

COPY

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 18 2010	
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	)	Subcase No: 45-7090 (Split)
	)	45-14249, 45-14284 & 45-14285
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

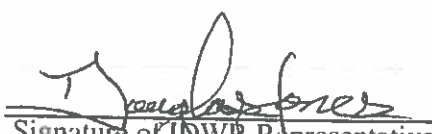
An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☒ Change in Ownership	☒ Split of Water Right
☒ Point of Diversion	☐ Place of Use
☐ Period of Use	☐ Nature of Use

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 Reports* for said water rights. 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: 2/18/10


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 2-18, 2010, 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
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

George Montgomery
937 S 900 E
Albion ID 83311

Shawn Mai
Jennifer Mai
PO Box 104
Albion ID 83311

Alan Lloyd
Heidie Torrealday
PO Box 514
Albion ID 83311



Signature of person or attorney mailing the form

02/4/2010

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
45-7090	GEORGE A MONTGOMERY 937 S 900 E ALBION ID 83311	Disallowed	Recommended as 45-14249, 45-14284 and 45-14285.

02/04/2010

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

RIGHT NUMBER: 45-14249

NAME AND ADDRESS: SHAWN P MAI
PO BOX 104
ALBION ID 83311

JENNIFER M MAI
PO BOX 104
ALBION ID 83311

SOURCE: GROUND WATER

TRIBUTARY:

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 0.090 CFS
18.00 AFY

Rights 45-14267, 45-14249 and 45-14269 when combined shall not exceed the irrigation of 4.5 acres.

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Prior to the diversion and use of water under Transfer approval 75528, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

PRIORITY DATE: 02/26/1972

POINT OF
DIVERSION:

T12S R24E S12 NWSNW Within CASSIA County
T12S R24E S12 SWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.090 CFS 18.00 AFY

PLACE OF USE: IRRIGATION in CASSIA County

T12S R24E S12 NENW 4.50

4.5 ACRES TOTAL

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.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

02/03/2010

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

RIGHT NUMBER: 45-14284

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

GWEN MONTGOMERY
937 S 900 E
ALBION ID 83311

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 1.310 CFS
268.00 AFY

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

Rights 45-14288, 45-14284, 45-10912, and 45-14286 when combined shall not exceed the irrigation of 67.0 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Prior to the diversion and use of water under Transfer approval 75528, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

PRIORITY DATE: 02/26/1972

POINT OF
DIVERSION:

T12S R24E S12 NWSEW Within CASSIA County
T12S R24E S12 SWSEW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

1.310 CFS
268.00 AFY

PLACE OF USE: IRRIGATION in CASSIA County

T12S R24E S12	NWNE	28.00	T12S R24E S12	NENW	10.50
T12S R24E S12	SENE	28.50			

67 ACRES TOTAL

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.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

02/03/2010

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

RIGHT NUMBER: 45-14285

NAME AND ADDRESS: ALAN K LLOYD
PO BOX 514
ALBION ID 83311

HEIDIE TORREALDAY
PO BOX 514
ALBION ID 83311

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

QUANTITY: 0.010 CFS
2.00 AFY

Rights 45-14289, 45-14285 and 45-14287 when combined shall not exceed the irrigation of 0.5 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

Prior to the diversion and use of water under Transfer approval 75528, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

PRIORITY DATE: 02/26/1972

POINT OF
DIVERSION:

T12S R24E S12 NWSNW Within CASSIA County
T12S R24E S12 SWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.010 CFS
2.00 AFY

PLACE OF USE: IRRIGATION in CASSIA County

T12S R24E S12 SENW 0.50

0.5 ACRES TOTAL

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

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.

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.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

DE
RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

JAN 20 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
45-14266		✓			
	45-14248	✓			
	45-14268	✓			

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
 - B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
 - C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) GEORGE & GWEN MONTGOMERY
937 S 900 E
ALBION, ID 83311

4. New Owner/Claimant(s) ALAN LLOYD & HEIDIE TORREALDAY
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address PO BOX 514

City, State and ZIP Code ALBION, ID 83311

New Telephone Number (208) 673-5595 Email: _____

5. Date you acquired the property

12/31/2009

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

APPURTENANT PORTION OF RIGHTS DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Alm 7d

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by HawcettReceived by CheProcessed by AJDate 1/20/10Date 1/20/10Date 1/20/10Receipt Amt. 100⁰⁰Receipt No. 5031243WR Date

WARRANTY DEED

#46993

For Value Received

GEORGE MONTGOMERY and GWEN MONTGOMERY, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ALAN LLOYD and HEIDIE TORREALDAY, husband and wife as community property with right of survivorship

Mailing Address: P.O. Box 514 Albion, ID 83311

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

See Attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2009 and subsequent years.

Agreement For Purchase Of Power between Raft River Rural Electric Cooperative, Inc., Seller and Arlo Montgomery, Consumer, dated August 29, 1977 and recorded December 16, 1977 as Instrument No. 103566 on Film No. 113, records of Cassia County, Idaho. (Covering the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 12 South, Range 24 East of the Boise Meridian)

Oil And Gas Lease between George A. and Gwendolyn Montgomery, husband and wife and Faith Financial Service, dated May 19, 1981 and recorded June 22, 1981 as Instrument No. 136064 on Film No. 143, records of Cassia County, Idaho.

