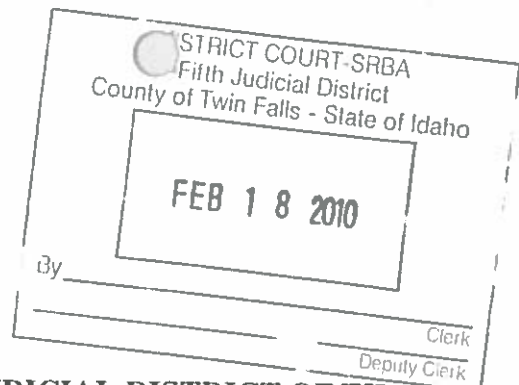


COPY



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

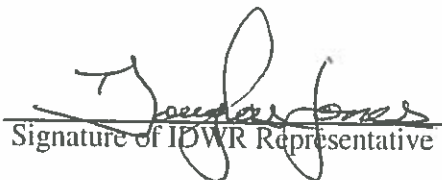
☐ Place of Use

☐ 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 TRIBUTARY: SNAKE RIVER
QUANTITY: 0.090 CFS

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 NWNE Within CASSIA County

T12S R24E S12 NENWS 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	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 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	0.010 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

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 45-13617	45-14268 45-14269	Yes			
	45-7090 - 45-14248 45-14249 X				
PD 45-294D	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)

William P. Mai

(title if applicable)

Jennifer 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 AJDate WR 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.

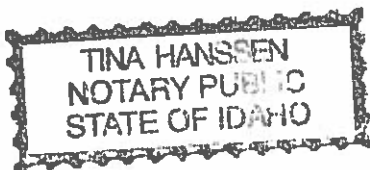
Dated: April 9, 2009

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: Cupert, 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.

PROPERTY SURVEY FOR EVELYN D. NAUGHEL
PIONEER WEST REALTY - ROBERT A. MEULEMAN
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 # 5425-9901

MARSH CREEK RIDGE SUBDIVISION
REC. 18 FEB 2005, INST. NO. 300524
DWLS # 7169-0481

LINE	BEARING	DIST
L 1	S 09°02' 06"W	186
L 2	S 00°06' 29"W	33
L 3	S 00°06' 29"W	173
L 4	S 09°02' 06"W	6
L 5	S 21°47' 35"W	169
L 6	S 21°47' 35"W	166
L 7	N 09°52' 26"W	25
L 8	N 09°02' 06"E	25
L 9	N 00°07' 33"E	30
L 10	N 09°02' 06"E	20
L 11	N 09°02' 06"E	23

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

Section 12: Part of the NE¼NW¼, more particularly described as follows:

Beginning at the N¼ 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.

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 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 C. Du
 Processed by _____ AJ

 Date _____
 Date 1/20/10
 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;

