

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 06 2018

DEPT OF WATER RESOURCES
SOUTHERN 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?
43-10303	Yes ☐	Yes ☐		Yes ☐	Yes ☐
43-13485	Yes ☐	Yes ☐		Yes ☐	Yes ☐
43-13487	Yes ☐	Yes ☐		Yes ☐	Yes ☐
43-13489	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Luke Montgomery

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Ryan W Smith

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or ☐ and/or

PO Box 124
Mailing address
208 431 7066
Telephone

Malta ID 83342
City State ZIP
RWSmith@ProbstElectric.com
Email

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: _____
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.
- ☐ 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.

SUPPORT DATA

IN FILE # 43-10303

8. Signature: [Signature]

Signature of new owner/claimant

Title, if applicable

Date 2-15-18

Signature: _____

Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only:

Received by DM

Date 3-6-2018

Receipt No. 5036620

Receipt Amt. \$100-

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 _____

Processed by _____

Date _____

AND WHEN RECORDED MAIL TO:
First American Title Company
1650 Overland Avenue Suite 15
Burley, ID 83318

CASSIA COUNTY
Recorded for:
FIRST AMERICAN TITLE COMPA
3:54:40 pm 05-11-2012
2012-002058
No. Pages: 3 Fee: \$16.00
JOSEPH W. LARSEN
County Clerk
Deputy: VIKI

Space Above This Line for Recorder's Use Only

WARRANTY DEED

416954 BU

For Value Received, **G. Luke Montgomery and Bridgit L. Montgomery, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Ryan W. Smith, a married single man**, hereinafter called the Grantee, whose current address is **1968 South 2450 East, Malta, ID 83342**, the following described premises, situated in **Cassia County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.


G. Luke Montgomery


Bridget L. Montgomery

STATE OF Idaho)
COUNTY OF Cassia)
SS

On this _____ day of May, 2012, before me, a Notary Public in and for said State, personally appeared **G. Luke Montgomery and Bridgit L. Montgomery**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Notary Public for the State of _____
Residing at: _____
My Commission Expires: _____

* 100% Certificate attached and embossed *

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Butte

On 05/10/2012

before me

Carmen Biano, Notary Public

Here Insert Name and Title of the Officer

personally appeared

Bridgit Montgomery and

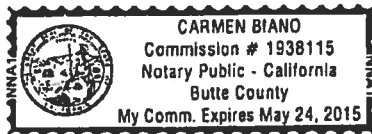
(Name(s) of Signer(s))

G. Luke Montgomery

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she~~ they executed the same in ~~his/her~~ their authorized capacity(ies), and that by ~~his/her~~ their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature

Carmen Biano

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Warranty Deed

Document Date: 05/10/2012

Number of Pages: 2

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Individual

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

EXHIBIT A

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 32: Part of the N $\frac{1}{2}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southeast corner of the N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 32, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 89°41'44" West along the South line of the N $\frac{1}{2}$ SE $\frac{1}{4}$ for a distance of 1446.00 feet to a 1/2 inch rebar;
Thence North 00°14'24" West for a distance of 288.50 feet to a 1/2 inch rebar;
Thence South 89°41'44" East for a distance of 1446.00 feet to a 1/2 inch rebar on the East Section line;
Thence South 00°14'24" East along said line for a distance of 288.50 feet to the Point of Beginning.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

C.L. "Butch" Otter
Governor

Gary Spackman
Director

March 06, 2018

RYAN W SMITH
PO BOX 124
MALTA ID 83342-0124

Re: Change in Ownership for Water Right No(s): 43-10303, 43-13485, 43-13487 and 43-13789

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

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.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within **120 days** of the change. Water right forms are available from any office of the Department, or at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure(s)