Oil And Gas Lease between George and Gwendolyn Montgomery and John J. Kirlin, dated December 13, 1984 and recorded February 22, 1985 as Instrument No. 167194 on Film No. 170, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and George Montgomery, Consumer, dated December 14, 1992 and recorded December 23, 1992 as Instrument No. 222455 on Film No. 240, records of Cassia County, Idaho. (Covering the NW $\frac{1}{4}$ of Section 12 Township 12 South Range 24 East of the Boise Meridian)

Restrictive Covenants of Marsh Creek Ridge Subdivision, dated January 15, 2005 and recorded February 25, 2005 as Instrument No. 300628, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 31, 2009

George Montgomery
GEORGE MONTGOMERY

Gwen Montgomery
GWEN MONTGOMERY

STATE OF IDAHO)
COUNTY OF CASSIA) ss.
)

On this 31st day of December, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared **GEORGE MONTGOMERY** and **GWEN MONTGOMERY**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Tina Hansen
Notary Public
Residing at: Rupert, ID
My Commission expires: 05/07/15

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 12 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 12: All of Lot 8 of the Marsh Creek Ridge Subdivision and part of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 12, more particularly described as follows;

Beginning at the Northwest corner of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 12, said corner marked by a $\frac{5}{8}$ inch rebar;
Thence South 00°23'14" West along the west line of the E $\frac{1}{2}$ NW $\frac{1}{4}$ for a distance of 1961.84 feet to a $\frac{5}{8}$ inch rebar which shall be the Point of Beginning;
Thence North 59°02'34" East along the north line of Lot 8 for a distance of 18.26 feet to a $\frac{5}{8}$ inch rebar;
Thence North 42°09'34" East along the north line of Lot 8 for a distance of 133.60 feet to a $\frac{5}{8}$ inch rebar;
Thence North 35°05'14" East along the extended north line of Lot 8 for a distance of 59.63 feet to the most westerly corner of Lot 7 of the Marsh Creek Ridge Subdivision;
Thence South 62°15'29" East along the south line of Lot 7 of the Marsh Creek Ridge Subdivision for a distance of 41.16 feet to a $\frac{5}{8}$ inch rebar;
Thence South 62°15'29" East along the south line of Lot 7 of the Marsh Creek Ridge Subdivision for a distance of 109.52 feet to a $\frac{1}{2}$ inch rebar;
Thence South 00°23'14" West for a distance of 407.12 feet to a $\frac{1}{2}$ inch rebar;
Thence North 89°36'46" West for a distance of 272.38 feet to a $\frac{1}{2}$ inch rebar on the west line of the E $\frac{1}{2}$ NW $\frac{1}{4}$;
Thence North 00°23'14" East along the west line of the E $\frac{1}{2}$ NW $\frac{1}{4}$ for a distance of 41.98 feet to the Southwest corner of Lot 8;
Thence North 00°23'14" East along said line for a distance of 240.77 feet to a $\frac{1}{2}$ inch rebar;
Thence North 00°23'14" East along said line for a distance of 35.45 feet to the Point of Beginning.

PARCEL NO. 2:

A non-exclusive perpetual Access Easement for the benefit of Parcel No. 1, more particularly described as follows;

TOWNSHIP 12 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 12: Part of Lot 7 of the Marsh Creek Ridge Subdivision, more particularly described as follows:

Beginning at the Northwest corner of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 12, said corner marked by a $\frac{5}{8}$ inch rebar;
Thence South 00°23'14" West along the west line of the E $\frac{1}{2}$ NW $\frac{1}{4}$ for a distance of 1961.84 feet to
a $\frac{5}{8}$ inch rebar at the Northwest corner of the Marsh Creek Ridge Subdivision; Thence North
59°02'34" East along the north line of Lot 8 of the Marsh Creek Ridge Subdivision for a distance
of 18.26 feet to a $\frac{5}{8}$ inch rebar; Thence North 42°09'34" East along the north line of Lot 8 of the
Marsh Creek Ridge Subdivision for a distance of 133.60 feet to a $\frac{5}{8}$ inch rebar; Thence North
35°05'14" East along the Marsh Creek Ridge Subdivision boundary line for a distance of 59.63 feet
to the most westerly corner of Lot 7 of the Marsh Creek Ridge Subdivision which shall be the Point
of Beginning;

Thence North 35°05'14" East along the west line of Lot 7 of the Marsh Creek Ridge Subdivision for a
distance of 20.17 feet;

Thence South 62°15'29" East for a distance of 137.76 feet;

Thence South 00°23'14" West for a distance of 22.52 feet to a $\frac{1}{2}$ inch rebar on the south line of Lot 7 of the
Marsh Creek Ridge Subdivision;

Thence North 62°15'29" West along the south line of Lot 7 of the Marsh Creek Ridge Subdivision for a
distance of 109.52 feet to a $\frac{5}{8}$ inch rebar;

Thence North 62°15'29" West along the south line of Lot 7 of the Marsh Creek Ridge Subdivision for a
distance of 41.16 feet to the Point of Beginning.

