

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3198B

NAME AND ADDRESS: ANN WIND
12306 WHITECHAPEL WAY
NAMPA ID 83686

JOHN WIND
12306 WHITECHAPEL WAY
NAMPA ID 83686

~~EDWARD RAY MONTIERTH~~
~~825 HEARTLAND DR~~
~~NAMPA, ID 83686~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.760 CFS
224.800 AFY

The rights listed below are limited to a total combined diversion rate of 9.02 cfs. Combined Right Nos.: 63-3198A, 63-3198B, 63-7425A, 63-7425B, 63-7425C, 63-7427A and 63-8365A.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 05/17/1960

POINT OF DIVERSION:

T01N R01W S24 SENE Lot 2 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	1/01 12/31	0.550 CFS 75.10 AFY
IRRIGATION	3/15 11/15	0.210 CFS 47.70 AFY
STOCKWATER	1/01 12/31	0.550 CFS 102.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in ADA County

T01N R01W S24 SWNE 24.00 T01N R01W S24 Lot 2 SENE 26.00

COMMERCIAL same as IRRIGATION
STOCKWATER same as IRRIGATION

50 ACRES TOTAL

Pursuant to Transfer No. 5087, this right is limited to the irrigation of 10.6 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA)
Case No. 39576)
)
)
)
_____)

**Water Rights: 63-3198A, 63-3198B,
63-7425B, 63-7425C, 63-7427A
NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

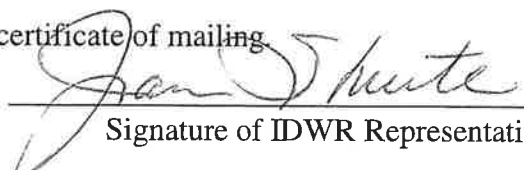
IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☐ Other
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6-18-12



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 18, 2012, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐ overnight mail
Snake River Basin Adjudication	☒ regular mail
P.O. Box 2707	☐ hand-delivered
Twin Falls, ID 83303-2707	☐ facsimile

2. Copies to:

Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

United States Dept of Justice	☐ overnight mail
Environment & Natural Resource Div	☒ regular mail
550 West Fort Street MSC 033	☐ hand-delivered
Boise ID 83724	☐ facsimile

Director of IDWR	☒ hand-delivered
PO Box 83720	
Boise ID 83720	

3. Copies to all parties to the subcase:

John Wind	☐ overnight mail
Ann Wind	☒ regular mail
12306 Whitechapel Way	☐ hand-delivered
Nampa ID 83686	☐ facsimile

Pete De Groot Jr	☐ overnight mail
Jean De Groot	☒ regular mail
8800 Swan Falls Rd	☐ hand-delivered
Kuna ID 83634	☐ facsimile

Edward Ray Montierth	☒ regular mail
825 Heartland Dr	
Nampa ID 83686	


Signature of person mailing this document

Idaho Department of Water Resources Receipt

Receipt ID: W040184

Payment Amount \$150.00 Date Received 5/16/2012 9:27 AM Region WESTERN

Payment Type Check Check Number 3006

Payer WIND, JOHN / ANN

Comments OWNERSHIP CHANGE FOR JOHN & ANN WIND
63-03198A, 63-03198B, 63-7425B, 63-7425C, 63-7427A, 63-8365A

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$150.00	OWNERSHIP CHANGES/SECURITY INTERESTS	62140	0229	21		1155

R. Sommer

Signature Line (Department Representative)

Shurte, Jan

From: Curtis, Sharla
Sent: Tuesday, May 22, 2012 9:25 AM
To: Shurte, Jan
Subject: RE: Question

Hi Jan,

I think we can proceed with the transfer approval and get it wrapped up here pretty soon. So let's go that route and I will let you know when it is approved so that you can proceed with whatever leftovers you have to do. Sound ok to you?

Thanks for your help on this one.

Sharla

From: Shurte, Jan
Sent: Friday, May 18, 2012 1:22 PM
To: Curtis, Sharla
Cc: Harris, Lori; Lester, Steve
Subject: RE: Question

Hi Sharla,

Ok, back to this one. Sorry this was delayed, your email got lost in my inbox and was resurrected because we just received another ownership change from the De Groot's to the Winds. This one has an original signature on it. So, it looks to me like we can do this a couple of ways.

- 1- Let the transfer be processed, which means likely approved, and then file an NCAP to change the recommendation to match the transfer. In the past we have done many NCAPS based on transfers including ones that change the ownership with the transfer. The only transfer that should be held by the regions are the ones where an objection has been filed and litigation is on going. These have not been objected to. The only reason the NAP was filed is because a transfer was pending. This was and is our normal procedure when a transfer is filed on a recommendation that has been submitted to the SRBA Court but has not yet been partially decreed. That's why the NAP was filed years ago.
- 2- We can NCAP the recommendation to change the ownership and the rights proceed forward as recommended and eventually the Court will issue partial decrees. The transfer is approved and the water rights changed.

I guess the decision on which way to do this depends on when the transfer is going to be done. If it can be processed right now because we have the original signature on the change of ownership, then we should go ahead and complete the transfer and we will NCAP the recommendations based on the approved transfer. Then the rights can be partially decreed reflecting the transfer.

Or, if the transfer is going to take more than a couple of months we should just do an NCAP for the Change of ownership and the partial decrees will reflect the water rights prior to the transfer. Then when the transfer is approved it will change the water rights.

One thing I do not know is what the transfer is proposing or how that would affect which way we go. Let me know whether you want us to send you the ownership change so you can proceed with the transfer or we do the NCAP for the change of ownership now rather than with an NCAP when the transfer is approved.

Thanks Sharla,
Jan

From: Curtis, Sharla
Sent: Wednesday, February 22, 2012 2:48 PM
To: Shurte, Jan
Subject: RE: Question

Hey Jan,

Finally getting back to this project. I scanned the ownership change stuff and the last correspondence relating to these files. The transfer file contains a document assigning the transfer from the DeGroot's to John and Ann Wind. The document is a copy, however, and Dan Nelson had placed a stickie note on it saying "Need Original Signatures. Ownership Info to change into Wind's name." So I think he was waiting for the ownership to be handled in the SRBA and we were also waiting for the rights to be finalized in the SRBA so we could proceed with the transfer.

I'm in no big hurry on this, just whenever you have a chance to look at it hopefully you will have some wisdom to share as to how we get these off center and wrap them up.

Thanks so much.

Sharla

From: Shurte, Jan
Sent: Wednesday, February 01, 2012 10:47 AM
To: Curtis, Sharla
Subject: RE: Question

Hi Sharla,

I am adjusting all the time. Starting to get to know everyone and can't complain. I actually do like it – pretty quiet which I'm finding isn't all bad. I miss my office and I miss you guys too. When I came over for Rob and Jean's going away luncheon it was nice to see everyone and I really missed my old office. I am right smack dab in the middle of planning over here. At first that was a little weird, but now that I know everyone I'm just a part of the family. At least I think so. I hope your family is healing as time goes by.

So, what happened to those files? Lori thinks they are in the drawers outside of Kay's old office. When Sonny moved into her office space we moved Lori's old filing cabinet beside the ones for Vicky & Kay already back there. She had some unfinished change of ownership files. If you could look and see if you could find those then I could get involved and see what needs to be done. It could be that the transfer app and attachments explain whatever Lori's problem was with them.

Would you see if you can find them and then give me a call or email me as to what you see? Does that sound ok?

Jan

From: Curtis, Sharla
Sent: Wednesday, February 01, 2012 8:24 AM
To: Shurte, Jan
Subject: Question

Hi Jan,

You might not be the right person for me to contact about this but I thought I'd start with you cuz I wanted to say hi anyway.

We have had a transfer application on file since 2005 for 6 basin 63 rights, of which 5 are part of the SRBA. All five are in the "Admin Proceed Pending" status. When I look in PowerDocs I find NAPs are the last things in the files dated 2007. The NAPs say waiting for documentation for Substitution of Party. Can you tell me what the current status is for these rights so that I can either proceed with the transfer process or hold till the rights are finalized in the SRBA.

The rights are 63-3198A, 63-3198B, 63-7425B, 63-7425C and 63-7427A. Montierth, Wind, DeGroot, VanderStelt – pick a name, any name. These are the names all over the transfer files.

Thanks for your help. How's it going over there at the S.O. We miss you.

Sharla



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 9, 2007

JOHN WIND
ANN WIND
8800 SWAN FALLS RD
KUNA ID 83634

Dear Mr. & Mrs. Wind:

Enclosed is a copy of the Notice of Administrative Proceeding regarding your water right(s) that have been sent to the Snake River Basin Adjudication Court in Twin Falls. This document is required to be filed by the Department in order to notify the Court of any contemplated changes to your water right(s).

The SRBA Court or Water Resources will notify you of any future action on your water right(s).

Please contact this office if you have any questions concerning this notification.

