

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 18 2020
WATER RESOURCES
WESTERN REGION

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
67-4463	Yes ☐	Yes ☐	67-10272	Yes ☐	Yes ☐
67-4464	Yes ☐	Yes ☐	67-14813	Yes ☐	Yes ☐
67-2363	Yes ☐	Yes ☐	67-10608	Yes ☐	Yes ☐
67-10279	Yes ☐	Yes ☐	67-4466	Yes ☐	Yes ☐
67-4461	Yes ☐	Yes ☐	67-10273	Yes ☐	Yes ☐
67-1327					

2. Previous Owner's Name: Bar M B Ranches, Inc, Waterfield
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Edward Roy and Susan Montierth
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or

Mailing address

Telephone

City

Email

State

ZIP

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: December 13, 2019

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☒ Filing fee (see instructions for further explanation):
- ☐ \$25 per undivided water right.
 - ☐ \$100 per split water right.
 - ☐ No fee is required for pending adjudication claims.

SUPPORT DATA

IN FILE # 67-2363

- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: [Signature] Signature of new owner/claimant Title, if applicable: owner Date: 2/18/20

Signature: _____ Signature of new owner/claimant Title, if applicable: _____ Date: _____

For IDWR Office Use Only:

Received by LE Date 02/18/2020 Receipt No. W048060 Receipt Amt. \$250

Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☒

Name on W-9 _____ Approved by LE Processed by LE Date 03/11/2020

\$25 Refund Requested
05/07/2020 -LE

Instrument # 2470031

STATE OF IDAHO, COUNTY OF WASHINGTON
2019-12-16 03:20:02 PM No. of Pages: 5
Recorded for: PIONEER TITLE CANYON - CALDWEL
DONNA ATWOOD Fee: \$15.00
Ex-Officio Recorder Deputy MMcConnell
Index To: DEED
Electronically Recorded by Simplifile

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

ELECTRONICALLY RECORDED - DO NOT
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PART OF THE ORIGINAL DOCUMENT.

(Space Above for Recorder's Use)

WARRANTY DEED

For value received BAR MB RANCHES, INC., and Idaho Corporation ("Grantor"), conveys, grants, bargains, and sells to EDWARD RAY MONTIERTH and SUSAN MONTIERTH, husband and wife ("Grantee"), whose address is 825 Heartland Dr., Nampa, Idaho 83686 and their successors and assigns forever, that certain real property situated in Washington County, State of Idaho, more particularly described in 'Exhibit A,' hereto.

[See Exhibit A]

SUBJECT TO reservations, covenants, conditions, restrictions and easements for all existing roads and utility installations all as the same appear of record or are apparent from an inspection of the Property, including also, discrepancies, conflicts in boundary lines, shortages in area, encroachments or any other facts which a correct survey would disclose.

This conveyance shall include the Grantor's interest in any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights (as further shown on Exhibit B hereto) in anywise appertaining to the real property herein described.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said real property; that the real property is free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 13 day of December, 2019.

Bar MB Ranches, Inc.

Vern C. Sult

Its co-President

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WHEN RECORDED RETURN TO:

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[See Exhibit A]

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The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said real property; that the real property is free from all encumbrances, excepting those as may be herein set forth. and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 13 day of December, 2019.

Bar MB Ranches, Inc.

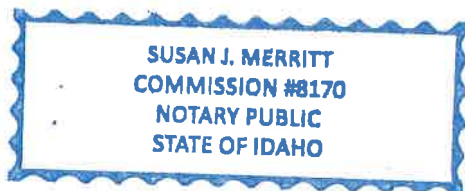
Vern C. Sultz

Its CO- President

STATE OF IDAHO)
) ss.
County of Ada)

On this 13 day of Dec, 2019, before me Susan J. Merritt, personally appeared Vernon Sutton, known or identified to me to be the co-president of Bar MB Ranches, Inc., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Susan J. Merritt
NOTARY PUBLIC FOR IDAHO
Residing at _____
My Commission Expires: _____

Residing at Caldwell, ID
My Commission Expires: 05-05-2023

EXHIBIT A

IN WASHINGTON COUNTY, IDAHO

TOWNSHIP 12 NORTH, RANGE 2 WEST, BOISE MERIDIAN

PARCEL 1:

Section 1;

Lots 3 and 4, S1/2NW1/4, N1/2SW1/4 and SW1/4SW1/4

EXCEPT from the above described lands any and all of those certain lands heretofore decreed to Crane Creek Reservoir, lying within, below and in conformity to the contour elevation of 3191 which elevation is commonly considered the high water level of Crane Creek Reservoir.