340 60°
NW 23 14'E

PARCEL 1 (including Lot 8)
2.60 ACRES +/-

0.07 ACRES +/-

county road

Done and

1/10/1940

5/8^a rebar

5/8" rebar



set 1/2" rebar

set 1/2" rebar

S 62°15'29"E
100.5

5/8" rubber ✓

- set 1/2" rebar

0.07 ACRES +/-

$$\frac{562^{\circ}15'29''\text{E}}{137.76}$$

S 02°15'29"E
100.5

10

1

7

/

0 100

DE

\$100 RECEIVED
APR 17 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
AS PD 45-13617	45-14268 45-14269	Yes			
	45-7090 - 45-14248 45-14249 X				
	45-2940 - 45-14266 45-14267	X			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)	George Montgomery and Gwen Montgomery 937 South 900 East Albion, ID 83311
4. New Owner/Claimant(s)	Shawn P. Mai and Jennifer M. Mai Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address	P.O. Box 104
City, State and ZIP Code	Albion, ID 83311
New Telephone Number	(208) 431-3386 Email:

5. Date you acquired the property

April 10, 2009

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

James P. Mai

(title if applicable)

James M. Mai

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature]Date 4-20-09Receipt Amt. \$100Received by [Signature]Date 4/20/09Receipt No. 5030827Processed by [Signature] AJDate 4/20/09WR Date

WARRANTY DEED

CASSIA COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW
1:43:23 pm 04-10-2009 #46324
2009-001694
NO. PAGES: 3 FEE: \$9.00
LARRY A. NICKELSEN
COUNTY CLERK
DEPUTY: VIKI

For Value Received

GEORGE MONTGOMERY and GWEN MONTGOMERY, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

SHAWN P. MAI and JENNIFER M. MAI, husband and wife as community property with right of survivorship

Mailing Address: 324 East Harper, Albion, ID 83311

P.O. Box 104, Albion, ID 83311

Hereinafter called the Grantee, the following described premises situated in County, Idaho, to-wit:

See Attached Exhibit "A"

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2009 and subsequent years.

Oil And Gas Lease between George A. and Gwendolyn Montgomery, husband and wife and Faith Financial Service, dated May 19, 1981 and recorded June 22, 1981 as Instrument No. 136064 on Film No. 143, records of Cassia County, Idaho.

Oil And Gas Lease between George and Gwendolyn Montgomery and John J. Kirlin, dated December 13, 1984 and recorded February 22, 1985 as Instrument No. 167194 on Film No. 170, records of Cassia County, Idaho.

Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and George Montgomery, Consumer, dated December 14, 1992 and recorded December 23, 1992 as Instrument No. 222455 on Film No. 240, records of Cassia County, Idaho. (Covering the NW¼ of Section 12 Township 12 South Range 24 East of the Boise Meridian)

Effects of Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Louis Grundel, Consumer, dated July 9, 1999 and recorded July 21, 1999 as Instrument No. 264040, records of Cassia County, Idaho, covering the NE¼NW¼ of Section 12, Township 12 South, Range 24 East of the Boise Meridian.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: April 9, 2009

George Montgomery
GEORGE MONTGOMERY

Gwen Montgomery
GWEN MONTGOMERY

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 9th day of April, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared **GEORGE MONTGOMERY** and **GWEN MONTGOMERY**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Tina Hansen
Notary Public
Residing at: Rupert, ID
My Commission expires: 05/07/09

EXHIBIT 'A'

TOWNSHIP 12 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 12: Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the N $\frac{1}{4}$ corner of said Section 12, said corner marked by a 5/8 inch rebar with a 3 inch county cap on top; Thence South 89°01'23" West along the North line of Section 12 for a distance of 368.47 feet to a 5/8 inch rebar; Thence South 19°28'49" West along the centerline of a county road for a distance of 279.46 feet to a 5/8 inch rebar; Thence South 21°47'35" West along said county road centerline for a distance of 169.15 to the Point of Beginning;
Thence North 89°02'06" East for a distance of 20.64 feet to a 1/2 inch rebar;
Thence North 89°02'06" East for a distance of 437.09 feet to a 1/2 inch rebar;
Thence South 00°57'55" East for a distance of 401.39 feet to a 1/2 inch rebar;
Thence South 89°02'06" West for a distance of 605.25 feet to a 1/2 inch rebar;
Thence South 89°02'06" West for a distance of 23.81 feet to the centerline of a county road;
Thence North 22°25'01" East along said county road centerline for a distance of 250.26 feet to a 5/8 inch rebar at the Southeast corner of Lot 2 in the Marsh Creek Ridge Subdivision;
Thence North 21°47'35" East along the centerline of a county road for a distance of 186.17 feet to the Point of Beginning.

Survey map of Marsh Creek Ridge Subdivision, showing Parcel 1, Lot 2, and Lot 3. The map includes bearings and distances for various boundaries, easements, and rebar locations.