Sincerely,

Lori Harris
Technical Records Specialist 1
Adjudication Section
Western Region

LH:I
Enclosure

cc: Edward Ray Montierth

11/21/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3198B

NAME AND ADDRESS: EDWARD RAY MONTIERTH
825 HEARTLAND DR
NAMPA ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.760 CFS
224.800 AFY

The rights listed below are limited to a total combined diversion rate of 9.02 cfs. Combined Right Nos.: 63-3198A, 63-3198B, 63-7425A, 63-7425B, 63-7425C, 63-7427A and 63-8365A.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 05/17/1960

POINT OF DIVERSION:

T01N R01W S24 SENE Lot 2 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	1/01 12/31	0.550 CFS 75.10 AFY
IRRIGATION	3/15 11/15	0.210 CFS 47.70 AFY
STOCKWATER	1/01 12/31	0.550 CFS 102.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within ADA County

T01N R01W S24 SWNE 24.0 T01N R01W S24 Lot 2 SENE 26.0

COMMERCIAL same as IRRIGATION

STOCKWATER same as IRRIGATION

50 ACRES TOTAL

Pursuant to Transfer No. 5087, this right is limited to the irrigation of 10.6 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



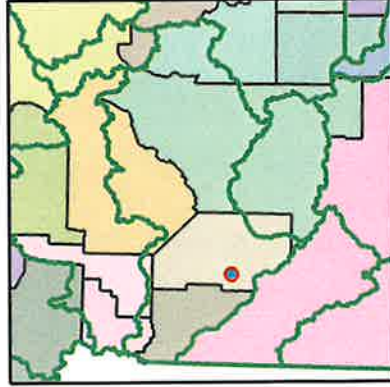
Idaho Department of Water Resources

T01N R01W

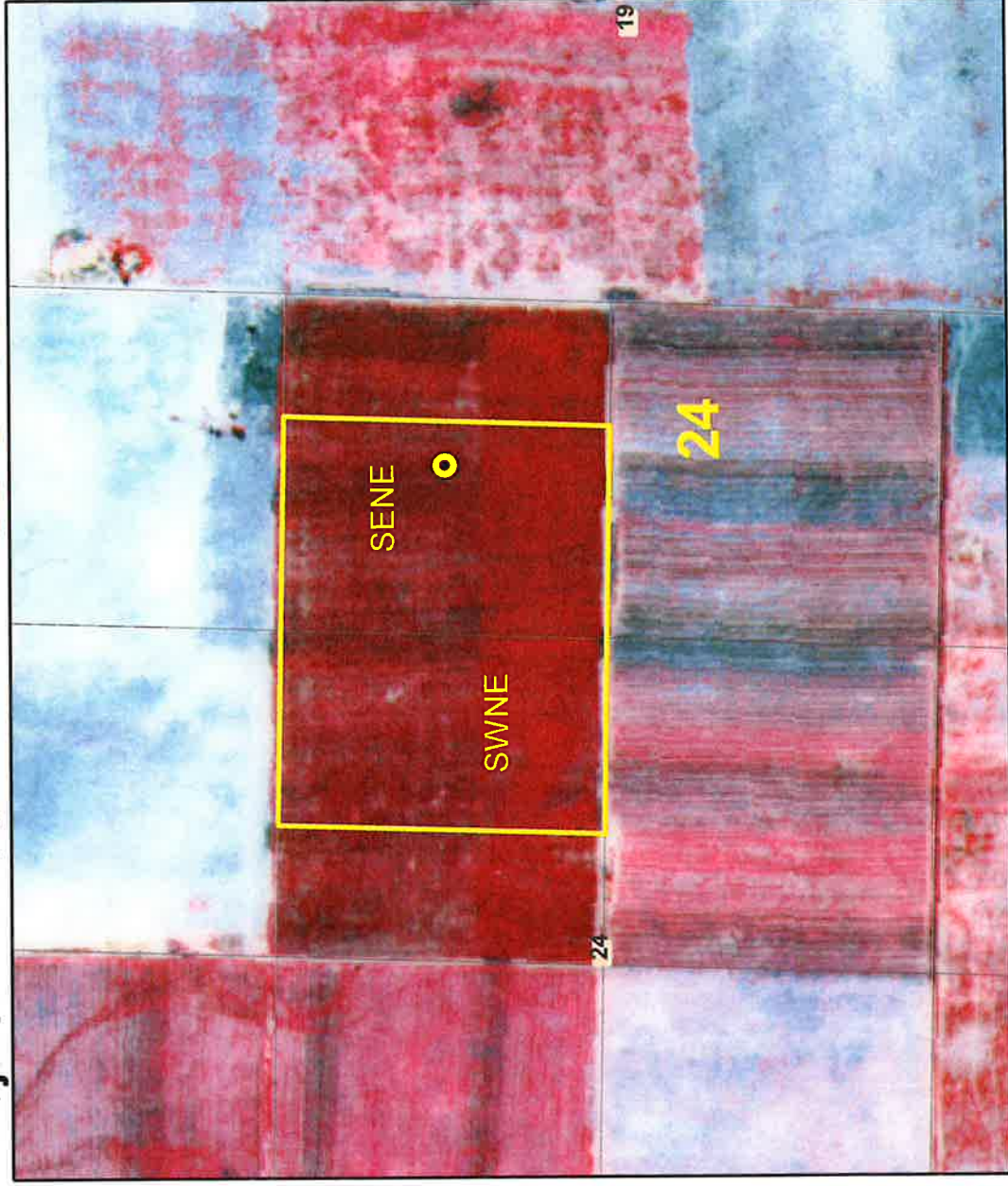
Adjudication Claim Number: **63-3198 B**

Legend

- Recommend POD
- 63-3198b.shp
- GCDB01N01W GCDB



Ada County
IDWR Basin 63



Prepared by A. Warntjes
On Monday, November 14, 2005
2004 NAIP Aerial Photography

Draft

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3198B V1

WATER RIGHT NUMBER: 63-3198B V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM EUGENE POEN JR 503 11TH AVE N NAMPA, ID 83651
Original Owner	HERBERT R MONTIERTH JR 825 HEARTLAND DR NAMPA, ID 83686 (208)463-8163
Current Owner	EDWARD RAY MONTIERTH 1601 POEN RD KUNA, ID 83634 (208)463-8163

Priority Date: 05/17/1960

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	1/01 to 12/31	0.550 CFS	75.10 AF
IRRIGATION	3/15 to 11/15	0.210 CFS	47.70 AF
STOCKWATER	1/01 to 12/31	0.550 CFS	102.00 AF
	<u>Total Diversion:</u>	0.760 CFS	224.80 AF

Location of Point(s) of Diversion

GROUND WATER	L1 (NE1/4NE1/4)	Sec. 24, Twp 01N, Rge 01W, B.M.
ADA County		
GROUND WATER	L2 (SE1/4NE1/4)	Sec. 24, Twp 01N, Rge 01W, B.M.
ADA County		
GROUND WATER	L4 (SE1/4SE1/4)	Sec. 24, Twp 01N, Rge 01W, B.M.
ADA County		
GROUND WATER	SW1/4NE1/4	Sec. 24, Twp 01N, Rge 01W, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	01W	24			24.0	26.0													50.0
						L 2													

Total Acres: 50

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3198B V1

COMMERCIAL same as IRRIGATION
STOCKWATER same as IRRIGATION

Conditions of Approval:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. General Pursuant to Transfer No. 5087, this right is limited to the irrigation of 10.6 acres in a single irrigation season.
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	12/2/2004 9:05:19 AM	awarntje			Active
Source	12/2/2004 9:10:57 AM	awarntje			Active
POD	12/2/2004 9:12:41 AM	awarntje			Active
POU	12/2/2004 9:12:47 AM	awarntje			Active
Use	12/2/2004 9:12:53 AM	awarntje			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3198B V1

Season	12/2/2004 9:12:54 AM	awarntje	Active
Quantity	12/2/2004 9:12:55 AM	awarntje	Active
Priority Date	12/2/2004 9:13:31 AM	awarntje	Active
POU	12/2/2004 9:17:10 AM	awarntje	Active
Use	12/2/2004 9:20:02 AM	awarntje	Active
POD	12/2/2004 9:28:49 AM	awarntje	Active
Season	12/2/2004 9:32:16 AM	awarntje	Active
Quantity	12/2/2004 9:34:07 AM	awarntje	Active
Summary		12/02/2004 awarntje	Active
Source	12/2/2004 9:38:25 AM	awarntje	Active
POU	12/2/2004 11:15:09 AM	dtuthill	Active
POD	12/2/2004 11:16:21 AM	dtuthill	Active
Use	12/2/2004 11:18:37 AM	dtuthill	Active
Summary		12/02/2004 dtuthill	Active
Quantity	12/2/2004 11:49:02 AM	dtuthill	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Quantity	12/2/2004 9:34:08 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use?
Priority Date	12/2/2004 9:13:31 AM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?
POU	12/2/2004 9:16:26 AM	awarntje	Edited shape boundary
Priority Date	12/2/2004 9:05:19 AM	awarntje	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3198B V1

Source	12/2/2004 9:10:58 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POD	12/2/2004 9:12:42 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License?
Use	12/2/2004 9:12:53 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License?
Quantity	12/2/2004 9:12:55 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License?
POU	12/2/2004 9:17:10 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
POD	12/2/2004 9:28:49 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD?
Season	12/2/2004 9:32:17 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (Yes) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Summary	12/2/2004 9:34:46 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3198B V1

POU	12/2/2004 9:12:48 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Season	12/2/2004 9:12:55 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License?
Use	12/2/2004 9:20:02 AM	awarntje	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (No) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 7. Can the change be verified as an accomplished transfer?
POD	12/2/2004 9:28:32 AM	awarntje	Edited point location
Source	12/2/2004 9:38:25 AM	awarntje	(Yes) 1. Is the basis of claim Decree or License?
POU	12/2/2004 11:15:10 AM	dtuthill	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POD	12/2/2004 11:16:21 AM	dtuthill	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Use	12/2/2004 11:18:38 AM	dtuthill	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-3198B V1

Summary	12/2/2004 11:36:34 AM	dtuthill	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Quantity	12/2/2004 11:49:03 AM	dtuthill	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 10 - See transfer document.

