

RECEIVED

OCT 17 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - ORDER
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 16 2013

By _____

Clerk

Deputy Clerk

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 Right Claim: 63-33707

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

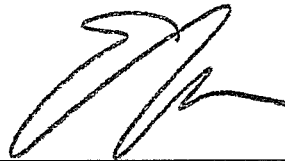
On July 10, 2013, the Charles Madenford Family Trust filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* was held on October 15, 2013. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated: October 16, 2013.



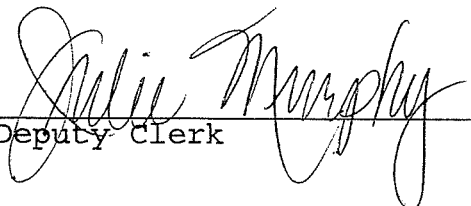
ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on October 16, 2013, with sufficient first-class postage to the following:

THE CHARLES MADENFORD FAMILY
TRUST
3605 N POLLARD LN
STAR, ID 83669
Phone: 208-830-9911

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the "Deputy Clerk" text.

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DEPARTMENT OF
WATER RESOURCES

SRBA Form No.42-1409-1 (Internet 2/09)

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 10 2013

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

Clerk

Deputy Clerk

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: 10-17-13

Receipt No: C097876 & C097877

Received By: HP

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

Diversion to Storage 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) *eyw*

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 ()

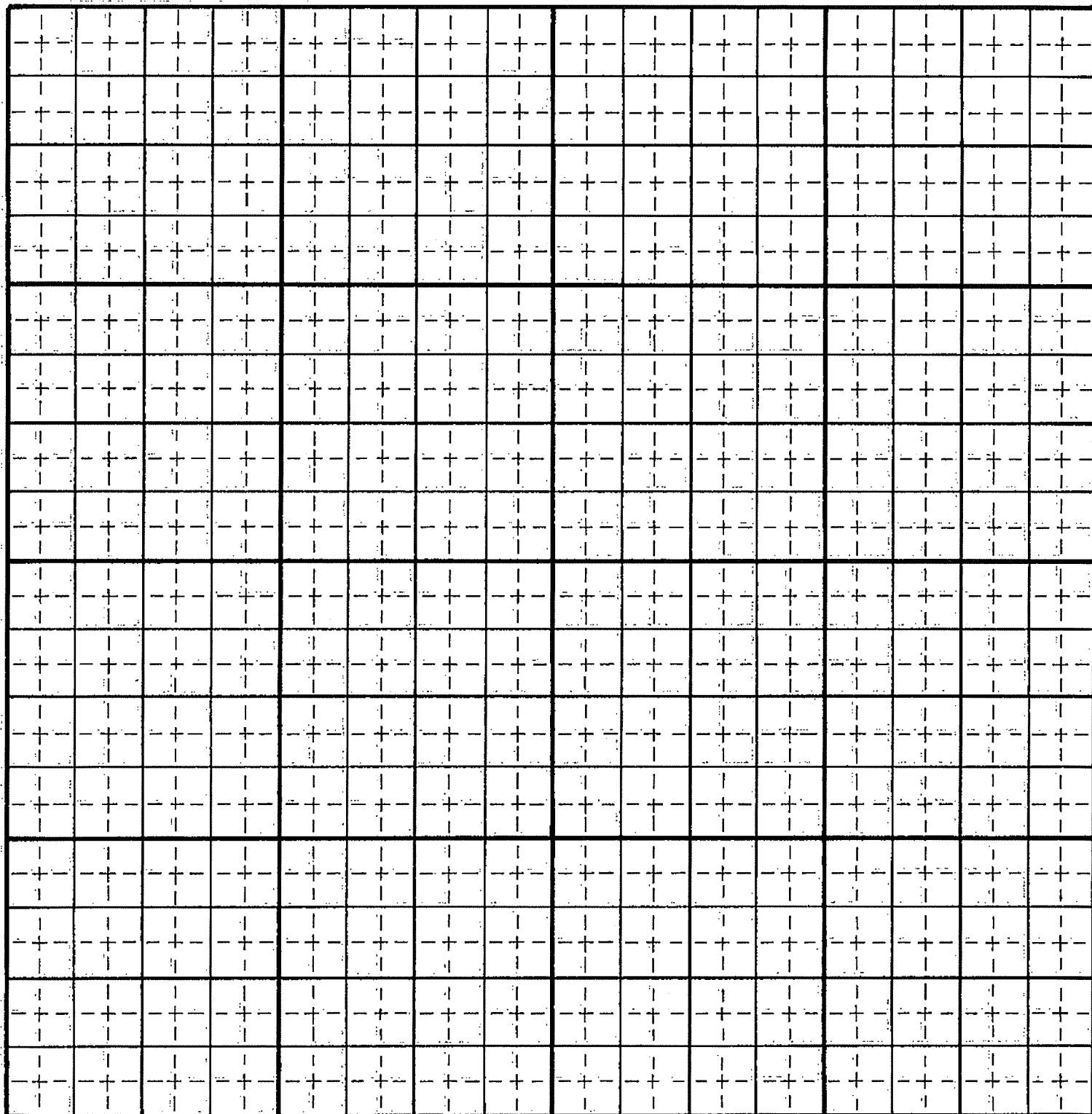
13. Remarks: This is based on a permit to fill an existing pond that was built in 2002 and used for these purposes until 2009, when the property went back to the bank. The pond was dry in August 2011 when it was purchased. It was then discovered that no storage right had been obtained for the pond. A 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 enw

