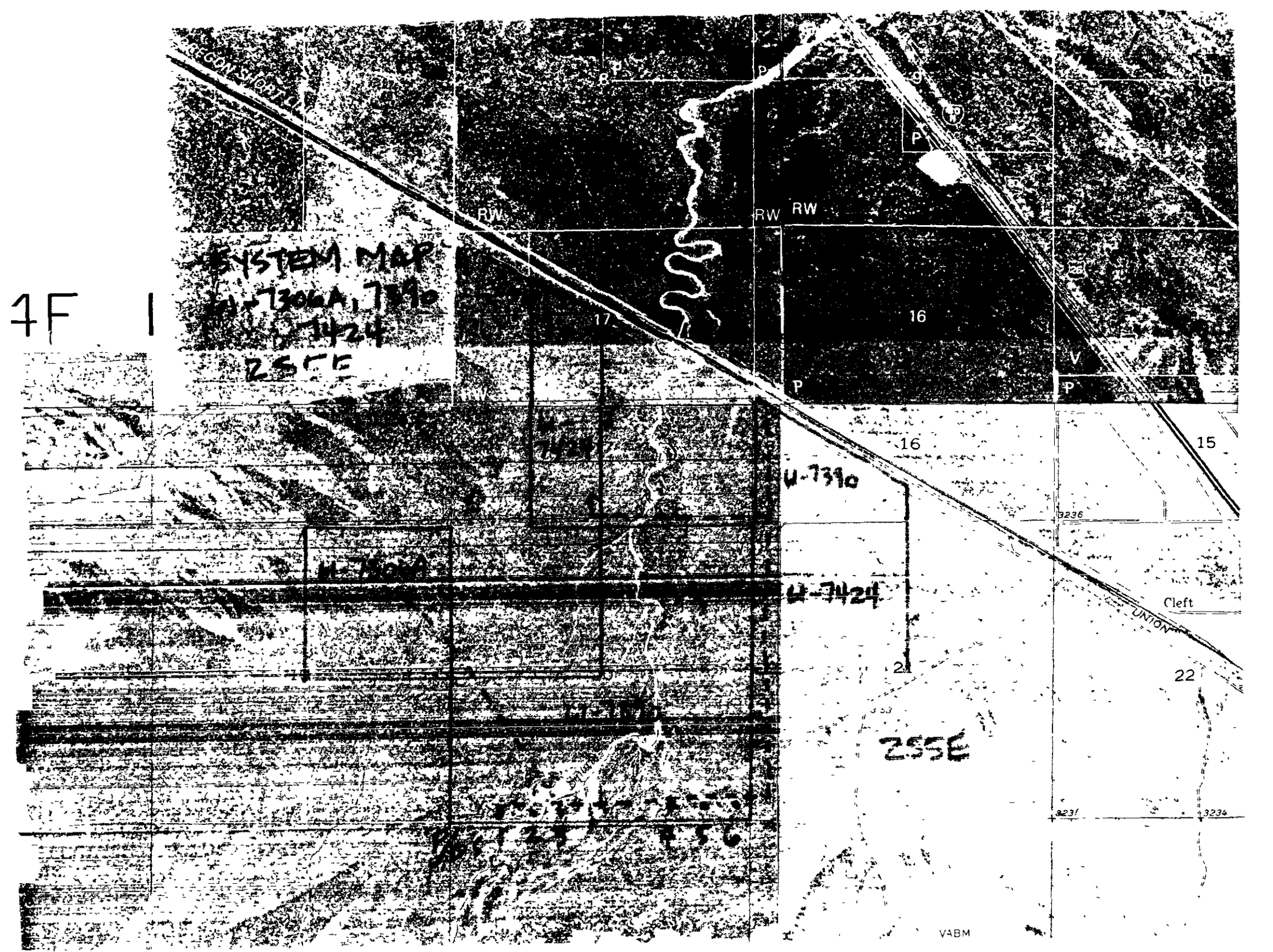
STATION # 2 Second well East of 400 HP Pump # T80-193
Tested with customers pump 5-8-81
(#5) Well Tested 1043 GPM 480' 5 Hr. test
New Pump - 200 HP - 480' 8"X2½"X1 11/16" Column
11 Stages 11BEH
1000 GPM @ 680' TDH - 212 BHP