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-03198B Date: 12-6-00

				NE				NW				SW				SE				Sum
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	1N	1W	24			24	26 ⁰²⁻													50
GIS						*40	*40													80
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Total Claimed Acres: 50

Total GIS Acres: 80

Overlapping POU Claim #'s: _____

COMMENTS:

* can't determine claimed acres, county data for this section does not have ownership info.

Idaho Department of Water Resources

Claim Number: 63-03198B

Legal: T01N, R01W, S24

Reviewed By:

● Point of Diversion



Place of Use

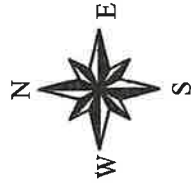
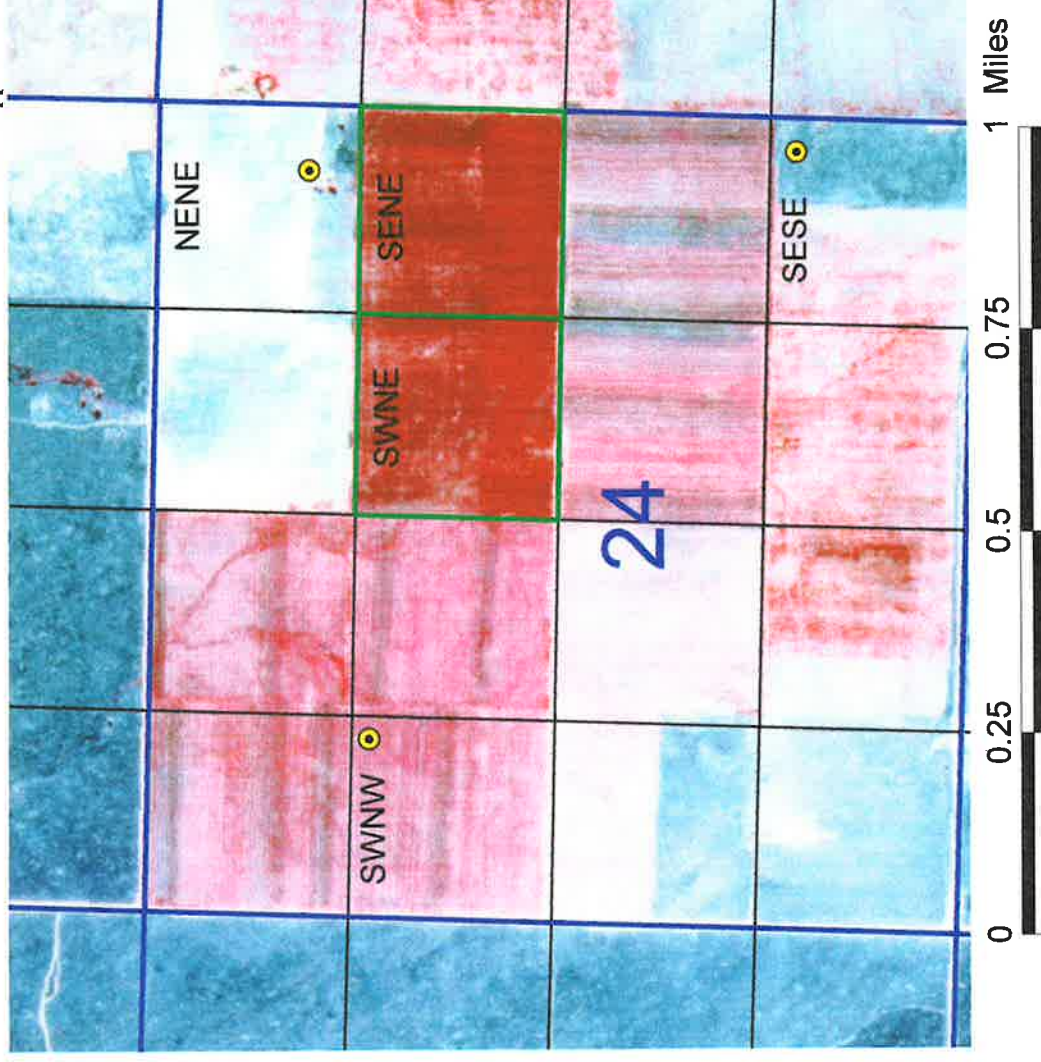


Section Lines



Quarter Quarter Lines

1987 Napp Photo



Idaho Department of Water Resources

Claim Number: 63-03198B

Legal: T01N, R01W, S24

Reviewed By:

● Point of Diversion



Place of Use

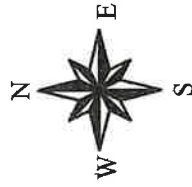
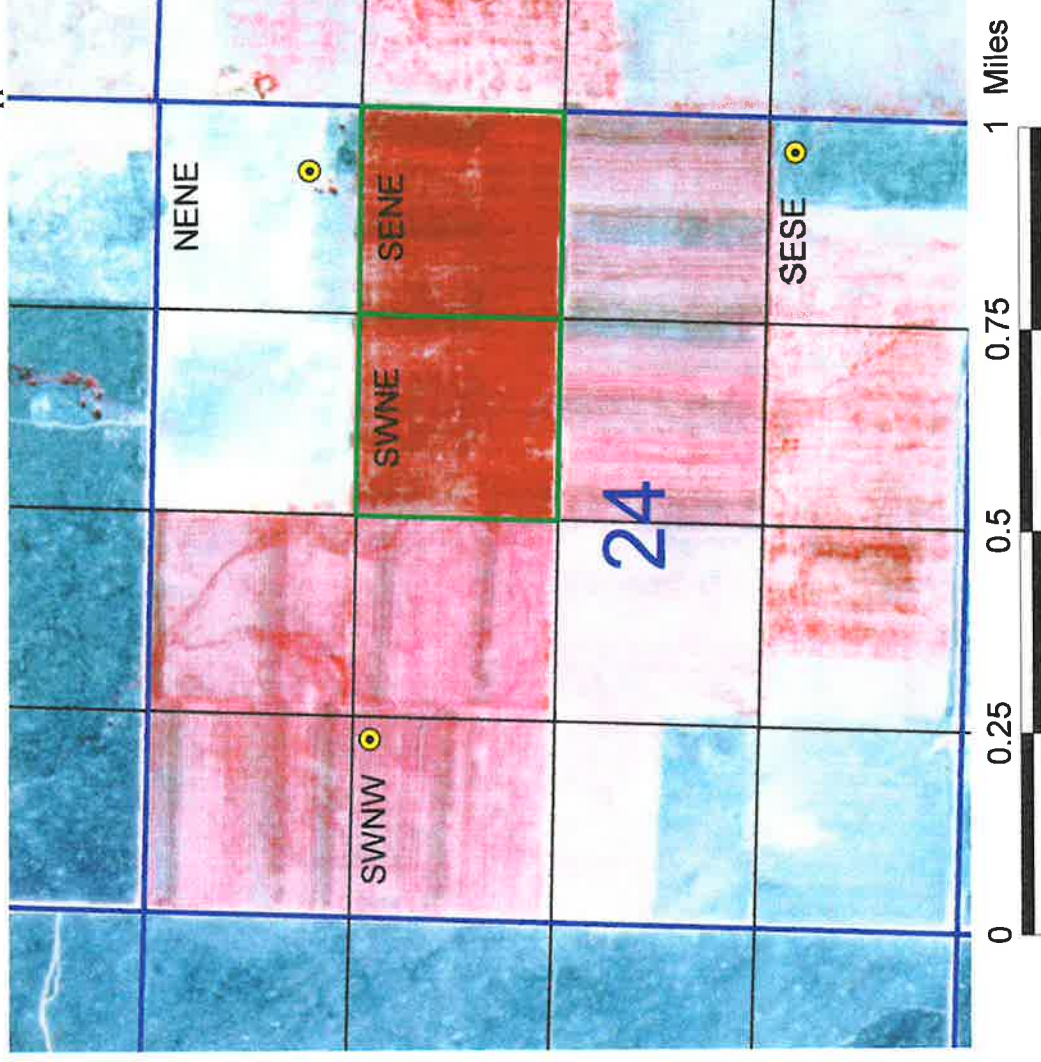


Section Lines



Quarter Quarter Lines

1987 Napp Photo



OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EDWARD RAY MONTIERTH 1601 POEN RD KUNA ID 83634 (208) 922-4975	05/17/1960	IRRIGATION STOCKWATER COMMERCIAL	03-15 11-15 01-01 12-31 01-01 12-31	0.210 CFS 0.550 CFS 0.550 CFS	47.70 AFA 102.00 AFA 75.10 AFA
TOTAL DIVERSION:					0.760 CFS	224.80 AFA

Water Source: GROUNDWATER

Tributary to:

Point(s) of Diversion: T01N R01W S24 Lot01(NENE) SWNE Lot02(SENE) Lot04(SESE) ADA County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE		
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac
01N	01W	24	: 24	02-26	:	:	:	: TOTAL ACRES
							:	50.0
							:	50.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for COMMERCIAL is the same location as described for: IRRIGATION

POU County: ADA

Non-Irrigation Uses: STOCKWATER AND COMMERCIAL

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A63-03198A A63-07425B A63-07425C

