

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 63-30818
Date Received: 5/29/1998
Receipt No: C042449
Received By:

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

1. Name of Claimant(s): EARL L MAGGARD
7833 HAPPY VALLEY RD
KUNA ID USA 83634

Phone: (208) 466-3557

SUZANNE MAGGARD
7833 HAPPY VALLEY RD
KUNA ID USA 83634

Phone: (208) 466-3557

2. Date of Priority: 07/15/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	02W	25	NE NE	CANYON	

5. Description of diverting works:

WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.02	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	02W	25	NE NE NE NE		STOCKWATER DOMESTIC	

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 8/7/2001

15. Basis of Claim: Beneficial Use

RECEIVED

JUL 02 2001

WATER RESOURCES
WESTERN REGION

copy of plat

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JUL - 9- 1999

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

JUL 16 1999

WATER RESOURCES
WESTERN REGION

RECEIVED

JUL 12 1999

WATER RESOURCES
WESTERN REGION

1. Water Right Number(s) AG3 - 30818
Adjudication Claim Number(s) _____
2. The following REQUIRED information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) ARTHUR GIER
7833 HAPPY VALLEY RD MUNA IDAHO
4. New Owner/Claimant(s) EARL L MAGGARD
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 7833 HAPPY VALLEY RD
City, State and ZIP Code MUNA IDAHO 83634
New Telephone Number () 466 - 3557
5. Date you acquired the property 6/23/98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Earl L Maggard Date 6-23-98

Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by you attorney.

Gene T Kuehn
Canyon County Assessor
 1115 Albany St. - Room 343
 Caldwell, ID 83605

2001

**ASSESSMENT NOTICE
 & ESTIMATE OF TAX**

**THIS IS NOT A BILL.
 DO NOT PAY.**

REGULAR ROLL 05/18/2001

For any questions, please notify the Assessor's Office immediately

PARCEL DESCRIPTION:

ACCOUNT NO. 1R29782000 0
 25-2N-2W NE
 TX 15 A IN WENE

Assessor's Telephone Number: (208) 454-7431

PARCEL ADDRESS: 7833 S HAPPY VALLEY RD, KU

*****5-DIGIT 83634



MAGGARD, EARL L
 & MAGGARD, SUZANNE R-H/W
 7833 S HAPPY VALLEY RD
 KUNA ID 83634-1527

Appeals of your property value must be filed in writing, on a form provided by the County, by:
 JUNE 25, 2001

Tax Code Area: 047-00

Parcel Number: 02N02W250450

ASSESSED VALUE OF YOUR PROPERTY			
CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
10 HOMESITE RUR LANDS	1.00	20,000	20,000
18 RURAL LAND(NON-FARM)	4.17	25,000	25,000
31 IMPR RUR HOMESITE		79,900	79,900
SUBTOTAL:	5.17	124,900	124,900
LESS HOMEOWNERS EXEMPTION:		39,950	39,950
NET TAXABLE PROPERTY VALUE:		84,950	84,950

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES				
TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
0112 PEST	4.34	4.34	(208) 454-7507	9/04/2001
0653 AMBULANCE	17.22	17.22	(208) 466-8800	9/04/2001
0690 NA HWY 1	94.06	94.06	(208) 467-6576	8/30/2001
0720 FIRE NA	167.90	167.90	(208) 465-2240	8/27/2001
0752 LIB KUNA	59.62	59.62	(208) 922-1025	8/30/2001
0761 SCH 3 KU	367.24	367.24	(208) 922-1000	6/11/2001
0998 COUNTY	399.70	399.70	(208) 454-7507	9/04/2001
SUBTOTAL:	1,110.08	1,110.08		
FEES:				
TOTAL PROPERTY TAXES & FEES:	1,110.08	1,110.08		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

LOAN NO. 70107230-4

DEED OF TRUST

NOTICE: THIS LOAN IS NOT ASSUMABLE WITHOUT THE APPROVAL OF THE DEPARTMENT OF VETERANS AFFAIRS OR ITS AUTHORIZED AGENT.