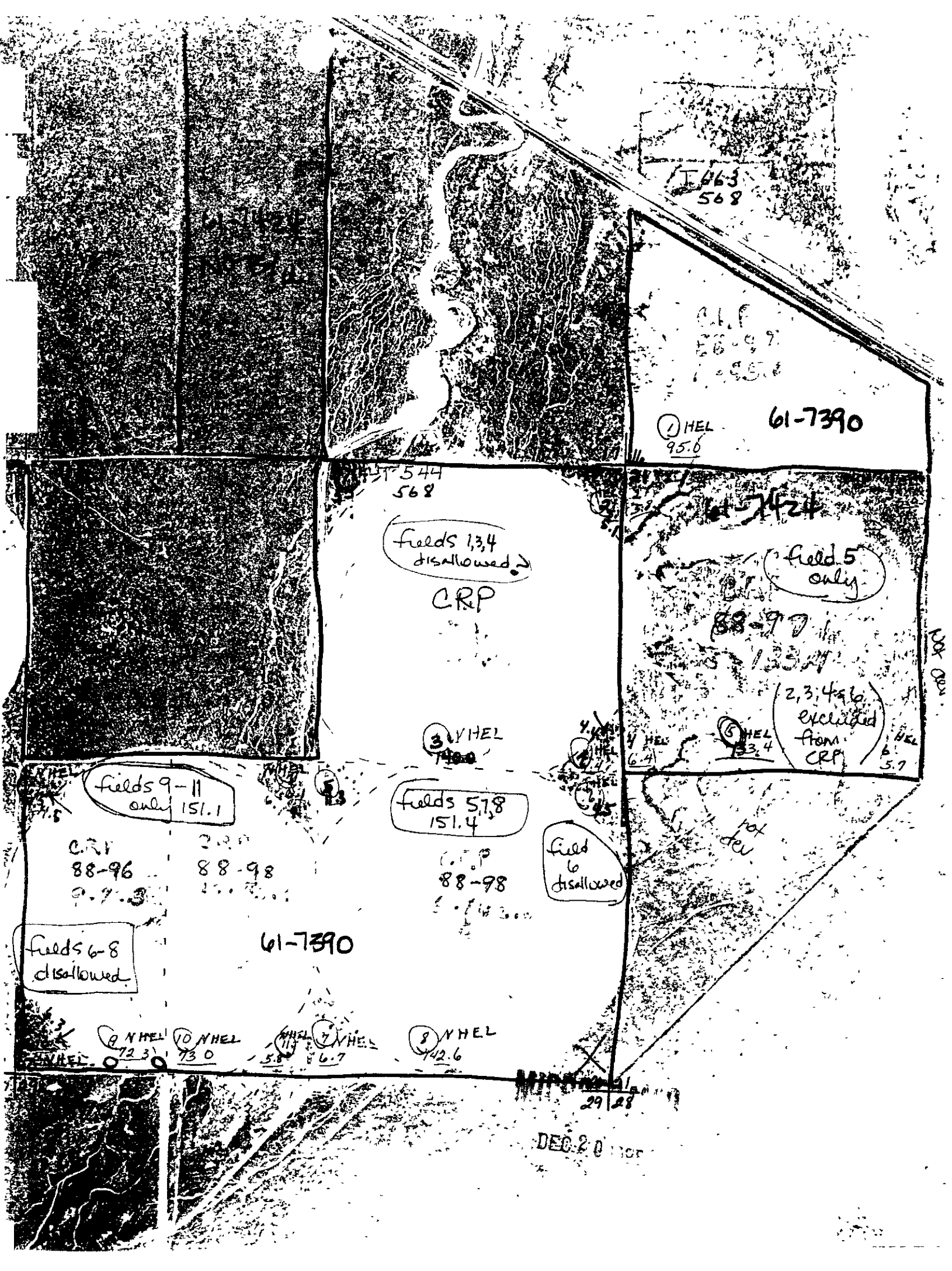
STATION # 3 Third well East of 400 HP Pump # T80-193
12" Well to 530' 6" to 910'
(#6) Well Tested 4-6-81 Pumped
846 GPM 469' 2 Hr. test
New Pump - 200 HP - 500' 8"X2½"X1 11/16" Column
12 Stages 11BH
800 GPM @ 700' TDH - 168 BHP

2800 GPM = 6.24 CFS

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4F 1
SYSTEM MAP
U-7306A, 7390
U-7424
25 CE
RW
RW
RW
P
P
P
P
P
P
16
17
16
15
U-7390
U-7306A
U-7424
Cleft
UNION
22
21
25E
3236
3231
3234
VABM


T863
568
61-7390
1 HEL
95.6
T544
568
fields 1,3,4
disallowed
CRP
61-7424
field 5
only
88-97
2,3,4 & 6
excluded
from
CRP
3 NHEL
5 HEL
3.4
6 HEL
5.7
fields 9-11
only 151.1
fields 5,7,8
151.4
field
6
disallowed
C.R.P
88-96
88-98
61-7390
fields 6-8
disallowed
9 NHEL
10 NHEL
11 NHEL
7 NHEL
8 NHEL
42.6
29
28
DEC 20

61-7990

Form Approved - O.M.B. No. 0560-0004

ASCS-578 (6-7-78) — REPORT OF ACREAGE — USDA-ASCS

NOTE: Sec. 1374a, 7 U.S.C., authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary; however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.

PAGE 1 OF 2

FARM NO. 137 — NAME AND ADDRESS: Carl F. Reynolds & Sons, 3169 Maverick Ln., Boise, ID 83709 — FARM LAND: 1855 — CROPLAND: 1587 LSTT — See 156

OPERATOR: Carl - Rupert; Steve - ~~Emmett~~ Elmore; Michael - Burley - taken out

OWNER: Randy - ~~Kuna~~ Elmore

Ada

PROGRAM YEAR: 1984

OTHER: 3025253

OTHER INTERESTED PRODUCERS — NAME AND ADDRESS: 3 Elmore; 4 Elmore; 5; 6; 7 — OTHER F. RMS — CROP — ASSIGNMENT — JOB

1 Owners
Herbert/Ray/Rod -
Herbert Montierth

SECTION I - FARM FIELD REPORT (NOTE: Gray Shaded Area to be Filled in by Reporter ONLY.)