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

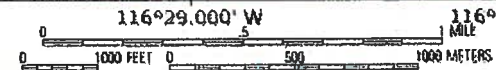
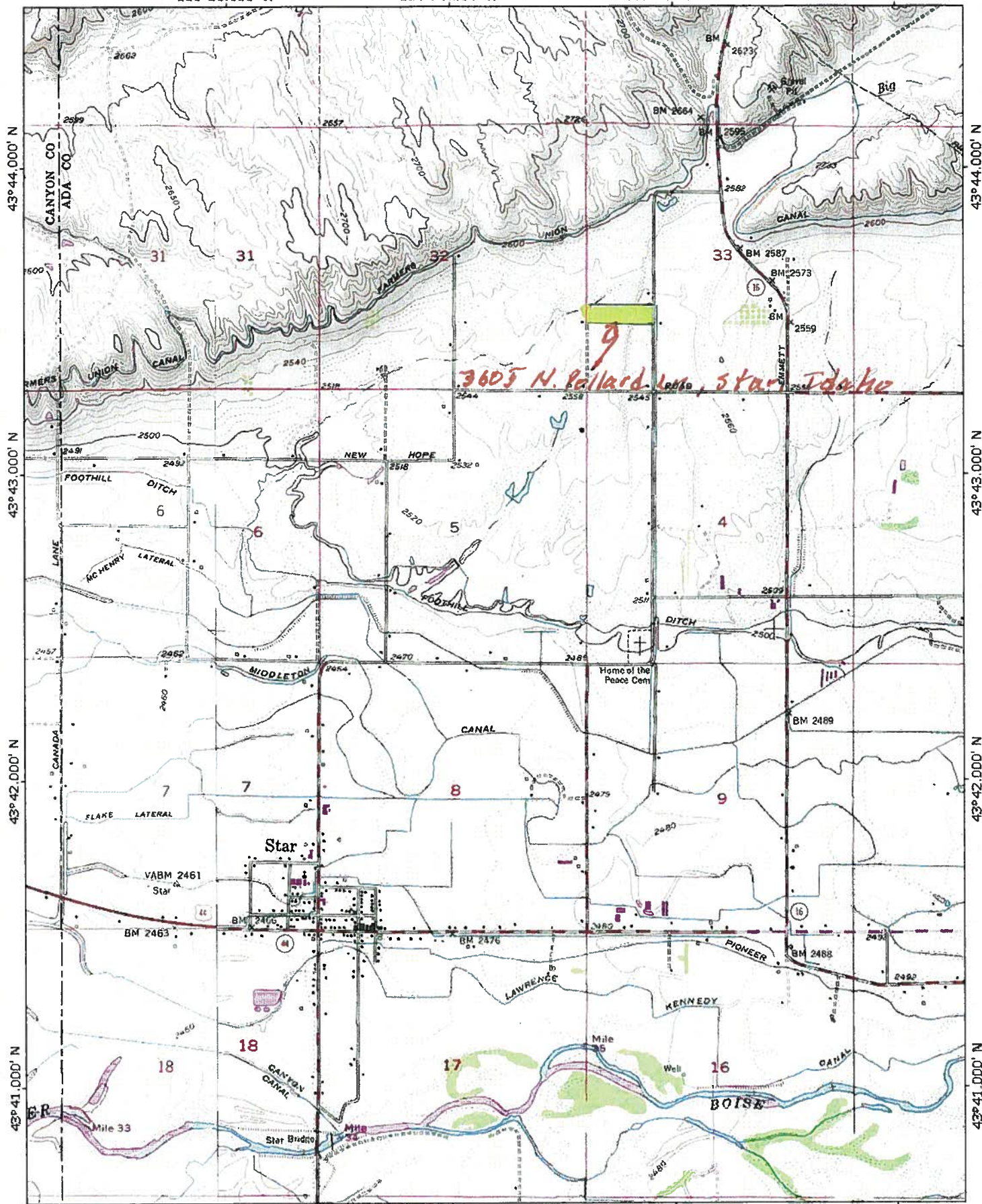
16. Notice of Appearance:

