



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

June 23, 2006
EASTERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

TERRY WILCOX
WILCOX BROTHERS LLC
1110 GOLDEN BEAUTY DR
REXBURG ID 83440

RE: Notice of Change of Water Right Ownership (NCO) for 21-33C, 21-4063, 21-10587, 21-10588 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On June 15, 2006, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Colleen Blanchard
Colleen Harnden
Marie Seeley

**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

)

Water Rights: 21-33C, 21-4063, 21-10587, 21-10588

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party BLANCHARD, HARNDEN & SEELEY – WILCOX BROTHERS
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

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: June 22, 2006

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 23, 2006, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:

COLLEEN BLANCHARD	COLLEEN HARNDEN	MARIE SEELY
PO BOX 178	195 KIM WAY	33 S 5 W
CHESTER ID 83421	CRESCENT CITY CA 95531	REXBURG ID 83440

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

WILCOX BROTHERS LLC
1110 GOLDEN BEAUTY DR
REXBURG ID 83440

4. One copy to:

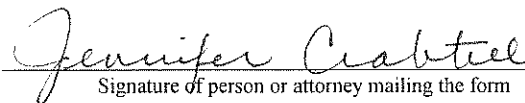
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

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

6. One Copy to:

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


Signature of person or attorney mailing the form

Law Offices

***RIGBY, THATCHER, ANDRUS
RIGBY, & MOELLER, Chartered***

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrighby@rigby-thatcher.com*

Ernie Carlsen
IDWR
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

June 14, 2006

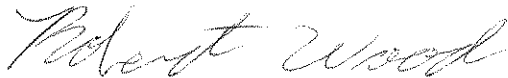
RE: Wilcox water right 21-04063 Change of Ownership

Dear Ernie,

Enclosed please find a copy of "Stipulated Elements of a Water Right", a Change of Ownership Form, and a copy of a warranty deed for the property involved.

Thank you for notifying us of this. If you have any questions or comments please call us.

Sincerely,



Rob Wood
Assistant to Jerry Rigby

RECEIVED
JUN 15 2006
Department of Water Resources
Eastern 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 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
<u>21-04063</u>	<u>21-04063</u>	<u> </u>	<u> </u>	<u>21-0588</u>	<u> </u>
<u> </u>	<u>21-10587</u>	<u> </u>	<u> </u>	<u>21-33C</u>	<u> </u>

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)
- | | | |
|--------------------------|--------------------------------|------------------------------|
| <u>Colleen Blanchard</u> | <u>Colleen Harnden</u> | <u>Marie Seeley</u> |
| <u>PO Box 178</u> | <u>195 Kim Way</u> | <u>33 S 5th W</u> |
| <u>Chester, ID 83421</u> | <u>Crescent City, CA 95531</u> | <u>Rexburg, ID 83440</u> |
4. New Owner/Claimant(s) Wilcox Brothers, L.L.C.
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1110 Golden Beauty Dr
- City, State and ZIP Code Rexburg, ID 83440
- New Telephone Number ()
5. Date you acquired the property

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 _____		
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	_____	_____

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)

Ronald D. Wilson
member

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 _____
 Receipted by _____
 Processed by _____ AJ

Date _____
 Date _____
 Date _____

Fee _____
 Receipt No. _____
 WR _____ Date _____

J.W.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-10-2010 BY 60322
REXBURG, ID 83440

WARRANTY DEED

Order No.: 3040221818-L

FOR VALUE RECEIVED

Colleen Blanchard, an undivided 50% interest, Marie Seeley, an undivided 25% interest, and Colleen Harnden, an undivided 25% interest

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Wilcox Brothers, L.L.C., and Floyd Wilcox & Sons Inc.

whose current address is

30 Golden Beauty Drive, Rexburg, ID 83440

the grantees(s), the following described premises, in Fremont County, Idaho, TO WIT:

Lot 11 of Section 13; Lots two and three and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14; the North 88 rods of the NE $\frac{1}{4}$ of Section 23, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, all in Township 8 North, Range 41 East, Boise Meridian, Fremont County, Idaho.

Less: Beginning at a point that is North 00°00'23" East along the section line 1212.59 feet from the East $\frac{1}{4}$ corner of Section 23, Township 8 North, Range 41 East of the Boise Meridian, and running thence North 89°59'37" West 25.41 feet; thence North 49°06'05" West 132.23 feet; thence North 01°42'00" West 155.80 feet; thence North 88°48'19" East 130.03 feet to the East line of said Section 23; thence North 88°48'19" East into Section 24 a distance of 427.52 feet; thence South 146.73 feet, more or less to the South line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 24; thence North 89°50'08" West along said South line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ a distance of 427.45 feet to the West line of said Section 24; thence South 00°00'23" West along the Section line 108.43 feet more or less to the point of beginning.