Parcel 1: 3.00 Acres +/-, bounded by S 89°02'06"W 605.25' and S 88°57'55"E 401.99'.

Lot 2: Bounded by S 22°25'01"W 250.26' and S 89°02'06"W 605.25'.

Lot 3: Bounded by S 89°01'23"W 368.47' and S 19°28'49"W 279.46'.

Boundaries and Distances:

- Top boundary: S 89°01'23"W 368.47' and N 89°02'06"E 646.70'.
- Right boundary: N 89°02'06"E 646.70' and N 88°06'50"E 721.59'.
- Bottom boundary: S 89°12'47"W 644.46'.
- Left boundary: S 22°25'01"W 250.26'.

Easements and Notes:

- 25' ACCESS EASEMENT (rec. 1 Jun 2001) (inst no 2757521) crossing Parcel 1.
- 12 county road r.o.w 646.70'.
- previously surveyed
- est 1/2" rebar (14' below ground)
- est 1/2" rebar
- est 1/2" rebar
- est 1/2" rebar
- SW CORNER NW 1/4 NE 1/4 SECTION 12

PROPERTY SURVEY FOR EVELYN D-NAUGHEL
PIONEER WEST REALTY - ROBERT A. MELLEMAN
REC 5 OCT 1984. INST NO 164164
DWLS # 914-8481

PROPERTY SURVEY FOR ED BURGESS
REC. 5 DEC. 1994 INST. NO. 234128
DWLS # 3435-9481

PROPERTY SURVEY FOR GARY M. GUSTIN
REC. 18 FEB. 2000. INST. NO. 267490
DWLS # 5425-9981

MARSH CREEK RIDGE SUBDIVISION
REC. 18 FEB 2005, INST. NO. 388524
DWLS # 7169-0481

LINE	BEARING	DIST
L 1	S 89°02' 06"W	186
L 2	S 00°06' 29"W	33
L 3	S 00°06' 29"W	173
L 4	S 89°02' 06"W	6
L 5	S 21°47' 35"W	169
L 6	S 21°47' 35"W	186
L 7	N 89°52' 26"W	25
L 8	N 89°02' 06"E	25
L 9	N 00°07' 33"E	30
L 10	N 89°02' 06"E	23
L 11	N 09°02' 06"E	20

TOWNSHIP 12 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 12: Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the N $\frac{1}{4}$ corner of said Section 12, said corner marked by a 5/8 inch rebar with a 3 inch county cap on top; Thence South 89°01'23" West along the North line of Section 12 for a distance of 368.47 feet to a 5/8 inch rebar; Thence South 19°28'49" West along the centerline of a county road for a distance of 279.46 feet to a 5/8 inch rebar; Thence South 21°47'35" West along said county road centerline for a distance of 169.15 to the Point of Beginning;
Thence North 89°02'06" East for a distance of 20.64 feet to a ½ inch rebar;
Thence North 89°02'06" East for a distance of 437.09 feet to a ½ inch rebar;
Thence South 00°57'55" East for a distance of 401.39 feet to a ½ inch rebar;
Thence South 89°02'06" West for a distance of 605.25 feet to a ½ inch rebar;
Thence South 89°02'06" West for a distance of 23.81 feet to the centerline of a county road;
Thence North 22°25'01" East along said county road centerline for a distance of 250.26 feet to a 5/8 inch rebar at the Southeast corner of Lot 2 in the Marsh Creek Ridge Subdivision;
Thence North 21°47'35" East along the centerline of a county road for a distance of 186.17 feet to the Point of Beginning.

Land Title and Escrow, Inc.

A Full Service Title Company Since 1957

April 16, 2009

Attn: Trish Fawcett
Idaho Department of Water Resources
1341 Fillmore Street, Ste. 200
Twin Falls, ID 83301

RECEIVED
APR 17 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

**RE: Water Right #45-13617
Montgomery/Mai**

Dear Trish:

Enclosed please find the "Notice of Change" form, copy of the Warranty Deed, plat and a check for \$100.00. Also, for your reference, I included a copy of the emails we exchanged about the split of this water right. Please let me know if you need anything else from me.

Should you have any questions concerning this letter, please do not hesitate to contact me at (208) 878-3524. Thanks for all your help.

Very truly yours,
Land Title and Escrow, Inc.



Tina Hanssen
Escrow Officer

Serving: Cassia ~ Minidoka ~ Jerome ~ Lincoln ~ Gooding ~ Twin Falls Counties

Box 177 ~ Burley, Idaho 83318
Phone: 878-3524 ~ Fax: 878-4435
lteb@pmt.org

Box 349 ~ Jerome, Idaho 83338
Phone: 324-3357 ~ Fax: 324-8961
ltej@pmt.org

Box 473 ~ Gooding, Idaho 83330
Phone: 934-8477 ~ Fax: 934-5890
ltcg@pmt.org

Box 111 ~ Rupert, Idaho 83350
Phone: 436-0606 ~ Fax: 436-1199
lter@pmt.org

Box 5375 ~ Twin Falls, Idaho 83301-5375
Phone: 933-2650 ~ Fax 933-2655
ltetf@pmt.org

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75528

This is to certify that: GEORGE A MONTGOMERY

937 S 900 E
ALBION ID 83311
(208)673-6644

And

GWEN MONTGOMERY
937 S 900 E
ALBION ID 83311
(208)673-6644

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-7090	AJC/License	02/26/1972	1.41 cfs	288 af		72.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-7090	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-7090	45-7090	1.41 cfs	288 af	N/A	72.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.41 cfs	288 af	N/A	72.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24th day of June, 20 09

FOR


Chief, Water Allocation Bureau

WATER RIGHT NO. 45-7090
As Modified by Transfer No. 75528

In accordance with the approval of Transfer No. 75528, Water Right No. 45-7090 is now described as follows.

