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DEPARTMENT OF
WATER RESOURCES

**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

) SUBCASE NO: 63-33707

) (Insert Water Right Number)

Case No. 39576

) STANDARD FORM 4

) MOTION TO FILE:

) ☒ LATE NOTICE OF CLAIM

) ☐ AMENDED NOTICE OF CLAIM
_____)

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.



I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is: The Charles Madenford Family Trust
c/o Gary A. Madenford, Trustee

My address is: 3605 N. Pollard Ln.
Star, Idaho 83669

My phone number is: Work: (208) 830-9911
 Home: _____

I am an attorney representing:

My name is: _____

My address is: _____

My phone number is: Phone: _____
 FAX: _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge



I did not file a Notice of claim to use of water in the SRBA because:

This claim was previously filed as 63-33667, but under the courts
recommendations, a permit was obtained, and is now being filed as a late claim.



I am providing legal and factual documentation to support my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to full this out if you are reinstating a Notice of Claim for domestic of stock watering use, but you must attach a copy of your Notice of Claim).

Notice of Claim, Memorandum in Support of Motion to File Late Claim (with
supporting documents), Warranty Deed, Quit Claim Deed, and maps.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock water use. IDWR may charge this fee pursuant to I.C. 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic and stock water use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 75 & 50 (late fee if applicable).

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:
This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

VERIFICATION (Must be completed)

State of Idaho

County of Ada

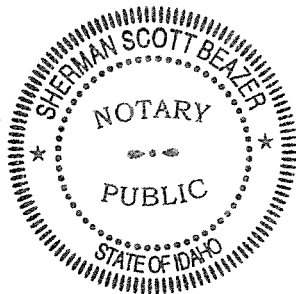
Gary A. Madenford, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on July 9th, 2013
(Insert Date)



A. L. A. [Signature]
Notary Public for Idaho

Residing at: Ada County

My Commission expires: 12/10/2015

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on July 9, 2013, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

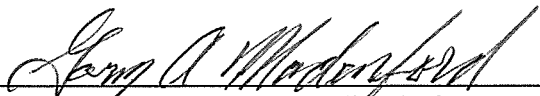
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States, Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/Addresses of parties)


Signature of person or attorney mailing the form

**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 63-33707

Date Received: _____

Receipt No: _____

Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) The Charles Madenford Family Trust Phone (208) 830-9911

Mailing Address 3605 N. Pollard Ln. Star ID ZIP 83669
Street or Box City State

2. Date of Priority (Only one (1) per claim) October 19, 2012
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) Boise River

4. a. Location of Point of Diversion is: Township 5N, Range 1W, Section 33,
NW, 1/4 of SW, 1/4 Govt. Lot _____, BM., County of Ada

Parcel (PIN) no. R5455720020

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Well, pump, pipelines, and ditch.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)

For Aesthetic Storage purposes from 01/01 to 12/31 amount 0.25 or 26.0 AF

For Recreation Storage purposes from 01/01 to 12/31 amount 0.25 or 26.0 AF

For Wildlife Storage purposes from 01/01 to 12/31 amount 0.25 or 26.0 AF

For Fisheries purposes from 01/01 to 12/31 amount 0.25 or 26.0 AF

7. Total quantity claimed (a) 0.25 cfs (cfs) and/or (b) 26.0 AF (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Aesthetic, Recreation, Wildlife, and Fisheries Storage