TRACT NO.	FIELD NO.	CROP OR LAND USE I	W	D	CROP OR LAND USE SUMMARY: Grain	Pot.			ACRE	REV 5	SHARE 6	DISPOSITION 7	METHOD 8	GROSS ACRES 9	DEDUCTIONS: IDENT./MEAS. 10	DEDUCTIONS: ACRES 11	NET ACRES 12	INITIAL & DATE 13
1160	L	Wht/Fg		~~55.4~~						1	1.0000							
				139.9														
	E	ACR Cattle								1	1.0000							
									7.0									
	A	ACR Cattle								1	1.0000							
									5.0									
	G	Wht/Fg	131.9							1	1.0000							
	I	ACR Cattle								1	1.0000							
									10.1									
	V	ACR Cattle								1	1.0000							
									11.9									
	R	ACR Cattle								1	1.0000							
									5.8									
	K	Wht/Fg	71.3							1	1.0000							
	L	Wht/Fg Cattle	70.8							1	1.0000							
TOTAL OPERATOR REPORT																		
ALL REPORTER'S REPORTS			415.0	225.0	65.7	223.8			1579									

II - OPERATOR'S CERTIFICATION

To the best of my knowledge and belief that the acreage of crops and land uses — OPERATOR'S SIGNATURE — DATE — OPERATOR'S SIGNATURE — DATE

1750 2 0 1985

MEMORANDUM

TO: Files 61-7207/7265/7274/7298/7306/7390/7424

FROM: Brenda Chapman BC

DATE: January 31, 1994

RE: Returned Field Exams

==========

Per Cindy Hodges request, I am returning the above referenced field exams to the Western Regional Office for additional review.

DEC 20 1995

MEMORANDUM

Date: May 10, 1993

From: Jim Johnson

To: Files 61-7298, 61-7306, 61-7390, 61-7424

Subject: Review of Montierth Rights

==========

See file 61-7265 for all information pertaining to field exam review of the above listed water rights.

DEC 2 0 1995

State of I ho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 5, 1993

RAY MONTIERTH
ROD MONTIERTH
H R MONTIERTH
2409 W KUNA CAVE RD
KUNA ID 83634

RE: WATER RIGHT NO. 61-07390

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the $20.00 filing fee within 15 days.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

Pamela Skaggs

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

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IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	RAY MONTIERTH	05/19/1987	IRRIGATION	04-01	10-31	8.30 CFS	2152.0 AFA
C	ROD MONTIERTH						
C	H R MONTIERTH			TOTAL DIVERSION:		8.30 CFS	2152.0 AFA

2409 W KUNA CAVE RD
KUNA ID 83634
(208) 922-4237

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 30.34 CFS

Point(s) of Diversion:

T02S	R04E	S36	SW SE			
	R05E	S20	SW SW	SE SW	SW SE	SE SE
	R05E	S20				
		S30	NE SW	NE SE	NW SE	

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
02S	05E	16									02	18	40	35					95.0
02S	05E	20	34	34	38	34					37	37	37	40	36	40	40	36	443.0
																TOTAL ACRES			538.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07195 61-07274 61-07306A 61-07390 61-07424 L61-07306A

Other Water Rights Listing Overlapping Place(s) of use:
61-07390

Conditions of Approval:
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: Single point of diversion is located on line between SWNWSE and SENESW, S30, T02S, R05E.
Two points of diversion each are located within SESW and SESE, S20, T02S, R05E, and SWSE, S36, T02S, R04E.

Dates: App. Received: 11/07/1979 Priority Date: 05/19/1987 (Priority Date Advanced.)
Proof Due Date: 12/01/1986 Proof Made Date: 05/19/1987 (Proof Received Late.)
Exam Made Date: 12/11/1992 Exam Sent to S.O.: 03/23/1993
Licensed Date:

Misc: Water District Number: Field Exam Fee:

28 C 3-24-93

(A)

DEC 20 1995

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

RECEIVED
JAN 21 1992
Department of Water Resources

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

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 Tippett Land & Mortgage Co.
Mony Pension Insurance Corp. c/o Dale Higer

DEC 2 5

SRBA FEES FOR CLAIMS FILED 1/13/92

CLAIM	FEE	LATE FEE	TOTAL
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
A63-03311	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

RECEIVED
OCT 29 1991
Department of Water Resources

October 25, 1991

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 Tippett 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.

DEC 2 0 1995

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,

Steve Lester

Steve Lester
Sr. Water Resource Agent

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

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 30, 1987

RE: Permit No. 61-7390

H.R. &/or Ray &/or Rod Montierth
Rt. 1
Kuna, ID 83634

Dear Permit Holder(s):

We acknowledge receipt of the statement of beneficial use and the supporting documentation for reinstating the above referenced permit. Enclosed is a copy of the Order of Reinstatement. Please note that the priority date has been advanced to May 19, 1987.

Before a license can be issued, a field examination will be made by a representative of this Department. Note the portion of the Order requiring that an examination fee be received by this office within 30 days.

