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Department of Water Resources
Adjudication Bureau

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OFFICE OF THE
ATTORNEY GENERAL

Movant: Susan V. Torrey

W. F. RINGERT
RINGERT CLARK CHARTERED
455 S. Third St., P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
FAX: (208) 342-4657

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	)	Sub-Case No. A57-02240
	)	
Case No. 39576	)	MOTION FOR SUBSTITUTION
	)	OF PARTIES
_____	)	

DESCRIPTIVE SUMMARY

This is a motion by Kenneth D. Torrey and Susan V. Torrey, husband and wife, to be substituted as parties for Charles C. Young, also known as C.C. Young, the original claimant for Water Right No. A57-02240.

MOTION FOR SUBSTITUTION OF PARTIES

Kenneth D. Torrey and Susan V. Torrey, husband and wife, move the Court for an order substituting them as parties to this action in the place of Charles C. Young, the original claimant for Water Right No. A57-02240. The grounds for this motion are as follows:

1. At the time of commencement of the Snake River

Basin Adjudication, Twin Falls County Case No. 39576 (SRBA), Charles C. Young, also known as C.C. Young, and Muriel B. Young, husband and wife, were the owners of record of the lands in Owyhee County, Idaho, described in the Personal Representative's Deed from Michael C. Young, personal representative, to Kenneth D. Torrey and Susan B. Torrey, husband and wife, a copy of which is attached to this motion as Exhibit No. 1;

2. The water rights appurtenant to the lands described in Exhibit No. 1 include No. A57-02240;

3. A Notice of Claim to a Water Right was filed in the SRBA by Charles C. Young for Water Right No. A57-02240. The pertinent information from the Idaho Department of Water Resources (IDWR) is set forth in a letter dated December 15, 1993, from Jan Shurte, Water Right Supervisor, Adjudication Section, a copy of which is attached to this motion as Exhibit No. 2;

4. On or about November 2, 1993, Michael C. Young, personal representative of the estates of Charles C. Young, aka C.C. Young, and Muriel B. Young, deceased, conveyed to these movants all the right, title and interest of Charles C. Young and Muriel B. Young in and to the real property described in Exhibit No. 1, without any reservation or exception of water rights;

5. On or after January 14, 1994, Susan V. Torrey, one of the movants, submitted to IDWR a Notice of Change of Water Right Ownership, Standard Form 3, for the purpose of being substituted for Charles C. Young as a party to the SRBA with respect to Water Rights Nos. A02-07177 and A57-02240. A copy of the Notice of Change of Water Right Ownership is attached to this motion as Exhibit No. 3.

6. Standard Form No. 3 was submitted to Michael C. Young, personal representative, as suggested by the representative of IDWR. By letter dated February 18, 1994, to Chief Deputy Clerk Diana R. Delaney, Michael C. Young notified this Court that he declined and refused to sign the Standard Form 3 and to thereby consent to the substitution of these movants as parties to the SRBA with respect to Water Right No. A57-02240. A copy of Mr. Young's letter is attached to this motion as Exhibit No. 4.

7. Idaho Code § 42-1409(7) requires each purchaser of a water right to provide the Director of IDWR written notice of change in ownership and requires all purchasers to submit some evidence of ownership along with the notice of change of ownership. These movants have complied with the requirements of that statute.

8. Rule 25(c), I.R.C.P., provides that in case of any transfer of interest, pending action may be continued by or against the original party, unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the original party. As shown in Exhibit No. 4, the attitude of Michael C. Young toward these movants appears to be hostile and adverse, and these movants do not anticipate that Michael C. Young would represent their interests adequately, if he, in his capacity as personal representative of the estate of Charles C. Young, is permitted to be substituted as the party in interest with respect to Water Right No. A57-02240. In fact, having conveyed all of the decedent's right, title and interest in the land to these movants, Michael C. Young, personal representative, would not be a proper party to substitute for Charles C. Young, and these movants are the only proper parties to be substituted for Charles C. Young in the SRBA with respect to Water Right No. A57-02240.

WHEREFORE, these movants respectfully request that the Court enter an order substituting them as parties for Charles C. Young, also known as C.C. Young, in this action.

AUGUST
Dated ~~July~~ 31, 1995.