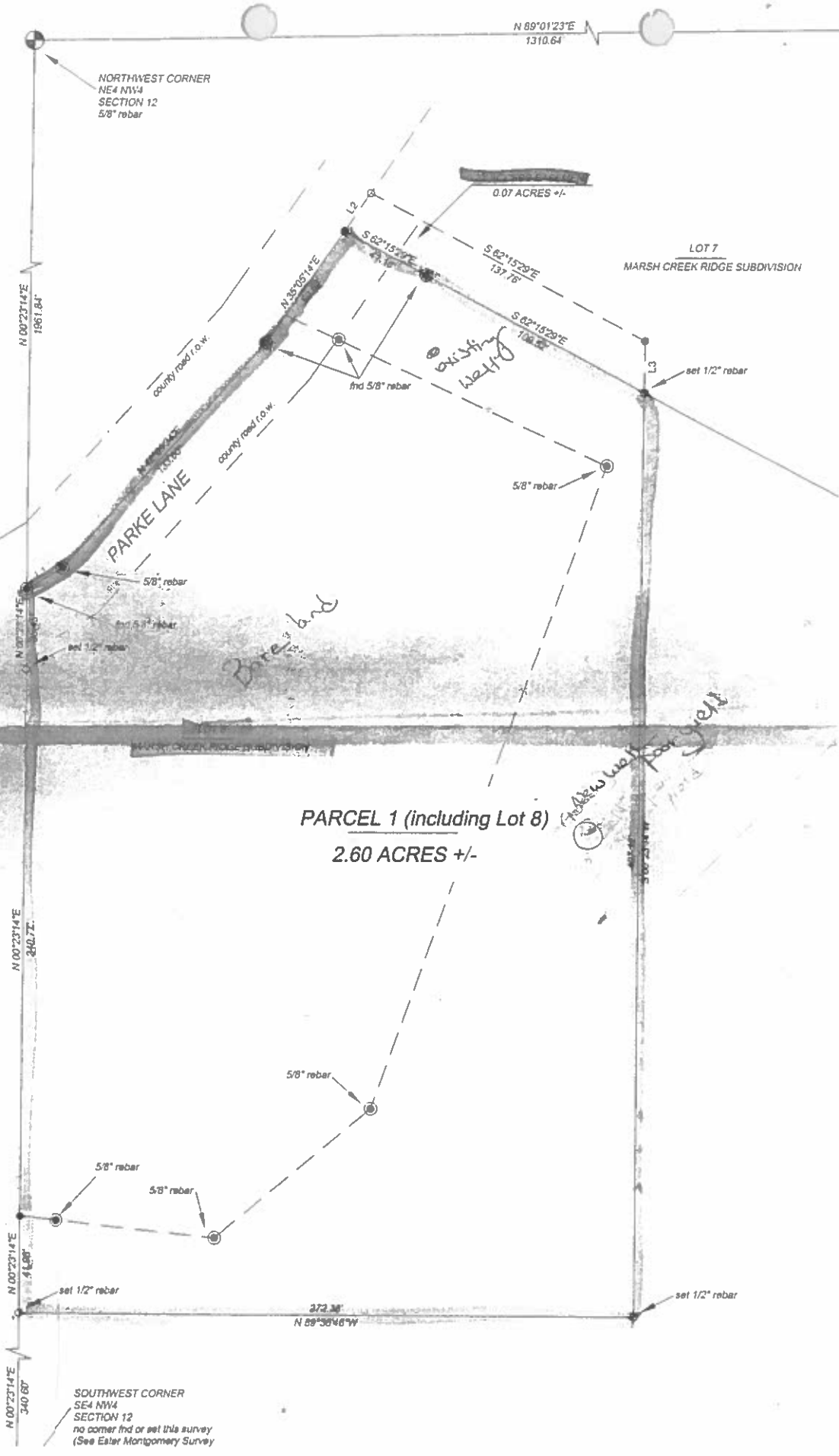
Thence North 35°05'14" East along the west line of Lot 7 of the Marsh Creek Ridge Subdivision for a
distance of 20.17 feet;

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.



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 45-13617
Date Received: 10/15/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GEORGE A MONTGOMERY Phone: (208)673-6644
937 S 900 E
ALBION ID 83311

2. Date of Priority: 07/01/1876

3. Source: MARSH CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:

HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.4	

7. Total Quantity Appropriated is:
1.4 C.F.S.

8. Total consumptive use:

45-13617

is now

45-14286

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	24E	12	NE	NW	IRRIGATION	20
			SE	NW	IRRIGATION	40
			NW	NE	IRRIGATION	30
					Section Acres	90
					Total Acres	90

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:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-312A.

P/U GIVEN IN FINDINGS OF VAUGHN VS HARROUN.

TRANS. 2952.

THIS CLAIM HAS BEEN REDUCED BY 0.1 CFS, 5 ACRES, FOR LAND WHICH WAS SOLD TO MR. & MRS. JUAN LOZANO. SEE CLAIM A45-00312C.

RVW, 2/16/1990

15. Basis of Claim: Decreed

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 division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
45-312A		☒			

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 usually attached to your deed or on file with the county).

OR

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 **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 A Montgomery

Montgomery Trucking
George and Gwen
937 South 900 East
Parke Lane
Albion Idaho, 83311

4. New Owner/Claimant(s)

Nick Knudsen

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

1015 E. 900 S.

City, State and ZIP Code

Albion ID 83311

New Telephone Number

(208) 673-6732

5. Date you acquired the property

9-01

RECEIVED

OCT 15 2003

Department of Water Resources

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>415</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>5 inches</u>	<u>5 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

7.

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Nick Krudger

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.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

OCT 15 2003

Department of Water Resources
Snake River Basin

1022 E. 422 St. Albion, ID
No #

275782

GIFT DEED

RECEIVED
OCT 15 2003
Department of Water Resources
Boise, Idaho

For Value Received

GEORGE MONTGOMERY and GWEN MONTGOMERY, husband and wife

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

NICHOLAS O. KNUDSEN and CEDAR K. KNUDSEN, husband and wife
Address:

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

See attached Exhibit "A" for legal description

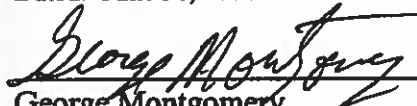
SUBJECT TO:

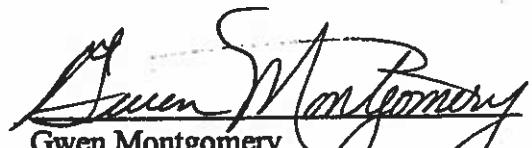
All reservations in patents or deeds in the chain of title.

Accruing taxes, levies and assessments; easements and rights of way of record if any.