If you have any questions regarding this matter, please contact this office or our Western Regional Office at 334-2190.

Sincerely,

JIM JOHNSON
Water Distribut

JJ:sc
Enclosure

Exam letter never sent, however, was told through letter that an exam was needed w/in 30 days

FILMED

OCT 09 1987

MEMORANDUM

TO: File 61-7390

FROM: Jim Johnson

DATE: August 18, 1987

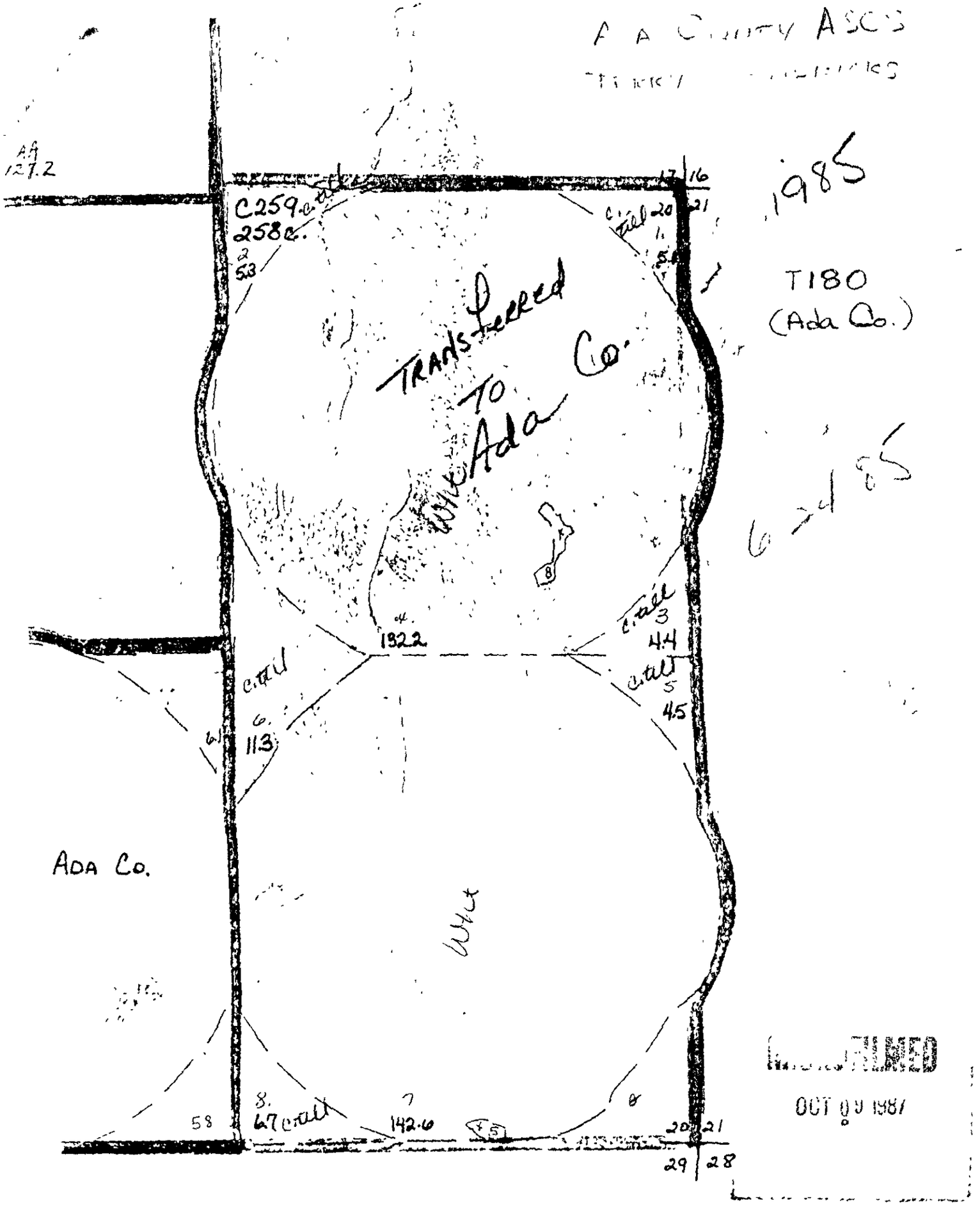
RE: Evidence Showing Proof of Water Use

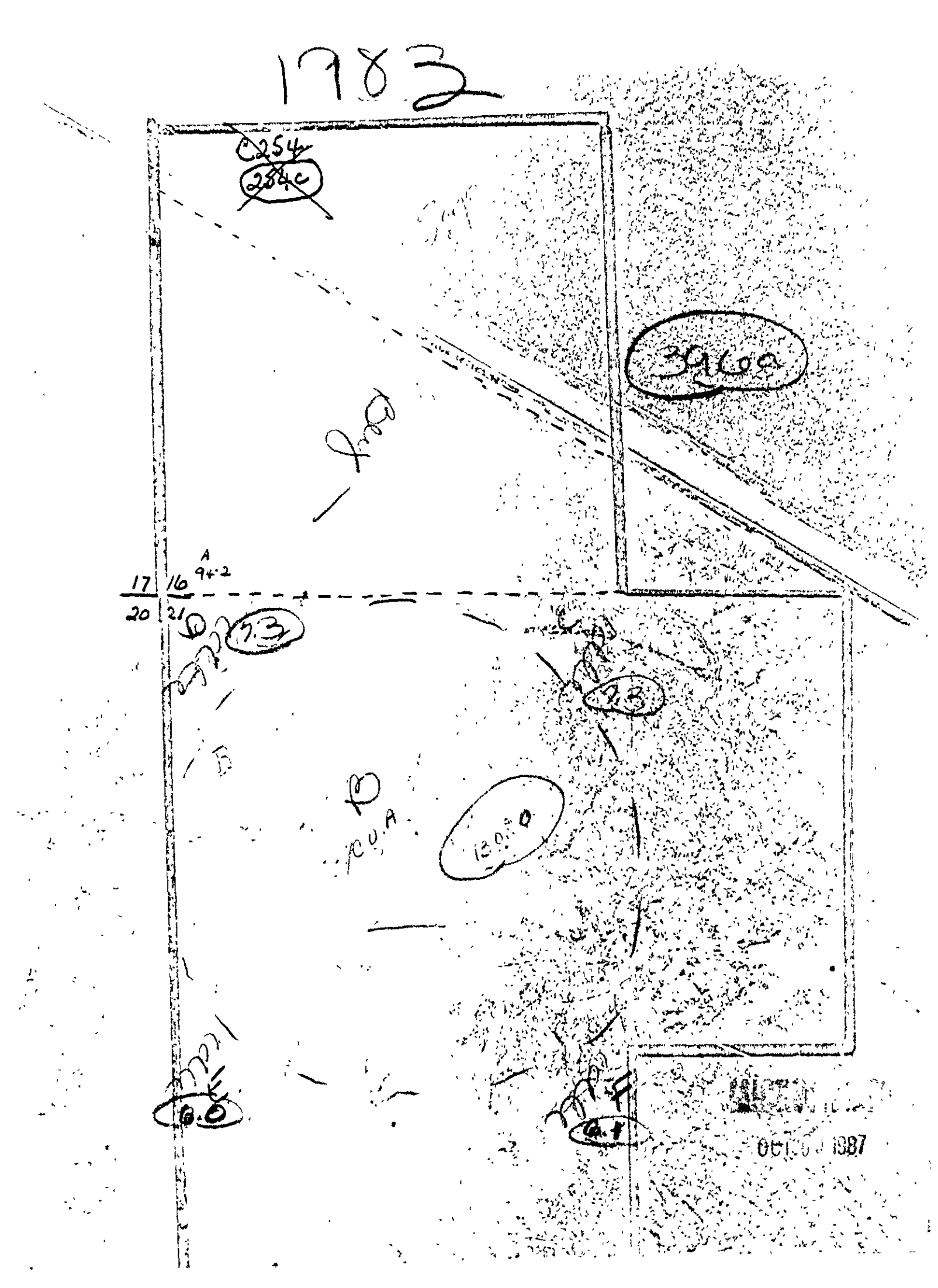
Mr. Montierth came in today and submitted copies of aerial photos taken of lands covered by this permit. The copies are poor quality but do identify that circular systems were in place. The dates shown on the copies are the dates the aerial photos were taken.

