

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 28 2024

DEPT. OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
✓ 63-10538	Yes ☐	Yes ☐		Yes ☐	Yes ☐
✓ 63-16980	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: James Nelson

Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Cynthia Fairfax

New owner(s) as listed on the conveyance document

Name connector ☐ and ☐ or

4350 Hill Rd

Mailing address

Boise

City

ID

State

83703

Zip

208-631-4962

Telephone

cfaxrune@gmail.com

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: _____
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
- o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- ☒ Filing fee (see instructions for further explanation):
- o \$25 per undivided water right. x 2
- o \$100 per split water right.
- o No fee is required for pending adjudication claims.
- ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
- ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 63-10538

8. Signature: Cynthia Fairfax 8/28/24

Signature of new owner/claimant

Title, if applicable

Date

Print name

Signature: _____

Signature of new owner/claimant

Title, if applicable

Date

Print name

Received by KH Date 8/28/24 For IDWR Office Use Only: Receipt No. 2118804 Receipt Amt. \$50.00 cash

Active in the Water Supply Bank? Yes ☐ No ☒ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☒

Name on W-9 _____ Approved by _____ Processed by DM Date 9-23-24

When recorded return to:

Judson B. Montgomery
Givens Pursley LLP
601 W. Bannock Street
Boise, Idaho 83702

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, Cynthia A. Fairfax, a single individual ("Grantor"), does hereby grant, bargain, sell, convey and warrant unto Cynthia A. Fairfax, Trustee of the Cynthia A. Fairfax Trust U/A/D October 25, 2022 ("Grantee") whose address is 4350 Hill Road, Boise, Idaho 83703, all of Grantor's right, title, and interest in and to the real property located in Ada County, Idaho, more specifically described on Schedule I attached hereto and incorporated herein ("Property").

TOGETHER WITH all of Grantor's right, title and interest in and to all streets, alleys and rights of way adjacent thereto, all mineral and water rights appurtenant thereto, and all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the Property, as well in law as in equity.

TO HAVE AND TO HOLD the Property with its appurtenances unto Grantee, its successors and assigns, forever.

AND Grantor for itself, its successors, heirs, and assigns does hereby covenant to and with Grantee that Grantor is the owner of the Property in fee simple and that the Property is free from all liens, claims, or encumbrances done, made, or suffered by Grantor, or any person claiming under Grantor, except (a) matters of record, (b) real property taxes and assessments for the current year that are not yet due and payable, and (c) any matters arising from the acts or omissions of Grantee or Grantee's agents. Grantor hereby covenants to and with Grantee and its successors, heirs, and assigns that Grantor shall warrant and defend the same against any other liens, claims, or encumbrances done, made, or suffered by Grantor, or any person claiming under Grantor, but none other.

[Remainder of page intentionally left blank; signature page follows.]

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed effective as of October 25, 2022.

GRANTOR:

Cynthia A. Fairfax 

STATE OF IDAHO)
) ss.
County of Ada)

On this 25th day of October, 2022, before me, a Notary Public in and for said State, personally appeared Cynthia A. Fairfax, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.



Cori Barrera
Notary Public for the State of Idaho
Residing at Boise
My Commission expires: 10/31/2025

SCHEDULE I

Legal Description of Property

A parcel of land lying in the Northwest Quarter and the Northeast Quarter of Section 29, Township 4 North, Range 2 East, Boise Meridian, Boise City, Ada County, Idaho, more particularly described as follows:

PARCEL 1:

COMMENCING at the North Quarter corner of Section 29, Township 4 North, Range 2 East, Boise Meridian, thence
South 89 degrees 09'32" East 43.25 feet along the North line of the Northwest Quarter of the Northeast Quarter of said Section 29 to a point; thence
South 00 degrees 50'28" West 64.20 feet to the REAL POINT OF BEGINNING of this description; thence
South 25 degrees 00'00" East 224.42 feet to a point; thence
South 43 degrees 25'14" West 197.83 feet to a point on the Northerly right of way of Hill Road; thence
North 46 degrees 35'10" West 173.83 feet along said Northerly right of way to a point; thence
North 36 degrees 20'00" 282.55 feet of the REAL POINT OF BEGINNING of this description.

PARCEL 2:

COMMENCING at the North Quarter corner of Section 29 Township 4 North Range 2 East, Boise Meridian, thence
South 89 degrees 09'32" East 43.25 feet along the North line of the Northwest quarter of the Northeast Quarter of said Section 29 to the REAL POINT OF BEGINNING of this description; thence continuing
South 89 degrees 09'32" East 490.85 feet along the North line of the Northwest Quarter of the Northeast Quarter to a point thence
South 17 degrees 32'35" West 346.50 feet to a point; thence
North 29 degrees 14'45" West 99.22 feet to a point; thence
South 32 degrees 08'46" West 385.91 feet to a point on the Northerly right of way of Hill Road; thence
North 46 degrees 34'46" West 61.18 feet along said Northerly right of way to a point; thence
North 32 degrees 08'46" East 202.77 feet to a point; thence
North 47 degrees 00'00" West 140.00 feet to a point; thence
North 25 degrees 00'00" West 224.42 feet to a point; thence
North 00 degrees 50'28" East 64.20 feet to the REAL POINT OF BEGINNING of this description.

PARCEL 3:

COMMENCING at the North Quarter corner of Section 29 Township 4 North Range 2 East, Boise, Meridian, thence

Sout 89 degrees 09'32" East 43.25 feet along the North line of the Northwest quarter of the Northeast Quarter of said Section 29 to a point; thence
South 00 degrees 50'28" West 64.20 feet to a point; thence
South 25 degrees 00'00" East 224.42 feet to the REAL POINT OF BEGINNING of this description; thence
South 47 degrees 00'00" East 140.00 feet to a point; thence
South 32 degrees 08'46" West 202.77 feet to a point on the Northerly right of way of Hill Road; thence
North 46 degrees 34'46" West 157.93 feet along said Northerly right of way to a point; thence
North 46 degrees 35'10" West 21.71 feet along said Northerly right of way to a point; thence
North 43 degrees 25'14" East 197.83 feet to the REAL POINT OF BEGINNING of this description.



STATE OF IDAHO, COUNTY OF ADA, ss.

I, Trent Tripple, Ada County Recorder, do hereby certify that the annexed is a full, true and correct copy of Instrument Number 2023-003316 as it appears in the recorded documents system of the Ada County Recorder, State of Idaho.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal this 28th day of August, 2024

By: _____

C. Fowler - Deputy Recorder

SPECIAL WARRANTY DEED - 4
16341617_1



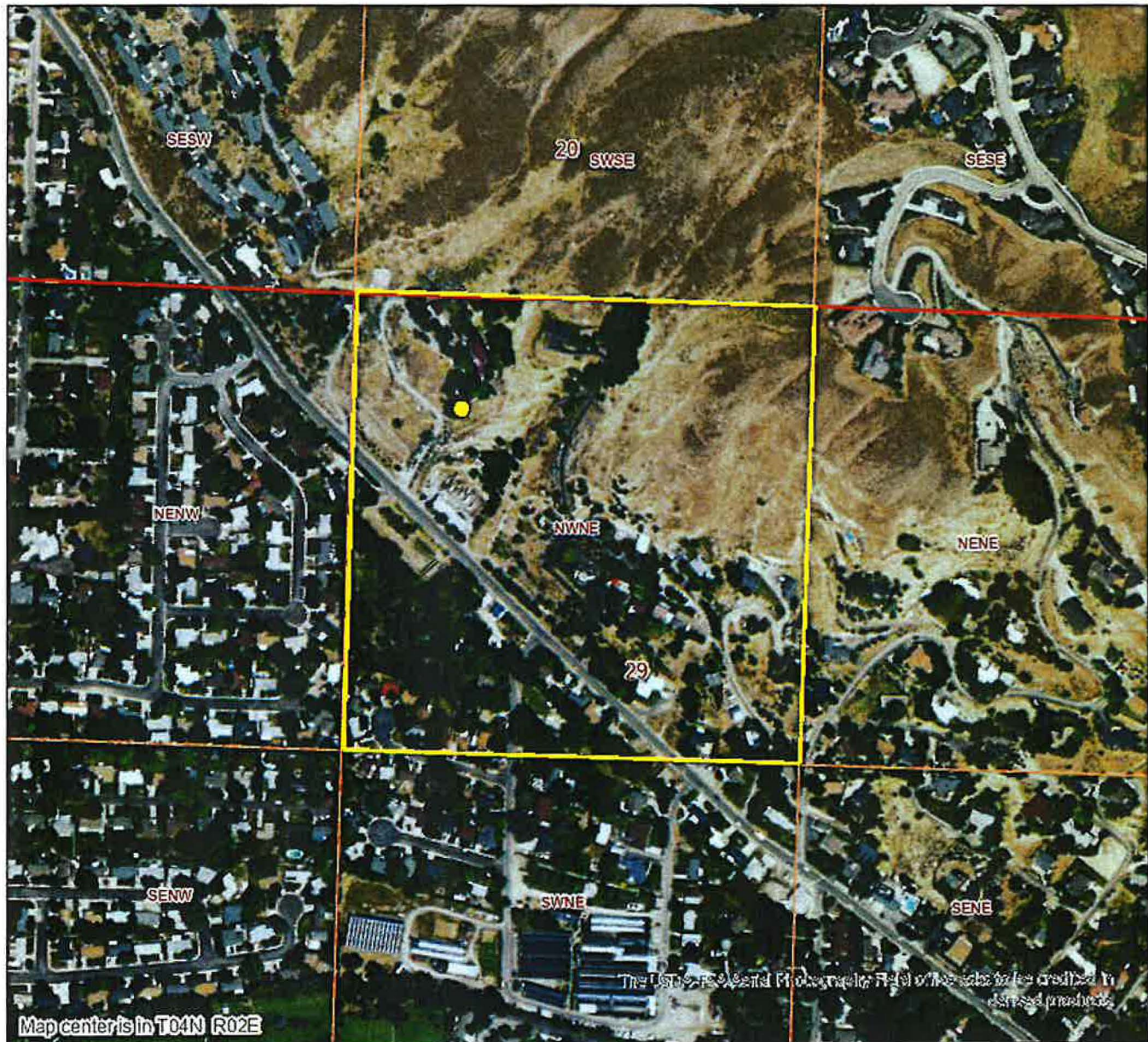
State of Idaho
Department of Water Resources

Water Right

63-10538

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 6/26/2024



Legend

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



Water Right Report : 63-10538(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	NELSON, BARBARA A	4350 HILL RD	BOISE	ID	83703
Current Owner	NELSON, JAMES G	4350 HILL RD	BOISE	ID	83703

Water Right Status

Priority Date : 9/29/1987
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
SPRING		SINKS	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
SPRING	04N	02E	29	0	NW	NW	NE	ADA	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	1/01	12/31	0.02 CFS	0.60 AFA
TOTAL			0.02 CFS	0.60 AFA

Places of Use

Place of Use Legal Description : DOMESTIC (ADA county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
04N	02E	29		NW	NE		

Conditions

Code Conditions

- C18 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.
- N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- PARCEL NO. S0629120705

Dates

Licensed Date :
Decreed Date : 12/30/1999
Permit Proof Due Date : 1/1/1989
Permit Proof Made Date : 1/27/1988
Permit Approved Date : 12/24/1987
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date : 9/29/1987
Protest Deadline Date:

Other Information

State or Federal : S
Water District Number : 63S
Generic Max Rate Per Acre : 0
Generic Max Volume Per Acre : 0
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

4350 W. Hill Rd
63 - 10538
James G Nelson
9/29/1987

ADA COUNTY RECORDING
200 W. Front Street
Room 1207
Boise ID 83702

Receipt #: 841706

Receipt Date: 08/28/2024 04:13 PM

Station: 16

Cashier: CHE FOWLER

Receipt Name:

Comments:

Thank You

Miscellaneous Fees		
# of Standard Copies	4	\$4.00

Receipt Total

\$4.00

CASH

\$4.00

Idaho Department of Water Resources Receipt

Receipt ID: C118804

Payment Amount	\$50.00	Date Received	8/28/2024	Region	STATE
Payment Type	Cash				
Payer	FAIRFAX, CYNTHIA				
Comments	CHANGE OF OWNERSHIP WR # 63-10538, 63-16980 PREVIOUS OWNER'S: JAMES G NELSON NEW OWNERS: CYNTHIA A FAIRFAX				

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	OWNERSHIP CHANGES/SECURITY INTERESTS	56140	0229	21		1155

KM

Signature Line (Department Representative)



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

September 24, 2024

CYNTHIA A FAIRFAX TRUST
4350 W HILL RD
BOISE ID 83703-4037

Re: Change in Ownership for Water Right No(s): **63-10538, 63-16980**

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208)287-4921.

Sincerely,

Debra Mansfield
Technical Records Specialist 1

Enclosure(s)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/23/2024

Water Right 63-10538

Owner Type **Name and Address**
Current Owner CYNTHIA A FAIRFAX TRUST
4350 W HILL RD
BOISE, ID 83703-4037
(208) 631-4962

Original Owner JAMES G NELSON
4350 HILL RD
BOISE, ID 83703
(208) 343-6789

Original Owner BARBARA A NELSON
4350 HILL RD
BOISE, ID 83703
(208) 343-6789

Priority Date: 9/29/1987

Basis: Decreed

Status: Active

Source
SPRING

Tributary
SINKS

Beneficial Use	From	To	Diversion Rate	Volume
DOMESTIC	1/01	12/31	0.020 CFS	0.6 AF
	Total Diversion		0.020 CFS	0.6 AF

Source and Point(s) of Diversion:

SPRING NWNWNE Sec. 29, Twp 04N, Rge 02E, ADA County

Place Of Use:

DOMESTIC within ADA County

NE				NW				SW				SE				Totals			
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	02E	29		X															

Conditions of Approval:

1. C18 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/23/2024

- | | | |
|----|-----|---|
| | | LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. |
| 2. | N13 | THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY. |
| 3. | N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. |
| 4. | | PARCEL NO. S0629120705 |

Dates and Other Information:

Decreed Date: 12/30/1999
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 63S
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/23/2024

Water Right 63-16980

Owner Type **Name and Address**
 Current Owner CYNTHIA A FAIRFAX TRUST
 4350 W HILL RD
 BOISE, ID 83703-4037
 (208) 631-4962

Original Owner BARBARA A NELSON
 4350 HILL RD
 BOISE, ID 83703
 (208) 343-6789

Original Owner JAMES G NELSON
 4350 HILL RD
 BOISE, ID 83703
 (208) 343-6789

Priority Date: 10/20/1980

Basis: Decreed

Status: Active

Source
 GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	1/01	12/31	0.030 CFS	
	<u>Total Diversion</u>		0.030 CFS	

Source and Point(s) of Diversion:

GROUND WATER NWNWNE Sec. 29, Twp 04N, Rge 02E, ADA County

Place Of Use:

DOMESTIC within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02E	29		X															

Conditions of Approval:

1. C18 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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/23/2024

- | | | |
|----|-----|---|
| | | LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. |
| 2. | N13 | THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY. |
| 3. | N11 | THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE. |
| 4. | | PARCEL NO. S0629120750 |

Dates and Other Information:

Decreed Date: 1/10/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 63S
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A