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.

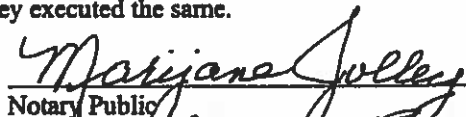
Dated: June 26, 2001


George Montgomery


Gwen Montgomery

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 26th day of June, 2001, 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.


Notary Public
Residing at: Albion, Cassia Co.
My Commission expires: 7-25-06

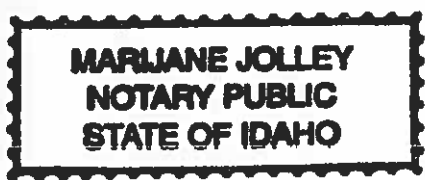


EXHIBIT "A"

June 25, 2001

JOB # 5936-01B1

GEORGE & GWEN MONTGOMERY SURVEY

PARCEL 1

L E G A L D E S C R I P T I O N

Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12 of Township 12 South, Range 24 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the NE corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12 of T.12 S., R.24 E., B.M. said corner marked by a $\frac{1}{2}$ " rebar; Thence South 89 degrees 01 minutes 39 seconds West (West, rec.) along the north line of Section 12 for a distance of 450.06 feet (450.00', rec.) to a $\frac{1}{2}$ " rebar; Thence South 00 degrees 06 minutes 02 seconds West (South, rec.) for a distance of 499.76 feet (500.00', rec.) to a $\frac{1}{2}$ " rebar which shall be the Point of Beginning;

THENCE North 89 degrees 03 minutes 27 seconds East (East, rec.) for a distance of 449.90 feet (450.00', rec.) to a $\frac{1}{2}$ " rebar on the east line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$;

THENCE South 00 degrees 07 minutes 07 seconds West along the east line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 484.11 feet to a $\frac{1}{2}$ " rebar;

THENCE South 89 degrees 03 minutes 27 seconds West for a distance of 449.90 feet to a $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 07 minutes 07 seconds East for a distance of 484.11 feet to the Point of Beginning.

Said property contains 5.00 acres more or less and is subject to any easement or right of ways, existing or of record and TOGETHER WITH a 25 foot wide access easement being more particularly described as follows and fully described on Exhibit "B" attached hereto:

Prepared by:
DESERT WEST LAND SURVEYS
1751 Overland Ave.
Burley, Idaho 83318

RECEIVED
OCT 15 2003
Department of Water Resources
Land Survey Division



EXHIBIT "B"

June 25, 2001
JOB # 5936-01B1
GEORGE & GWEN MONTGOMERY SURVEY

ACCESS EASEMENT

L E G A L D E S C R I P T I O N

Part of the NW¹/₄NE¹/₄ of Section 12 of Township 12 South, Range 24 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the NE corner of the NW¹/₄NE¹/₄ of Section 12 of T.12 S., R.24 E., B.M. said corner marked by a ½" rebar; Thence South 89 degrees 01 minutes 39 seconds West (West, rec.) along the north line of Section 12 for a distance of 450.06 feet (450.00', rec.) to a ½" rebar which shall be the Point of Beginning;

THENCE South 00 degrees 06 minutes 02 seconds West (South, rec.) for a distance of 499.76 feet (500.00', rec.) to a ½" rebar;

THENCE South 00 degrees 07 minutes 07 seconds West for a distance of 222.31 feet;

THENCE North 89 degrees 52 minutes 53 seconds West for a distance of 25.00 feet;

THENCE North 00 degrees 06 minutes 23 seconds East for a distance of 721.59 feet to the north line of Section 12;

THENCE North 89 degrees 01 minutes 39 seconds East along the north line of Section 12 for a distance of 25.00 feet to the Point of Beginning.

Said property contains 0.41 acres more or less.

Prepared by:
DESERT WEST LAND SURVEYS
1751 Overland Ave.
Burley, Idaho 83318

215182
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE 2.00 DEPUTY *[Signature]*