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 _____

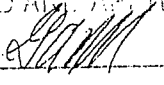
Last Name Madenford Identification No. 63-33707



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**

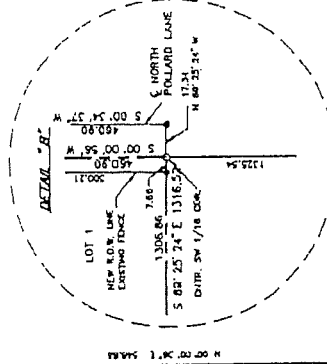
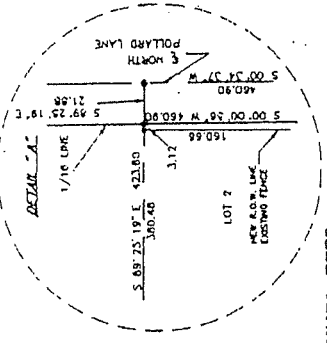
SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions and U.S. patent reservations.

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 8854-8855

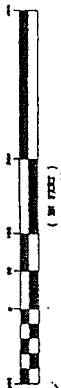
BASES OF BEARINGS - R.O.S. 1527
S 89° 33' 45" E 1316.84
S 89° 33' 45" E 1102.82

CENTER WEST 1/4 CORNER
C.P.M. # 7640372



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 in accordance with the provisions of the Idaho Land Use Act, Chapter 13, Idaho Code, and the provisions of the Idaho Subdivision Map Act, Chapter 13, Idaho Code. The plat was prepared by a professional land surveyor and is subject to the provisions of the Idaho Land Use Act, Chapter 13, Idaho Code, and the provisions of the Idaho Subdivision Map Act, Chapter 13, Idaho Code.

NOTES

1. BEARING STRUCKS AND MONUMENT STANDARDS IN THIS SUBDIVISION SHALL BE IN CONFORMANCE WITH THE APPLICABLE TOWNSHIP REGULATIONS OF ADA COUNTY.
2. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE TOWNSHIP REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
3. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT PUBLIC UTILITY, DRAINAGE AND IRRIGATION EASEMENT OVER THE LOT (10) FOR THE CONSTRUCTION OF HARD SURFACED DRIVEWAYS TO EACH LOT. THE CONSTRUCTION OF HARD SURFACED DRIVEWAYS TO EACH LOT, SUBDIVISION WILL COMPLY WITH THE DISCLOSURE REQUIREMENTS OF IDAHO RULES AND REGULATIONS, CHAPTER 13, IDAHO CODE, AND THE PROVISIONS OF THE IDAHO LAND USE ACT, CHAPTER 13, IDAHO CODE.
4. A TEN (10) FOOT UTILITY EASEMENT IS LOCATED ALONG THE EXTERIOR BOUNDARY LINES.
5. ALL INTERIOR LOT LINES HAVE A TEN (10) FOOT PUBLIC UTILITY, DRAINAGE, AND IRRIGATION EASEMENT FIVE (5) FEET ON EITHER SIDE OF SAID LOT LINES.
6. A PORTION OF THIS PROPERTY ALONG NORTH POLLARD LANE MAY BE IN THE PUBLIC RECORD AS SHOWN ON PLAT NO. 130 OF THE T.5N., R.1W., B.M. 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

DOCUMENTS HEREBY
READ AND APPROVED

UNPLATTED

S 89° 07' 27" E 928.02

BLOCK 1

UNPLATTED

UNPLATTED

N. POLLARD LANE

D/A EXISTING IRRIGATION CANAL
(NO EASEMENT OF RECORD)

UNPLATTED

T.5N., R.1W., B.M.
T.4N., R.1W., B.M.

