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DEPARTMENT OF
WATER RESOURCES

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DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV - 3 2006	
By _____	Clerk
_____	Deputy Clerk

**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	)	Subcases 45-294C (Anderson),
	)	45-294D (Montgomery) and
	)	45-294E (Anderson)
	)	
Case No. 39576	)	ORDERS RE: MONTGOMERY MOTION IN
	)	LIMINE AND ATTORNEY FEES and
	)	SPECIAL MASTER REPORT

FINDINGS OF FACT

DIRECTOR'S REPORT

45-294C – The Director of the Idaho Department of Water Resources filed his *Director's Report for Irrigation and Other, Reporting Area 10, IDWR Basin 45* on September 7, 2004. All three of the above claims were recommended with accomplished changes in points of diversion and places of use. The Director recommended claim 45-294C to Sondra and A.W. Anderson, P.O. Box 158, Albion, Idaho, 83311, for 2.23 cfs (111.5 inches) from Lake Cleveland in Cassia County with a priority date of March 31, 1888, based on a decree for the following uses:

Irrigation	April 1 to October 31	219 a
Irrigation storage	November 1 to March 31	55.7 afy
Irrigation from storage	April 1 to October 31	55.7 afy

45-294D – The Director recommended claim 45-294D to George A. Montgomery, 937 South, 900 East, Albion, Idaho, 83311, for 1.07 cfs (53.5 inches) from Lake Cleveland with a priority date of March 31, 1888, based on a decree for the following uses:

Irrigation	April 1 to October 31	72 a
Irrigation storage	November 1 to March 31	26.8 afy
Irrigation from storage	April 1 to October 31	26.8 afy

45-294E – The Director recommended claim 45-294E to the Andersons for 1.5 cfs (75 inches) from Lake Cleveland with a priority date of March 31, 1888, based on a decree for the following uses:

Irrigation	April 1 to October 31	77 a
Irrigation storage	November 1 to March 31	37.5 afy
Irrigation from storage	April 1 to October 31	37.5 afy

OBJECTIONS

45-294C and 45-294E – The Andersons filed *Objections* to the Director's recommendations of their own two claims on December 7, 2004, objecting to quantity, period of year and place of use.

45-294D – The Andersons also filed an *Objection* to the Director's recommendation of Mr. Montgomery's claim on December 7, 2004, alleging: "This water right should not exist: Claimed right not decreed, no diversion and appropriation or use of any material time."

LAKE CLEVELAND

The initial point of diversion for all three claims is Lake Cleveland (8,263') on the northeast flank of Mt. Harrison (9,265') above Albion, Idaho. The lake is a natural catchment basin with a man-made dam 6' high and 196' long. The dam was built between 1885 and 1892 by John and Andrew Parke [or Park] and George Giles [or Guiles] to supply late season irrigation water to their lands below and can store up to 120 acre feet of water. At the same time, the three men also built a 1½ -1¾ mile long open unlined ditch from the dam to Marsh Creek to carry the water downstream where it was diverted to the Parkes' and Gile's lands. See *Deposition of Frederick L. Parke*, Anderson Exhibit II, at 30-31.

WOOD v. STOKES DECREE

On March 21, 1892, in the Fourth District Court, Cassia County, Idaho, Judge C.O. Stockslager entered a *Water Decree* in *Wood v. Stokes* adjudicating, *inter alia*, 240 inches of water from Lake Cleveland measured where the water enters Marsh Creek. George Giles was awarded 80 inches of water (45-294A) and "Andrew Park, as Administrator of the estate of John Park, deceased" was awarded 160 inches of water (45-294B), both with a March 31, 1888

priority date. To account for transit losses, the decree awarded 75 inches to Giles and 150 inches to the estate of John Park measured at the points of diversion from Marsh Creek.