THIS DEED OF TRUST ("Security Instrument") is made on June 3, 1998
 EARL L. MAGGARD and SUZANNE R. MAGGARD, HUSBAND AND WIFE

The grantor is

("Borrower"). The trustee is PIONEER TITLE COMPANY OF CANYON COUNTY

("Trustee"). The beneficiary is MANN FINANCIAL INC. DBA NORTHWEST WHOLESALE MTGE.

which is organized and existing under the laws of MONTANA
 address is 1018 WEST CUSTER AVENUE #9, HELENA, MT 59601

, and whose

("Lender"). Borrower owes Lender the principal sum of One Hundred Forty Five Thousand and no/100

Dollars (U.S. \$ 145,000.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on June 1, 2028 . This Security Instrument secures to Lender: (a) the repayment of the debt

evidenced by the Note, with interest, and all renewals, extensions and modifications of the Note; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in CANYON County, Idaho:

THIS PARCEL IS SITUATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25 AND BEARING SOUTH 619.55 FEET ALONG THE EAST BOUNDARY OF SAID SECTION 25 TO THE TRUE POINT OF BEGINNING THENCE NORTH 88 DEGREES 43'18" WEST 592.47 FEET; THENCE SOUTH 6 DEGREES 0'32" WEST 369.16 FEET; THENCE SOUTH 88 DEGREES 43'18" EAST 631.12 FEET TO THE EAST BOUNDARY OF SAID SECTION 25; THENCE NORTH ALONG THE EAST BOUNDARY OF SAID SECTION 25, 368.00 FEET TO THE TRUE POINT OF BEGINNING.

which has the address of 7833 HAPPY VALLEY ROAD, KUNA
 Idaho 83634 [Zip Code] ("Property Address");

[Street, City].

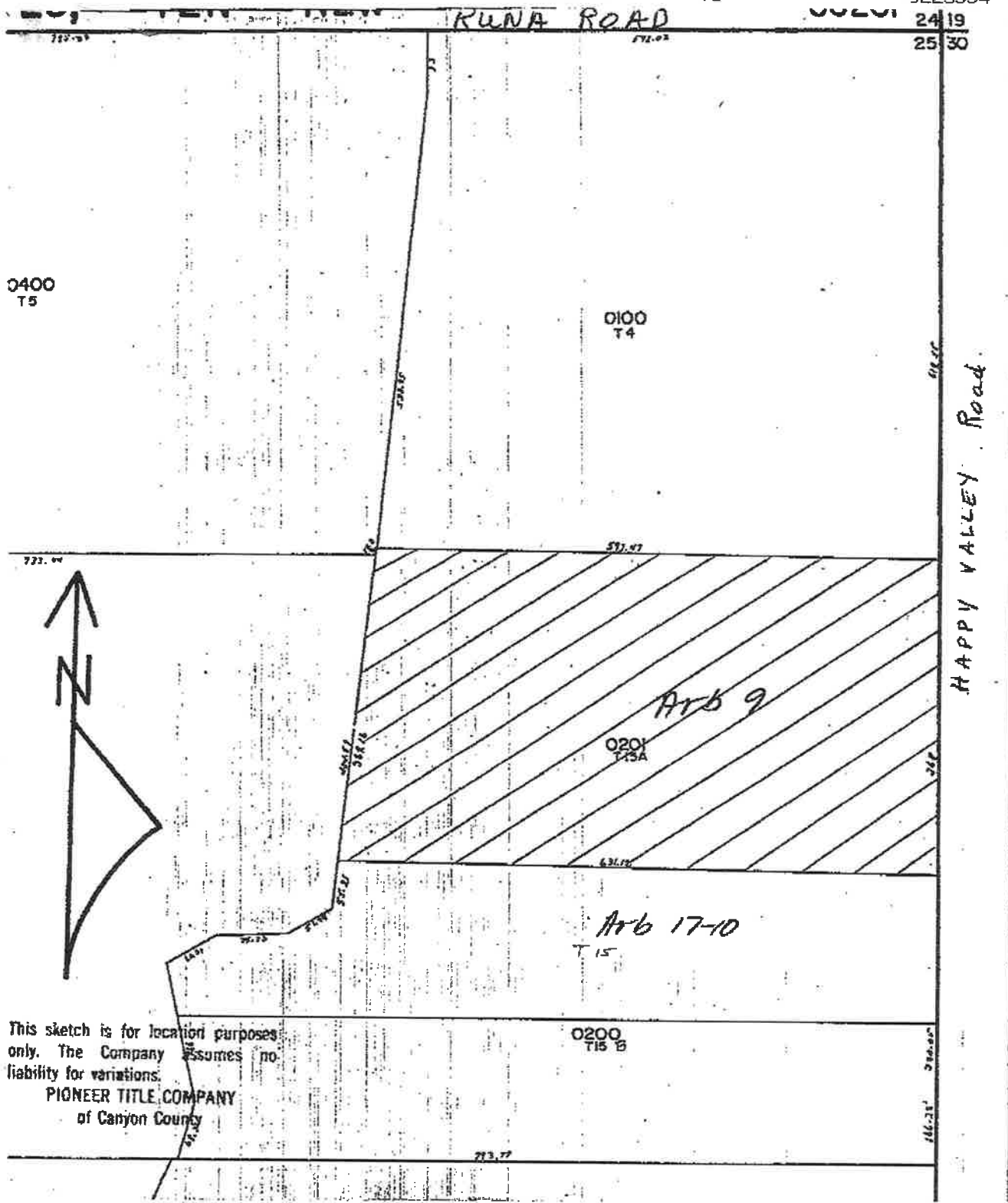
IDAHO-Single Family- FNMA/FHLMC UNIFORM INSTRUMENT