TEALEY'S LAND SURVEYING

177 MAIN ST. - SUITE 100 - BOISE, IDAHO
PROJECT NO. 048 SHEET 1 OF 2



Quit Claim Deed

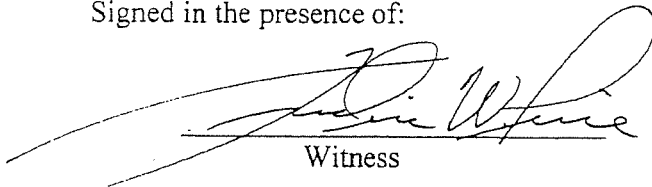
Gary A. Madenford, Grantor of 3605 N. Pollard Ln, Star, Idaho 83669, County of Ada, State of Idaho, hereby QUIT-CLAIM to The Charles Madenford Family Trust, Gary A. Madenford, Trustee, Grantee for the sum of TEN DOLLARS (\$10.00) the following described tract of land in Ada County, State of Idaho, subject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

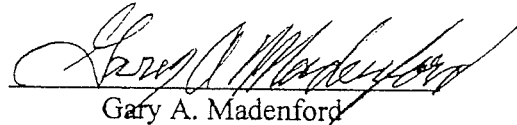
See Attached Legal Description and Plat.

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:

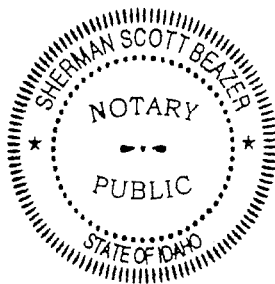

Witness

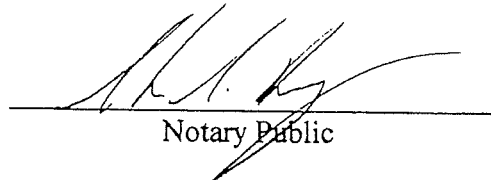

Gary A. Madenford

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.

Book 66, Pages 5854-5855

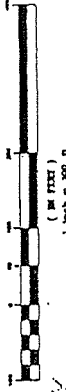
BASES OF RECORDS - R.O.S. 1522

CENTER WEST 1/4 CORNER
C.P.M. # 7400373

PLAT OF MANTECA SUBDIVISION

A PORTION OF THE NW 1/4 SW 1/4, SECTION 33,
T.34N., R.17W., B.M.
ADA COUNTY, IDAHO
1992

GRAPHIC SCALE



These monuments were set and the survey was made in accordance with the provisions of the Idaho Statutes relating to the surveying of land. The survey was made by the undersigned, a duly licensed surveyor in the State of Idaho, and the same is hereby certified to be correct and true.

NOTES

1. ALL LOTS AND INTERESTS SHOWN ON THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
2. ANY REVISIONS TO THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
3. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT PUBLIC UTILITY, DRAINAGE AND PRECIPITATION EXCESS OVER THE 100-YEAR FLOOD PLANE. THE LOTS ARE TO BE USED FOR RESIDENTIAL PURPOSES. THE CONSTRUCTION OF WAD SURFACED DRIVEWAYS TO EACH LOT.
4. SAGINAW HILL COUNTY WITH THE EXISTING RECORDS OF SECTION 33, T.34N., R.17W., B.M. ADA COUNTY, IDAHO, 1992.
5. A TEN (10) FOOT UTILITY EASEMENT IS LOCATED ALONG THE EXISTING BOUNDARY LINES.
6. ALL INTERIOR LOT LINES HAVE A TEN (10) FOOT PUBLIC UTILITIES, DRAINAGE AND PRECIPITATION EXCESS OVER FIVE (5) FEET ON EACH SIDE OF EACH LOT LINE.
7. A PORTION OF THIS PROPERTY ALONG NORTH POLLARD LANE MAY BE IN A FLOOD HAZARD AREA AS SHOWN ON PANEL NO. 100 OF THE FLOOD MAPS DEPOSITED IN 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