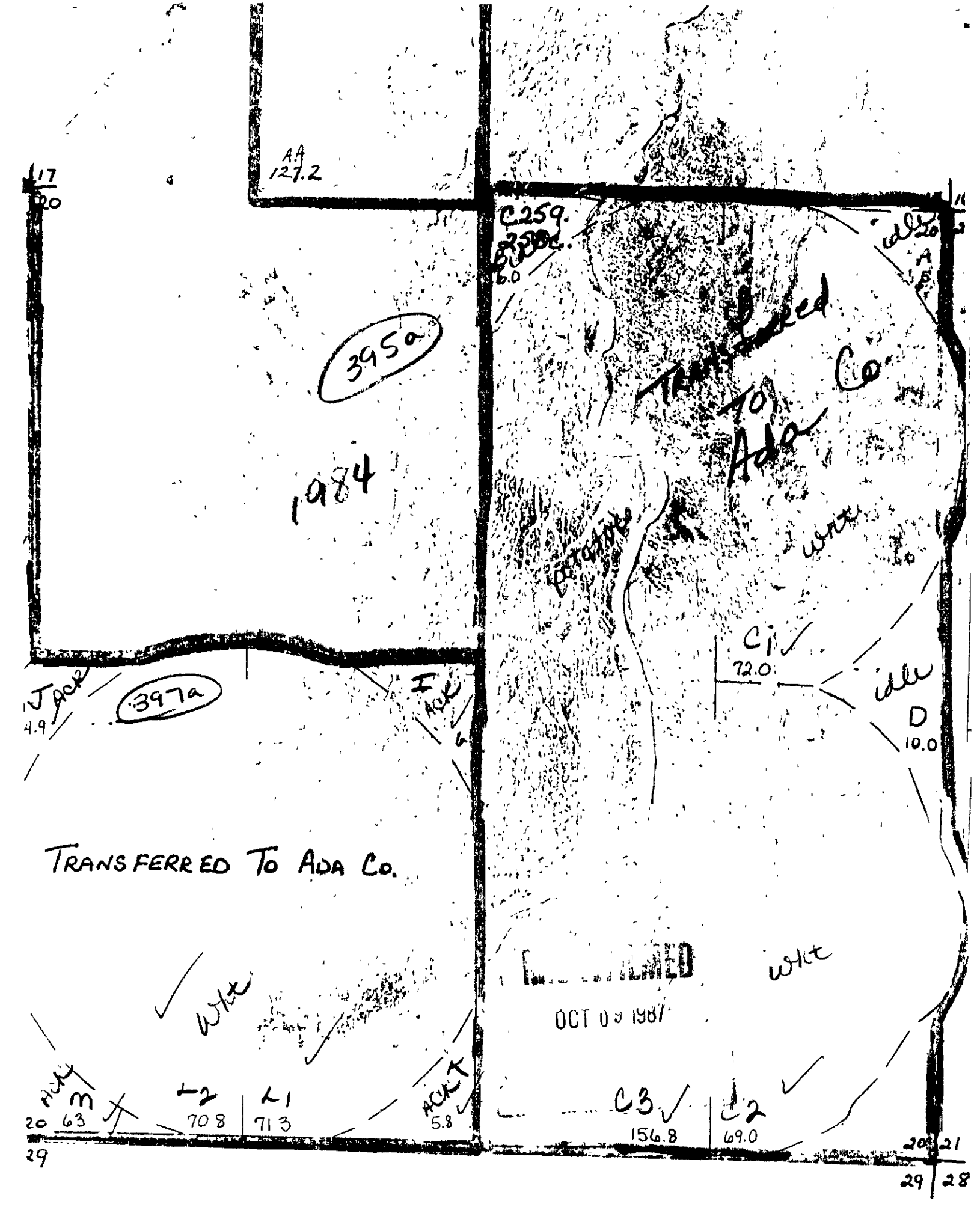
I called Terry Hendricks of the Ada County ASCS office and he confirmed that the photos were taken as shown on the copies.

Mr. Montierth explained that the reason he had not responded to the proof due notice and lapse notice is because he thought he had taken care of the necessary requirements. He has several water rights which have had correspondence sent and he has responded to them as required. Apparently submitting proof on this permit was overlooked.