Form 3013 9/90 Amended 5/91

EXHIBIT "A"

This parcel is situated in the Northeast Quarter of the Northeast Quarter of Section 25, Township 2 North, Range 2 West of the Boise Meridian, Canyon County, Idaho and is more particularly described as follows:

COMMENCING at the Northeast corner of said Section 25 and bearing South 619.55 feet along the East boundary of said Section 25 to the TRUE POINT OF BEGINNING thence North 88° 43' 18" West 592.47 feet; thence South 6° 0' 32" West 369.16 feet; thence South 88° 43' 18" East 631.12 feet to the East boundary of said Section 25; thence North along the East boundary of said Section 25, 368.00 feet to the TRUE POINT OF BEGINNING.



This sketch is for location purposes only. The Company assumes no liability for variations.
PIONEER TITLE COMPANY
of Canyon County

A portion of the NE 1/4 NE 1/4, Sec. 25-2N-2

RECEIVED

MAY 29 1998

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-30818

Date Received: 5/29/1998

Receipt No: 0042449

Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARTHUR G IZER 208-463-1786
Address: 7833 HAPPY VALLEY RD
KUNA ID 83634

AND/OR

Name: RUTH IZER 208-463-1786
Address: 7833 HAPPY VALLEY RD
KUNA ID 83634

2. Date of Priority: JUL 15, 1969

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02W	25		NE	NE		CANYON

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME; STOCKWATER, 5 HEAD HORSES AND/OR CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02W	25	NE	NE		DOMEST	
			NE	NE		STOCK	

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
BOISE KUNA IRRIGATION DISTRICT

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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 that the statements contained in the foregoing document are true and correct.

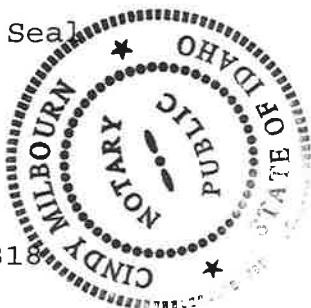
Signature of Claimant(s): *Ruth Lizer* Date: *May 29 98*

Date: _____

State of Idaho)
County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this *29* day
of *May* 19 *98*

Cindy Milbourn
Notary Public



Residing at *Wampa Id*
My Commission Expires *1-12-2001*

08/22/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-30818

NAME AND ADDRESS: EARL L MAGGARD
7833 HAPPY VALLEY RD
KUNA ID 83634

SUZANNE MAGGARD
7833 HAPPY VALLEY RD
KUNA ID 83634

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/15/1969

POINT OF DIVERSION:

T02N R02W S25 NENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS
DOMESTIC	1/01 12/31	0.040 CFS
Domestic use is for 1 home.		

PLACE OF USE: STOCKWATER Within CANYON County

T02N R02W S25 NENE

DOMESTIC Within CANYON County

T02N R02W S25 NENE

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use

Stockwater use is for 5 horses or range cattle.