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01W	33										X							

Parcel (PIN) no(s) R5455720020

Total number of acres irrigated - 0 -

10. In which county (ies) are lands listed above as place of use located? Ada

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

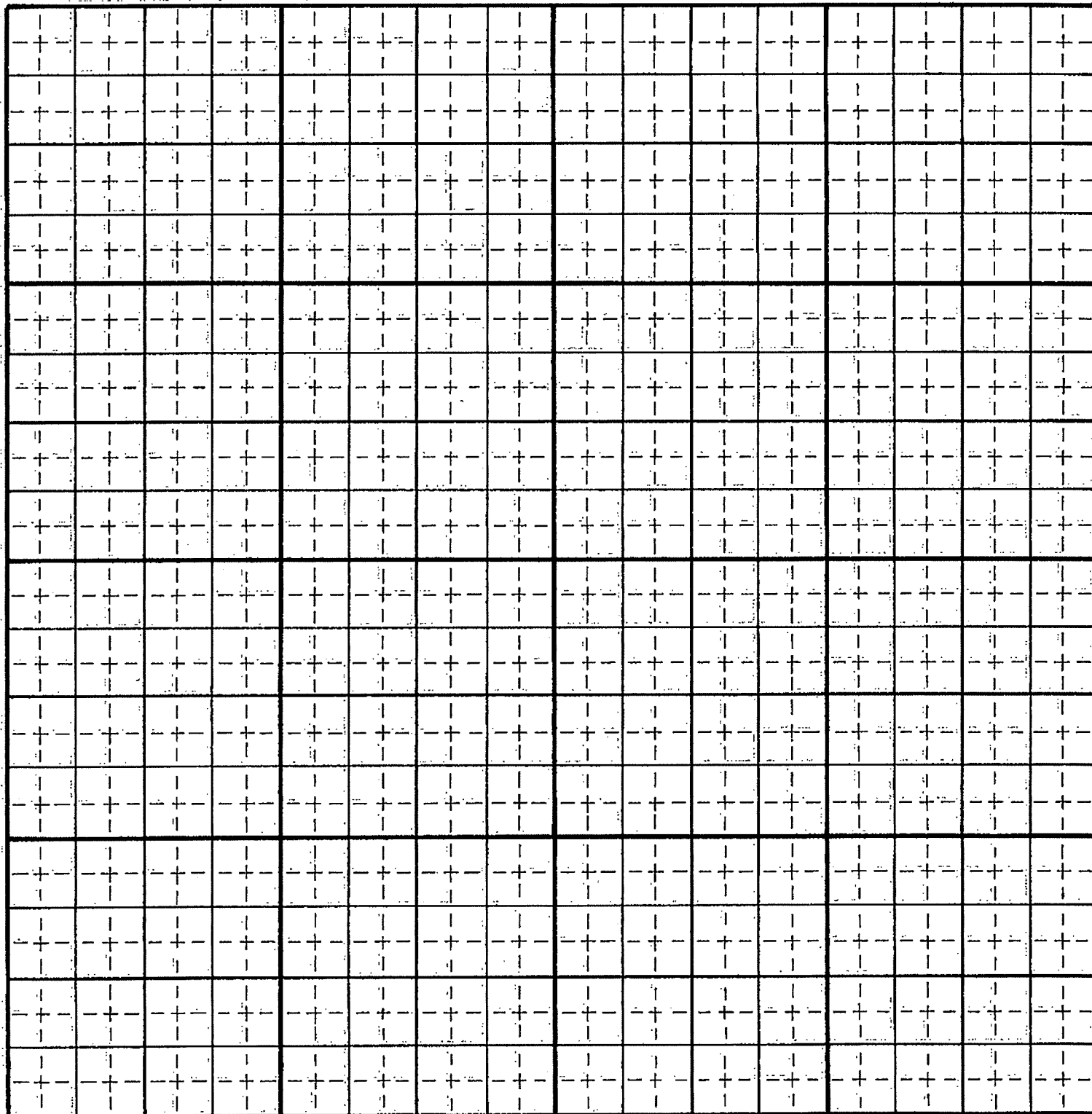
10.5 Shares of Farmers Union Ditch Co., 63-33605 Domestic Use, and 63-33667 Domestic Use or None ()

13. Remarks: This is based on a permit to fill an existing pond that was built in 2002 and used for these purposes until 2009, when the property went back to the bank. The pond was dry in August 2011 when it was purchased. It was then discovered that no storage right had been obtained for the pond. A permit was applied for then issued with a priority date of October 19, 2012. The permit was not approved by IDWR until May 29, 2013, then given to the Trustee on June 5, 2013.