Right Holder: GWEN MONTGOMERY And
 GEORGE A MONTGOMERY
 937 S 900 E
 ALBION ID 83311
 (208)673-6644

Priority Date: February 26, 1972

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	1.41 CFS	288.0 AF
		1.41 CFS	288.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSNW Sec. 12 Twp 12S Rge 24E CASSIA County

GROUND WATER SWSNW Sec. 12 Twp 12S Rge 24E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S 24E 12		28.0			15.0			29.0									72.0

Total Acres: 72

CONDITIONS OF APPROVAL

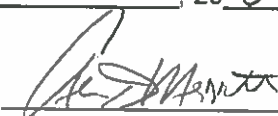
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Rights 45-294D, 45-7090, 45-10912 and 45-13617 when combined shall not exceed the irrigation of 72 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.

WATER RIGHT NO. 45-7090
As Modified by Transfer No. 75528

4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
5. Prior to the diversion and use of water under Transfer approval 75528, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24th day of June, 2009


FOR Chief, Water Allocation Bureau

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: A45-07090
Date Received: 5/30/1989
Receipt No: S007390
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE MONTGOMERY 208-673-6644
Address: STAR RT. BOX 13
ALBION, ID 83311

2. Date of Priority: FEB 26, 1972

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	24E	12	NW	SE	NW		CASSIA

5. Description of diverting works:
WELL, PUMP, SPRINKLER & OPEN DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.410		400.00

7. Total Quantity Appropriated is:
1.410 C.F.S. (and/or) 400.00 A.F.A.

8. Total consumptive use is 300.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	24E	12	NW	NE		IRR	40.0
			NE	NW		IRR	20.0
			SE	NW		IRR	40.0

Section Acres 100.0

A45-07090

Page 1

Date: 05/30/89

MICROFILMED

MAR 08 1993

10. Place of Use: Continued

Total Acres 100.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A45-00312A, A45-00294D

14. Remarks:

15. Basis of Claim: LICENSE

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): George Montgomery Date: 5/30/89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of May 19 89

Steve C. [Signature]
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

February 18, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

GEORGE MONTGOMERY
937 S 900 E
ALBION ID 83311

RE: SRBA Claim(s) 45-7090, 45-13617

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: Shawn & Jennifer Mai
Alan Lloyd & Heidie Torrealday

01/26/2004

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: see cover letter

Water right number: 45-7090

GEORGE A MONTGOMERY

937 S 900 E

ALBION ID 83311

Telephone Number: (208)673-6644

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

May 20-04

SIGNATURE:

George Montgomery

Please print your name:

George Montgomery

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

RECEIVED

MAY 21 2004

Department of Water Resources
Southern Region

10/31/2003

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

RIGHT NUMBER: 45-7090

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

VERIFIED BY KKC

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.410 CFS
288.000 AFY

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: 02/26/1972

POINT OF DIVERSION:

T12S R24E S12 NWSEW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

1.410 CFS
288.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R24E S12 NWNE 28.0

T12S R24E S12 NENW 15.0

T12S R24E S12 SENW 29.0

72 ACRES TOTAL

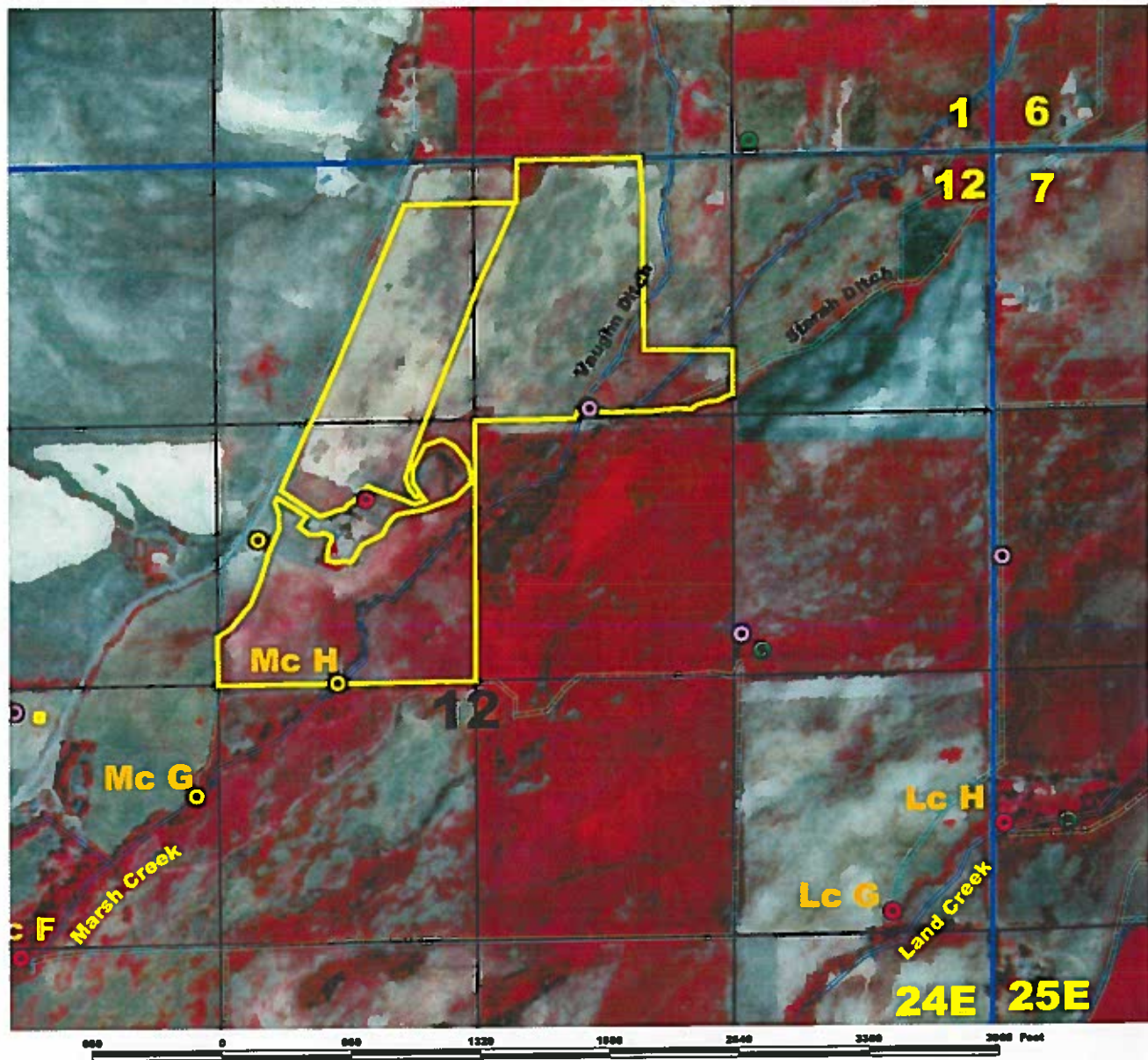
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 72 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-0294D, 45-7090, 45-10912, and 45-13617.

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. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: License

RECOMMENDED PLACE OF USE FOR 45-7090 and 45-13617



PLACE OF USE
TWP 12S, RNG 24E, SEC 12
Data entry on October 31, 2003

CASSIA CO



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987/1988 NAIP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN



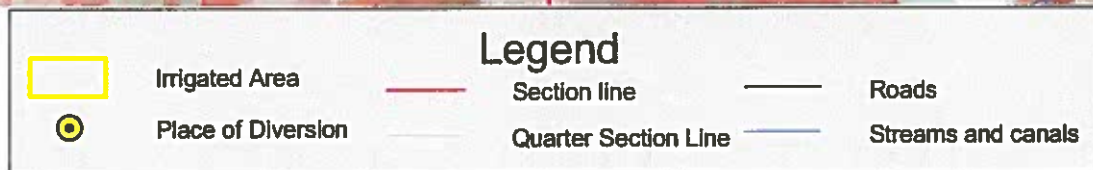
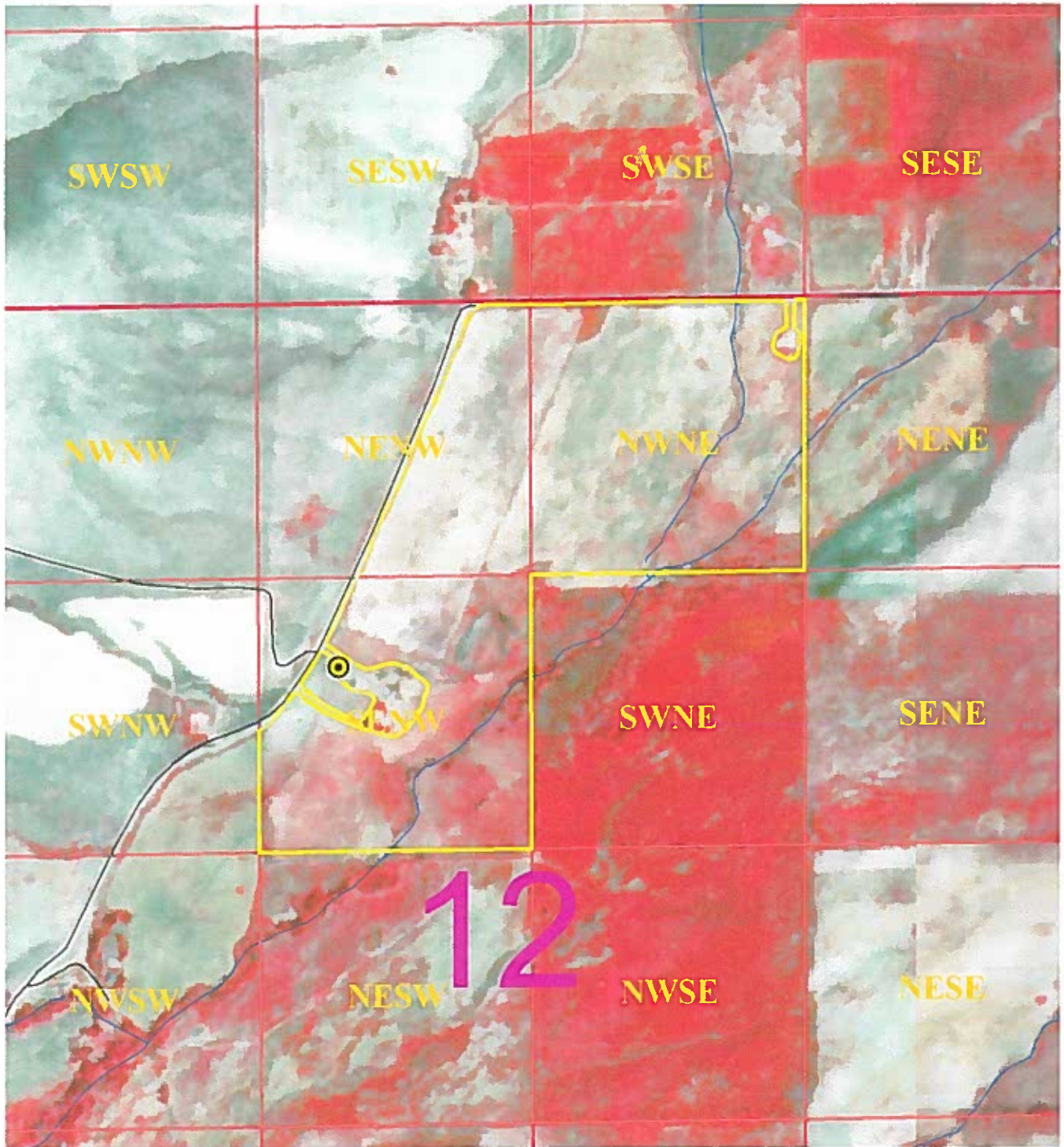
Log for claim A45-07090

Spatial Dynamics MWY

5/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s24e	12	NWNE	40	39	
12s24e	12	NENW	20	16	
12s24e	12	SEnw	40	33	
Totals:			100	88	

Township , 12S24E





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 11, 1997

EARL WARTHEN
PO BOX 145
ALBION ID 83311

RE: ADJUDICATION CLAIMS FOR MONTGOMERY: (A45-00294D, A45-00312A,
A45-07090, A45-10912,
A45-10913)
ANDERSON: (A45-00294C, A45-00311,
A45-00312B, A45-10042)
DE NAUGHEL: (A45-00294E, A45-00317F,
A45-07322)

Dear Mr. Warthen,

Enclosed are profile reports for the above adjudication claim numbers, as per your request last Friday. I found no water rights "pending" as a result of the moratorium.

If we can be of any further assistance, please feel free to call our office.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

/jr
Enclosures:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

(late proof)

License of Water Right No. 45-7090 Priority February 26, 1972 Amount 1.41 cfs

THIS IS TO CERTIFY, that George Montgomery
of Albion, Idaho, has complied with the terms and conditions of Permit
No. 45-7090 issued pursuant to Application for Permit dated February 4, 1972,
and has submitted proof to the Department of Water Resources on April 23, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 1.41 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>March 15</u> to <u>November 15</u> at <u>1.41</u> cfs and <u>400.0</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 1.41 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
400.0 acre feet per year, said waters to be diverted within the SE 1/4, Section 12, Twp.
12S, Rge. 24E in the County of Cassia

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW 1/4				SW 1/4				Totals
			NEW	NW 1/4	SW 1/4	SE 1/4	NEW	NW 1/4	SW 1/4	SE 1/4	NEW	NW 1/4	SW 1/4	SE 1/4	
12S	24E	12	40				20				40				100

Total number of acres irrigated 100

This right when combined with all other rights shall provide no more than 0.02
cfs per acre nor more than 4.0 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4th day of

