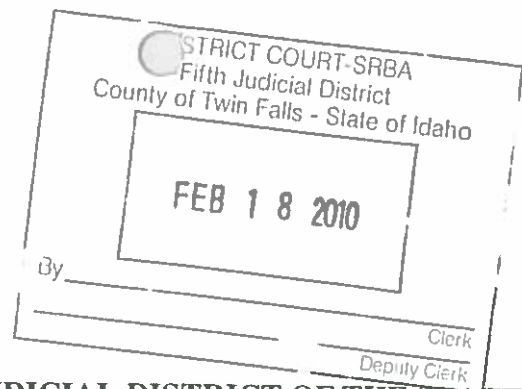


COPY



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

Subcase No: 45-13617 (Split)
45-14269, 45-14286 & 45-14287

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

☒ Point of Diversion

☐ Period of Use

☒ Split of Water Right

☐ Place 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:

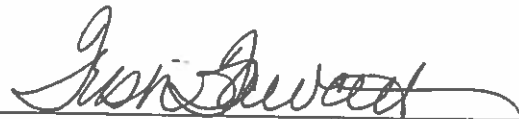
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

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>
45-13617	GEORGE A MONTGOMERY 937 S 900 E ALBION ID 83311	Disallowed	Recommended as 45-14269, 45-14286 and 45-14287.

02/04/2010

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

RIGHT NUMBER: 45-14269
NAME AND ADDRESS: SHAWN P MAI
PO BOX 104
ALBION ID 83311
JENNIFER M MAI
PO BOX 104
ALBION ID 83311

SOURCE: MARSH CREEK
QUANTITY: 0.090 CFS
TRIBUTARY: SNAKE RIVER

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-14267, 45-14249
and 45-14269.

PRIORITY DATE: 07/01/1876

POINT OF
DIVERSION:

T12S R24E S12 NWNESW Within CASSIA County
T12S R24E S12 NENWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.090 CFS
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 in CASSIA County

T12S R24E S12 NENW 4.50
4.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 4.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-14267, 45-14249 and 45-14269.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

02/03/2010

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

RIGHT NUMBER: 45-14286

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

SOURCE: MARSH CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.300 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-14288, 45-14284,
45-10912, and 45-14286.

PRIORITY DATE: 07/01/1876

POINT OF
DIVERSION:

T12S R24E S12 NWNESW Within CASSIA County
T12S R24E S12 NENWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

1.300 CFS

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 in CASSIA County

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

67 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 67.0 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-14288, 45-14284, 45-10912, and 45-14286.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

02/03/2010

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

RIGHT NUMBER: 45-14287

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

HEIDIE TORREALDAY
PO BOX 514
ALBION ID 83311

SOURCE: MARSH CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.010 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 45-14289, 45-14285
and 45-14287.

PRIORITY DATE: 07/01/1876

POINT OF
DIVERSION:

T12S R24E S12 NWNESE Within CASSIA County
T12S R24E S12 NENSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.010 CFS
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 in CASSIA County

T12S R24E S12 SENW 0.50

0.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 0.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 45-14289, 45-14285 and 45-14287.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RECEIVED

JAN 20 2010

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)
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 2d

(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 Hawcett
 Received by Chu
 Processed by _____ AJ

 Date _____
 Date 11/20/10
 Date _____

 Receipt Amt. 100⁰⁰
 Receipt No. 5031243
 WR _____ 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)
) ss.
COUNTY OF CASSIA)

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 Hanssen
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;

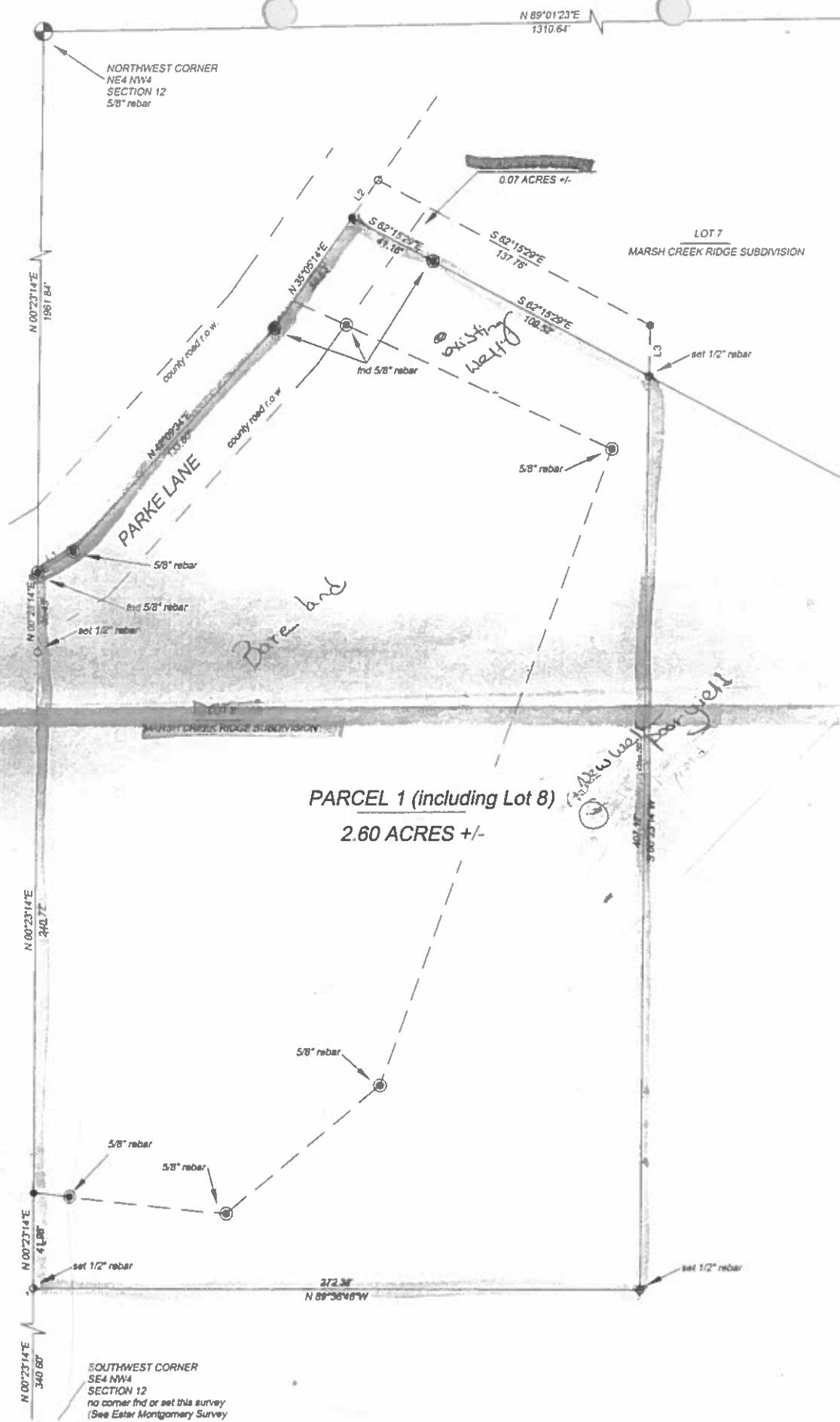
Thence North 35°05'14" East along the west line of Lot 7 of the Marsh Creek Ridge Subdivision for a
distance of 20.17 feet;

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.





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