IDWR's recommendation of the Montgomerys' claim, 45-294D, is the primary focus in this matter because IDWR recommended that the Montgomerys be decreed 1/3 of the 160 inches, or 1.07 cfs, originally decreed to the estate of John Park. Only the Andersons objected to the Andersons' claims.

PRETRIAL MOTIONS AND HEARING

On June 30, 2006, George and Gwen Montgomery filed a *Motion in Limine to Exclude from Trial the Deposition Testimony of Frederick L. Parke*. The deposition was taken on September 21, 1993, by Randolph C. Stone, the Andersons' attorney, in part to preserve the testimony of Mr. Parke for later SRBA proceedings under I.R.C.P. 27(a)(1).

A hearing on the *Motion* was held by telephone on July 5, 2006. During the hearing, both counsel moved to exclude the other parties' witnesses and exhibits as disclosed untimely. Following argument, the matters were taken under advisement.

TRIAL

A one day trial on all three claims was held on July 6, 2006, at the SRBA Courthouse in Twin Falls, Idaho. Shelley M. Davis appeared for George and Gwen Montgomery; Randolph C. Stone appeared for A.W. and Sondra Anderson; and Chris M. Bromley appeared for IDWR, along with IDWR Senior Water Resource Agent Kelly K. Christensen and IDWR Paralegal Vicki Kelly.

At the beginning of trial, the parties agreed on certain matters. First, the primary claim at issue is 45-294D – depending on the outcome of the Montgomerys' claim, the Andersons will withdraw their *Objections* to their own claims (45-294C and 45-294E) and those claims will be decreed accordingly.

An abbreviated summary of IDWR's recommendations suggests how the claims were adjusted to ensure the total amount of water does not exceed the decreed amount of 240 inches, now measured at the Lake Cleveland dam instead of where the water enters Marsh Creek:

45-294C – Anderson	2.23 cfs (111.5 inches)
45-294D – Montgomery	1.07 cfs (53.5 inches)
45-294E – Anderson	<u>1.5 cfs (75 inches)</u>
	4.8 cfs (240 inches)

Second, the parties agreed all water rights should be decreed in the names of both spouses. Third, the three claims (45-294C, 45-294D and 45-294E) comprise all claims to water from Lake Cleveland.¹ Fourth, the parties withdrew their opposing motions to exclude witnesses and exhibits. Finally, the Montgomerys withdrew their *Motion in Limine to Exclude from Trial the Deposition Testimony of Frederick L. Parke* except as to certain portions (pp. 20, 21, 24, 25 and 35-43).² At the end of trial, the parties agreed to submit closing arguments in writing no later than August 11, 2006.

CLOSING ARGUMENTS

Montgomery—The Montgomerys lodged there *Closing Argument* and proposed *Special Master's Findings of Fact, Conclusions of Law, and Recommendation to the Court* on August 10, 2006. The Montgomerys argued:

[T]he evidence firmly establishes that one-third of the water right out of Lake Cleveland [decreed to the estate of John Park] were transferred to the property owned by the Montgomery's by means of a sale of water rights, documented in . . . an affidavit of Andrew Parke dated July 25, 1934. Additional evidence in the way of United States Forest Service Special Use Permits indicate that Montgomery's predecessor in interest was treated as an owner of Lake Cleveland water for purposes of dam permitting. All of the deeds from 1893 (the date of the sale of the waters) forward demonstrate that the water was never separated from the property now owned by the Montgomerys.

Montgomerys' *Closing Argument*, at 2.

Anderson – The Andersons lodged their *Objectors' Brief* and *Objectors' Proposed Findings of Fact and Conclusions of Law* on August 11, 2006. They argued:

Montgomerys base their claim on the Affidavit of Andrew Parke, dated July 25, 1934. . . . The affidavit is not dispositive, however. First of all, as a hearsay declaration made without notice and opportunity for cross-examination, it is of

¹ Claim 45-294A, filed by Kent Cooper for 1.6 cfs, was decreed disallowed on May 13, 2005, based on the Director's recommendation of "no lawful appropriation shown." No one objected to the recommendation.