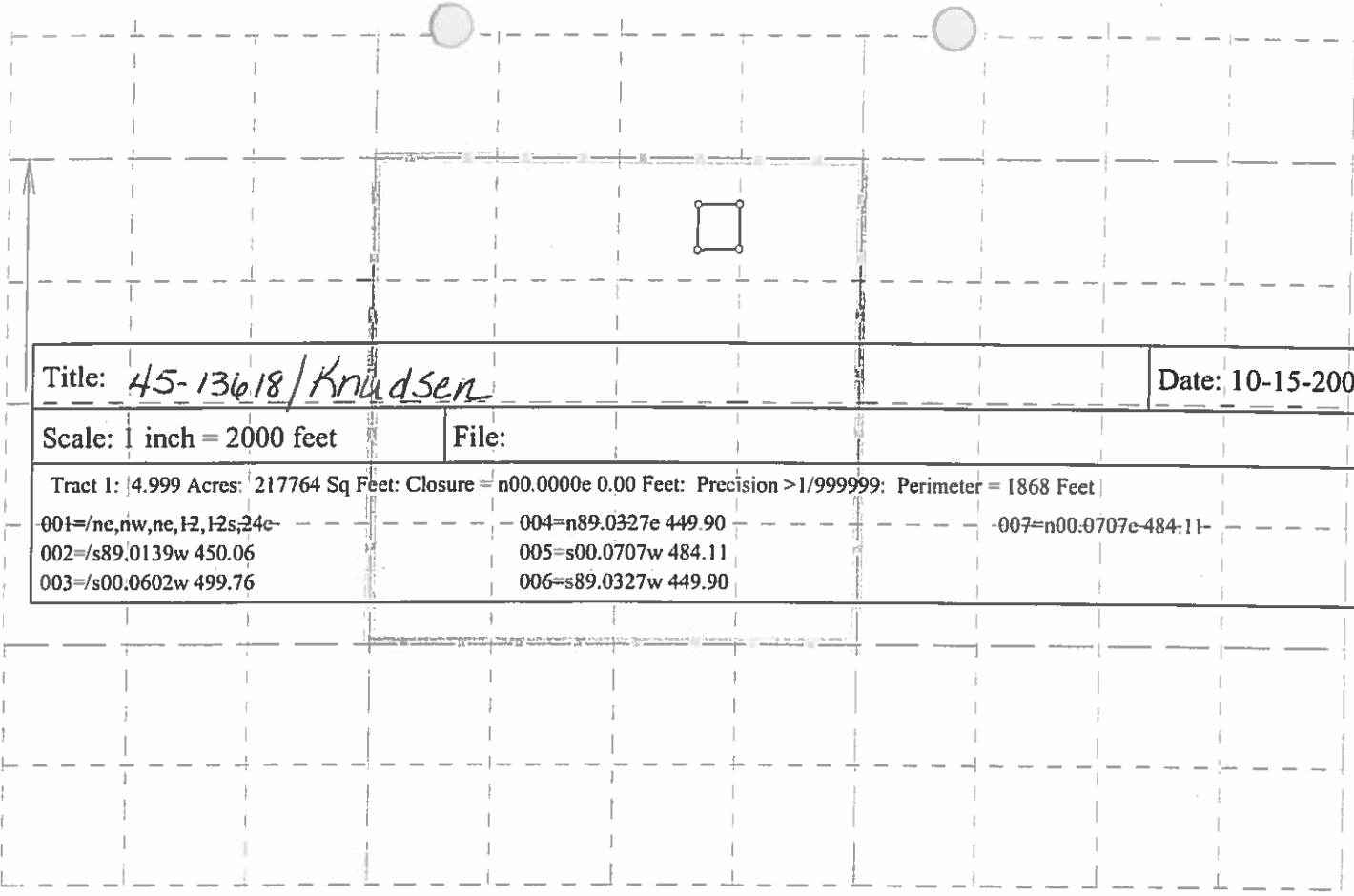
'01 JUN 27 AM 10 37

RECORDED AT THE REQUEST OF

[Signature]
R.E. Deighton

RECEIVED
OCT 15 2003
Department of Water Resources
Boise, Idaho





Title: 45-13618/Knudsen		Date: 10-15-2003
Scale: 1 inch = 2000 feet	File:	
Tract 1: 4.999 Acres: 217764 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 1868 Feet		
001=/ne,nw,ne,l2,l2s,24c-	004=n89.0327e 449.90	007=n00.0707e 484.11-
002=/s89.0139w 450.06	005=s00.0707w 484.11	
003=/s00.0602w 499.76	006=s89.0327w 449.90	

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: A45-00312A
Date Received: 5/30/1989
Receipt No: S007390
Received By: RLV-JL

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

2. Date of Priority: JUL 01, 1876

3. Source: MARSH CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.500		

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

8. Total consumptive use is 285.0 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	35.0
			NE	NW		IRR	20.0
			SE	NW		IRR	40.0
						Section Acres	95.0

A45-00312A

Page 1

Date: 02/16/90

MICROFILMED
MAR 07 1993

10. Place of Use: Continued

Total Acres 95.0

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:
A45-00294D

14. Remarks:

P/U GIVEN IN FINDINGS OF VAUGHN VS HARROUN.
TRANS. 2952.

THIS CLAIM HAS BEEN REDUCED BY 0.1 CFS, 5 ACRES, FOR LAND WHICH
WAS SOLD TO MR. & MRS. JUAN LOZANO. SEE CLAIM A45-00312C.

