

08/31/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13754

NAME AND ADDRESS: KRISTINE MAXWELL
6067 N SEQUOIA DR
FRESNO CA 93771-1256

JAMES MAXWELL
6067 N SEQUOIA DR
FRESNO CA 93771-1256

SOURCE: MC MILLAN SLOUGH

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.450 CFS

PRIORITY DATE: 06/01/1885

POINT OF
DIVERSION:

T05N R39E S7 SESESW Within MADISON County
T05N R39E S17 SWNWNE Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	2.450 CFS
PLACE OF USE:	<u>IRRIGATION in MADISON County</u>		
	T05N R39E S07 SWNE 39.00	T05N R39E S07 SENE 37.00	
	T05N R39E S07 SENW 25.00	T05N R39E S07 NESW 14.00	
	T05N R39E S07 NESE 39.00	T05N R39E S07 NWSE 40.00	
	T05N R39E S08 SWNW 39.00	T05N R39E S08 SENW 16.00	
	T05N R39E S08 NESW 9.00	T05N R39E S08 NWSW 39.00	

297 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 297 acres in a single irrigation season. Combined Right Nos.: 22-13754, 22-13757, 22-13760, 22-13763.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The following rights are diverted through points of diversion described above: 22-13752, 22-13753, 22-13754, 22-13755, 22-13756, 22-13757, 22-13758, 22-13759, 22-13760, 22-13761, 22-13762, 22-13763.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 22-13444.



Idaho Department of Water Resources

22-13754, 22-13757, 22-13760, 22-13763

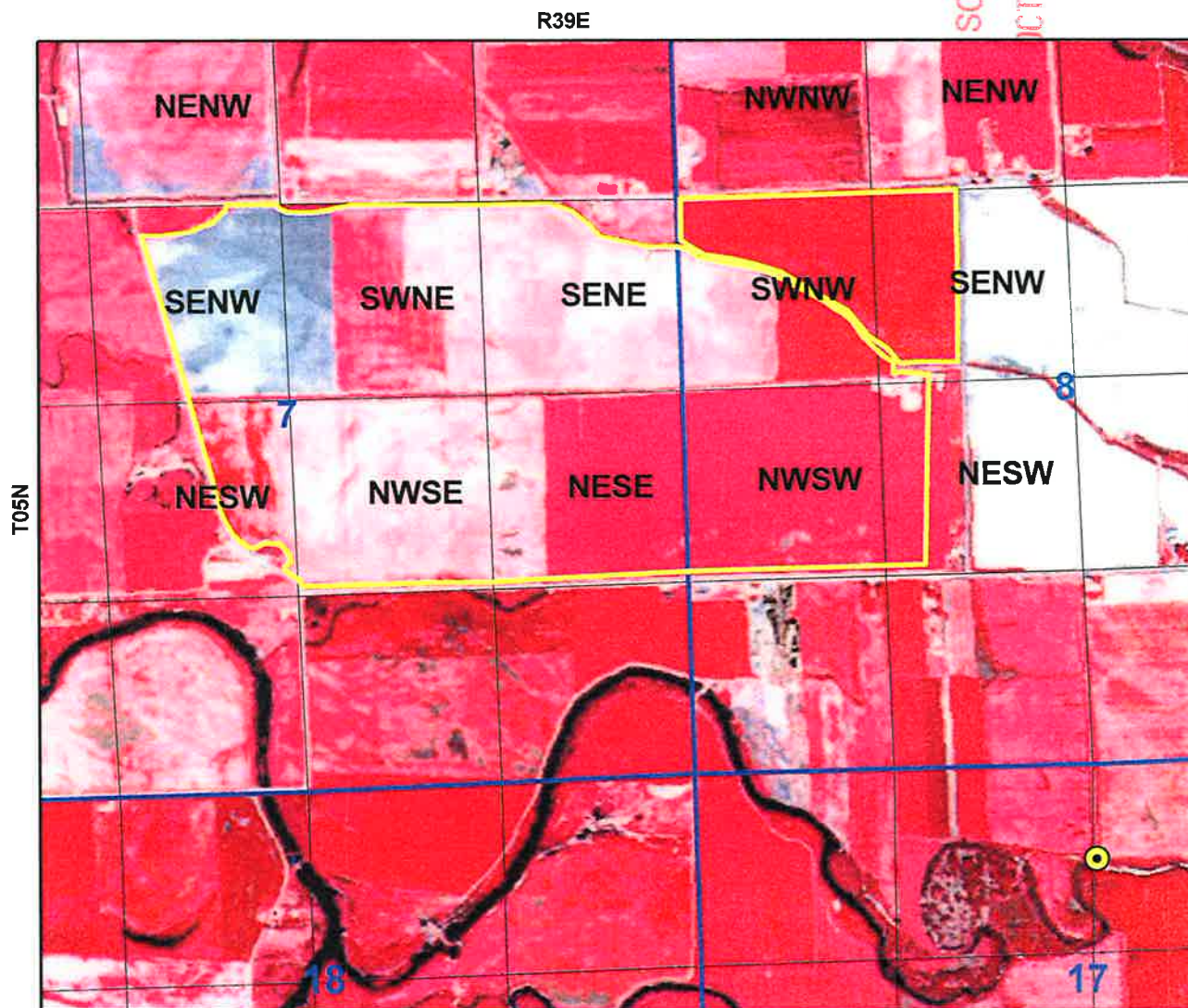
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Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Madison County
IDWR Basin 22