Also less the following: A fraction of Section 13, Township 8 North, Range 41 East, Boise Meridian, Fremont County, Idaho, on the South side of Fall River. Beginning at a point 1289.85 feet West and 1130.00 feet North 0°18'06" East of the South quarter corner of Section 13, Township 8 North, Range 41 East, Boise Meridian, Fremont County, Idaho (said point of beginning is a half-inch steel rod on the west side of a county road) and running thence West 470.00 feet; thence North 130.00 feet to the South bank of Fall River; thence more or less along the said South bank North 60°14'55" East 547.85 feet; thence South 1°32'00" West 210.70 feet along an existing fence line; thence South 191.24 feet to the point of beginning.

Also included is an access roadway easement 25 feet in width, the centerline of which commences at a point 216 feet South of Fall River and 378 feet North of the Curr Ditch on a surveyed boundary line between Lots 10 and 11 of Section 13, Township 8 North, Range 41 East, Boise Meridian, Fremont County, Idaho and running thence East 250 feet, more or less, to the county roadway. More precisely described as a roadway easement 25 feet in width, the centerline of which is described as beginning at a point 1308.00 feet North 0°18'06" East and 1290.78 feet West of the South quarter corner of Section 13, Township 8 North, Range 41 East, Boise Meridian, Fremont County, Idaho, and running thence South 70°48'00" East 58.5 feet, more or less, to the West right of way line of the county road.

Also less: Beginning at a point on the South boundary line of Section 14 in Township 8 North of Range 41 East of the Boise Meridian, which is 1,769.0 feet due West from the Southeast corner of said Section 14, thence North 9°2' East 1,465.0 feet; thence North 52°2' East 390 feet, thence North 70°26' East 280.0 feet, thence North 82°26' East 85 feet, thence North 3°34' West 64 feet, thence North 84° West 32 feet, thence South 72° West 528.0 feet; thence South 43° West 406 feet the last three courses being on the meander line of the left bank of Henry's Fork River according to the United States Land Office survey thereof, thence South 9°2' West 1,414.0 feet, thence East 151.88 feet to the point of beginning.

Together with the following described water rights:

120 inches of the June 1, 1888
120 inches of the June 1, 1888

120 inches of the June 1, 1892

476957
Microfilm No. _____
Day 10 20 02
At 10:13 O'clock PM
ABBE MACE
FREMONT CO RECORDER
Fee \$ 10.00 Deputy
Recorded at Request of
ALLIANCE TITLE & ESCRROW

200 inches of the June 1, 1892
All of the above is decreed water from Fall River Water out of the Curr Ditch.
Also 5 acre feet of the Fremont Madison Irrigation District.

~~TO HAVE AND TO HOLD~~ the said [redacted] forever, and the said Grantor does hereby covenant to and with the said Grantee Current Year fee simple [redacted] from all encumbrances Except Current Year covenants, restrictions, easements, rights of way, appurtenant or of record [redacted]

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated:

Dated: Sept 20, 2002 Marie Seeley
Colleen Blanchard Marie Seeley
 Colleen Blanchard Marie Seeley

Colleen Harnden

State of Idaho

County of Fremont *Madison*

County of ~~Fremont~~ Madison)
On this Sept. 20, 2002, before me, a Notary Public in and for said state, personally
Colleen Blanchard, Marie Secley and Colleen Harnden

476958

WILCOX BROS. & SONS INC.
P.O. BOX 732
REXBURG, ID 83440

WARRANTY DEED

Order No.:3040221818-L

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Together with the following described water rights:

120 inches of the June 1, 1888

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120 inches of the June 1, 1892

200 inches of the June 1, 1892

All of the above is decreed water from Fall River Water out of the Curr Ditch.
Also 5 acre feet of the Fremont Madison Irrigation District.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 9/23/02

Colleen Blanchard

Marie Seeley

Colleen B. Harnden
Colleen Harnden

State of Idaho

ss.

County of Fremont

On this _____, before me, a Notary Public in and for said state, personally appeared Colleen Blanchard, Marie Seeley

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

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

Notary Public for the State of Idaho

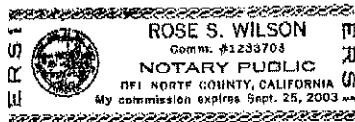
Residing at:

Commission Expires:

STATE OF CALIFORNIA)
COUNTY OF DEL NORTE)

On September 23, 2002, before me, the undersigned, personally appeared COLLEEN B. HARNDEN, also known as COLLEEN HARNDEN personally known to me (or proved on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities and that by their signature on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand, and official seal.

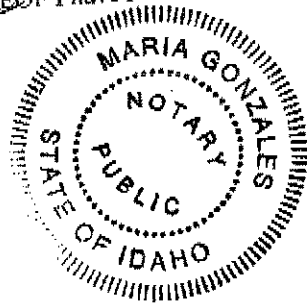


Rose S. Wilson
ROSE S. WILSON, NOTARY PUBLIC

Microfilm No. 476958
AL 15-18 O'Clock p M
ABBE MACE
FREMONT CO RECORDER
Fee \$ 6.00 Deputy
Recorded at Request of
ALLIANCE TITLE & ESCROW

appeared

be the person(s) whose name(s) subscribed to the within instrument, and acknowledge to me that he/she/they executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Maria Gonzales
Notary Public for the State of Idaho
Residing at: *Peyburg*
Commission Expires: *2/4/06*