Other Water Rights Listing Overlapping Place(s) of Use:
A63-03198 A63-03198A

Remarks: GEN P/D AMENDED PER 12/28/1994 FIELD EXAM FOR ASSOCIATED PERMITS.
SEE FILE 63-07425 FOR MAPS, WELL000PUMP INFO, AND PHOTOS.
CLAIM AMENDED PER TRANSFER 5087 APPROVED 10/23/97.
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

Objection Filed Date:

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 11/01/99 LHARRIS

WATER RIGHT NUMBER	NAME	CFS

63-03198	RIGHT SPLIT INTO PARTS A & B THRU APPROVED TRANSFER 5087.	
63-03198A	MONTIERTH , EDWARD RAY	2.00
63-03198B	MONTIERTH , EDWARD RAY	0.76

MICROFILMED
OCT 30 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5087
WATER RIGHT NO(S). 63-03198A/63-03198B

This is to certify that: **EDWARD RAY MONTIERTH**
1601 POEN RD
KUNA ID 83634

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-03198A :			
Priority: 05/17/1960			
IRRIGATION	03/15 to 11/15	2.00 CFS	450.0 AF
Right No. 63-03198B :			
Priority: 05/17/1960			
* IRRIGATION	03/15 to 11/15	0.21 CFS	47.7 AF
STOCKWATER	01/01 to 12/31	0.55 CFS	102.0 AF
COMMERCIAL	01/01 to 12/31	0.55 CFS	75.1 AF
Subtotal :		0.76 CFS	224.8 AF
Total :		* 2.76 CFS	* 674.8 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

Right No. 63-03198A : Lot 1(NENE), Sec. 24, Township 01N, Range 01W
SWNW , Sec. 24, Township 01N, Range 01W
Lot 4(SESE), Sec. 24, Township 01N, Range 01W
ADA County

Right No. 63-03198B : Lot 2(SENE), Sec. 24, Township 01N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
Right No. 63-03198A :						
01N	01W	24	Lot 1(NENE) 36	NWNE 38	SWNE 13	
			Lot 2(SENE) 13			100
Total number of acres irrigated:						100
Right No. 63-03198B :						
01N	01W	24	SWNE 24	Lot 2(SENE) 26		50
Total number of acres irrigated:						** 50

STOCKWATER & COMMERCIAL uses, same place of use as IRRIGATION use.

NOT RECORDED
OCT 30 1997

TRANSFER NO. 5087
WATER RIGHT NO(S). 63-03198A/63-03198B

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under Right 63-03198A, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion
5. The total instantaneous diversion of water from all points of diversion under Right 63-03198A shall not exceed 2.00 cfs, nor nor total combined annual volume of 450.0 af.
6. After specific notification by the department, the right holder of Right 63-03198A shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. After specific notification by the department, the right holder of Right 63-03198B shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- ** 8. Right 63-03198B is limited to the irrigation of 10.6 acres in the place of use described above in a single irrigation season.
9. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- * 10. Irrigation use under Right 63-03198B and the remaining portion of Right 63-03198 in excess of this transfer approval in the amount of 0.24 cfs and 0.2 afa shall be forfeited by five (5) years of non-use.

Dated this 23rd day of October, 1997.


Chief, Water Allocation Bureau

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OCT 30 1997

Page 1 of 6

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5087

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AUG 15 1997

PART 1

AMENDED

pages 1, 2 & 5

Amendment Approval by Ray Montreith

8/15/97

922-4975

Name of applicant Edward Ray Montreith

Phone

Post Office address 1601 POEN RD. KUNA ID 83634

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other SPLIT ~~into~~ for pending SALE.

2. Describe the reason for the proposed changes Add new well in SENE for dairy is 5 1/2 NG 1/4.
Update Remaining 100 acres of irrigation to show 3 integrated wells for
irrigation system (as claimed in Snake River Basin Adjudication & verified in IDWR
1994 field examination). Split right: "A" portion for irrigation, "B" portion for commercial
use (dairy).

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-03198 A</u>	<u>5-17-1960</u>	<u>2.00 / 450</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u> (new STANDARD SEASON)
<u>63-03198 B</u>	<u>5-17-1960</u>	<u>.55 / 102</u>	<u>Commercial</u>	<u>1/1</u> to <u>12/31</u>

2. Total amount of water being transferred 2.55 cubic feet per second ^{includes} 552 acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>01</u>		<u>NE</u>	<u>NE</u>	<u>24</u>	<u>1N</u>	<u>1W</u>	<u>Ada</u>	<u>Licensed irrig. well</u>
		<u>SW</u>	<u>NW</u>					<u>Additional irrig.</u>
<u>04</u>		<u>SE</u>	<u>SE</u>					<u>Wells in use</u>
<u>02</u>		<u>SE</u>	<u>NE</u>					<u>proposed commercial well</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
63-03198A																			
1N	1W	24	36	38	13	13												100	
63-03198B																			
1N	1W	24			C	C												—	
			↑			↑													

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OCT 10 1997
Department of Water Resources
FILMED
OCT 30 1997

gov't lots:

↑

1

↑

2

Total acres

100 irrigated

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AUG 15 1997

FILMED

OCT 30 1997

PART 1

6. General Information:

- a. Description of diversion system A: 3 wells in place & integrated serves NE 1/4 acres listed in license (same system serves other acres for other rights); NEW well will serve new dairy. Also see remarks.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Reduce irrigation by 50 Acres in 5 1/2 NE 1/4 where dairy will be built.
Also see Attachment A (dairy worksheet) prepared by consultant Darwin VanderStelt.
- d. Remarks:
Transfer will reduce consumptive use overall. Wastewater & dairy runoff will be collected in lagoons & used to supplement residual irrigation. Thus, new well will indirectly serve as diversion point (RE: wastewater) for residual irrigation but is not listed as diversion point for irrigation since not directly tied into irrig system.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

NOTE - for original pg 1 & 2 - see Attachment D

Witness my hand this _____ day of _____, 19____.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-03198 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

☒ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Groundwater tributary to _____4. Date or priority 05/17/1960

5. Water is used for the following purpose:

amount 3/675 for irrigation purposes from 04/01 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

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

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	24	1N	1W	Ada	Irrigation Well

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
1N	1W	24	36	38	37	39													150
					(24 26)														(50)

Total acres 150

9. Describe any other water rights used for the same purpose as described above

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OCT 30 1997

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED*(If the entire right is to be changed by the applicant, omit part B and C.)*

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

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 OCT 30 1987

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	Commercial	.55/102	365	01/01 to 12/31
				to

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

All return flows will be contained in lagoons to be located in the
S 1/2 of NE 1/4. Waste water will be used to supplement irrigation water

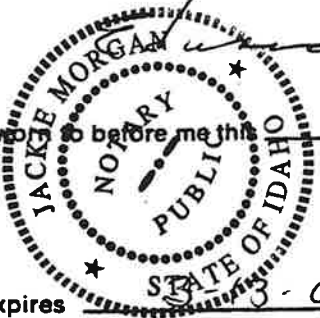
3. Describe effects on other water uses resulting from the proposed change:

None

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

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

Subscribed and sworn to before me this 16th day of April, 19 97.

 Jackie Morgan
(Notary Public)

My commission expires 3-01

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by OB Date 4-16-97 Protest filed by _____

Prelim. check by SL Fee \$100 - W022139

Receipted by OB Date 4-16-97

Published in Idaho Statesman Copies of protest forwarded by _____

Pub. dates 6-5+12-1997 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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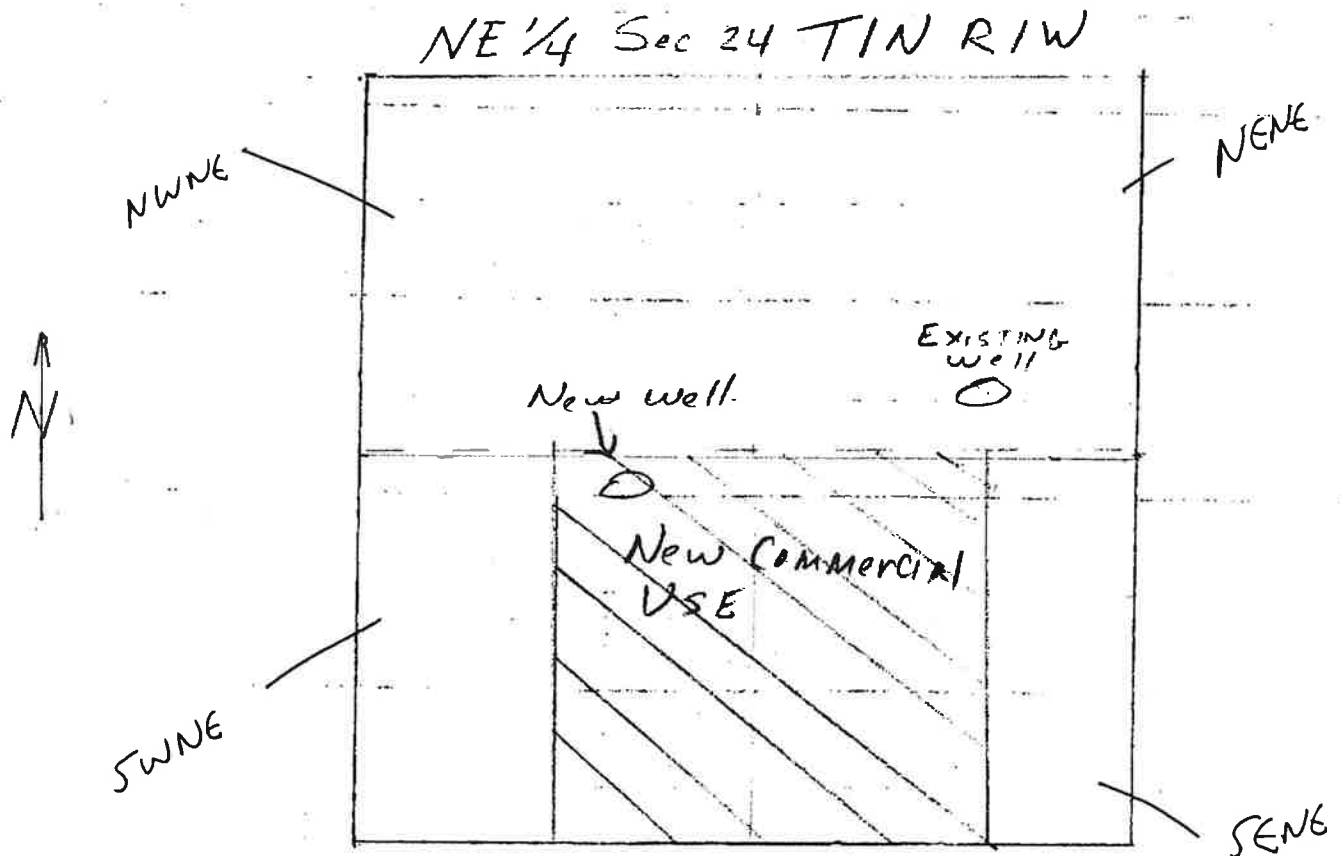
OCT 30 1997