RVW, 2/16/1990

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 3/21/1892

R. L. WOOD, ET. AL.

Decree Plaintiff

vs

WM. STOKES, ET. AL.

Decree Defendant

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A45-00312A
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: JUL 01, 1876

3. Source: MARSH CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) 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 of	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

A45-00312A

Page 1

Date: 05/30/89

MICROFILMED

MAR 07 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:
A45-00294D

14. Remarks:
P/U GIVEN IN FINDINGS OF VAUGHN VS HARROUN.
TRANS. 2952.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 3/21/1892

R. L. WOOD, ET. AL.
Decree Plaintiff

vs

WM. STOKES, ET. AL.
Decree Defendant

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

Seal.

Steve C. O. O.
Notary Public

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

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
lteg@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
lterf@pmt.org

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: 45-13617

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: 45-13617

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

VERIFIED BY

KKC

SOURCE: MARSH CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.400 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: 07/01/1876

POINT OF DIVERSION:

T12S R24E S12 NWNE Within CASSIA County
T12S R24E S12 NENW 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	1.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R24E S12	NWNE	28.0	T12S R24E S12	NENW	15.0
T12S R24E S12	SENE	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: Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 45-312C.



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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 16, 2003

GEORGE MONTGOMERY
937 S 900 E
ALBION ID 83311

RE: SRBA Claim 45-312A

Dear Mr. Montgomery

Pursuant to the notification that you sold a portion of the property to which the above referenced adjudication claim is appurtenant, the department has split the original claim. Your portion has been renumbered to 45-13617. The Knudsen's claim has been numbered 45-13618.

Enclosed please find your copies of the claims. Review these documents and should you have any questions or corrections, please contact this office. Also enclosed is your check 4111 in the amount of \$25.00. Since this claim has not yet been decreed, no fee was due to change the ownership.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 9-5-2002

File: 45-312 split analysis

Prepared by Kelly K Christensen

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Source</u> <u>Table</u>	<u>Priority</u> <u>Date</u>	<u>Rate(cfs)</u>	<u>Source</u>	<u>Water</u> <u>Use(s)</u>	<u>Owner(s)</u>
45	312A		Aj Claim	1876-07-01	1.5	MARSH CR	IRR	MONTGOMERY, GEORGE A
45	312B		Aj Claim	1876-07-01	1.6	MARSH CR	IRR	ANDERSON, A W, S J
45	312C		Aj Claim	1876-07-01	0.1	MARSH CR	IRR	HILL, ELIZABETH C WILLIAM W
45	312A		Wtr right	1876-07-01	1.6	MARSH CR	IRR	PARKE SR, IRA C
45	312B		Wtr right	1876-07-01	1.6	MARSH CR	IRR	PARKE, IRA C

Place of use as transferred for decreed right 45-312			
	★		
	12		

The transferred place of use for 45-312A is owned by several individuals but has been claimed by only two of them.

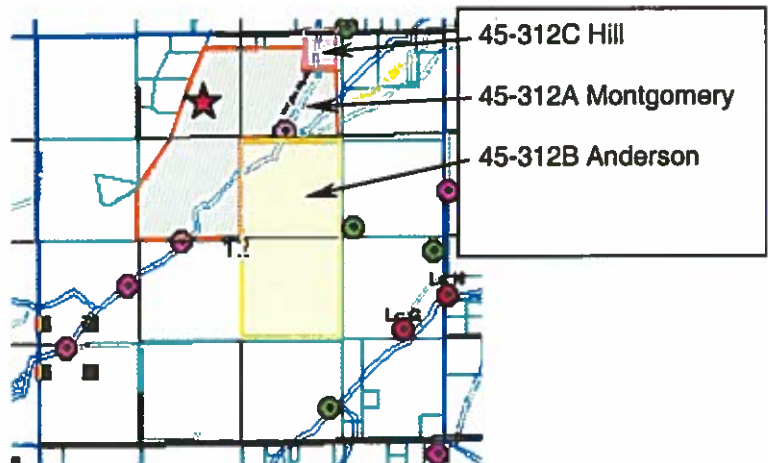
Is the place of use for 45-312B is wholly owned by Anderson? Possible right of way issue on the N 4 rods of the SWNE.



(recognize an unrecorded transfer)
 There are no decreed rights appurtenant to this 40-acre tract.

45-312A Montgomery. The claimed place of use includes the NENW which has no decreed water rights appurtenant to it.

The north and west portions of claimed place of use includes ground owned by other individuals. The claimed irrigated place of use is overstated.



45-7090 is a groundwater system that was licensed and claimed on 100 acres. The same place of use issues described above apply to this right.

45-312B Anderson. Transfer 2952 was approved in 1986 that corrected a place of use description for the NWNE. The only obvious issue is the ownership of the north 4 rods of that 40-acre tract. It appears to be identified as a right of way and the ownership is not clear at this time.