April, 19 83

Director

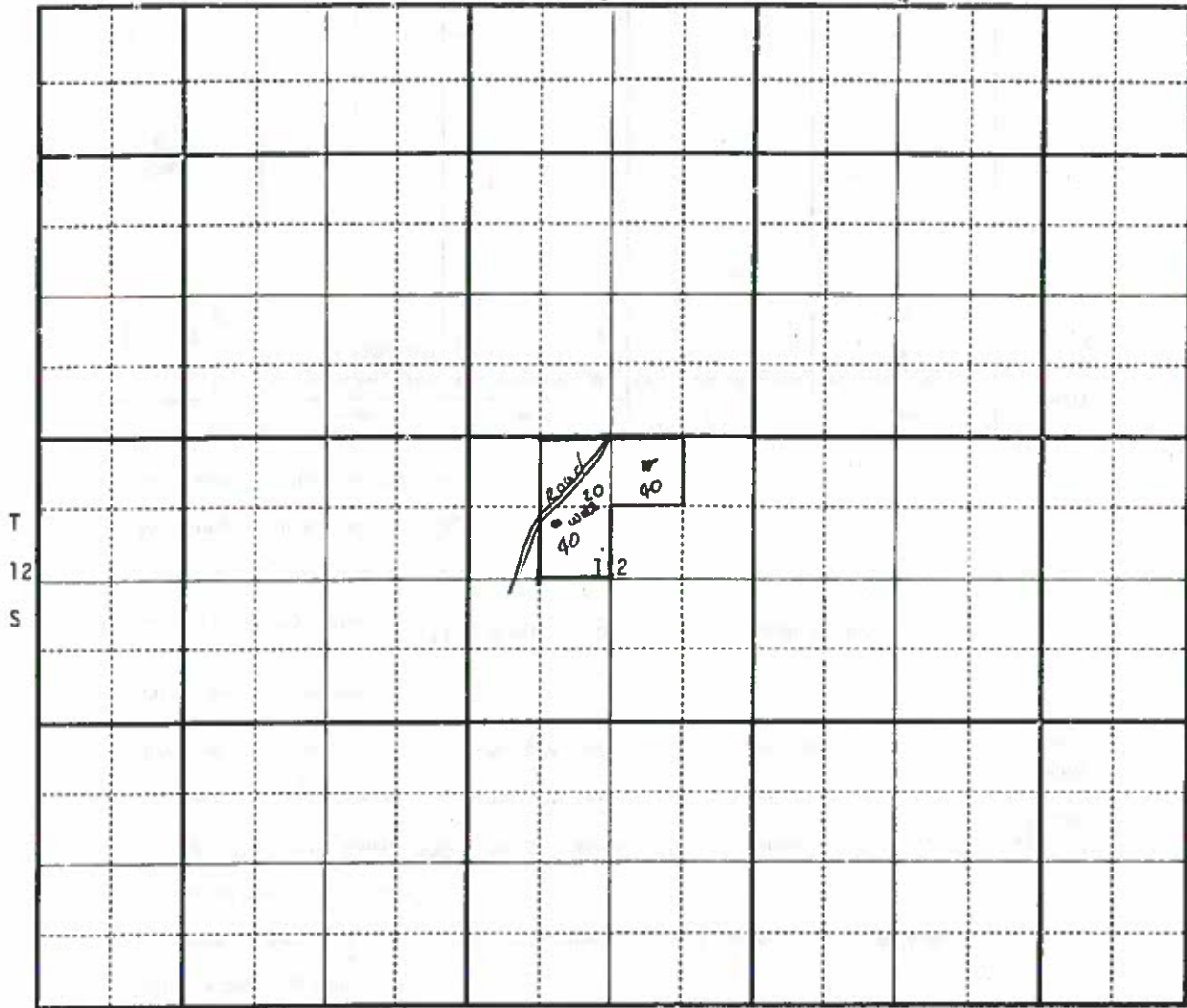


Diagram of System

WELL
TO DITCH

DATE OF EXAM 9-25-79

ACREAGE

Found 100 Acres ✓
Recommended 100 Acres ✓

Irrigation Requirement 4.0 Ac Ft/Ac

USE

Irrigation Q = 1.41 c.f.s. V = 400.00 ✓ AF/Ann. from MARCH 15 to NOV. 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____

twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Exchange? yes _____ no ✓

Name source exchanged with: _____

twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection: _____

twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange: _____

twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured 1.41 CFS Method of measurement Eagle Eye Flow Meter ✓

Total Q recommended 1.41 CFS Meter No. 65811 Type _____ Condition New

Total V recommended 400.0 Ac Ft/Ann.

Recommended Amendments:

P.D. SE 1/4 NW 1/4, Sec. 12 T12S R24E

Place of Use _____

Other _____

None _____

MEASUREMENT CALCULATION:

MEASURED W 6" ANNUBAR WITH EAGLE EYE FLOW METER
Q = 1.41 CFS CAPACITY
VOLUME = (100 Acres X 4.0 A.F./Ac/Ann) = 400.0 A.F./Ann.
1.41 X 1.9835 X 245 = 685.2

SYSTEM DESCRIPTION:

HOLDSHAFT MOTOR 25 HP. SERIAL # 3845281
VERT. LINE PUMP SERIAL # D14619 Gravity Flow Irr.
SYSTEM.

REMARKS:

ARLO MONTGOMERY WAS PRESENT DURING
THE EXAM.
NO DOMESTIC USE FROM THIS WELL

Examined Signature _____

Date 9/26/79

Checked by _____

Date 9/26/79

Approved by _____

Date 12/2/82

No Overlapping rights

Jim 12-19-82 ✓

Filename: quiz instructions
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