Section 2:

Lots 1, 2, 3 and 4, S1/2NW1/4, S1/2NE1/4 and the entire S1/2,

EXCEPT from the above described lands any and all of those certain lands heretofore decreed to Crane Creek Reservoir, lying within, below and in conformity to the contour elevation of 3191 which elevation is commonly considered the high water level of Crane Creek Reservoir.

Section 3:

Lots 1, 2 and 3, S1/2NE1/4, SE1/4 and that portion of the S1/2NW1/4 and the SW1/4 lying Southeasterly of the Farm to Market Road

Excepting therefrom the following:

That portion of the North 500 feet of Government Lots 2 and 3 of Section 3, Township 12 North, Range 2 West of the Boise Meridian, Washington County, Idaho, lying Southeasterly of the Farm to Market Road

And

That portion of Government lot 3 of Section 3, Township 12 North, Range 2 West of the Boise Meridian, Washington County, Idaho, lying Northwesterly of the Farm to Market Road

Section 4:

All that part of the SE1/4SE1/4 lying southeasterly of the County Road known as Farm to Market Road

Section 9:

E1/2NE1/4, SE1/4

Section 10:

All of said Section, Except that portion lying within the S1/2SE1/4

Section 11:

N1/2NW1/4, SW1/4NW1/4

EXCEPT from the above described lands any and all of those certain lands heretofore decreed to Crane Creek Reservoir, lying within, below and in conformity to the contour elevation of 3191 which elevation is commonly considered the high water level of Crane Creek Reservoir.

WJ

Section 15:

NW1/4, SW1/4NE1/4, N1/2SW1/4

EXCEPT from the above described lands any and all of those certain lands heretofore decreed to Crane Creek Reservoir, lying within, below and in conformity to the contour elevation of 3191 which elevation is commonly considered the high water level of Crane Creek Reservoir.

Section 16:

N1/2, N1/2S1/2, S1/2SW1/4 and SW1/4SE1/4

EXCEPT from the above described lands any and all of those certain lands heretofore decreed to Crane Creek Reservoir, lying within, below and in conformity to the contour elevation of 3191 which elevation is commonly considered the high water level of Crane Creek Reservoir.

PARCEL 2:

TOWNSHIP 13 NORTH, RANGE 2 WEST, BOISE MERIDIAN

Section 35:

All of said Section 35, EXCEPT that portion of the N1/2NE1/4 lying Northeasterly of the County Road

Wd

Exhibit B

Number	Priority Date	Source	Use
67-10272	7/1/1960	Ground Water	Domestic, Stock Water
67-10608	6/15/1910	Ground Water	Domestic, Stock Water
67-2363	9/13/1966	Ground Water	Irrigation
67-7327	5/23/1977	Ground Water	Irrigation
67-15139	9/22/2015	Ground Water	Irrigation
67-4463	6/2/1952	Unnamed Stream	Stock Water
67-10274	1/1/1930	Spring	Stock Water
67-14813	10/12/1952	Unnamed Stream	Stock Water
67-4464	8/1/1938	Unnamed Stream	Stock Water from Storage
67-4466	7/1/1948	Unnamed Stream	Stock Water from Storage

Agreement with the Crane Creek Administration Board dated August 11, 2009 pertaining to the use and allocation of certain primary and secondary storage water rights in Crane Creek Reservoir, as shown by stock certificates in Crane Creek Reservoir Independent Water Users Company, Inc.

U.S.

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Instrument # 240030

STATE OF IDAHO, COUNTY OF WASHINGTON
2019-12-16 03:20:02 PM No. of Pages: 3
Recorded for: PIONEER TITLE CANYON - CALDWEL
DONNA ATWOOD Fee: \$15.00
Ex-Officio Recorder Deputy MMcConnell
Index To: DEED
Electronically Recorded by Simplifile

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(Space Above for Recorder's Use)

WARRANTY DEED

For value received VERNON C. SUTTON and LOIS G. SUTTON, Trustees of the VERNON AND LOIS SUTTON LIVING TRUST, u/t/a December 16, 2003, and any amendments thereto ("Grantor"), conveys, grants, bargains, and sells to EDWARD RAY MONTIERTH and SUSAN MONTIERTH, husband and wife ("Grantee"), whose address is 825 Heartland Dr., Nampa, Idaho 83686 and their successors and assigns forever, that certain real property situated in Washington County, State of Idaho, more particularly described in 'Exhibit A,' hereto.