45-312C Hill. This right was split off of Montgomery's claim and is for 5 acres. The claim identifies the Vaughn ditch as the delivery system. This would leave a portion of the ground west of the Vaughn ditch dry. That ground appears to be irrigated as part of the Montgomery system.

Log for claim A45-00312A

Spatial Dynamics MWY

4/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s24e	12	NWNE	35	39	
12s24e	12	NENW	20	16	
12s24e	12	SEnw	40	33	
Totals:			95	88	

The original right was decreed to 80ac
(2 40-acre tracts)
and the current use is for 72 acres within
3 40-acre tracts. I am recognizing an unrecorded
transfer to the NENW.

DIVERSION
VOLUME

285.00 AFA

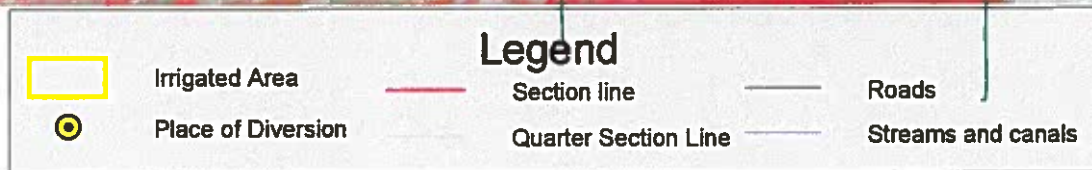
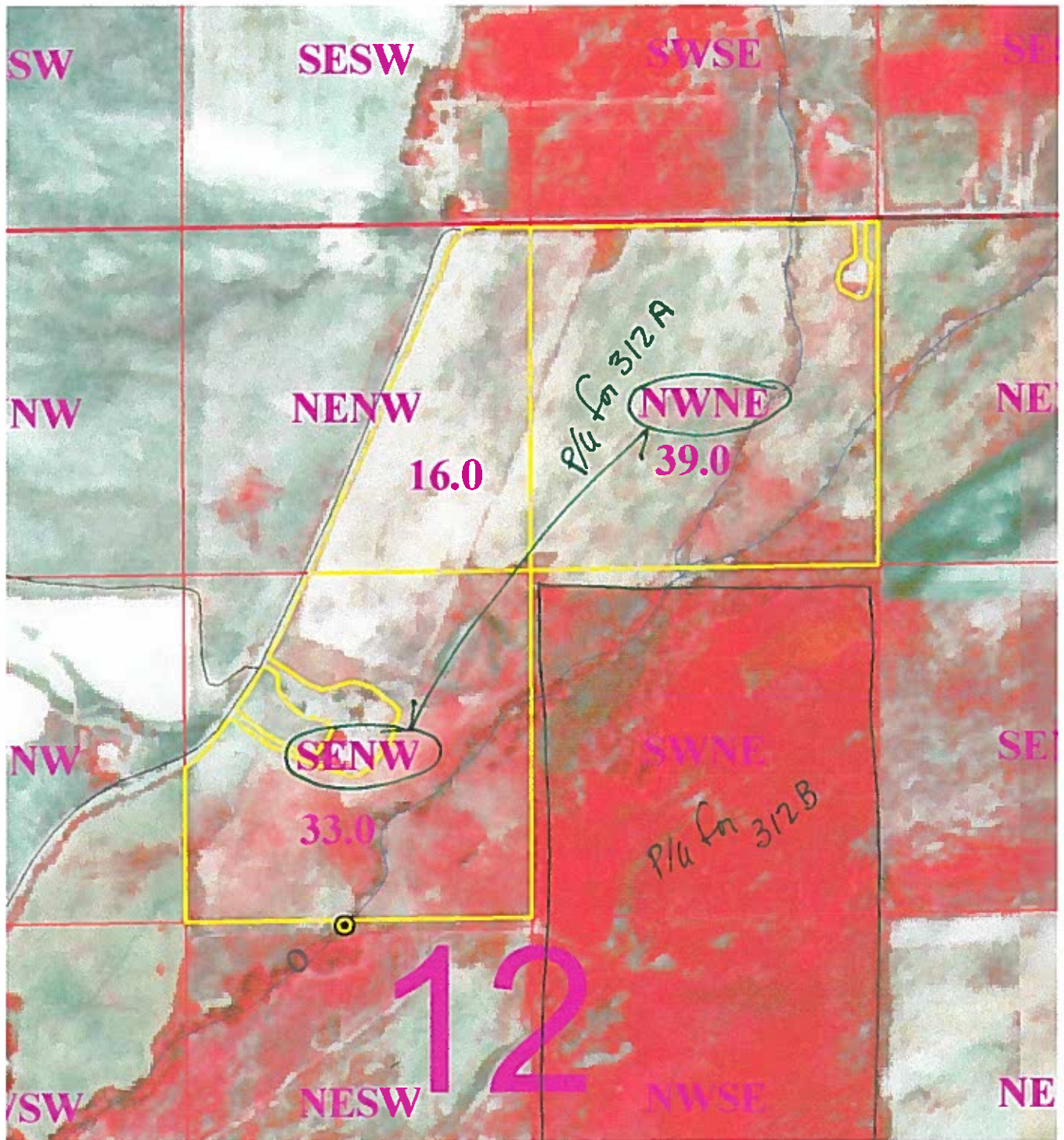
Stage: DECREED