5 7 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



Replaced by
Attachment C
8/15/97

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OCT 30 1997

Drinking Water Estimates (see Table 1 & 2):

	Number	Individual Use/day	Total	
Milking Cows	2100	32	67200	Gal/Day
Dry Cows	420	14	5880	
Total Cows	2520		73080	
Heifers:	Age	% of Herd Number	Use/day	Total
	16-24 mo.	0.38	957.6	10 9576
	13-15 mo.	0.12	302.4	8 2419.2
	9-12 mo.	0.17	428.4	6 2570.4
	5-8 mo	0.17	428.4	5 2142
	3-4 mo	0.08	201.6	4 806.4
	0-2 mo	0.08	201.6	2.5 504
Total Heifers		2520		18018
Total Herd Drinking Water Used:				

proposed buyer per 5/28/97
 call from REATH
 Susan McCoy

Worksheet prepared by
 David Vanderstelt
 922-5127 per
 5/6/97 call
 -SL

91098 Gals./Day

Wash Pen Estimate (see table 3):

GPM discharge/nozzle	5.39
Number of Nozzles	86
Minutes run/day:	132
groups	11
mins/group	6
x/day	2

Total Wash Pen Water Used:

61187.28 Gals./Day

Milk House and Parlor Estimate (see Table 4)

Item	Water/ Operation x's	Gals/day
Bulk Tank	126	2 252
Pipeline	140	2 280
Backflush	0.5	4400 2200
Cleanup	1000	2 2000
Cow Prep	0.25	4400 1100
Plate Cooler(ignore if recycled)		

Total Milk House and Parlor Water Used:

5832 Gals./Day

Actually is diversion volume

Total Fresh Water Diverted Daily (Gallons/day):
 Recovery out of lagoons for irrigation purposes:
 Actual Consumptive Use in Gals/Day

Gallons/Mature Cow/Day 62.7
 Range in the literature 12-70

Total Consumptive Use in Acre feet per Year (365xGal/Day/325850)

Allowable

Allowable

102.7
 102 Acre/Feet/Year

Licenses affected by this transfer:

Flow(cfs)	Consumptive use	Annual Diversion Vol	Allowable Irrigated Acres
License # 63-03198	3	525	675 150
	3	525	675 150

158117 Gals./Day
 42% -67019 (Wash Pen and Wash)
 91098 91708 connected

Acres	Pro Rata Acre-feet	ShareCfs.
	675	3

Before transfer total diversion:
 Acres irrigated with this right:
 Less: Acres to be taken out of production
 Add: New acres added to common place of use
 Acres irrigated after transfer

Total annual diversion after transfer:

Irrigation
 Commercial (Actual consumption)

Total annual diversion after transfer:

Reduction in Consumptive Use:

Current Allowable Consumptive use (150 irrigated acres)
 Allowable consumptive use for 100 acres irrigated
 Consumptive use of Proposed Commercial
 Total

Reduction in consumptive use as result of transfer:

350	
102	
452.0	
73.0	acre/feet/year

Formulas used:
 $2.45 \times 450 / 552 \times 3$
 $0.55 \times 3 - 2.45$
 Dairy will install approx 240 GPM pump which will run part time with demand.

COMM. RATE
 of flow
 55 cfs
 as per
 app.
 -OK

all notes
 by SL



PIONEER TITLE COMPANY
OF ADA COUNTY

821 West State Street / Boise, Idaho 83702
(208) 336-6700

888 North Cole Road / Boise, Idaho 83704
(208) 377-2700

96033191
ADA CO. RECORDER
DAVID NAVARRO
BOISE ID

'96 APR 23 AM 10 48

FEE 6.00 DEP. Boise
RECORDED AT THE REQUEST OF

SPACE ABOVE FOR RECORDING DATA

QUITCLAIM DEED

FOR VALUE RECEIVED HERBERT R. MONTIERTH, an unmarried man, and HERBERT R. MONTIERTH as Personal Representative of the Estate of GOLDA DARLENE MONTIERTH (also known as DARLENE MONTIERTH) deceased

do hereby convey, release, remise and forever quitclaim

unto EDWARD RAY MONTIERTH

whose address is: 1601 POEN ROAD, KUNA, ID 83634

the following described premises, to wit:

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MAY 09 1997

WATER REBOURCES
WESTERN REGION

-NEW - SENE
Lots 1 and 2, and the West half of the Northeast quarter of Section 24, Township 1 North, Range 1 West of the Boise Meridian, according to the official plat thereof, records of Ada County, Idaho, together with any and all water rights and personal property appurtenant thereto.

together with their appurtenances.

Dated:

Herbert Montierth
Herbert R. Montierth

Herbert Montierth

Herbert R. Montierth as Personal Representative of the Estate of Golda Darlene Montierth
STATE OF Idaho, County of Ada, ss.

On this 12th day of November, in the year of 1993, before me

Janet A. Blason, a notary public,
personally appeared: Herbert R. Montierth

known or identified to me to be the person(s) whose name(s) is is subscribed to the within
instrument, and acknowledged to me that he executed the same.

Notary Public: Janet A. Blason

Residing at: Boise, Idaho

My Commission Expires: 3/17/99

(2 ps)

Attachment B

STATE OF IDAHO)

ss.

County of Ada)

On this 12th day of November, 1993, before me, the undersigned Notary Public in and for said State, personally appeared HERBERT R. MONTIERTH, Personal Representative of the Estate of Golda Darlene Montierth, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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


NOTARY PUBLIC, State of Idaho
Residing at Boise, Idaho
My Commission Expires: 3-17-99

OCT 30 1997

B₂

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AUG 15 1997

WATER RESOURCES
STEIN REGION

TIN
RIW
5.24



this was returned on
8/15/97 with approval of
PSS 1 & 2 REVISIONS.

AMENDED MAP

- = Existing irrig. wells
- ⊙ = proposed dairy well
- /// = " dairy use
- /// = Remaining irrigation
- = NENE, SWNW, SESE
- = SENE

T. 5089 (63-03148)

Attachment C

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5087

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Edward Ray Montlerth Phone (208) 922-4975
Post Office address 1601 Poen Rd Kuna, ID 83634

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant desires to construct a new dairy on the NE 1/4 of Sec. 24, T1N, R1W

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
63-03198	05/17/1960	2.45/450	Irrigation	4/01 to 10/31
		.55/102	Commercial	01/01 to 12/31

2. Total amount of water being transferred .55 cubic feet per second and/or 102 acre-feet per annum.
3. Source of water New Commercial Well tributary to _____

4. Point(s) of Diversion: See map

Lot	%	%	Sec.	Twp.	Rge.	County	Local name for diversion
			NE 24	1N	1W	ADA	New Commercial Well
01			NE 24	1N	1W	Ada	Existing Irrigation Well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				Totals
			NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	
1 N	1 W	24	36	36	13	13								100	
1 N	1 W	24			C	C									
			1st			1st									
							</								

Attachment D
(2 pgs)

CC of Original Pt 1 - The original transfer was to Applicant for revision 5/18/97 but not returned

PART 1

6. General Information:

a. Description of diversion system Existing Irrigation well will provide irrigation, and a new well will be used for the Commercial use. All washwater and dairy runoff will be collected in lagoons and used to supplement irrigation water.

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

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
No change in the place of use

d. Remarks:

This transfer request will reduce consumptive use permitted under this license from 525 acre-feet per year to 452 acre-feet per year.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____, subject to the following limitations and conditions:
And said application is hereby _____

*Approved with
"presented 8/15/97"*

Witness my hand this _____ day of _____, 19____.

OCT 30 1997

*Original PS 2
D2*

WATER LICENSE

Water License No. G-28721 Priority May 17, 1960 Amount 3.0 c.f.s.