RECEIVED
OCT 09 1987

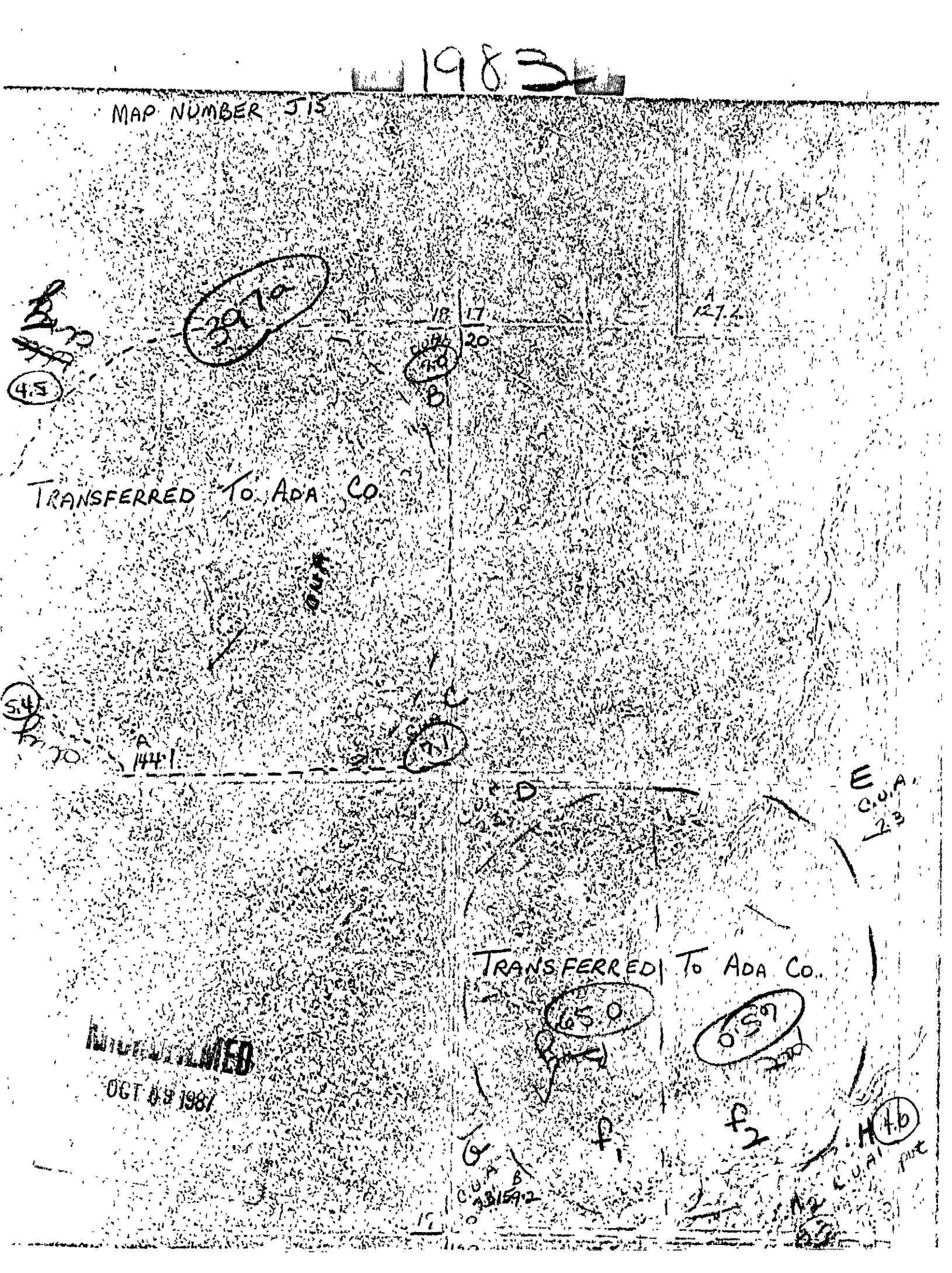

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MAP NUMBER J15



RECEIVED
OCT 09 1981

INTER-DEPARTMENT MEMO — 1

DATE 6-2-87

FROM Jim

TO FILE

SUBJECT Assignment

HERBERT MONTIERTH SUBMITTED THE ASSIGNMENT WHEN VISITING THE OFFICE. The purpose was to add his son AND BROTHER. No ADDITIONAL CORRESPONDANCE IS NECESSARY.

DECLASSIFIED
OCT 05 1981

SIGNATURE

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 2, 1987

RE: Permit No. 61-7390

Herbert Montierth
Rt. 1
Kuna, ID 83634

Dear Permit Holder(s):

The Department received your proof of beneficial use statement for the above referenced permit on May 19, 1987. The permit lapsed December 1, 1986, so the 60-day late period during which the permit can be readily reinstated has passed.

Pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can now be reinstated only if you submit the following:

a) Evidence to show that beneficial use of the water did commence during the authorized permit period from the time the permit was issued until the proof due date. This evidence could be in several forms such as a convincing combination of a well driller's log, pumping or power records, affidavits, aerial photos, receipts, etc.

b) Reasonable cause why the proof of beneficial use was filed late.

Your proof of beneficial use statement together with any information which may have been submitted with it will remain on file in this office for 60 days to allow you an opportunity to assemble and submit the additional required information.

Please feel free to contact this office if you have additional questions.

Sincerely,

FILMED
OCT 09 1987

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

May 20, 1987

Herbert Montierth
Route 1
Kuna, Idaho 83634

Re: Permits Nos. 61-7390 and 61-7424

Dear Mr. Montierth:

As a follow-up to my discussion with you and your son Ray in this office on May 19, 1987, I have reviewed the above referenced water right files in detail and have discussed the matter of extending the development period for permit 61-7390 with the department's attorneys.

Unfortunately, there is not a way by which the department can lengthen the period of time granted on the extension of time approved on January 2, 1985 in connection with permit 61-7390. The file essentially shows that the period of time requested (two years) was granted. The length of time approved is comparable with those currently being approved by the department. It would be an unusual case in which the department would grant an extension for five (5) years, even if requested by the permit holder.

I also note in file 61-7390 that the usual period for reinstatement of the permit has passed. This date is 60 days after the mailing of the lapse notice and in the case of this permit was February 27, 1987. Due to a change in the Idaho Code in 1983, however, there is an alternative available as discussed below.

Since water apparently was diverted and used within the authorized development period for permit 61-7390, the permit is eligible for reinstatement under Section 42-218a(2), Idaho Code. This provision does not provide the resolution you were seeking but does provide the opportunity for you to submit a late proof and prevent the right from being lost. In order to qualify for this late reinstatement, you must clearly establish that water was diverted and beneficially used during the permit period and

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OCT 05 1987

must provide a showing of reasonable cause for filing the late proof. The priority date of a permit reinstated under this provision of the Idaho Code will be advanced to the date of the late proof submittal. Evidence submitted for reinstatement must be written evidence.

With reference to permit 61-7424, the file shows that on April 25, 1986, you requested an extension of time for five (5) years, but were granted two (2) years to May 1, 1988 in which to submit the proof of beneficial use. The reason for granting less than the five (5) years requested is to prevent speculation and to maintain more current out-standing permits particularly in basins experiencing an overdraft. You should proceed with development to the extent you intend prior to this date.

I also note that both of the above referenced permits include points of diversion in the SWSW and SESW Section 20, T2S, R5E, B.M.

The department regrets that we can not comply with your request of May 19, 1987, however, the alternative suggested perhaps can prevent loss of right 61-7390.

If you have questions concerning the late proof submittal in connection with permit 61-7390, please feel free to contact this office or our Western Regional office located at 2735 Airport Way, Boise, ID.