² There remains the Montgomerys' request for attorney fees at trial contained in their June 30, 2006 *Pre-Trial Memorandum*, at 3.

dubious value. Second, its statements regarding the use of water end in 1934. It is the use after 1934 which must determine the issue presented here.

...

Use of the Lake Cleveland water on the Montgomery property, along with other property, while it was owned by Ira C. Parke, Sr. prior to 1932 is not the last use of the water. The largely uncontradicted testimony of Frederick L. Parke established that the pattern of informal transfers continued with the final and exclusive use of the water being on the Anderson property.

...

The Lake Cleveland water at issue here is 50 inches, or 1.0 cfs, not the 1.07 cfs recommended by the Department. This error was compounded by the Department's methodology. Kelly Christiansen testified he first determined the recommendation for Montgomerys using the 1/3 referred to in the Andrew Parke affidavit and gave Andersons what was mathematically left. Thus, .07 cfs was shifted from Andersons' undisputed rights to Montgomerys.

...

The Woods-Stokes decree did not have a volumetric limit. Imposing one in the SRBA is a restriction on the adjudicated right and is inappropriate.

Objectors' Brief, at 1, 2 and 6.

DISCUSSION

PRIMA FACIE WEIGHT OF DIRECTOR'S REPORT

Idaho Code § 42-1411(4) states that "Upon filing with the court, the director's report . . . shall constitute prima facie evidence of the nature and extent of the water rights acquired under state law." That means the elements of water rights recommended in the director's report are presumed to be true unless disproved by some evidence to the contrary:

The Legislature's direction that the contents of the Director's report shall constitute prima facie evidence of some water right claims was a permissible exercise of the authority, recognized in I.R.E 301, to create an evidentiary presumption. Unless that evidentiary presumption is overcome by the evidence or the application of that presumption is clearly erroneous on its face, the facts set forth in the Director's report are established.

In Re SRBA Case No. 39576, 128 Idaho 246, 256, 912 P.2d 614, 624 (1995).

HISTORY OF LAKE CLEVELAND WATER USE

Counsel for the Andersons fairly summarized the state of confusion surrounding Lake Cleveland water rights:

One thing is clear. After the Woods-Stokes decree there exists a rather remarkable and extraordinary history of the Lake Cleveland water moving from

person to person, and from parcel to parcel with only the most vague of formalities, most of which were tied into the genealogy of the Parke family. The first of those transfers, the court-approved sale of fifty (50) inches to Ira C. Parke, Sr., treated the water as a separate and non-appurtenant asset which could be freely sold and transferred independent of real property. That began the long tradition of similar transfers which were the rule, not the exception.

Objectors' Brief, at 2.

CHALLENGES FOR IDWR

To prepare IDWR's recommendation of the Montgomerys' claim (45-294D), IDWR agent Kelly Christensen and his assistant Corey Skinner had to sort through a lengthy and conflicting history of how Lake Cleveland water was transferred and used in the Albion Valley. Virtually all of that history is based on personal recollections and conjectures with scant writings – no surprise given the state of water rights administration in the late 19th and early 20th centuries in southern Idaho.³ Compounding those challenges is the issue of “translating” water rights decreed in 1892, into a report describing all the elements mandated in I.C. § 42-1411.

For instance, in 1892, Judge Stockslager decreed the irrigation storage water rights in miner inches and made no mention of volumetric limit. Today, water rights generally are described in cubic feet per second (cfs) and irrigation storage rights such as Lake Cleveland must include an “annual volume of diversion of water for use or storage in acre-feet per year as necessary for the proper administration of the water right.” I.C. § 42-1411(2)(c). Also, Judge Stockslager decreed a total of 240 inches of water “to be measured at the point where it enters said Marsh Creek . . . and at the head of said ditches when taken upon said described land” Today, irrigation storage water rights are described with the point of diversion at the dam and the diversion quantity measured there as well – not downstream.⁴

When Judge Stockslager decreed Lake Cleveland war rights measured differently depending on where the measurements were made, the seeds of uncertainty were planted. If a

³ It was common practice to consider water as personal property and transfer it independent of land. *Deposition of Frederick L. Parke*, at 15.