Last Name Madenford Identification No. 63-33707

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile *See Attached Map*



Last Name Madenford Identification No. 63-33707

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 63-33707

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Trustee of The Charles Madenford Family Trust
Title Organization

that I have signed the foregoing document in the space below as

Trustee of The Charles Madenford Family Trust
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *Charles A. Madenford* Date July 9, 2013

Title and Organization Trustee, The Charles Madenford Family Trust

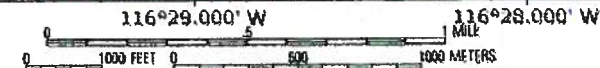
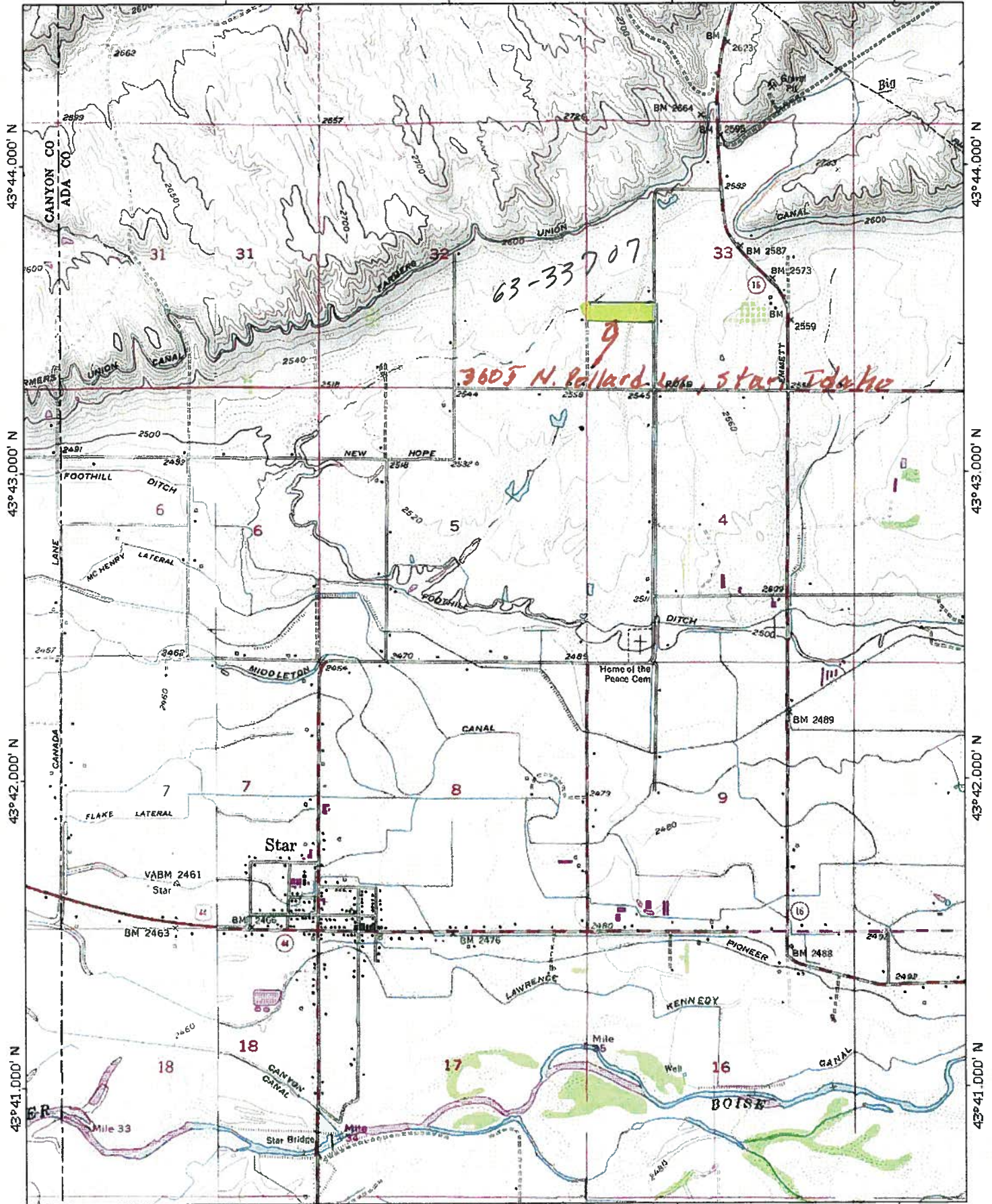
16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

