

DC

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FEB 05 2010
DEPT. OF WATER RESOURCES
SOUTHERN 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
36-2902		☒	split into 36-2902 + 36-16972		

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) William D. and Janine B. McManus
534 E 100 N, Rupert, ID 83350
4. New Owner/Claimant(s) Brad Bandy and Bonnie Bandy
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 475 E 200 N, Rupert, ID 83350
- City, State and ZIP Code _____
- New Telephone Number 208) 436-0674
5. Date you acquired the property December 1, 2009

SUPPORT DATA

IN FILE # 36-2902

SCANNED
FEB 18 2014

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 <u>36-2902</u>		
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		<u>.53 acres</u>
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)

BRAD Bandy
Bonnie Sandy

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 [Signature] Date 2-8-2010 Fee \$100
 Received by [Signature] Date 2-16-2010 Receipt No. 5031274
 Processed by AJ Date _____ WR _____ Date _____



WESTCOR
LAND TITLE INSURANCE COMPANY

ALTA OWNER'S POLICY (6-17-06)

ISSUED BY

**WESTCOR LAND
TITLE INSURANCE COMPANY**

OWNER'S POLICY OF TITLE INSURANCE

POLICY NO.

OP-6-ID1010.01-2105150

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, WESTCOR LAND TITLE INSURANCE COMPANY, a California corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.

COVERED RISKS Continued on next page

IN WITNESS WHEREOF, WESTCOR LAND TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of the Date of Policy shown in Schedule A,

Issued By:

ID1010.01 * 23150

Land Title & Escrow, Inc.

710 G Street, PO Box 111

Rupert, ID 83350

WESTCOR LAND TITLE INSURANCE COMPANY



By:

Mary O'Donnell

President

Attest:

Patricia H. Power

Secretary

SCHEDULE B

EXCEPTIONS FROM COVERAGE

Order No. 23150

Policy Number: OP-6-2105150

This Policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

GENERAL (STANDARD) EXCEPTIONS:

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession, or claiming to be in possession, thereof.
2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land, and that is not shown by the Public Records.
4. Any lien, or right to a lien, imposed by law for services, labor, or material heretofore or hereafter furnished, which lien, or right to a lien, is not shown by the public records.
5. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
6. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or, (d) water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.

SPECIAL EXCEPTIONS

8. Taxes subsequent to the year 2009, a lien, but not yet due or payable.
9. Assessments of the Minidoka Irrigation District and the rights and powers of said District as by law provided.
10. Effects of a License and Certificate of Water Right, dated October 29, 1954, executed by Mark R. Kulp, State Reclamation Engineer, to The Public, recorded November 10, 1954 in Book 5 of Water Certificates, Page 204, Minidoka County records. (Described on Instrument as 39 acres in SE¼NW¼ of Section 18, Township 9 South, Range 25 East of the Boise Meridian)
11. Effects of a Certificate of Completion of Works, dated June 8, 1962, executed by Ralph W. Thomas, Deputy State Reclamation Engineer, to The Public, recorded July 16, 1962 as Document No. 158993, Minidoka County records. (Described on Instrument as 29 acres in Lot 4 of Section 18, Township 9 South, Range 25 East of the Boise Meridian)
12. Power Line Easement, dated March 26, 1975, executed by Morgan-Shillington Farm Co., to Rural Electric Company, a cooperative association, its licensees, successors and assigns, recorded April 4, 1975 as Document No. 249220, records of Minidoka County, Idaho.
13. Any adverse claim based on the assertion that the location of the Snake River has moved.

(CONTINUED)

those relating to

Policy

Issued with Policy No. N/A

**ALTA STANDARD OWNER'S POLICY
WESTCOR LAND TITLE INSURANCE COMPANY**

SCHEDULE A

Date of Policy: December 1, 2009 at 11:42 A. M.

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Order No. 23150

Policy No.: OP-6-2105150

Amount of Insurance: \$35,000.00

Premium: \$347.50

1. Name of Insured: **BRAD BANDY and BONNIE BANDY**
2. The estate or interest in the Land that is insured by this policy is: **FEE SIMPLE**
3. Title is vested in: **BRAD BANDY and BONNIE BANDY, husband and wife**
4. The land referred to in this policy is described as follows:

**TOWNSHIP 9 SOUTH, RANGE 25 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO**

SECTION 18: Part of Lot 4, more particularly described as follows:

Beginning at the N¼ section corner of said Section 18, said corner marked by a brass cap; Thence South 89°06'47" East along the North line of Section 18 for a distance of 767.25 feet to the West boundary of the Brad Bandy property as recorded by Warranty Deed on 30 October 1992 as Instrument No. 404302 in the records of Minidoka County; Thence South 00°04'30" West (South 0°00'00" West, rec.) for a distance of 25.75 feet to a ½ inch rebar at the Southwest corner of said Bandy property which shall be the POINT OF BEGINNING;

Thence South 88°43'35" East (South 88°40'20" East, rec.) along the South line of the Bandy property for a distance of 318.18 feet (318.08 feet, rec.) to a ½ inch rebar;

Thence South 88°43'35" East (South 88°40'20" East, rec.) for a distance of 40.00 feet to the mean high water line of the Snake River;

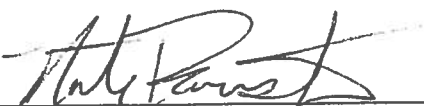
Thence South 26°40'32" West along the mean high water line of the Snake River for a distance of 142.67 feet;

Thence North 65°16'05" West for a distance of 47.00 feet to a ½ inch rebar;

Thence North 65°16'05" West for a distance of 276.73 feet to the POINT OF BEGINNING.

**LAND TITLE AND ESCROW, INC.
P.O. Box 111
710 G Street
Rupert, ID 83350**

Countersigned: _____



Authorized Officer or Agent

This Policy is valid only if Schedule B is attached.

**CONTINUATION
SCHEDULE B**

Order Number: 23150

Policy Number: OP-6-2105150

14. Any adverse claim based on the assertion that some portion of said land is now or at any time has been within the boundaries of the Snake River or any other navigable body of water or by reason of the fact or claim that any portion or portions thereof have been rendered unnavigable by artificial means or have accreted to such portions so created.
15. Any rights, interests or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.

END OF SCHEDULE B - ALTA STANDARD OWNER'S POLICY

12/18/09 hm

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JAN 27 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

QUITCLAIM DEED

FOR VALUE RECEIVED, William D. McManus and Janine B. McManus, husband and wife, do hereby release, remise, grant, bargain, sell, convey and forever quit claim unto Brad Bandy and Bonnie Bandy, husband and wife, whose present address is 475 East 200 North, Rupert, Idaho 83350, the following described premises, located in Minidoka County, Idaho, to wit:

The real property described on Exhibit "A" attached hereto and made a part hereof.

together with their appurtenances.

DATED this 31st day of March, 2010.

William D. McManus
William D. McManus

Janine B. McManus
Janine B. McManus

Instrument # 507083

MINIDOKA COUNTY, RUPERT, IDAHO

4-1-2010 10:28:24 No. of Pages: 2

Recorded for : BILL GOODMAN

DUANE SMITH Fee: 6.00

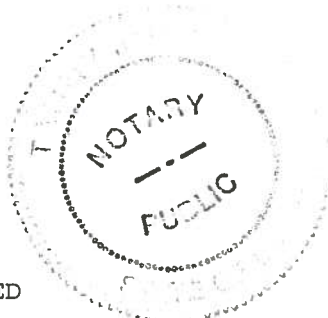
Ex-Officio Recorder Deputy WJ

STATE OF IDAHO)
) SS.
County of Minidoka.)

On this 31st day of March, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared William D. McManus and Janine B. McManus, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)



Jammy Jones
Notary Public
Residing at Rupert, Idaho
My Commission Expires: 11-4-2011

QUITCLAIM DEED

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JAN 27 2014

OF WATER RESOURCES
SOUTHERN REGION

EXHIBIT "A"

Part of Lot 4 in Section 18 of Township 9 South, Range 25 East of the Boise Meridian, Minidoka County, State of Idaho.

Beginning at the North $\frac{1}{4}$ section corner of Section 18 of T.9 S., R.25 E., B.M. said corner marked by a brass cap; Thence South 89 degrees 06 minutes 47 seconds East along the north line of Section 18 for a distance of 767.25 feet to the west boundary of the Brad Bandy property as recorded by Warranty Deed on 30 Oct. 1992 as instrument number 404302 in the records of Minidoka County which shall be the Point of Beginning;

THENCE South 89 degrees 06 minutes 47 seconds East for a distance of 372.14 feet to the mean high water line of the Snake River;

THENCE South 26 degrees 40 minutes 32 seconds West along the mean high water line of the Snake River for a distance of 173.95 feet;

THENCE North 65 degrees 16 minutes 05 seconds West for a distance of 47.00 feet to a $\frac{1}{2}$ " rebar;

THENCE North 65 degrees 16 minutes 05 seconds West for a distance of 276.73 feet;

THENCE North 00 degrees 04 minutes 30 seconds East (n 0°00'00" W, rec.) for a distance of 25.75 feet to the Point of Beginning.

Said property contains 0.76 acres more or less and is subject to any easements or right of ways, existing or of record.



2/13/2014

Scale: 1 inch= 500 feet

File:

Tract 1: 0.7560 Acres (32931 Sq. Feet), Closure: n04.5724w 0.01 ft. (1/154426), Perimeter=896 ft.

01 /ne,nw,18,09s,25e
02 /s89.0647e 767.25
03 s89.0647e 372.14
04 s26.4032w 173.95
05 n65.1605w 47
06 n65.1605w 276.73

07 n00.0430e 25.75