[See Exhibit A]

SUBJECT TO reservations, covenants, conditions, restrictions and easements for all existing roads and utility installations all as the same appear of record or are apparent from an inspection of the Property, including also, discrepancies, conflicts in boundary lines, shortages in area, encroachments or any other facts which a correct survey would disclose.

This conveyance shall include the Grantor's interest in any and all estate, right, title, interest, appurtenances, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the real property herein described.

The Grantor covenants to the Grantee that Grantor is the owner in fee simple of said real property; that the real property is free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims.

The true and actual consideration for this conveyance is \$488,500.00.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 13 day of December, 2019.


Vernon C. Sutton, Trustee


Lois G. Sutton, Trustee

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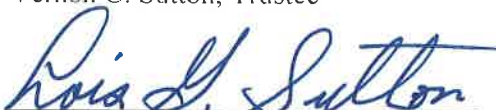
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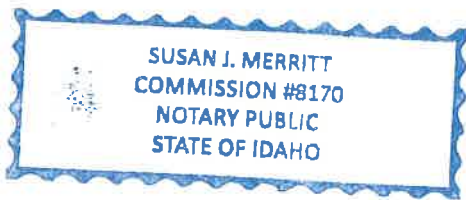

Vernon C. Sutton, Trustee


Lois G. Sutton, Trustee

STATE OF IDAHO)
) ss.
County of Ada)

On this 13th day of Dec, 2019, before me Susan J. Merritt, personally appeared Vernon C. Sutton and Lois G. Sutton, Trustees of the Vernon and Lois Sutton Living Trust, u/t/a December 16, 2003, and any amendments thereto, known or identified to me to be the individuals whose names are subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Susan J. Merritt
NOTARY PUBLIC FOR IDAHO
Residing at _____
My Commission Expires: _____

Residing at Caldwell, ID
My Commission Expires: 05-05-2023

EXHIBIT "A"

That portion of Government lot 3 of Section 3, Township 12 North, Range 2 West of the Boise Meridian,
Washington County, Idaho, lying Northwesterly of the Farm to Market Road

PLS *cel*

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Instrument # 240029

STATE OF IDAHO, COUNTY OF WASHINGTON
2019-12-16 03:20:02 PM No. of Pages: 3
Recorded for: PIONEER TITLE CANYON - CALDWEL
DONNA ATWOOD Fee: \$15.00
Ex-Officio Recorder Deputy MMcConnell
Index To: DEED
Electronically Recorded by Simplifile

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WARRANTY DEED

For value received TOM WAKEFIELD and DORIS G. WAKEFIELD, husband and wife ("Grantor"), conveys, grants, bargains, and sells to EDWARD RAY MONTIERTH and SUSAN MONTIERTH, husband and wife ("Grantee"), whose address is 825 Heartland Dr., Nampa, Idaho 83686 and their successors and assigns forever, that certain real property situated in Washington County, State of Idaho, more particularly described in 'Exhibit A,' hereto.

[See Exhibit A]

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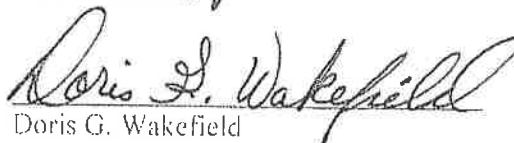
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The true and actual consideration for this conveyance is \$488,500.00.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 13th day of Dec, 2019.


Tom Wakefield


Doris G. Wakefield

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For value received TOM WAKEFIELD and DORIS G. WAKEFIELD, husband and wife ("Grantor"), conveys, grants, bargains, and sells to EDWARD RAY MONTIERTH and SUSAN MONTIERTH, husband and wife ("Grantee"), whose address is 825 Heartland Dr., Nampa, Idaho 83686 and their successors and assigns forever, that certain real property situated in Washington County, State of Idaho, more particularly described in 'Exhibit A,' hereto.