REAL PROPERTY INQUIRY

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+++++
01 6R29782-000- -0 047-00 N SCH3 + 12 52,640 2.58
+++++
34 105,800
MAGGARD EARL L +
MAGGARD SUZANNE R H/W +
+
+
+
7833 S HAPPY VALLEY RD +
KUNA ID 83634 +
+++++
25-2N-2W NE + TOTAL 158,440
TX 02506 NENE ++++++
+ SURVEY INST 200235919
+ DRAIN DR VALUE APPR RET
+ CLASS +3 REAP 06 MAN 05 UNIT 1
7833 S HAPPY VALLEY RD, KU + PARCEL 6R02N02W250450 H/O Y C/B N
+ PRIOR ACCOUNT 5R29782-000- -0
SEE R29782010 0 + 02 MH on Property NO
+ 03 Traits 04 Companion Sheet

```

MODE:F ACTION: TRAITS INQUIRY TRQK318

ACCOUNT NUMBER R29782000 0 UNIT 001 TOTAL UNITS 1

SITE 7833 HAPPY VALLEY RD KU SEC/TWN/RNG 25-2N-2W

ASSESSED VALUE 158,440 ACREAGE .00

SUB/PARK NAME YEAR/MAKE

CLASS +3 OWNER / OCCUPIED HOUSE CLASS '+3' SPACE LOT BLOCK

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+++++
YR BUILT 1976 AIR COND AIR - NONE CARPORT N
STORY 1 STORY HEATING ELECTRIC FA CARPORT SQ FT
FIRST SQ FT 1514 EXTERIOR HARDBOARD DECK/PATIO? N
SECOND SQ FT ROOF COMP POOL? N
BEDS 3 BSMT SQ FT SPA? N
BATHS 2.00 % BSMT FIN LOT SIZE
FRPLC 1 GARAGE N NEIGHBORHOOD 0
GARAGE SQ FT

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+++++
COMMENTS

MOBILE HOME ONLY

WIDTH/LENGTH

EXPANDO

REAL ACCOUNT



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 7, 2001

EARL L MAGGARD
SUZANNE MAGGARD
7833 HAPPY VALLEY RD
KUNA ID 83634

Re: Notice of Claim to a Water Right No. 63-30818

Dear Claimants:

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation, as we have had several water right changes to process. I apologize for any inconvenience this may have caused. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB: db

Enclosure

Earl and Suzanne Maggard
7833 Happy Valley Road
Kuna, Idaho 83634
Voice 208.466.3557 Fax 208.466.8054

June 28, 2001

RECEIVED

JUL 02 2001

WATER RESOURCES
WESTERN REGION

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

RE: Notice of Change of Water Right Ownership Claim No. A-63-30818
Dear Sirs:

On June 3, 1998, my husband and I purchased the property located at 7833 Happy Valley Road, Kuna, Canyon County, Idaho 83634. At that time, we were told that the water rights had not been transferred. Twice in July of 1999, we submitted documentation to the Department of Water Resources and twice the documentation was returned to us as insufficient.

I am now submitting a copy of the Notice of Change of Water Right Ownership Claim No. A63-30818; a copy of your letter dated December 28, 1999; a copy of our 2001 Assessment Notice & Estimate of Tax from Canyon County; a copy of the Deed of Trust; and a copy of the land description along with a copy of the location.

I hope this documentation is now sufficient.

Thank you for your attention to this matter.

Sincerely,



Suzanne Maggard



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 28, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

EARL L MAGGARD
7833 HAPPY VALLEY RD
KUNA ID 83634

RE: Notice of Change of Water Right Ownership Claim No. A63-30818

Dear Property Owner:

This office has reviewed the Notice of Change of Water Right Ownership you have submitted (enclosed), however, we are unable to complete this ownership change due to the fact there is no record of the property being transferred from the original owners, Arthur G and Ruth Izer, to yourself. The Deed of Trust submitted indicates a property transfer between Pioneer Title Company of Canyon County and Mann Financial Inc, DBA Northwest Wholesale.

If you could submit a copy of the Warranty Deed(s) for this property transfer, showing the **chain of title** from the original owners to yourselves, **or a tax notice in your name**, which includes a description of the property by ¼ ¼, Section, Township and Range, then we could complete the ownership change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Please feel free to contact this office if you have any questions concerning this letter.

Sincerely,

Adjudication Section
Western Region

DB:d

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 12, 1999

EARL L MAGGARD
7833 HAPPY VALLEY RD
KUNA ID 83634

RE: Notice of Change of Water Right Ownership No. 63-30818

Dear Property Owner:

Enclosed is a copy of your Notice of Change of Water Right Ownership form that you recently submitted to our office. However, we cannot continue to process the ownership change without proof of ownership. This proof can be a copy of a warranty deed(s), sales contract or tax assessment in your name(s) which includes the legal description of the property by $\frac{1}{4}$ $\frac{1}{4}$, Section, Township and Range. We received the property description, but nothing showing the names for the transfer.

Please submit a copy of your proof of ownership, and we will be able to complete the ownership change.

Thank you for your patience and cooperation. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

Adjudication Section
Western Region
(208) 334-2190

DB:d

Enclosures

*Pls find enclosed
a copy of our
deed of trust.
Thanks -
Suzi
466-3557*



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 12, 1999

EARL L MAGGARD
7833 HAPPY VALLEY RD
KUNA ID 83634

RE: Notice of Change of Water Right Ownership No. 63-30818

Dear Property Owner:

Enclosed is a copy of your Notice of Change of Water Right Ownership form that you recently submitted to our office. However, we cannot continue to process the ownership change without proof of ownership. This proof can be a copy of a warranty deed(s), sales contract or tax assessment in your name(s) which includes the legal description of the property by $\frac{1}{4}$ $\frac{1}{4}$, Section, Township and Range. We received the property description, but nothing showing the names for the transfer.

Please submit a copy of your proof of ownership, and we will be able to complete the ownership change.

Thank you for your patience and cooperation. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

Adjudication Section
Western Region
(208) 334-2190

DB:d

Enclosures