Sincerely,

L. GLEN SAXTON, Chief
Operations Bureau

c: W. Region

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
DECEMBER 13, 1986

MONTIERTH, HERBERT
ROUTE 1
KUNA, ID 83634

LAPSE NOTICE

RE: PERMIT NO. 61-7390

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A, IDAHO CODE, THE ABOVE REFERENCED WATER PERMIT HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED SEPTEMBER 30, 1986.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT PROOF OF BENEFICIAL USE OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED PROOF OF BENEFICIAL USE SUBMITTAL (INCLUDING THE EXAMINATION FEE OR A COMPLETED FIELD EXAMINATION REPORT) OR THE EXTENSION REQUEST FORM TOGETHER WITH THE $15 FEE MUST BE RECEIVED BY THIS DEPARTMENT WITHIN SIXTY DAYS OF THE DATE OF MAILING OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A PROOF OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:RF

MICROFILMED

OCT 09 1987

12-29-1986

October 1, 1986

CERTIFIED MAIL

138374

Herbert Montierth
Rt. 1
Kuna, ID 83634

Dear Mr. Montierth:

Re: Permit No. 61-7390

PROOF DUE NOTICE

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before December 1, 1986. (See the last page of your approved permit or your last approved extension request). Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time provided the delay is for reasonable cause as described in Section 42-204, Idaho Code. If you have been prevented from proceeding by a government agency or by litigation, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures

RECEIVED
OCT 03 1986

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

> 42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT.
> (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. Glen Saxton

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

RECEIVED
OCT 09 1985

January 3, 1985

Herbert Montierth
Route 1
Kuna, ID 83634

Dear Mr. Montierth:

Re: Permit No. 61-7390

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to December 1, 1986. Please note that the permit has been reinstated with an advance in priority since the extension of time request was submitted after the proof date.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures: Ext. of Time

MICROFILMED

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138284

MONTIEPTH, HERBERT
ROUTE 1
KUNA, ID 83634

PROOF DUE NOTICE

SEPTEMBER 30, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 61-7390 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE DECEMBER 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V EVANS
Governor

C STEPHEN ALLRED
Director

Mailing address
Statehouse
Boise, Idaho 83720
(208) 384-2215

December 20, 1979

Herbert Montierth
Route 1,
Kuna, Idaho 83634

Dear Mr. Montierth,

RE: Permit No. 61-7390

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

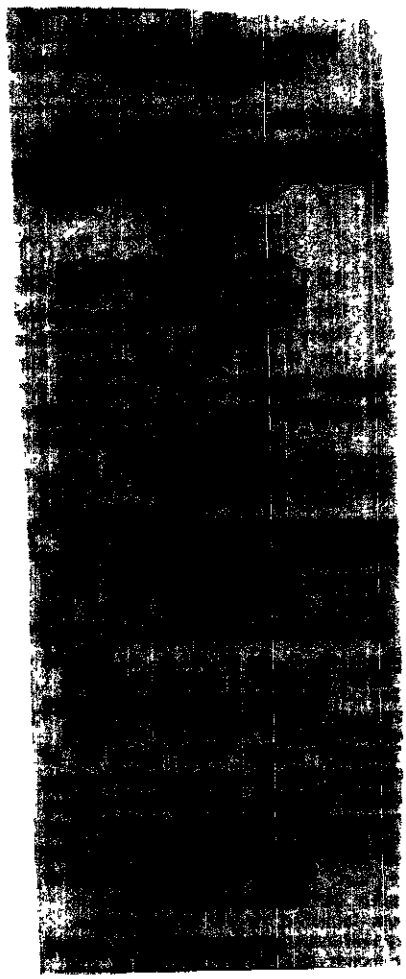
David R. Tuthill Jr.

RECEIVED

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosures



OR-KR
12/3/79

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 publication having been made on the 15 day of Nov, 1979, and the last publication having been made on the 22 day of Nov 1979; 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 22 day of Nov, 1979

D. R. Walker
Notary Public

Department of Water Resources
Western Regional Office

NOV

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Western Region

92 South Cole Road
Boise, Idaho 83709
(208) 384-2190

NOVEMBER 8, 1979

Mountain Home News
Drawer O
Mountain Home, ID 83647

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 3, 1979.

Yours truly,

Karla Knecht
Secretary

Encl.

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 92 S. Cole Road, Boise, Idaho 83709 on or before DECEMBER 3, 1979.

C. STEPHEN ALLRED

Director

Published 11/15 & 11/22/79.

MICROFILMED

61-2390_

MONTIERTH, HERBERT

ROUTE 1, KUNA, ID 83634

Source: GROUNDWATER

Date Filed: 11/07/1979

Amount: 9.00 CFS

Diversion Point: SWSW SESW SENE Sec 20 T 02S R 05E NESE Sec 30 T 02S R 05E,
ELMORE Co.

Use: IRRIGATION (9.00 CFS) from 03/15 to 11/15
DOMESTIC (0.08 CFS) from 01/01 to 12/31

Place of Use: NENE NWNE SWNE SENE NESW NWSW SWSW SESW NESE NWSE SWSE SESE
Sec 20 T 02S R 05E NESW NWSW SWSW SESW Sec 16 T 02S R 05E
FOR 640 ACRES

Diversion Means: 4 WELLS, PUMPS & SPRINKLING SYSTEMS