THIS IS TO CERTIFY, that WILLIAM EUGENE POEN, JR.
of Nampa, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated May 17, 1960; that Permit G-28721 was issued pursuant
to said application; that the proposed works were completed on or about 1967
with a storage/or carrying capacity of 3.57 c.f.s., said works consisting of
well, motor, pump, steel diversion works and earth ^{ditches}; and that on May 31, 1968
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 675
acre feet per season, with a maximum rate of diversion of 3.0 cubic feet per second of the waters
of ground water, tributary of _____,
for the purpose of irrigation from April 1 to October 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 1 N, R. 1 W, B.M., and
other additional points _____, in the County of
Ada; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 675 acre feet per year.

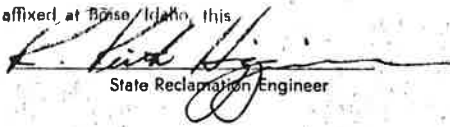
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>1 N</u>	<u>1 W</u>	<u>24</u>	<u>36</u>	<u>38</u>	<u>37</u>	<u>39</u>													<u>150</u>

Total number of acres irrigated 150

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

16th day of May, 19 68.

State Reclamation Engineer

63 5198

28721

63-3-78

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36702
Permit No. G- 28721
District No.

1. Name of Applicant: WILLIAM EUGENE POEN, Jr.
1519 N. Sherman 303 11th Avenue North
 Postoffice address: Nampa County: Canyon State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 3.24 or Idaho
 Miners' inches 162 or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the (Lot 1)
NE 1/4 of the NE 1/4 of Section 24
Twp. 1 N , Rge. 1 W. , B.M., County of Ada
5. Water is to be used for: irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. . B.M.
7. Kind of works: well, pump and ditches
8. Estimated cost of works: \$ 10,000.00
9. (a) Is reservoir to be used? No
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 3.24 (cubic feet per second, ~~inches or gallons per minute~~) is for new lands.

Remarks: This application is made in connection with a Desert Land entry

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.

s/ William Eugene Poen, Jr. Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 11:00 A. M. May 17, 1960

Returned to applicant for correction:

DESERT ENTRY - Idaho Ser. No.

Corrected application received:

Allowed:

Approval of State Reclamation Engineer

The number of this permit is G— 28721

Recorded in Book 101 Page 28721 Approved May 27, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before November 27, 1962

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before May 27, 1965

Witness my hand this 27th day of May, 1960

GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, W. E. DREVLOW, Acting Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 27th day of May, 1960.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ W. E. DREVLOW
Acting Governor

12.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1 N	1 W	24	Lot 1 41 40 40 41																162
STATE OF IDAHO DEPARTMENT OF RECLAMATION																			
WHEREAS, Permit No. G-28721, in the name of William Eugene Poen, Jr., requires proofs of completion of works and beneficial use to be made on or before May 27, 1965; and,																			
WHEREAS, said Permit was issued in connection with Desert Land Entry, Idaho Serial #011626; and,																			
WHEREAS, Applicant was prevented from proceeding with construction pending allowance of said Desert Land Entry which was not allowed until November 9, 1961;																			
NOW, THEREFORE, An Extension of Time is allowed for Completion of Works and Beneficial Use Proofs on Permit No. G-28721 to November 9, 1966, or the length of time applicant was prevented from proceeding pending allowance of his Desert Land Entry and a similar extension is allowed for every other act required under the terms and conditions of Permit No. G-28721.																			
Signed at Boise, Idaho, this 29th day of March, 1965.																			
s/ RALPH W. THOMAS Deputy State Reclamation Engineer																			

EXTENSION OF TIME

I, R. Keith Higginson, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. G-28721 to November 9, 1967.

Witness my hand this 10th day of October, 1966.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

APPLICATION FOR EXTENSION OF TIME ✓

I, R. Keith Higginson, State Reclamation Engineer of the State of Idaho, hereby approve the above application for extension of time for Permit G-28721 to June 6, 1968.

Witness my hand this 25th day of October, 1967.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer

LICENSE ISSUED FOR 3.0 SEC. FT.
LICENSE PAGE NO.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-03198B**
Date Received: 1/14/1992
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: EDWARD RAY MONTIERTH 208-922-4975
Address: 1601 POEN RD
KUNA ID 83634

2. Date of Priority: MAY 17, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	01W	24		NE	NE	1	ADA
				SW	NE		ADA
				SE	NE	2	ADA
				SE	SE	4	ADA

5. Description of diverting works:
WELL, PUMP, & PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.210		47.70
STOCKWATER	01/01	12/31	0.550		102.00
COMMERCIAL	01/01	12/31	0.550		75.10

7. Total Quantity Appropriated is:
0.760 C.F.S. (and/or) 224.80 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER AND COMMERCIAL

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	01W	24	SW	NE		IRR	24.0
			SE	NE	2	IRR	26.0
Section Acres							50.0
Total Acres							50.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

P/D AMENDED PER 12/28/1994 FIELD EXAM FOR ASSOCIATED PERMITS.
SEE FILE 63-07425 FOR MAPS, WELL000PUMP INFO, AND PHOTOS.
CLAIM AMENDED PER TRANSFER 5087 APPROVED 10/23/97.
FOR TRANSFER CONDITIONS OF APPROVAL AND REMARKS SEE COPY OF
TRANSFER IN ADJUDICATION FILE.

15. Basis of Claim: LICENSE

Water Right Number: 28721

Western AS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

RECEIVED

OCT 29 1997

WATER RESOURCES
WESTERN REGION

TRANSFER NO. 5087
WATER RIGHT NO(S). 63-03198A/63-03198B

This is to certify that: **EDWARD RAY MONTIERTH**
1601 POEN RD
KUNA ID 83634

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-03198A :			
Priority: 05/17/1960			
IRRIGATION	03/15 to 11/15	2.00 CFS	450.0 AF
Right No. 63-03198B :			
Priority: 05/17/1960			
* IRRIGATION	03/15 to 11/15	0.21 CFS	47.7 AF
STOCKWATER	01/01 to 12/31	0.55 CFS	102.0 AF
COMMERCIAL	01/01 to 12/31	0.55 CFS	75.1 AF
	Subtotal :	0.76 CFS	224.8 AF
Total		: * 2.76 CFS	* 674.8 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

Right No. 63-03198A : Lot 1(NENE), Sec. 24, Township 01N, Range 01W
SNNW , Sec. 24, Township 01N, Range 01W
Lot 4(SESE), Sec. 24, Township 01N, Range 01W
ADA County

Right No. 63-03198B : Lot 2(SENE), Sec. 24, Township 01N, Range 01W
ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
Right No. 63-03198A :						
01N	01W	24	Lot 1(NENE) 36	NWNE 38	SWNE 13	
			Lot 2(SENE) 13			100
Total number of acres irrigated:						100
Right No. 63-03198B :						
01N	01W	24	SWNE 24	Lot 2(SENE) 26		50
Total number of acres irrigated:						** 50

STOCKWATER & COMMERCIAL uses, same place of use as IRRIGATION use.

TRANSFER NO. 5087
WATER RIGHT NO(S). 63-03198A/63-03198B

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. Prior to diversion of water under Right 63-03198A, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion
5. The total instantaneous diversion of water from all points of diversion under Right 63-03198A shall not exceed 2.00 cfs, nor nor total combined annual volume of 450.0 af.
6. After specific notification by the department, the right holder of Right 63-03198A shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. After specific notification by the department, the right holder of Right 63-03198B shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
8. Right 63-03198B is limited to the irrigation of 10.6 acres in the place of use described above in a single irrigation season.
9. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- * 10. Irrigation use under Right 63-03198B and the remaining portion of Right 63-03198 in excess of this transfer approval in the amount of 0.24 cfs and 0.2 afa shall be forfeited by five (5) years of non-use.

Dated this 23 day of

October, 1997.

J. Glen Saylor
Chief, Water Allocation Bureau

Cond
T17

Pou-K06

A-Cond R32.

MEMORANDUM

TO: FILE 63-03198

FROM: PAM SKAGGS²³/STATE OFFICE

SUBJECT: TRANSFER 5087

DATE: October 22, 1997

de

=====

Transfer 5087 changes the point of diversion, nature and season of use under a portion of Right No. 63-03198 (Part B), and adds points of diversion under the remaining irrigation portion of the right (Part A.) The applicant is selling 50 acres to Mr. De Groot who wants to drill a separate well and build a new dairy facility. The remaining 100 acres will continue to be irrigated, but will also identify 2 additional existing wells currently used as part of the system.

The applicant provided a dairy requirement worksheet prepared by a consultant. This information provided the maximum requirements for the dairy and the rate of diversion proposed through system design. The application did not identify stockwater as a component of the dairy although the worksheet provided the separate information for both stockwater and commercial uses. ✓ *de*

The application also identifies the 50 acre site of the dairy and does not address the irrigation portion of the 50 acres that is in excess of the dairy requirements. While the dairy will potentially be built on the full 50 acre site, there is a possibility of partial continued irrigation or an opportunity for the right holder to otherwise dispose of the irrigation portion through another transfer or sale, assuming action is taken prior to a 5 year non-use period. *de*

The remaining portions of the right in excess of both Parts A and B were specifically identified and notification of possible forfeiture given in the conditions of the transfer approval. Disposal or use of the wastewater from the dairy is not part of this transfer approval or right. ✓

Season of use for irrigation was adjusted to current standards and year round use allowed for dairy. Irrigation, Stockwater and Commercial use were identified and quantified under Part B. Recommended conditions include measuring device & reporting requirements for each part, permissible place of use under Part B, irrigation overlap, identifying the possible forfeiture portions of the right and standard transfer conditions.