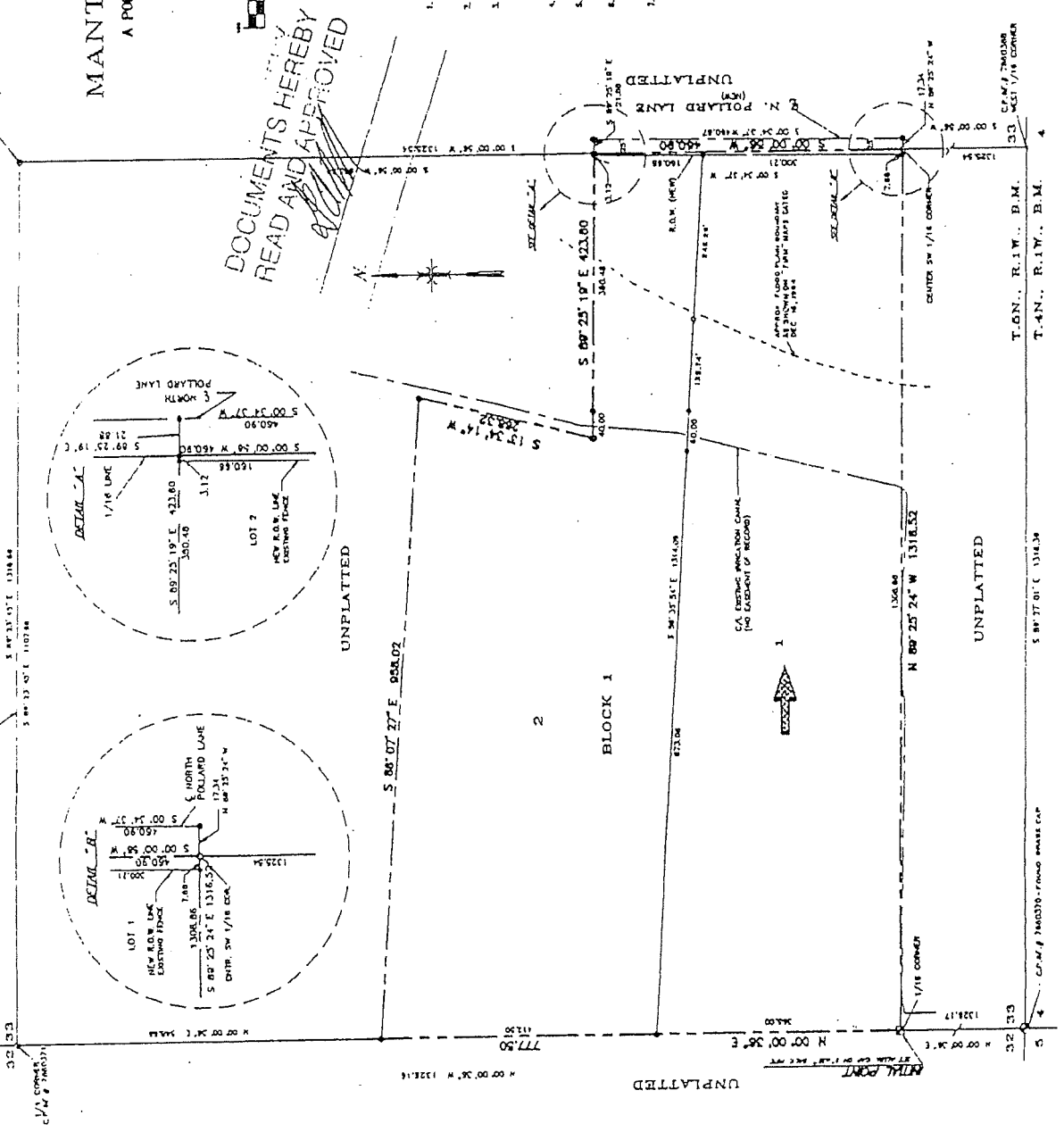
TEALEY'S LAND SURVEYING

479 MAIN ST. BOISE, IDAHO 83724

PROJECT NO. 888

SHEET 1 of 2

DOCUMENTS HEREBY
READ AND APPROVED



T.34N., R.17W., B.M.

C.P.M. # 7400373

UNPLATTED

UNPLATTED

UNPLATTED