⁴ That last point, that the quantity of water is measured **at the dam**, is important because IDWR recommended the Montgomerys be awarded 1/3 of decreed water right 45-294B (estate of John Park) or 1/3 of 3.2 cfs (160 inches) which equals 1.066 cfs rounded up to 1.07 cfs. IDWR did **not** recommend 1/3 of 3 cfs (150 inches) or 1 cfs as suggested should be the case by the Andersons. Admittedly, the October 5, 1892 **Order Confirming Sale of Real Estate** [Anderson Exhibit E] noted the sale of “Fifty inches of that certain water right and decree . . . known as the John Parke and George Guiles Decree from Lake Cleveland.” But in light of the administrator's later statement that he sold 1/3 of the water right plus the history of water rights transfers in the Albion area, it was reasonable for IDWR to conclude that meant 1/3 of 160 inches, **not** 1/3 of 150 inches.

landowner transferred a certain portion of a water right, say 1/3, was that 1/3 of the quantity before or after transit losses? And even if the transfer referred to miner inches, where was the measurement to be made – at the dam, where the water enters Marsh Creek or where the water is diverted from Marsh Creek?

To paraphrase Mr. Christensen's testimony, in the end, IDWR staff made a judgment call based on the best information available at the time they recommended the Montgomerys' claim. That "best information" was a July 25, 1934 affidavit by Andrew H. Parke, administrator of the estate of John Park, one of the original claimants awarded Lake Cleveland water rights in the 1892 *Water Decree*. Andrew H. Parke stated:

That as Administrator of the estate of John Parke, I sold one third of the waters of Lake Cleveland, to Ira Parke, who was than [sic] the owner of the following described tract of land. in Cassia Co. Idaho [metes and bounds description omitted]. I know of my own knowledge that the said waters have been used on the above described land every year since that sale, which was about 1893, that said water has never been used upon any other land.

Montgomery Exhibit 12.

Mr. Christensen found that the land where Ira C. Parke applied the 1/3 of decreed water right 45-294B eventually passed to the Montgomerys. He also found that there was no evidence the 1/3 was ever transferred off the Montgomerys' property to the Andersons' property as argued by the Andersons. Therefore, applying the rule that irrigation storage water rights are measured at the dam, he concluded that the Montgomerys are entitled to 1/3 of the 160 inches decreed to "Andrew Park, as Administrator of the estate of John Park, deceased," or 1.07 cfs.

An alternative history considered by Mr. Christensen, but accorded less weight, are statements made by Frederick L. Parke in his September 21, 1993 deposition to perpetuate his testimony for later SRBA purposes. Frederick L. Parke agreed that some Lake Cleveland water was used on the Montgomerys' land at least into the 1930's: "[M]y great grandfather [Ira C. Parke] used the water there, but he didn't use it there exclusively; he used it other places." *Deposition of Frederick L. Parke*, at 36.

But then there was a change:

Q So from 1936 forward, the eighty inches of Guiles Water and the fifty inches of John Parke water has been used on ranch number two [the Andersons' land] exclusively?

A That is correct.

...

Q And was the Lake Cleveland water the one hundred and thirty inches [80 inches plus 50 inches] we have been discussing used exclusively on ranch number two since 1984 until today?

A. When it was available.

Deposition of Frederick L. Parke, at 27.

In his deposition, Frederick L. Parke recalled how his father viewed conflicting claims to Lake Cleveland water:

My father [Ira C. Parke, Jr.] said he would be damned if any of those people would use one drop of water out of that lake as long as he was alive.

...