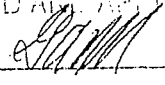
Last Name Madenford Identification No. 63-33707



AFTER RECORDING MAIL TO:

Gary A Madenford
3605 North Pollard Lane
Star, ID 83669

DOCUMENTS HEREBY
READ AND APPROVED



SPECIAL CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP, organized and existing under the laws of the United States of America a corporation duly organized and existing under the laws of the State of **Delaware**, grantor, does hereby Grant, Bargain, Sell and Convey unto

Gary A Madenford, a married man

whose address is: **3605 North Pollard Lane, Star, ID 83669**
grantee, the following described real estate, to-wit:

LEGAL DESCRIPTION: Real property in the County of Ada, State of Idaho, described as follows:

LOT 1 IN BLOCK 1 OF MANTECA SUBDIVISION, ACCORDING TO THE PLAT THEREOF, FILED IN BOOK 60 OF PLATS AT PAGES 5854 AND 5855, RECORDS OF ADA COUNTY, IDAHO.

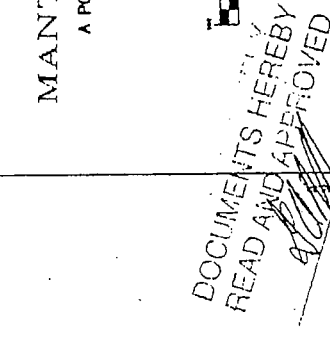
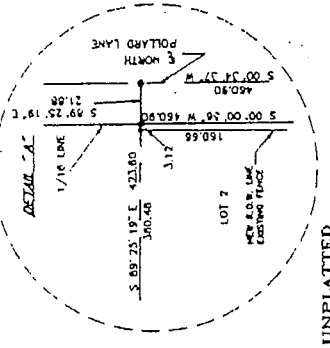
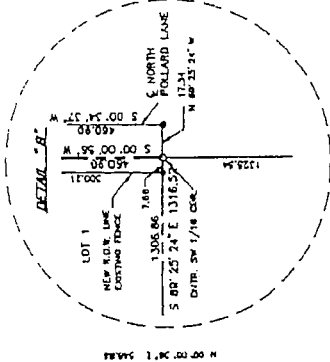
APN: **R5455720020**

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions and U.S. patent reservations.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in a fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever, except as to the reservations from and exceptions to warranty when the claim is by, through or under Grantor, but not otherwise.

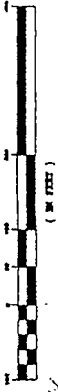
Book 66 Pages 5854-5855

BASES OF BEARINGS - R.O.S. 1522
S 89° 33' 45" E 1316.84
S 89° 33' 45" E 1102.86



PLAT OF
MANTECA SUBDIVISION
A PORTION OF THE NW 1/4 SW 1/4, SECTION 33,
T.5N., R.1W., B.M.
ADA COUNTY, IDAHO
1992

GRAPHIC SCALE



This plat was prepared by a duly licensed surveyor and is a true and correct copy of the original field notes and computations. It is subject to the provisions of the laws of the State of Idaho relating to the recording of surveys and the enforcement of the same. The surveyor assumes no liability for the accuracy or correctness of the plat, but warrants that it is a true and correct copy of the original field notes and computations.