(SEE ATTACHED CHANGE IN NATURE OF USE EVALUATION)

**TRANSFER 5087
RIGHT 63-03198
CHANGE IN NATURE OF USE EVALUATION
PAM SKAGGS 10-22-97**

50 Acre Site with 0.02 cfs & 4.5 af/3.5 af per acre
OR 50 Acres with 1.00 cfs & 225.0 afa/175.0 afa.

Proposed Dairy Requirements

Rate) 0.55 cfs per system design / 0.02 cfs = 27.5 Acres
Div.Vol.) 177.1 afa (Stock & Commercial) / 4.5 afa = **39.4 Acres**
C.U. Vol.) 18.8 afa (Dairy Stock) / 3.5 afa = 5.4 Acres

Required Diversion Volume is the most confining factor requiring 39.4 Acres IRR to compensate for new Dairy uses.

39.4 Acres have 0.79 cfs & 177.3 afa/137.9 afa associated under Right 63-03198.

50.0 Acres - 39.4 Acres leave **10.6 acres unchanged IRR acres.**

10.6 Acres have **0.21 cfs & 47.7 afa/137.9 afa** associated under Right 63-03198.

<u>Original</u>	<u>Dairy</u>	<u>IRR</u>	<u>Unused Balance</u>
50.0 Acres	- 39.4 Acres	- 10.6 Acres	= No Remaining Acres.
1.00 cfs	- 0.55 cfs	- 0.21 cfs	= 0.24 cfs
225.0 afa	- 177.1 afa	- 47.7 afa	= 0.2 afa

Evaluation of Change in Nature of Use

	<u>Rate</u>	<u>Use</u>	<u>Acres</u>	<u>Div.Vol./C.U. Vol.</u>
Original Right:	3.00 cfs	IRR	150 Acres	675.0 afa/525.0 afa
Part A:	2.00 cfs	IRR	100 Acres	450.0 afa/350.0 afa
Part B:	0.55 cfs	STOCK (39.4 Acres)	102.0 afa/	18.8 afa
	0.55 cfs	COMMER " "	75.1 afa/	0.0 afa
	<u>0.21 cfs</u>	<u>IRR</u>	<u>10.6 Acres</u>	<u>47.7 afa/ 37.1 afa</u>
After Transfer:	2.76 cfs		110.6 Acres	674.8 afa/405.9 afa

Transfer 5087 reduces irrigated acres and results in a net reduction of consumptive use due to change in nature of use under combined parts A & B of Right 63-03198.

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

Transfer No. 5087

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT AMENDED

AUG 15 1997

PART 1

AMENDMENTS Approved by 8/15/97

PAGES 1, 2 & 5

Name of applicant Edward Ray Monticith

Post Office address 1601 POEN RD. ELWA ID 83634

Phone 922-4975

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other SPLIT ~~into~~ for pending SALE.

2. Describe the reason for the proposed changes Add new well in SENE for dairy in 5 1/2 NW 1/4.
Update Remaining 100 acres of irrigation to show 3 irrigation wells for
irrigation system (as claimed is Snake River BASIN Adjudication & verified in IDWR
1994 field examination). Split Right: "A" portion for irrigation, "B" portion for commercial
use (dairy).

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

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|------------------|------------------|--------------------|-------------------|---|
| <u>63-03198A</u> | <u>5-17-1960</u> | <u>2.00 / 450</u> | <u>Irrigation</u> | <u>3/15</u> to <u>11/15</u> (STANDARD SEASON) |
| <u>63-03198B</u> | <u>5-17-1960</u> | <u>.55 / 102</u> | <u>Commercial</u> | <u>1/1</u> to <u>12/31</u> |
2. Total amount of water being transferred 2.55 cubic feet per second ^{includes} 552 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
01		NE	NE	24	1N	1W	Ada	Licensed irrig. well } <u>63-03198A</u> Additional irrig. } Wells in use }
		SW	NW					
04		SE	SE					
02		SE	NE					proposed commercial well <u>63-03198B</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>63-03198A</u>																			
	<u>1N</u>	<u>1W</u>	<u>24</u>	<u>36</u>	<u>38</u>	<u>13</u>	<u>13</u>												<u>100</u>
<u>63-03198B</u>																			
	<u>1N</u>	<u>1W</u>	<u>24</u>			<u>C</u>	<u>C</u>												<u>-</u>

gov't lots: 1

2

Total acres

100 irrigated

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____
in case of _____
dated _____ vs. _____

b. License No. 63-03198 in _____ county of _____

c. Claim No. _____ issued by the Idaho Department of Water Resources.

d. Transfer No. _____ on file with the Idaho Department of Water Resources.

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

☒ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater

4. Date or priority 05/17/1960 tributary to _____

5. Water is used for the following purpose:

amount 3/675 for irrigation purposes from 04/01 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

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

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	24	1N	1W	Ada	Irrigation Well

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals.
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	1W	24	36	38	37	39													150

9. Describe any other water rights used for the same purpose as described above _____ Total acres 150

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Commercial</u>	<u>.55/102</u>	<u>365</u>	<u>01/01 to 12/31</u>
				<u>to</u>

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

All return flows will be contained in lagoons to be located in the
S 1/2 of NE 1/4. Waste water will be used to supplement irrigation water

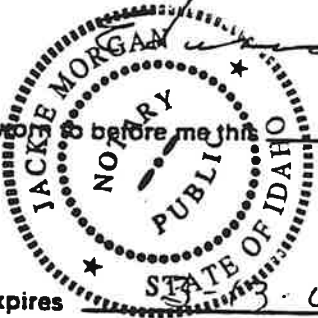
3. Describe effects on other water uses resulting from the proposed change:

None

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

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

Subscribed and sworn to before me this 16th day of April, 1997.

 Jackie Morgan
 (Notary Public)

Jackie Morgan
 (Signature of Applicant)

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 4 attachments

Received by OB Date 4-16-97

Prelim. check by SL Fee \$100 - W022139

Receipted by OB Date 4-16-97

Published in Idaho Statesman

Pub. dates 6-5-12-1997

Watermaster recommendation requested on _____

Protest filed by _____

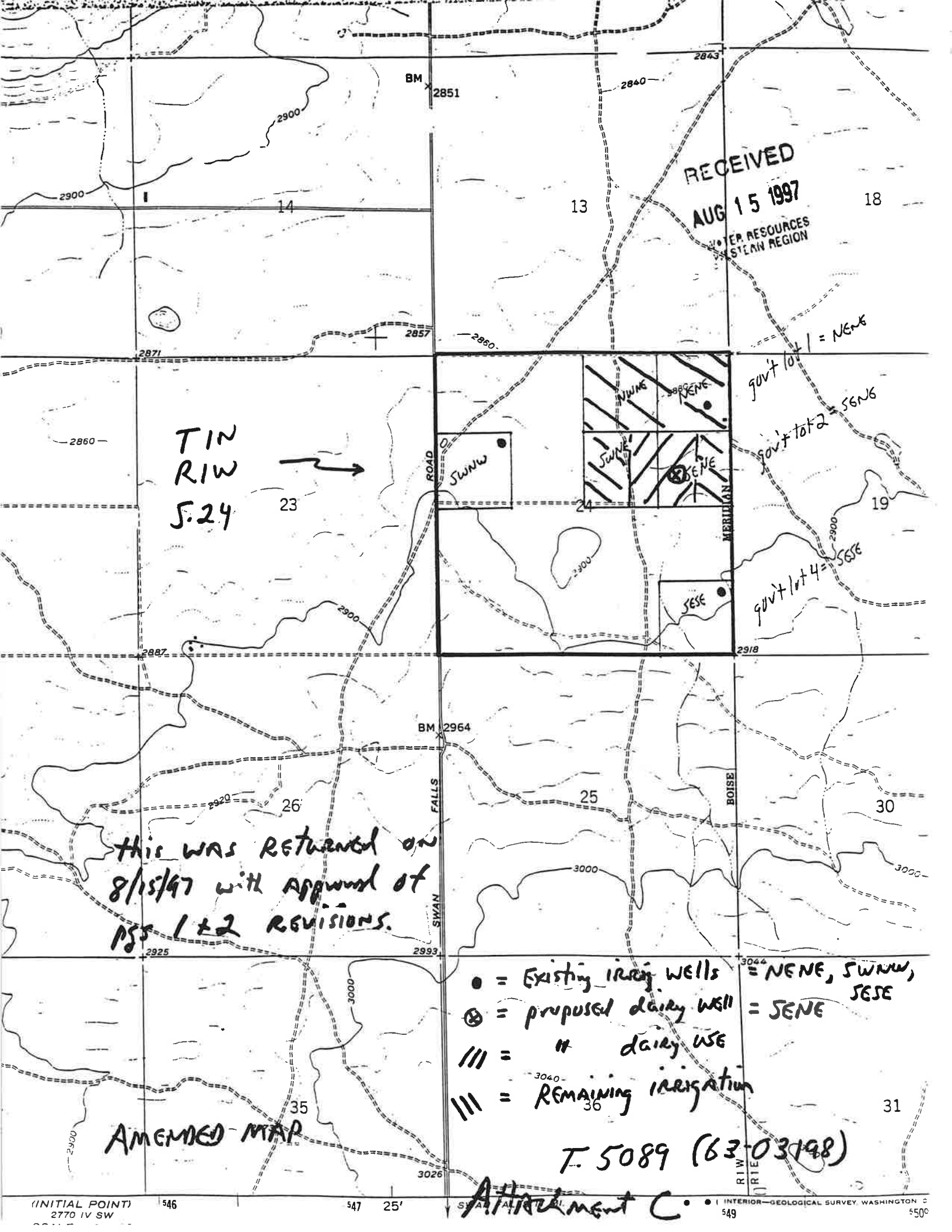
Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____



RECEIVED
AUG 15 1997

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WATER RESOURCES
WESTERN REGION

TIN
RIW
5.24



this was returned on
8/15/97 with approval of
PSS 1 & 2 revisions.