By what my father told me, and by visits to him, now, this lake water is not available the year around. It's available maybe twenty-five days possibly thirty in the best years, and since water is a very important item in this valley, I accept my father's word when he said he never permitted the use of lake water on the piece of property that you [the Montgomerys] own that is part of the original ranch.

...

[M]y father always said that after the original Ira C. Parke ranch passed from the hands of the Parke family, lake water was never used on that portion of the Ira C. Parke ranch now owned by George Montgomery.

Deposition of Frederick L. Parke, at 34 and 48-49.

Mr. Parke acknowledged a long tradition in the Albion Valley of treating water as a separate and non-appurtenant asset which was freely sold and transferred independent of real property:

But my contention is and my dad always said that after the old home ranch went out of their hands, the water didn't go with it. My grandfather and my dad kept the water and used it.

Deposition of Frederick L. Parke, at 20.

The final document considered by IDWR's Kelly Christensen and Corey Skinner before recommending the Montgomerys' claim was the United States Department of Agriculture, Forest Service, *Special Use Application*, dated October 25, 1950. In the *Application*, signed by Harry DeNaughel, Ira C. Parke and Willis Sears, the applicants acknowledged yearly improvements on Lake Cleveland located on Forest Service land. More importantly, they agreed:

It is understood that the undersigned and their predecessors in interest since the year 1885 used for irrigation purposed [sic] the waters of Lake Cleveland, and that by this special use application, the undersigned do not relinquish any water

right in the said Lake Cleveland or relinquish any right to the streams or ditches carrying the water from said Lake Cleveland to the undersigned's lands.
Montgomery Exhibit 13.

Harry DeNaughel and Ira C. Parke were the Andersons' predecessors in interest while Willis Sears was the Montgomerys' predecessor in interest. The document can only be read as compelling evidence that as late as 1950, the Andersons' and the Montgomerys' predecessors in interest acknowledged they **all** used Lake Cleveland water for irrigation from 1885 to 1950.

When asked about the 1950 Forest Service *Special Use Application* signed by his father and by Harry DeNaughel and Willis Sears, Frederick L. Parke said:

After the Forest Service was established, they have a bunch of regulations, and they required us to have a permit. That is what you are talking about is a permit issued by the Forest Service to your father [Harry DeNaughel] and my father [Ira C. Parke] for the dam and the ditch, and I have forgotten how it was worded, but anyway, we are responsible for the maintenance of it.

Deposition of Frederick L. Parke, at 54.

CONCLUSIONS OF LAW

Given the *prima facie* weight accorded the Director's report and the fact that IDWR's agents made a judgment call based on the best information available at the time, the Special Master agrees that the Montgomerys are entitled to a partial decree adjudicating a water right as recommended by IDWR and as described in the Attached ***Special Master Recommendation for Partial Decree for Water Right 45-294D***. The compelling weight of evidence is that: 1) Andrew H. Parke sold 1/3 of Lake Cleveland water originally decreed to "Andrew Park, as Administrator of the estate of John Park, deceased" to Ira C. Parke; 2) Ira C. Parke applied that water to land later acquired by the Montgomerys; and 3) there is no evidence that the water was ever transferred off the Montgomerys' land.⁵

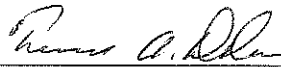
⁵ Because this ***Special Master Report and Recommendation*** primarily concerns water right 45-294D and, depending on the outcome of the Montgomerys' claim, the parties agreed that the Andersons will withdraw the *Objections* to their own claims (45-294C and 45-294E), the Andersons should expect further proceedings concerning their claims in the near future unless they are resolved by stipulation.

ORDERS

THEREFORE, IT IS ORDERED that:

1. The Montgomerys' *Motion in Limine to Exclude from Trial the Deposition Testimony of Frederick L. Parke* in parts is deemed moot in view of the above conclusions of law, and
2. The Montgomerys' request for attorney fees is **denied** as unwarranted in light of the matters herein having been reasonably contested in good faith.