CASSIA County

95.0

Audit:	05/30/89 CLELLAND	02/16/90 WORSTELL	03/30/95 POST-STD
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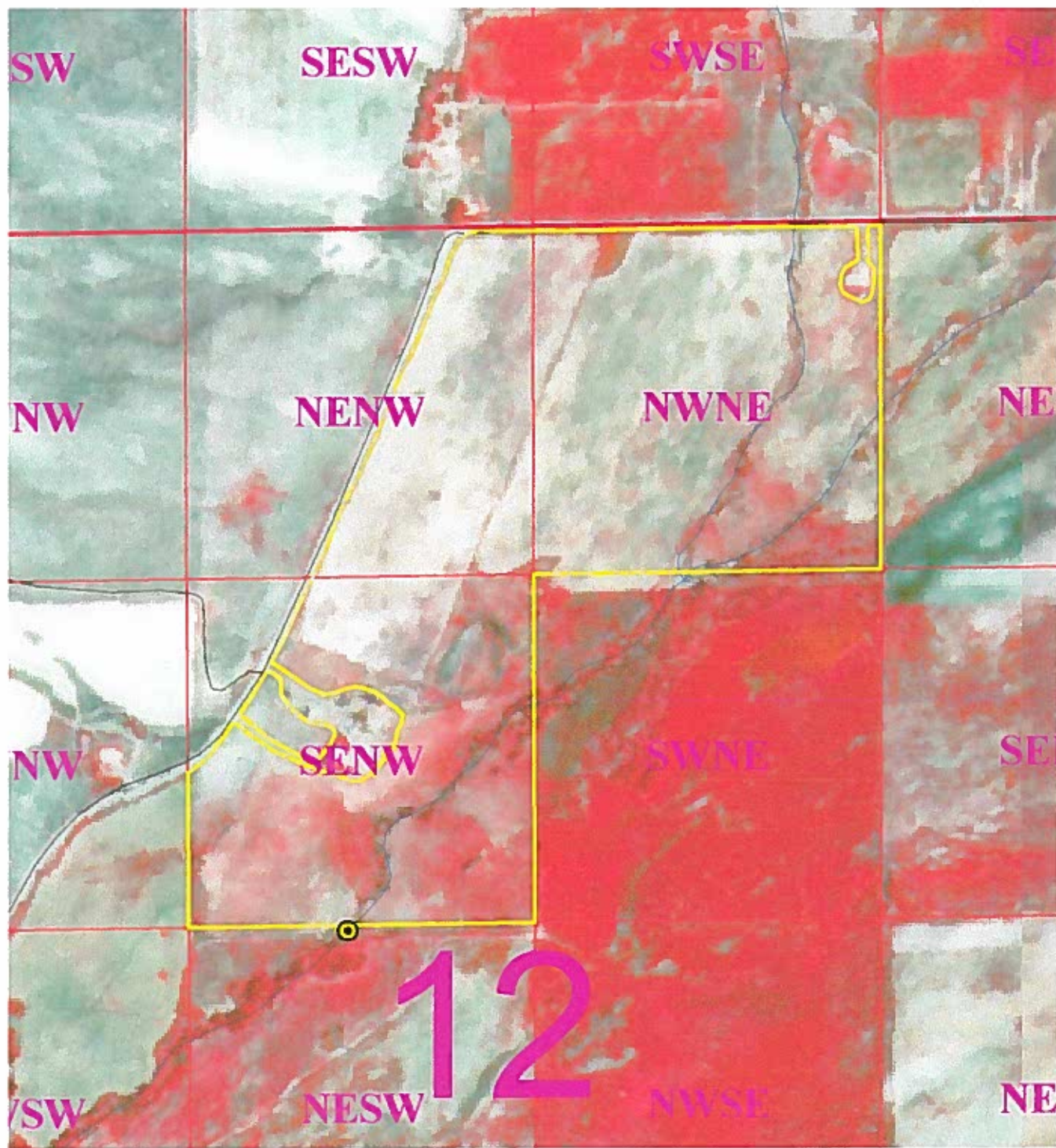
Township , 12S24E