AMENDED MAP

- = Existing irrig. wells
 - ⊗ = proposed dairy well
 - /// = " dairy use
 - /// = Remaining irrigation
- = NENE, SWNW, SESE
= SENE

T. 5089 (63-03148)

Attachment C

Daily Fresh Water Requirement For Dairy Facility Worksheet
 For: **Pete Degroot**

Drinking Water Estimates (see Table 1 & 2):

	Number	Individual Use/day	Total	
Milking Cows	2100	32	67200	Gal/Day
Dry Cows	420	14	5880	
Total Cows	2520		73080	
Heifers:	Age	% of Herd	Number	Use/day
	16-24 mo.	0.38	957.6	10
	13-15 mo.	0.12	302.4	8
	9-12 mo.	0.17	428.4	6
	5-8 mo.	0.17	428.4	5
	3-4 mo.	0.08	201.6	4
	0-2 mo.	0.08	201.6	2.5
Total Heifers			2520	18018
Total Herd Drinking Water Used:				

proposed buyer pg 51
 call from REATH
 Susan McCoy

worksheet prepared
 David Vanderstelt
 922-5127 per
 5/6/97 call
 -82

91098 Gals./Day

Wash Pen Estimate (see table 3):

GPM discharge/nozzle	5.39
Number of Nozzles	86
Minutes run/day:	132
groups	11
mins/group	6
x/day	2

Total Wash Pen Water Used:

61187.28 Gals./Day

Milk House and Parlor Estimate (see Table 4)

Item	Water/ Operation	x's	Gals/day
Bulk Tank	126	2	252
Pipeline	140	2	280
Backflush	0.5	4400	2200
Cleanup	1000	2	2000
Cow Prep	0.25	4400	1100
Plate Cooler(ignore if recycled)			

Total Milk House and Parlor Water Used:

5832 Gals./Day

Actually is diversion volume

Total Fresh Water Diverted Daily (Gallons/day):

Recovery out of lagoons for irrigation purposes:

Actual Consumptive Use in Gals/Day

Gallons/Mature Cow/Day

62.7

Range in the literature

12-70

Total Consumptive Use in Acre feet per Year (365xGal/Day/325850)

Allowable

158117 Gals./Day
 42% -67019 (Wash Pen and Wash)
 91098 91708 correct

102.7

102 Acre/Feet/Year

Licenses affected by this transfer:	Flow(cfs)	Consumptive use	Annual Diversion Vol	Allowable Irrigated Acres
-------------------------------------	-----------	-----------------	----------------------	---------------------------

License # 63-03198

3

525

675

150

3

525

675

150

Pro Rata

Acres	Acre-feet	ShareCfs.
-------	-----------	-----------

Before transfer total diversion:

675

3

Acres irrigated with this right:

150

Less: Acres to be taken out of production

-50

Add: New acres added to common place of use

0

Acres irrigated after transfer

100

Total annual diversion after transfer:

Irrigation

450

2.45 450/552 x 3

Commercial (Actual consumption)

102

0.55 3 - 2.45

Total annual diversion after transfer:

552.0

Dairy will install approx 240 GPM pump which will run part time with demand.

Reduction in Consumptive Use:

Current Allowable Consumptive use (150 irrigated acres)

350

Allowable consumptive use for 100 acres irrigated

102

Consumptive use of Proposed Commercial

Total

452.0

Reduction in consumptive use as result of transfer:

73.0 acre/feet/year

Comm. rate of flow is 55 cfs
 as per AP

- all notes in 82

STATE OF IDAHO)

County of Ada)

On this 12th day of November, 1993, before me, the undersigned Notary Public in and for said State, personally appeared HERBERT R. MONTIERTH, Personal Representative of the Estate of Golda Darlene Montierth, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

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


NOTARY PUBLIC, State of Idaho
Residing at Boise, Idaho
My Commission Expires: 3-17-99

A63-03198 N/O H.R. Montieith

DR: 3.0 cfs DV: 675 ofa

POD: 1N, 1W, S24, NENE(L+1)

SWNE

SESE(L+4)

POU: 1N, 1W, S24, NENE - 36 ac NWNE - 38 ac

SWNE - 37 " SENE - 39 "

-03198A N/O Edward Ray Montieith

DR: 2.0 cfs DV: 458 ofa

POD: 1N, 1W, S24, NENE(L+1)

SWNW

SESE(L+4)

POU: 1N, 1W, S24, NENE(L+1) - 36 ac NWNE - 38 ac

SENE(L+2) - 13 SWNE - 13

-03198B N/O Edward Ray Montieith

* DR: IRR .21 cfs. DV: 47.7 ofa

lth .55

102.0

Cons .55

75.1

.76 cfs

224.8

* POU: 1N, 1W, S24, SWNE - 24 SENE(L+2) - 26

Stockwater & Commercial same as Dr.

* Limited to 10.6 ac. Dr. in the POU described.

Summary after Split

A63-03198A. 2.0 cfs - 450 ofa - 100 ac.

-03198B. $\frac{.76 \text{ cfs} \quad 224.8 \quad 50}{2.76 \text{ cfs} \quad 674.8 \text{ ofa} \quad 150 \text{ ac.}}$

Subject to forfeiture - $\frac{.24 \text{ cfs} \quad .2 \text{ ofa}}{3.0 \text{ cfs} \quad 675 \text{ ofa} \quad 150 \text{ ac.}}$

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-03198
Date Received: 1/14/1992
Receipt No: W014008
Received By: 5

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: H R MONTIERTH
Address: 2409 W KUNA CAVE ROAD
KUNA ID

208-922-4237

83634

2. Date of Priority: MAY 17, 1960

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	01W	24	NE	NE	NE	1	ADA
			SW	NE	NE		ADA
			SE	SE	SE	4	ADA

5. Description of diverting works:
WELL, PUMP, & PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	3.000		675.00

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) 675.00 A.F.A.

8. Total consumptive use is 525.0 Acre Feet Per Annum.

9. Non-irrigation uses:

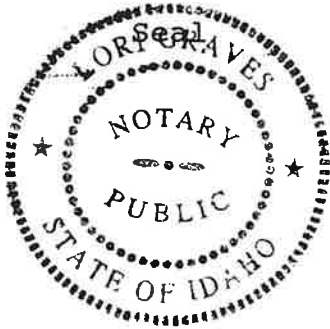
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	01W	24	NE	NE		IRR	36.0
			NW	NE		IRR	38.0
			SW	NE		IRR	37.0

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of Feb 19 95

Notary Public



Residing at Bonni

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-03198

Date Received: ~~1/8/1992~~ 1/13/1992

Receipt No: W014008

Received By: 82

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: H.R. MONTIERTH 208-922-4237
Address: 2409 W KUNA CAVE ROAD
KUNA ID 83634

2. Date of Priority: MAY 17, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	01W	24		NE	NE		ADA

5. Description of diverting works:
WELL, PUMP, & PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	3.000		675.00

7. Total Quantity Appropriated is:
3.000 C.F.S. (and/or) 675.00 A.F.A.

8. Total consumptive use is 525.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	01W	24	NE	NE		IRR	36.0
			NW	NE		IRR	38.0
			SW	NE		IRR	37.0
			SE	NE		IRR	39.0

10. Place of Use: Continued

Section Acres 150.0

Total Acres 150.0

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 28721

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): FFR Monticith Date: 1-13-92

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13 day

of January 19 92

Lori Harris
Notary Public

Seal

Residing at LORE HARRIS

My Commission Expires DEC. 8, 1994

State of Idaho

WATER LICENSE

Water License No. G-28721

Dated May 17, 1960

Amount 3.0 c.f.s.

THIS IS TO CERTIFY that WILLIAM EUGENE BOEN, JR.
of Nampa, Idaho made application for a permit to appropriate the public waters of
the State of Idaho, dated May 17, 1960, that Permit G-28721 was issued pursuant
to said application that the proposed works were completed on or about 1967
with a storage or carrying capacity of 3.57 c.f.s. said works consisting of
well, motor, pump, steel diversion works and earth and that on May 31, 1968
proof was made to the satisfaction of the State Reclamation Engineer of the beneficial use of 675
acre feet per season with maximum rate of diversion of 3.0 cubic feet per second of the waters
of ground water tributary of
for the purpose of Irrigation from April 1 to October 31
and for from to and for
from to and that the use
of said waters has been made in accordance with the laws of Idaho and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation; the point of diversion is
located in NE 1/4 NE 1/4 Sec. 24 T. 1 N. R. 1 W. D.M. and
other additional points in the County of
Ada and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 675 acre feet per year.

Description and location of place of water

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>1 N</u>	<u>1 W</u>	<u>24</u>	<u>36</u>	<u>38</u>	<u>37</u>	<u>39</u>													<u>150</u>

Total number of acres irrigated 150

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, Office of Boise, Idaho, this

16th day of May

1960

State Reclamation Engineer

63-138

28721
A63-03498