0 0.5 1 Miles

Prepared by J. Crabtre
On Thursday, August 23, 2007
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

August 23, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

JAMES 7 KRISTINE MAXWELL
6067 N SEQUOIA DR
FRESNO CA 93771-1256

RE: Notice of Change of Water Right Ownership (NCO) for
22-13444, 22-13445, 22-13446, 22-13447 and Notice of Completed
Administrative Proceeding (NCAP)

Dear Claimants:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

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 the 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: Floyd Wilcox and Sons

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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: 22-13444 split into
22-13752, 22-13753, 22-13754

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (split) WILCOX – LOMA VISTA, BOWES, MAXWELL
- ☐ 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: Oct 3, 2007

Ernest Carlson

Signature of IDWR Representative

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CERTIFICATE OF MAILING

I certify that on Oct 12, 2007, 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:
FLOYD WILCOX & SONS INC
1110 GOLDEN BEAUTY DR
REXBURG ID 83440

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
LOMA VISTA RANCH BRENDAN BOWES JAMES & KRISTINE MAXWELL
3825 S 7000 W 3221 NW 56 ST 6067 N SEQUOIA DR
REXBURG ID 83440 OCALA FL 34475 FRESNO CA 93771-1256

4. One copy to:

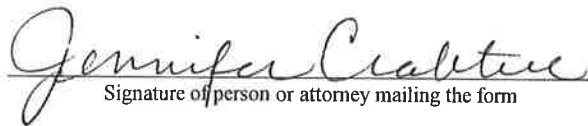
Each party in the subcase, or attorney of record
N/A

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

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MAY 23 2007

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
22-13444		✓			
22-13445		✓			
22-13446		✓			
22-13447		✓			

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

Brendon Bowes

3221 Northwest 56th St. St. Ocala, FL 34475

4. New Owner/Claimant(s)

James Maxwell, Kristine Maxwell

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

6067 N. Sequoia Drive

City, State and ZIP Code

FRESNO, CA 93771-1256

New Telephone Number

(559) 439-6067

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5. Date you acquired the property

January 3, 2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>22-13444</u>		
Irrigation		<u>300-Maxwell 6-Bowes</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number <u>22-13445</u>		
Irrigation		<u>300-Maxwell 6-Bowes</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number <u>22-13446</u>		
Irrigation		<u>300 Maxwell 6-Bowes</u>
Stock		
Domestic		
Other		
Totals		

Irrigationwater right - 22-13447
300 Maxwell 6-Bowes

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.

7. Signature(s) of New Owner(s) or Claimant(s) _____
 (title if applicable) _____
 (title if applicable) _____

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

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Form 42-241 42-1409(6) 12/2006

5. Date you acquired the property

January 3, 2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>22-13444</u>		
Irrigation		<u>300-Maxwell 6-Bowes</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number <u>22-13445</u>		
Irrigation		<u>300-Maxwell 6-Bowes</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number <u>22-13446</u>		
Irrigation		<u>300-Maxwell 6-Bowes</u>
Stock		
Domestic		
Other		
Totals		

Irrigationwater right - 22-13447300 Maxwell 6-Bowes

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.

7. Signature(s) of New Owner(s) or Claimant(s)

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

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WARRANTY DEED

Order No.:3040515611HB

FOR VALUE RECEIVED

Brendon Bowes, a unmarried person

3040515611HB
ALLIANCE TITLE & ESCROW
P.O. BOX 732
REXBURG, ID 83440

300ACS

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

James R. Maxwell and C. Kristine Maxwell, Husband and Wife

whose current address is

6067 North Sequoia Dr. Fresno, CA 93771-1256

the grantee(s), the following described premises, in Madison County, Idaho, TO WIT:

North ½ of the Southeast ¼, South ½ of the Northeast ¼ and that portion of the Southeast ¼ of the Northwest ¼ and Northeast ¼ of the Southwest ¼ lying East of the County Road described in that Deed of Easement from H.C. Frew and Marie Frew, husband and wife, to Madison County, dated December 15, 1950, and recorded in Book 202 of Deeds at page 291 as Instrument No. 93294, records of Madison County, Idaho, all in Section 7, Township 5 North, Range 39 East of the Boise Meridian.