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Tom Wakefield



Doris G. Wakefield

STATE OF IDAHO)
) ss.
County of Ada)

On this 13 day of Dec, 2019, before me Susan J. Merritt, personally appeared Tom Wakefield and Doris G. Wakefield, husband and wife, known or identified to me to be the individuals whose names are subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Susan J. Merritt
NOTARY PUBLIC FOR IDAHO
Residing at _____
My Commission Expires: _____

Residing at Caldwell, ID
My Commission Expires: 05-05-2023

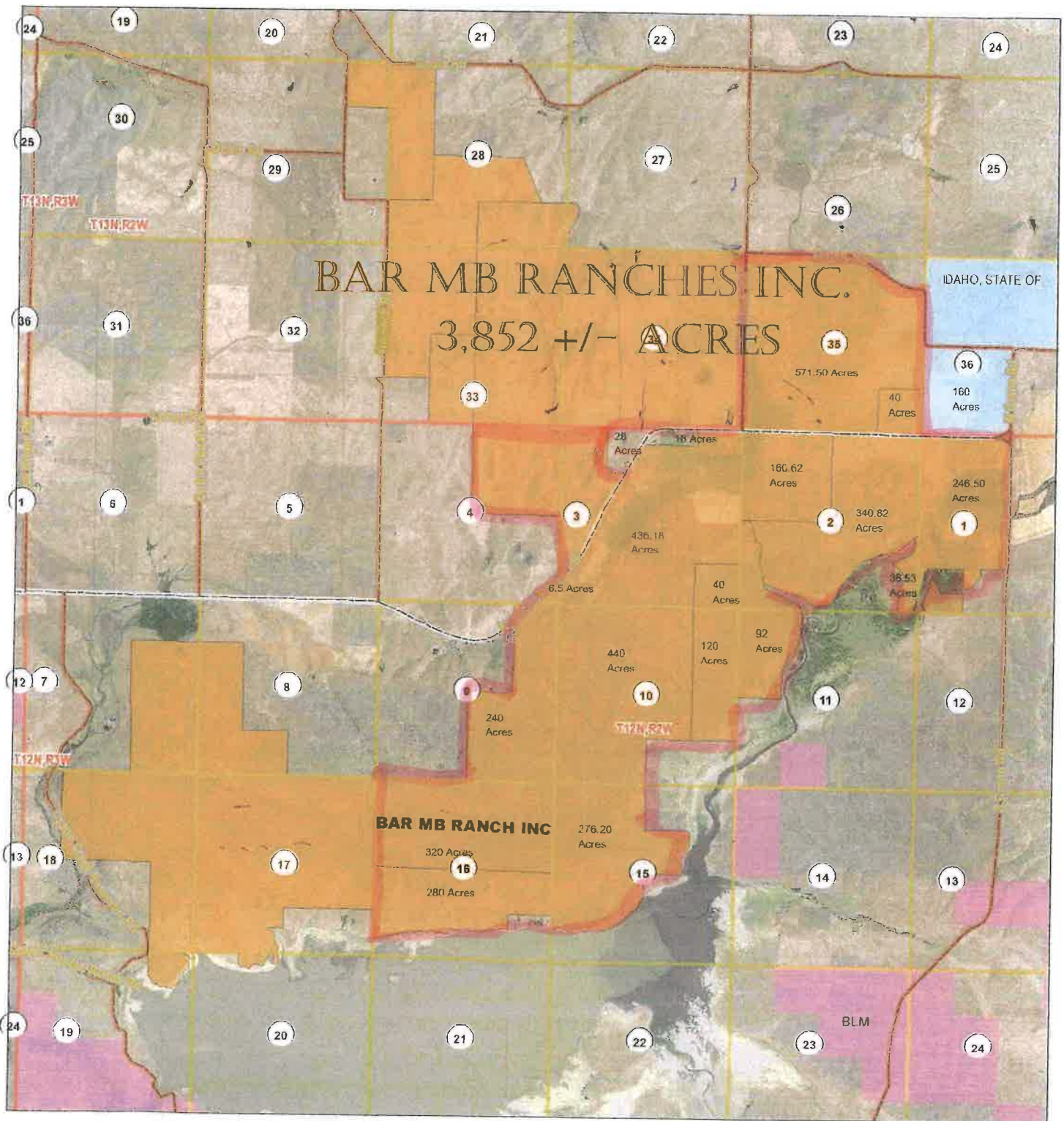
EXHIBIT "A"

That portion of the North 500 feet of Government Lots 2 and 3 of Section 3, Township 12 North, Range 2 West of the Boise Meridian, Washington County, Idaho, lying Southeasterly of the Farm to Market Road