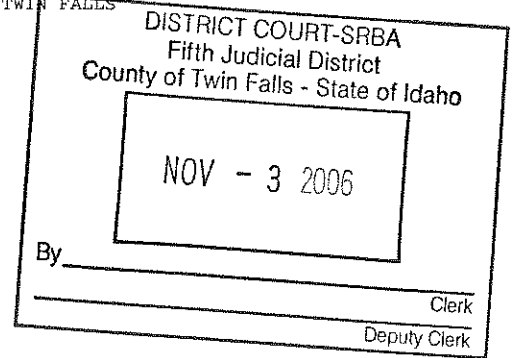
DATED November 3, 2006.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 45-00294D



NAME AND ADDRESS: GEORGE A MONTGOMERY
GWEN MONTGOMERY
937 S 900 E
ALBION, ID 83311

SOURCE: LAKE CLEVELAND TRIBUTARY: MARSH CREEK

QUANTITY: 1.07 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN
.02 CFS PER ACRE. COMBINED RIGHT NOS. 45-0294D, 45-7090,
45-10912, and 45-13617

PRIORITY DATE: 03/31/1888

POINT OF DIVERSION: T12S R24E S12 NWNESW (Rediversion) Within Cassia County
S27 NENWSW (Rediversion)
T13S R24E S03 NWNENW (Injection)
NWSWNW

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	1.07 CFS
Irrigation Storage	11-01 TO 03-31	26.80 AFY
Irrigation from Storage	04-01 TO 10-31	26.80 AFY

The use of water for irrigation under this right may begin as
early as March 15 provided other elements of the right are not
exceeded. The use of water before April 1 under this remark is
subordinate to all water rights having no subordinated early
irrigation use and a priority date earlier than the date a
partial decree is entered for this right.

PLACE OF USE: Irrigation Within Cassia County
T12S R24E S12 NWNE 28.0 NENW 15.0
SENW 29.0
72.0 Acres Total

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 72 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-0294D, 45-7090, 45-10912, and 45-13617.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

Recommendation
Nov. 3, 2006

Thomas L. Blum

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho NOV - 3 2006 By _____ Clerk Deputy Clerk
--

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)
))
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

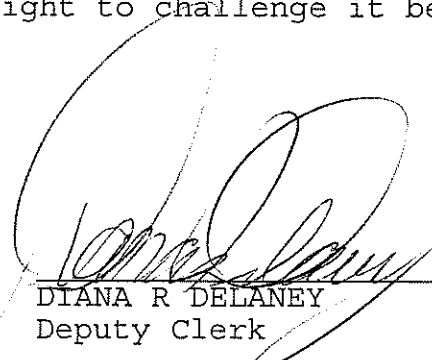
Water Right(s): 45-00294D

On November 03, 2006, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED November 03, 2006.



DIANA R DELANEY
Deputy Clerk

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

NOV - 3 2006

By _____
Deputy Clerk

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 45-00294D

CERTIFICATE OF MAILING

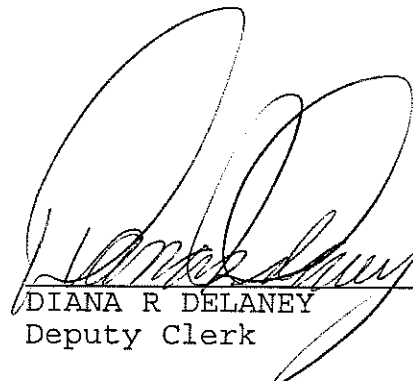
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on November 03, 2006, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A W & SONDR J ANDERSON
Represented by:
RANDOLPH CALVIN STONE
PO BOX 910
BURLEY, ID 83318
Phone: 208-878-8382

GEORGE A MONTGOMERY
GWEN MONTGOMERY
Represented by:
SHELLEY M. DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING


DIANA R DELANEY
Deputy Clerk

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11/03/06