Also, commencing at the Northwest Corner of the Southwest ¼ of the Northwest ¼, Section 8, Township 5 North, Range 39 East, Boise Meridian, and running thence South 160 rods, East 122 rods 11 feet, North 160 rods, West 122 rods 11 feet to the place of beginning.

Excepting Therefrom: Commencing at the Northeast corner of the Southeast Quarter of the Northeast Quarter thence West 778 feet, thence following existing bank of the Liberty Park Canal Southeast approximately 135 degrees for 350 feet, continuing along said canal bank East Southeast 112 degrees for 312 feet, thence along said canal bank East for 206 feet to the Section line, thence North along Section line 329 feet to the point of beginning, all in Section 7, Township 5 North, Range 39 East of the Boise Meridian.

Also commencing at the Northwest corner of the Southwest Quarter of the Northwest Quarter thence South along Section line 329 feet, thence following existing bank of the Liberty Park Canal East Southeast 112 degrees for 63 feet, thence along said canal bank Southeast 137 degrees for 102 feet, thence along said canal bank East Southeast 107 degrees for 363 feet, thence North 487 feet, thence West 500 feet to the point of beginning, all in Section 8, Township 5 North, Range 39, East of the Boise Meridian.

Also Excepting Therefrom: Part of the Southwest Quarter of Section 8, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, described as: Beginning at a point that is North 00°00'11" East 1271.60 feet along the Section line, and North 89°12'00" West 3436.63 feet from the Southeast corner of said Section 8, said point being on the North line of a County Road, and running thence North 89°12'00" West 194.94 feet; thence North 2°02'50" East 1320.41 feet to the South line of an irrigation ditch; thence South 89°38'09" East 197.56 feet along said South line; thence South 2°02'50" West 1095.25 feet; thence South 83°32'59" East 23.21 feet; thence South 2°44'38" West 45.75 feet; thence North 87°00'15" West 25.23 feet; thence South 2°01'33" West 179.61 feet to the point of beginning.

Also Excepting Therefrom: Part of the Southwest Quarter of Section 8, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, described as: Beginning at a point that is North 00°00'11" East 1271.60 feet along the Section line, and North 89°12'00" West 3322.88 feet from the Southeast Corner of said Section 8, said point being on the North line of a county road, and running thence North 89°12'00" West 113.75 feet along said North line; thence North 2°01'33" East 179.61 feet; thence South 87°00'15" East 25.23 feet; thence North 2°44'38" East 45.75 feet; thence North 83°32'59" West 23.21 feet; thence North 2°02'50" East 1095.25 feet to the South line of an irrigation ditch; thence South 89°38'09" East 87.61 feet along said South line to the West line of a county road; thence South 1°01'34" West 1322.28 feet along said West line to the point of beginning.

Also Excepting Therefrom: Commencing at a point that is North 1°05'00" West 1123.5 feet from the Southeast Corner of the Southwest Quarter of Section 7, Township 5 North, Range 39 East, Boise Meridian, and running thence South 89°45' West 174.25 feet; thence North 1°05'00" West 250.00 feet; thence North 89°45'00" East 174.25 feet; thence South 1°05'00" East 250.00 feet to the point of beginning.

TOGETHER WITH: Sprinkler Pipe-Pumps and Mainline, Grain Bins and Out Buildings, and prorata Shares of water rights A22-00393, A22-0392, A22-0391, and A22-0390

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

Instrument # 326183
REXBURG, MADISON, IDAHO
2006-01-09 03:49:00 No. of Pages: 2
Recorded for: ALLIANCE TITLE AND ESCROW
MARILYN R. RASMUSSEN Fee: 8.00

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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:

1/3/06

Brendon Bowes
Brendon Bowes

State of FL }
County of Marion } ss.

On this 3 day of Jan, in the year 2006 before me, a Notary Public in and for said state, personally appeared Brendon Bowes known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Gent Cook
My Commission DD282432
Expires February 17, 2008

Gent Cook
Notary Public for the State of
Residing at: Orlando, FL
Commission Expires: 2-17-08

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218 Dividend Drive Ste. 1
Rexburg, ID 83440

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MAY 23 2007

Department of Water Resources
Eastern Region

To whom it may concern:

The portion of property and water rights within sections 7 and 8, township 5 north, range 39 East, Boise Meridian, located in Madison County is no longer owned by Floyd Wilcox and Sons Inc. We are sending these changes in water right ownership documents in order to remove his name from the water rights.

The property was sold in its entirety to Brendon Bowes in 2002. Since then he has retained the home and 6 acres and sold the remaining portion, approximately 300 acres, to James and Kristine Maxwell in 2006. The Maxwell's and Brendon Bowes are both owners to the water rights of the fore mentioned property and should be listed as such on the records of the state of Idaho Department of Water Resources.

Thank you.

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