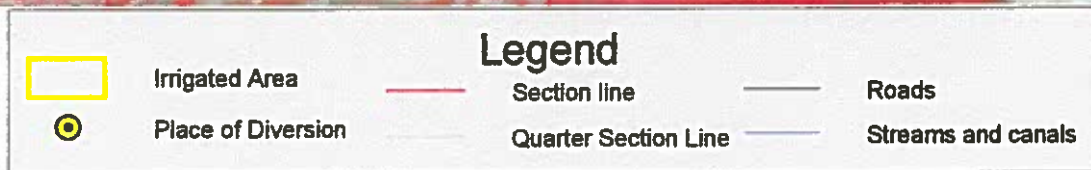
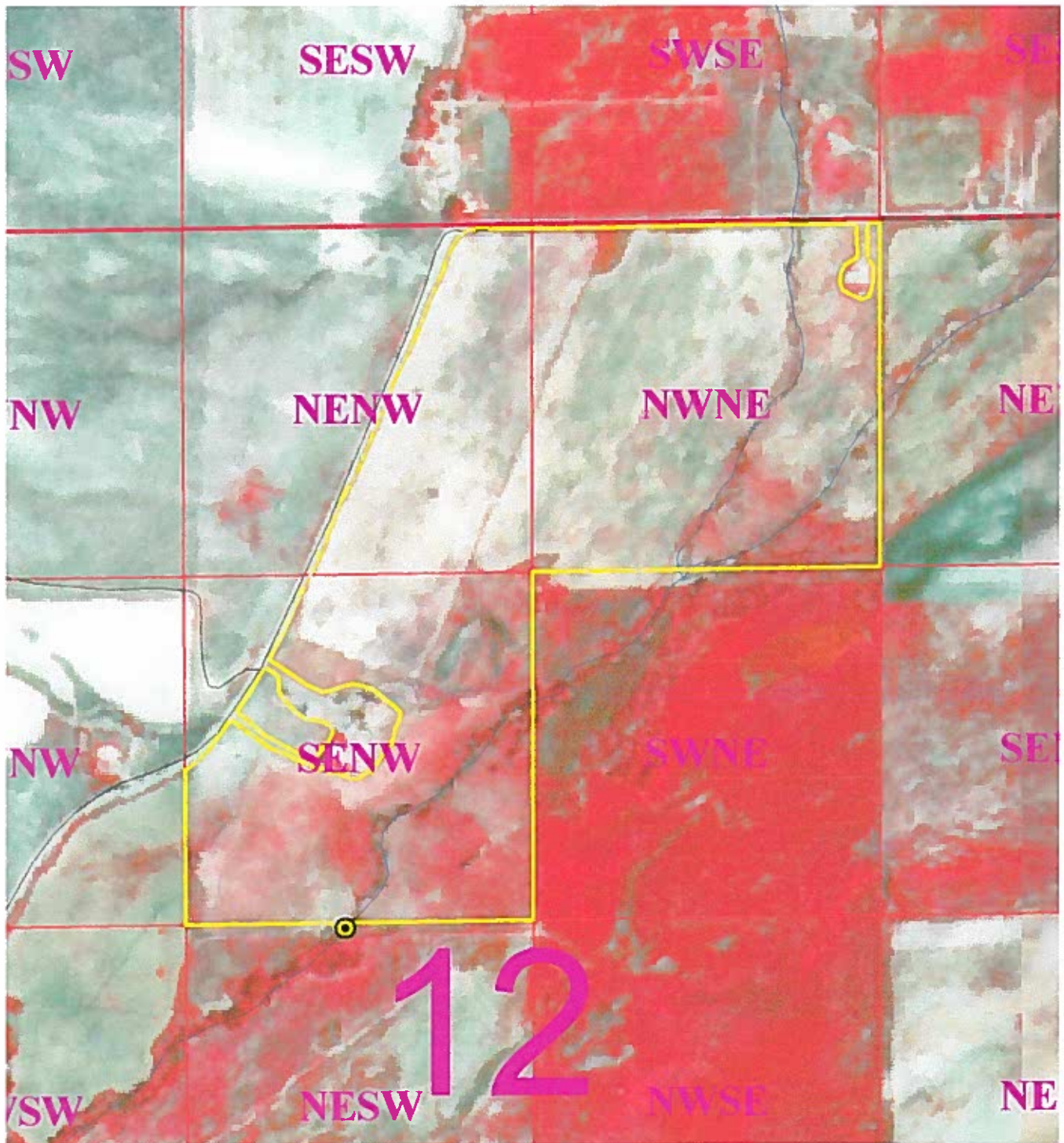
500 0 500 1000 Feet



Township , 12S24E



Township , 12S24E



500 0 500 1000 Feet





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: