

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

RECEIVED

OCT 10 7 03

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

Department of Water
 Eastern Region

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
	27-10776				
	27-11971				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

NONE

☒ 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)

Judy Broadhead
 P.O. Box 1067 Blackfoot.

4. New Owner/Claimant(s)

SHARON S. or JOHN R. HOGGE
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

2810 RIVER DANCE R.

City, State and ZIP Code

BLACKFOOT ID 83221

New Telephone Number

208-785-6781

5. Date you acquired the property

01-91

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 _____		
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	_____	_____

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)

Harmon A. Hoyle
John R. Hoyle

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

14 October 2003

To File:

The attached certified mail receipt is for the letter Roger Warner sent to Mr. Hoge. Ernie talked with Mr. Hoge but Mr. Hoge did not sign a change in ownership. Roger gave a deadline of 16 October.

Cindy wants to wait until November 14 and if we do not hear from Mr. Hoge, submit the claim in Judy Broadhead's name.

Barbara

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**JOHN OR SHARON HOGE
2810 RIVER RANCH RD
BLACKFOOT ID83221**

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

OCT - 7 2003

C. Signature

X

John R. Hoge

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

XX Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

PS Form 3811, July 1999

7001 2510 0007 6760 3906

Domestic Return Receipt

102595-00-M-0952

WARRANTY DEED

For Value Received LYNN BROADHEAD and JUDY BROADHEAD, husband and wife, the Grantors, do hereby grant, bargain, sell, and convey unto JOHN R. HOGE and SHARON A. HOGE, husband and wife, the Grantees, whose current address is 2810 River Ranch Road, Blackfoot, Idaho the following described premises, to wit:

Part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 3 South, Range 35 E.B.M., Bingham County, Idaho, described as:
Beginning at a point that is N. 88°45'58" E. 2718.09 feet along the East-West centerline of said Section 11 and S. 01°21'49" E. 1374.27 feet and N. 87°08'21" E. 1370.38 feet and S. 01°28'30" E. 17.38 feet to the True Point of Beginning from the W $\frac{1}{4}$ corner of said Section 11, and running thence N. 88°53'03" E. 328.11 feet; thence S. 1°40'22" E. 428.52 feet; thence S. 81°42'42" W. 219.93 feet; thence W. 1°28'30" W. 42 feet; thence S. 81°42'42" W. 112 feet; thence N. 1°28'30" W. 427.95 feet to the point of beginning.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water and water rights, ditch and ditch rights.

SUBJECT TO Reservations in United States Patent, existing and recorded rights-of-way and easements, zoning and building ordinances, and taxes and assessments as prorated between the parties hereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: January 24, 1991

Lynn Broadhead
LYNN BROADHEAD

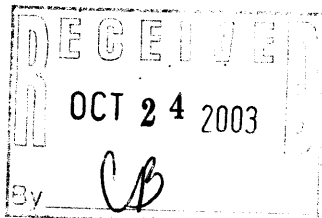
Judy Broadhead
JUDY BROADHEAD

STATE OF IDAHO)
) ss.
COUNTY OF Bingham)

On this 24th day of January, in the year 1991, before me a Notary Public of said State, personally appeared LYNN BROADHEAD and JUDY BROADHEAD, 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.

[Signature]
Notary Public for Idaho
Residing at *[Address]*
Commission Expires: 3-3-92

395561



First American Title Company

FIRST AMERICAN TITLE COMPANY

Return to:
WASHINGTON FEDERAL SAVINGS
 Blackfoot Office
 PO Box 249
 Blackfoot ID 83221
 Attn: JUANITA MONSON

098 200 203877-6

Attn, Dave

John and Sharon Hoge
2810 River Ranch Road
Blackfoot, ID 83221

(208) 785-6781 Fax (208) 785-0789

(Space Above This Line For Recording Date)

DEED OF TRUST

THIS DEED OF TRUST ("Security Instrument") is made on February 6th, 1998

The grantor is

JOHN R. HOGE AND SHARON S. HOGE, HUSBAND AND WIFE

The trustee is FIRST AMERICAN TITLE

("Borrower").

("Trustee"). The beneficiary is WASHINGTON FEDERAL SAVINGS, which is organized and existing under the laws of The United States of America, and whose address is 500 N Capital Ave, Idaho Falls, Idaho 83402

("Lender"). Borrower owes Lender the principal sum of

ONE HUNDRED SIXTY FIVE THOUSAND AND NO/100SDollars (U.S. \$165,000.00)

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 March 1st, 2016

This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions, and modifications; (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 Bingham County, Idaho:

PART OF THE SE1/4SE1/4 OF SECTION 11 TOWNSHIP 3 SOUTH RANGE 35 E B N BINGHAM COUNTY IDAHO DESCRIBED AS BEGINNING AT A POINT THAT IS N 88 DEGREES 45'58" E. 2718.09 FEET ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 11 AND S 01 DEGREES 21'49" E 1374.27 FEET AND N 87 DEGREES 08'21" E 1370.38 FEET AND S 01 DEGREES 28'30" E 17.38 FEET TO THE TRUE POINT OF BEGINNING FROM THE W 1/4 CORNER OF SAID SECTION 11 AND RUNNING THENCE N 88 DEGREES 53'03" E 312.61 FEET THENCE S 1 DEGREES 09'29" E 430.93 FEET THENCE S 81 DEGREES 42'42" W 200.43 FEET THENCE N 1 DEGREES 28'30" W 42 FEET THENCE S 81 DEGREES 42'42" W 112 FEET THENCE N 1 DEGREES 28'30" W 427.95 FEET TO THE POINT OF BEGINNING

COPY

which has the address of 2810 RIVER RANCH ROAD

BLACKFOOTIdaho 83221

("Property Address");

(Zip Code)

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant and convey the property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

Borrower's Initials _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

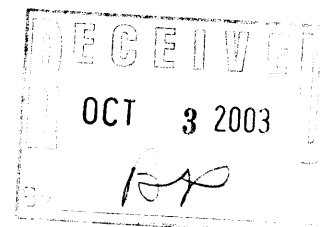
October 1, 2003

CERTIFIED MAIL

Mr. John Hoge
Mrs. Sharon Hoge
2810 River Ranch Road
Blackfoot, ID 83221

Re: Request to Show Cause, water right claim 27-10776.

Dear Mr. and Mrs. Hoge:



It has been brought to our attention that you own the property at the above referenced address and that you purchased said property from a Ms. Judy Broadhead circa 1991. Prior to your purchase, Ms. Broadhead filed for a water right in the Snake River Basin Adjudication (SRBA) for the irrigation of two (2) acres of areas surrounding the residence. Presently, the Idaho Department of Water Resources (IDWR) Adjudication Bureau is performing detailed reviews of claimed water rights in your area, known in the adjudication review as basin 27.

On May 6, 2003, IDWR Adjudication Agent Cindy Bird formally requested evidence of priority from the former owner, Ms. Broadhead. Ms. Broadhead personally visited Ms. Cindy Bird at her office in Soda Springs on June 24, 2003. During that conversation, Ms. Bird explained Idaho statute 42-111 concerning domestic water rights and explained to Ms. Broadhead that there was no legal basis to divert water from the domestic well to irrigated 2 acres of land around the house but that the law allowed to only irrigate up ½ acre of land and not in excess of 13,000 gallons per day. For your convenience, I have included a copy to Statute 42-111.

Agent Cindy Bird further explained two options of which a legal water right might be obtained that might allow for the future legal irrigation of the lands in question. They are:

- File a claim for a portion of water right 27-7290, or
- File an application for permit for irrigation that occurred prior to November 19, 1987.

Following the June 24, 2003 meeting, Ms. Bird indicates that she did not get a response back from Ms. Judy Broadhead or the new owners (presumably you), therefore, she wrote another letter to the owners (again, presumed to be you) on August 25, 2003 reiterating the need for action on the owners part so that she may make an accurate recommendation to the adjudication court. Since this most recent letter, we have still received no response.

Since this time, I also have attempted to phone call you and have left messages to please return my call. As of this writing, I received no such response.

You are therefore requested to show cause on or before October 16, 2003 why a notice of violation of the laws of the state of Idaho should not be issued to you seeking civil penalties and cessation of the use of the domestic well to irrigate lands in excess of ½ acre or in excess of 13,000 gallons per day.

You are welcome to phone me at (208) 525-7161 during regular business hours or return a letter to the address on the letterhead.

Sincerely,

A handwritten signature in black ink that reads "W. Roger Warner". The signature is written in a cursive, flowing style.

W. Roger Warner
Water Rights Supervisor – Eastern Region

Enclosures: Idaho Code 42-111

Cc: Cindy Bird, IDWR – Soda Springs



Idaho Statutes

TITLE 42
IRRIGATION AND DRAINAGE -- WATER
RIGHTS AND RECLAMATION
CHAPTER 1
APPROPRIATION OF WATER -- GENERAL
PROVISIONS

42-111. DOMESTIC PURPOSES DEFINED. (1) For purposes of sections 42-221, 42-227, 42-230, 42-235, 42-237a, 42-242, 42-243 and 42-1401A, Idaho Code, the phrase "domestic purposes" or "domestic uses" means:

(a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or

(b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

(2) For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.

(3) Multiple water rights for domestic uses or domestic purposes, as defined in this section, shall not be established or exercised in a manner to satisfy a single combined water use or purpose that would not itself come within the definition of a domestic use or purpose under this section. The purpose of this limitation is to prohibit the diversion and use of water, under a combination of domestic purposes or domestic uses as defined in this section, to provide a supply of water for a use that does not meet the exemption of section 42-227, Idaho Code, and is required to comply with the mandatory application and permit process for developing a right to the use of water pursuant to chapter 2, title 42, Idaho Code.

The Idaho Code is made available on the Internet by the Idaho Legislature as a public service. This Internet version of the Idaho Code may not be used for commercial purposes, nor may this database be published or repackaged for commercial sale without express written permission.

[Search the Idaho Statutes](#)

Available Reference: [Search Instructions](#).

The Idaho Code is the property of the state of Idaho, and is copyrighted by Idaho law, I.C. § 9-350. According to Idaho law, any person who reproduces or distributes the Idaho Code for commercial purposes in violation of the provisions of this statute shall be deemed to be an infringer of the state of Idaho's copyright.

TELEPHONE & VISITOR LOG

Date: 9/29/03

Time: 11:47 AM

Call ☒ Visit ☐

Name:

Roger Warner
IDWR - I.F.

Address:

Phone No.:

Claim No(s):

27-10076.

=====

RE: NOV or Cease & Desist for Irrigation of 2 acres.

Conversation: Ron Carlson asked Roger Warner what he thought. Roger wanted to know if we are going to chase all 2 acre parcels. No, this one has been filed on in the A.T. So, we have to deal with it any they won't respond to my requests.

Roger will talk to Ron about this.

=====

Action Required:

Bird, Cindy

From: Bird, Cindy
Sent: Wednesday, September 24, 2003 4:30 PM
To: Carlson, Ron
Cc: Carlsen, Ernie
Subject: Illegal irrigation of 2 acres on a domestic well.

hi Ron,

I've been trying to work with these guys in the adjudication process but I haven't gotten a response from them. So I was wondering if you would issue either a Cease and Desist order or a NOV for the irrigation of their 2 acres from the domestic well?

History:

I wrote Judy Broadhead a letter on May 6, 2003 requesting evidence of priority for claim number 27-10776. On June 24, 2003 Judy came into the office for a meeting. She explained that in 1976 they purchased this property, tore down the old house and built a new home in 1977. At that time or shortly after the home was finished they converted 2 acres of sagebrush into lawn and started irrigating it with the domestic well. I explained to Judy that they couldn't irrigate the 2 acres from the domestic well.

Judy sold the property in 1991 to John and Sharon Hoge. I asked her if she represented the property as irrigated? She said she would need to check the contract. Then I asked her what type of irrigation system was installed? She said it is a buried sprinkler system, then you did represent it as irrigated land. I gave Judy a change of ownership form and explained that they would need to file a claim for a piece of the water under 27-7290 or a pre-87 permit so they can continue to irrigate. I've heard nothing from Judy or the new owners. So, I mailed another letter to the new owners August 25th explaining all of this again and I've gotten no response.

I wanted to find out if you would send them a notice of violation or a Cease and Desist order on the irrigation of the two acres under the domestic well (claim 27-10776). Maybe then they will get this taken care of. The legal description is T3S, R35E, section 11 SESE.

Please let me know what action you take.

Thanks,
Cindy

TO: Skip
FROM: Cindy

SUBJECT: Illegally irrigating
2 acres
DATE: 9/24/03

Please visit the new owners and get an ownership change from them on this claim.

They also need to do something about the irrigation of the 2 acres. I requested that they file a claim to claim a portion of 25-7290. & they will need to file a pre-87 application of permit.

* Recommending Domestic only No irrigation

() For your information

☒ Response required

CB
signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

25 August 2003

John & Sharon Hoge
2810 River Ranch Road
Blackfoot, ID 83221

Reference: Snake River Basin Adjudication (SRBA)
Claim Nos. 27-10776 & 27-7290
Subject: Change in Ownership & New Claim
Response Date: September 25, 2003

Dear Claimant(s),

We have been advised that you are the current owner of the property and SRBA Claim referenced above. Before we can modify our records to reflect your ownership of the property, we need Form 42-248/42-1409(6) completed, signed and returned. I have enclosed this form for your convenience.

In the adjudication review process there is no filing fee for the SRBA Claim 27-10776. However, we will need a copy of the plat, survey map or aerial photo with the appropriate area marked and a copy of the warranty deed.

Please be advised that IDWR's recommendation to the Court for the SRBA Claim 27-10776 will be for domestic only. Since the irrigation portion was developed after March 25, 1963, there is no irrigation allowed under this right except for 1/2 acre.

I understand from Judy Broadhead that you own and irrigate 2 acres. To continue irrigating the additional land you need to file an additional claim under 27-7290. You can file the new claim in our Idaho Falls office at 900 North Skyline Drive. Their phone number is 525-7161. There will be a \$50 charge to file the new claim for irrigation. There will not be a charge for the acres because that was paid under the original claim.

Please submit the documentation by response date cited above referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CEB/bjp
Enclosure

Form 42-248/42-1409(6) "Change in Water Right Ownership"
Form 42-1409(2)a1/88 "Notice of Claim to a Water Right"

QUITCLAIM DEED

For Value Received

TED LEROY RAMSDELL and MARLENE J. RAMSDELL, husband and wife,

do hereby convey, release, remise and forever quit claim unto

LYNN BROADHEAD and JUDY BROADHEAD, husband and wife,
P.O. Box 511, Blackfoot, Idaho 83221

the following described premises, to-wit:

A portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, T. 3 S., R. 35 E.B.M. Bingham County Idaho, described as:

Beginning at a point 50 feet S. and 50 feet E. of the NW corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ and running thence S. 40 rods; thence E. 20 rods; thence North 40 rods; thence W. 20 rods, to the point of beginning.

It is the intent of the Grantors to convey all interest that they now have or might hereafter acquire in the above described property.

together with their appurtenances.

Dated: December 28, 1976

Ted L. Ramsdell
Marlene J. Ramsdell

STATE OF IDAHO, COUNTY OF *Blaine*
On this *31st* day of *December* 1976
before me, a notary public in and for said State, personally appeared

TED LEROY RAMSDELL and MARLENE J. RAMSDELL
husband and wife,

known to me to be the persons who se names
are subscribed to the within instrument, and acknowl-
edged to me that they executed
the same.

Notary Public
Residing at *Blackfoot*, Idaho
Comm. Expires

RECORDING DATA:

22015

NO
DI
CRA

1.00
RE