NOTES

1. BEARING STRUCK AND IMPROVED STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE TOWNSHIP REGULATIONS OF ADA COUNTY.
2. ANY RESURVEYING OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE TOWNSHIP REGULATIONS IN EFFECT AT THE TIME OF RESURVEYING.
3. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT PUBLIC UTILITY DRAINAGE AND IMPLICATION EASEMENT OVER THE LOT (10) FOR THE CONSTRUCTION OF HARD SURFACED DRIVEWAYS TO EACH LOT. THE CONSTRUCTION OF HARD SURFACED DRIVEWAYS TO EACH LOT, HOWEVER, WILL COMPLY WITH THE DISCLOSURE REQUIREMENTS OF SECTION 31-203 OF THE IDAHO CODE, THERE BEING NO UTILITY RECORDS OF RECORD FOR THE LOT (10) FOR THE CONSTRUCTION OF HARD SURFACED DRIVEWAYS TO EACH LOT.
4. ALL LOTS HAVE A TEN (10) FOOT UTILITY EASEMENT LOCATED ALONG THE EXTERIOR BOUNDARY LINES.
5. ALL INTERIOR LOT LINES HAVE A TEN (10) FOOT PUBLIC UTILITY DRAINAGE AND IMPLICATION EASEMENT FIVE (5) FEET ON EITHER SIDE OF EACH LOT LINE.
6. A PORTION OF THIS PROPERTY ALONG NORTH POLLARD LANE MAY BE IN A FLOOD HAZARD AREA, AS SHOWN ON FLOOD INS. 130 OF THE T.I.A.H. DATED FEBRUARY 14, 1984.
7. A PORTION OF THIS PROPERTY ALONG NORTH POLLARD LANE MAY BE IN A FLOOD HAZARD AREA, AS SHOWN ON FLOOD INS. 130 OF THE T.I.A.H. DATED FEBRUARY 14, 1984.

LEGEND

- BOUNDARY LINE
- ALUMINUM MONUMENT
- FOUND 5/8" IRON PIN
- SET 5/8" X 30" IRON PIN W/CAP
- FOUND 1/2" IRON PIN
- SET 1/2" X 24" IRON PIN W/CAP

TEALEY'S LAND SURVEYING

179 MAIN ST. - BOISE, IDAHO 83726-3028

PROJECT NO. 848 SHEET 1 of 2



Quit Claim Deed

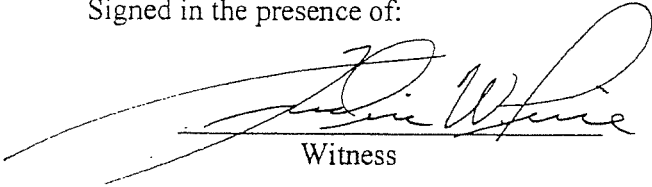
Gary A. Madenford, Grantor of 3605 N. Pollard Ln, Star, Idaho 83669, County of Ada, State of Idaho, hereby QUIT-CLAIM to The Charles Madenford Family Trust, Gary A. Madenford, Trustee, Grantee for the sum of TEN DOLLARS (\$10.00) the following described tract of land in Ada County, State of Idaho, subject to the encumbrances owed thereon, to-wit:

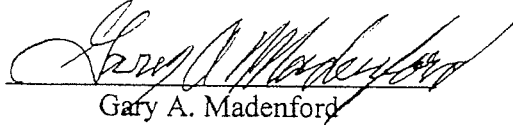
See Attached Legal Description and Plat.

THE SURVIVING TRUSTEE AND SUCCESSOR TRUSTEES HAVE FULL RIGHTS TO SELL OR ENCUMBER THE PROPERTY HEREIN SET FORTH.

Witness the hand of said grantor, this 28 day of November, 2011.

Signed in the presence of:

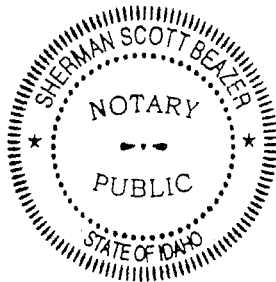

Witness

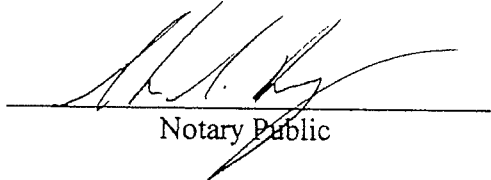

Gary A. Madenford

STATE OF Idaho

COUNTY OF Ada

On the 28th day of November, 2011, personally appeared before me Sherman Scott Beazer, the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.




Notary Public

Ada County, Idaho
Residing At

12/10/2015
My Commission Expires

Legal Description

Property Address:

3605 N. Pollard Ln.
Star, Idaho 83669

Location:

Lot 1 in Block 1 of Manteca Subdivision, according to the plat thereof, filed in book 60 of plats at pages 5854 and 5855, records of Ada County, Idaho.

Ada County Parcel Number: R5455720020

10.010 Acres located in NW 1/4, SW 1/4, Section 33, T5N, R1W, Boise Meridian.