D.W. Tw



THIS MAP CREATED BY THE OFFICE OF THE
WASHINGTON COUNTY ASSESSOR



BASED ON GOVERNMENT SURVEYS & OFFICIAL RECORDS
ON FILE AT THE OFFICE OF THE COUNTY RECORDER OF
WASHINGTON COUNTY, IDAHO.
FOR ASSESSMENT PURPOSES ONLY
DOES NOT GUARANTEE BOUNDARIES

0 0.5 1 Miles

1 inch = 3,762.1 feet

TOWNSHIP LINES
 SECTION LINES
 1/4 SECTION LINES
 RIVERS

ROADS - ALL
 U S OR STATE HWY
 PAVED
 PAVED
 GRAVEL OR DIRT

DIRT OR GRAVEL
 CITY STREETS
 NATIONAL FOREST
 PRIVATE

*425 Acres Irrigated,
All Improvements, All Water Rights,*

\$4,950,000 Owner GARRY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

May 08, 2020

EDWARD RAY & SUSAN MONTIERTH
825 HEARTLAND DR
NAMPA ID 83686-8156

RE: Change in Ownership for Water Right No: 67-4461

Dear Interested Parties:

The Idaho Department of Water Resources (Western) received a Notice of Change in Water Right Ownership from you on February 18, 2020 for the above referenced water right. The Notice could not be processed because there were discrepancies between your submitted documentation and the legal description of the place of use for the above referenced water right.

On March 11, 2020, the Department requested any additional relevant conveyance documents for the above referenced water right from you. As of the date of this letter, the Department has not received the required information. The rest of the water rights indicated in your Notice were processed and completed on March 11, 2020.

The Department is returning a copy of your Notice of Change in Water Right Ownership and the attachments. A refund of \$25 has been requested and will be mailed to Ray Montierth under separate cover from the Idaho State Controller's Office. You may re-submit your request with the appropriate documents and fees.

If you have any questions regarding this matter, please contact our office at (208) 334-2190.

Sincerely,

Lynne Evans
Office Specialist II

Enclosure

Evans, Lynne

From: Evans, Lynne
Sent: Thursday, May 7, 2020 12:41 PM
To: IdwrPayable
Subject: Refund - Montierth

TO: Sascha Marston, Treva Pline

FROM: Lynne Evans

DATE: May 7, 2020

RE: Refund: Change in Water Right Ownership

Please refund \$25. Edward & Susan Montierth submitted a change in ownership, but one of the water rights was not provided for in the submitted deed.

Please issue a refund of \$25 to:

EDWARD RAY MONTIERTH
825 HEARTLAND DR
NAMPA ID 83686-8156

RECEIPT #

W048060

Lynne Evans | Office Specialist II
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208) 334-2190 | lynne.evans@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

March 11, 2020

EDWARD RAY & SUSAN MONTIERTH
825 HEARTLAND DR
NAMPA ID 83686-8156

RE: Change in Ownership for Water Right No(s): 67-2363, 67-4463, 67-4464, 67-4466, 67-4327, 67-10272, 67-10273, 67-10274, 67-10608, 67-14813, and 67-4461

Dear Interested Parties:

The Department of Water Resources (Western) acknowledges receipt of your Notice of Change in Water Right Ownership.

Our review of your Notice indicates that additional information is required before the Department can process the change to **water right no. 67-4461**. The information required is indicated below:

- Evidence of Water Right Ownership: copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

During our review of the documentation you submitted we found discrepancies between that documentation and the legal description of the place of use for the water right indicated in your notice, no. 67-4461. I have enclosed a copy of the water right for your reference. It appears that the water right is not conveyed in the Warranty Deed provided with your Notice. If you do own this water right, or the property to which it is appurtenant, please submit documentation showing ownership of that property and/or water right.

Because the Department cannot process the Notice without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Regarding the other water rights indicated in your notice, the Department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for you. This includes the following water rights: **67-2363, 67-4463, 67-4464, 67-4466, 67-4327, 67-10272, 67-10273, 67-10274, 67-10608, and 67-14813**

During our review of the documentation you submitted, we also found that the Warranty Deed conveys ownership of **water right permit no. 67-15139**. If you would like to claim ownership of this permit, an Assignment of Permit will be required to complete the ownership change. Enclosed is an assignment form for your use. Please note that there is a \$25 filing fee required.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

If you have any questions regarding this matter, please contact me at (208) 334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynne Evans". The signature is fluid and cursive, with the first name "Lynne" written in a larger, more prominent script than the last name "Evans".

Lynne Evans
Office Specialist II

Enclosures