RINGERT CLARK CHARTERED

By *W. F. Ringert*
W. F. Ringert

VERIFICATION

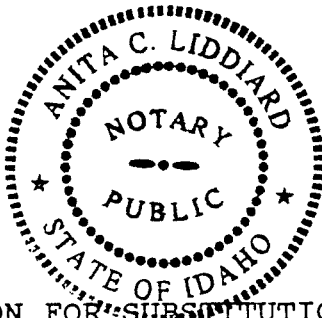
STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Susan V. Torrey, Jr., being first duly sworn, deposes and says:

That I am the person or entity filing this Motion, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401a(A), (7) or (10) (1986); that the water right number I am asking the court to substitute a party on is a water right in a director's report filed with the court and that I have read this form and know its contents and that the statements are true to the best of my knowledge and belief.

Susan V. Torrey
Susan V. Torrey

SUBSCRIBED AND SWORN to before me this 30th day of Aug., 1995.



Anita C. Liddiard
Notary Public for the State of Idaho
Residing at Boise, Idaho
My commission expires: 11-14-98

CERTIFICATE OF SERVICE

I hereby certify that service of the within and foregoing document was made this 3rd day of ~~July~~ August, 1995, by mailing a copy thereof, postage prepaid, to each of the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

U.S. Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, Idaho 83724

Michael C. Young
69-930 Hwy. 111, Suite 302
Rancho Mirage, CA 92270



W. F. Ringert

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by MICHAEL C. YOUNG, as Personal Representative of the Estates of CHARLES C. YOUNG aka C. C. YOUNG and MURIEL B. YOUNG, both Deceased, Grantors to KENNETH D. TORREY and SUSAN V. TORREY, husband and wife Grantees, whose address is 2652 Springwood Drive, Meridian, Idaho 83642

WHEREAS, Grantor is the qualified Personal Representative of the Estates, filed May 15, 1989 and October 5, 1989, as Probate Numbers 6-049 and 5-434, in Owyhee County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantees the following described real property in Owyhee County, Idaho:

EXHIBIT "A"
Order No. 01478

IN TOWNSHIP 1 NORTH, RANGE 3 WEST, B. M., OWYHEE COUNTY, IDAHO

Section 7: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying North and West of the Main Canal of the Opaline Irrigation District now constructed and East of the following described line; BEGINNING at the center quarter corner of Sec. 7, and iron pin, said corner being also the Southeast corner of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, thence South 86°37'16" West along the South boundary line of SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 32 feet to the TRUE POINT OF BEGINNING; thence North 21°17' East along the westerly side of an existing drain a distance of 885.2 feet to an iron pin on the southerly right of way of State Highway 78; thence North 67°45' West along the southerly right of way of State Highway 78 a distance of 312.5 feet to an iron pin on the East boundary of SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 0°22'39" East along the East boundary line a distance of 289.9 feet to a point on the Northeast corner.

NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying North and West of the Main Canal of Opaline Irrigation District.

LESS THE FOLLOWING DESCRIBED PARCEL OF LAND:

A tract of land situate in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 1 North, Range 3 West, B. M., Owyhee County, Idaho, more particularly described as follows:

Commencing at a brass cap being the center of Section 7, Township 1 North, Range 3 West, B. M.; thence North 0°10'50" East along the North South Quarter line a distance of 1009.61 feet to a $\frac{1}{2}$ " iron pin on the North right-of-way

of Highway 78, being the REAL POINT OF BEGINNING; thence continuing North 0°10'50" East along the quarter line a distance of 221.96 feet to a 5/8" iron pin with an aluminum cap being the center North 1/16 corner of Section 7; thence North 88°23'45" East along the East-West 1/16 line a distance of 779.59 feet to a 1/2" iron pin; thence South 22°10'09" West a distance of 520.08 feet to a 1/2" iron pin on the North right-of-way of Highway 78; thence North 67°49'51" West along the North right-of-way of Highway 78 a distance of 630.34 feet to the REAL POINT OF BEGINNING.

Section 18: NW1/4NE1/4
NE1/4NE1/4 lying West of a line described as being
600 feet west of the East boundary line of NE1/4NE1/4

with all appurtenances, if any.

EXECUTED this 2nd of November, 1993

211463

FILED-RECORDED

93 NOV 16 AM 11 02

BARBARA JAYO

OWYHEE COUNTY RECORDER

BY C. Sherrin

REQUEST DEPUTY

Walter A. Walter

FEE 6.00

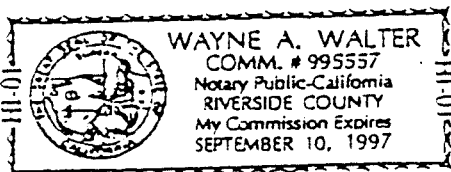
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MICROFILMED

Michael C. Young
Personal Representative of the
Estates of Charles C. Young aka
C.C. Young and Muriel B. Young
deceased.

STATE OF California
County of Riverside

On the November 2, 1993
before me, a Notary Public, personal appeared
Michael C. Young, known or identified to me to the person
whose name is subscribed to the within instrument, as
Personal Representative of the Estates of Charles C. Young
aka C. C. Young and Muriel B. Young and acknowledged to me
that he executed the same as such Personal Representative.



Walter A. Walter
Notary Public for California
Residing at: Palm Desert, CA



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 15, 1993

CECIL D. ANDRUS
GOVERNOR

Susan Torrey
2652 Springwood Dr
Meridian, ID 83642

Re: Water Right Nos. 57-02240 R. KEITH HIGGINSON
A02-07177 DIRECTOR

Dear Ms. Torrey:

Enclosed is the Change of Ownership form and Standard Form 3 for your use in changing the name on the above referenced water rights.

The Change of Ownership form has been partially completed and only the X'd portions need to be completed. Once this form is completed, please return it to this office with proof of ownership of the land. This proof should be a copy of the Warranty Deed or signed Sales Contract, etc. This copy needs to show the legal description of this property now in your name. This form will change the Department's records to show you as the new owner for both Right No. 57-02240 and A02-07177.

The Standard Form 3, also enclosed, is a little more difficult. Water Right No. 57-02240 was submitted to the Snake River Basin Adjudication Court for decree in October, 1992. Water Right No. A02-07177 for the Snake River source has not been verified to submit for court decree, therefore, the Change of Ownership form is all that is needed for this right. Water rights from the Snake River are not scheduled for court decree for several years. In order for the Court to change the name on their record for 57-02240 the Standard Form 3 must be completed and signed by both the original owner and yourself. You should complete the portion entitled Consent to Substitution of Party. The portion entitled Attorney of Record Completing Form is to be used if you have an attorney complete this form. This form does not require that an attorney complete it to be acceptable and it is up to you whether you need one or not. Originally, this water right was submitted to the Court in the name of Charles Young. Since it may be difficult to obtain his signature, the legal staff here have indicated that if the Farm Home Administration would sign this form, along with yourself, and if you submit it to the Court with proof of ownership showing the trail from Young to Farm Home to yourself then the Court may accept the form. Please note that there are copies to be sent to other entities listed on the last page of the form. Once this form is submitted to the Court, they will notify you as to whether it is acceptable or not.

If you have any questions concerning the Change of Ownership form, please feel free to contact this office.

Sincerely,

JAN SHURTE
Water Rights Supervisor
Adjudication Section



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 1N Range 3W
Section 12 1/4 of SE 1/4 1/4 of SE 1/4 1/4 Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A02-07177 & 57-02240
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): CHARLES C. YOUNG
Box 107 STAR ROUTE
MELBA, ID 83641
- ☒ New Owner/Claimant (Purchaser): Kenneth D. TERRY, AUDR 41001 V TERRY
- ☒ New Mailing Address: 21652 Spr. Duwood Dr.
Meridian, Idaho 83642
- ☒ New Telephone Number: (208) 888-7413
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☒ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☒ Signature of New Owner/Claimant(s) [Signature] Date 1/14/94
Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

 young & associates
insurance services
health • life • disability

February 18, 1994

Diana R. Delaney
Chief Deputy Clerk
SRBA Chambers
P.O. Box 2707
Twin Falls, ID 83303

Dear Ms. Delaney,

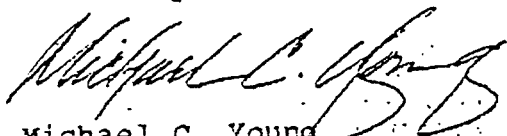
I received a copy of the enclosed letter last week from my cousin, Susan Torrey. I have decided not to sign the Standard Form 3 as personal representative of the Charles C. Young estate.

I have recently learned that my cousin Susan Torrey and her brother, Steve Young, conspired to and obtained possession of six acres of my brother's property last year without my knowledge or consent. The acquisition of my brother's property by Susan and her brother was expressly against the intent of my late father's wishes.

I unfortunately sold Susan Torrey my father's farm, which was about to go into FHA foreclosure, without prior knowledge of her inappropriate and devious actions to obtain my brother's land. Had I known of her actions I would never have sold her my father's farm.

If you have any questions regarding my decision not to sign the Standard Form 3, please give me a call.

Sincerely,



Michael C. Young
Personal Representative
Charles C. Young Estate