

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 37-21699
Date Received: 8/25/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

AME D VAUGHAN PITT Phone: (310) 745-3647
12215 EVERGLADE ST
LOS ANGELES CA 90066

2. Date of Priority: 06/12/1886

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	36	NE SW NW	BLAINE	

5. Description of diverting works:

VIA DISTRICT CANAL TO DITCHES TO LANDS IRRIGATED.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.008	

7. Total Quantity Appropriated is:
0.008 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
01N	19E	7	SW	SE	IRRIGATION	8.1
					Section Acres	8.1
					Total Acres	8.1

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 37-20876.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-20780.

This right is a split from former right 37-21556.

Property is also known as Lot 2, Lookout Circle Subdivision.

15. Basis of Claim: Decreed

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.

RECEIVED
SEP 29 2005

Department of Water Resources
 Southern 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
_____	<u>37-21512</u>	<u>x</u>	_____	<u>37-21567</u>	<u>x</u>
_____	<u>37-21523</u>	<u>x</u>	_____	_____	_____
_____	<u>37-21534</u>	<u>x</u>	_____	_____	_____
_____	<u>37-21556</u>	<u>x</u>	_____	_____	_____
_____	<u>37-21545</u>	<u>x</u>	_____	_____	_____

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) Bellevue Farms Homeowner Assn.
P.O. Box 774, Bellevue, ID 83313
4. New Owner/Claimant(s) Ame D. Vaughan-Pitt
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 12215 Evergladde St.
- City, State and ZIP Code Los Angeles, CA 90066
- New Telephone Number (310) 745-3647
5. Date you acquired the property May 14, 2003

Form 42-34843-1 (Rev. 8) July, 2000

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>Proportional split per IDWR</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	_____	_____
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)

Russ D. Frazier - Pitt

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 _____

K26452

QUITCLAIM DEED

For Value Received Tanner Development and Construction, LLC, a Utah limited liability company

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

Ame D. Vaughan-Pitt, a married woman, as her sole and separate property

whose address is: 12215 Everglade Street, Los Angeles, CA 90066

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Lot 2 of LOOKOUT CIRCLE SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 424029, records of Blaine County, Idaho.

Together with the following Water Rights

1. District 45 canal:

Inches	Priority
6.32	3/24/83
.375	7/10/84
3.75	9/18/85
.375	6/12/86
8.75	6/15/91
.75	6/18/91

Instrument # 484499

HAILEY, BLAINE, IDAHO

2003-05-27 03:48:00 No. of Pages: 1

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTYG/CORP DEED

2. Well located on Bellevue Farms Subdivision and approved for domestic and irrigation use by the Department of Water Resources.

Dated: May 14, 2003

Tanner Development and Construction, LLC

BY: John J. Tanner, Member

STATE OF Idaho)

)ss.

COUNTY OF Blaine)

On this 27th day of May, in the year of 2003, before me, the undersigned, personally appeared John J. Tanner, known or identified to me (or proved to me), to be the member of the limited liability company that executed this instrument or the person who executed the instrument on behalf of the said limited liability company and acknowledged to me that such limited liability company executed the same.

Nancy A. Woldberg
Notary Public of Idaho
Residing at: Buttefield
Commission Expires: 9-7-05

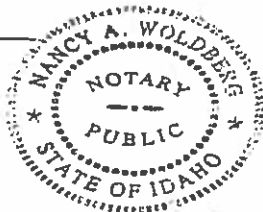


EXHIBIT “A”

Plan Showing LOOKOUT CIRCLE SUBDIVISION

Replat of
Lot 13A, Block 4 of BELLEVUE FARMS SUBDIVISION
Located in Section 7, T.1N., R.19E., B.M.
Blaine County, Idaho
FEBRUARY 1999



NOTES

- 1) All utilities shall be underground.
- 2) Individual lot owners are responsible for control of noxious weeds as per state regulations. Mowing and manual removal are recommended.
- 3) This property is subject to the covenants, conditions and restrictions of Bellevue Farms Subdivision, Instrument #208108, records of Blaine County, Idaho.
- 4) All structures shall be required to conform with requirements set forth by the Uniform Fire Code 1997 and Blaine County Fire Protection Ordinance. The Wood River Fire Protection District reserves the right to increase or decrease fire protection requirements for all structures if the fire official determines greater or lesser hazards may exist.
- 5) One (1) single common fire protection water supply meeting Fire Protection Standards for quantity, access, etc. shall serve all lots platted here on.
- 6) Water rights shall be allocated to each lot as follows: 2% of the total Bellevue Farms water per each five acres of land.
- 7) All structures shall be located within the designated building envelope.
- 8) The purchaser or owner of this lot or parcel understands and agrees that private road construction, maintenance, and snow removal shall be the obligation of the owner, his successors in interest, or homeowners' association, and that Blaine County is in no way obligated to accept, maintain or improve these roads until the roads are brought up to county standards, dedicated, and accepted by the county, and that each owner shall notify in writing any successor in interest of these facts.
- 9) All domestic wells in this subdivision shall be metered.
- 10) State law (§42-111) limits domestic irrigation to one-half acre of land, if the total domestic use is not in excess of FIFTY thousand gallons per day.
- 11) The access easement to Lot 13B is not adequate for residential or other development due to width and limitations as to use (See recorded instrument #371848).
- 12) Not more than (50%) of the area of each parcel may be enclosed with fencing that exceeds the standards of the Idaho Fencing and Gate Law for the purpose of closing movement of cattle. The Fencing and Gate standards include a maximum top rail height 42 inches and minimum bottom rail height of 18 inches post and rail design is recommended.
- 13) A 10 foot public utility easement is centered on all interior and adjacent to all exterior lot lines.
- 14) Access to the lots in this subdivision is from private roadways: Equus Drive and/or Essey Loop which are not maintained and will not be upgraded by the county.
- 15) Blaine County School District bus routes do not include Cheval Circle and/or Essey Drive. School children may need to be transported to the nearest school bus stop on Garrett or East Goshute Road.
- 16) The lots on this Plat are subject to restrictions concerning the location of wells and septic systems. No building permits will be issued without the consent of the Health Department and compliance with these restrictions.

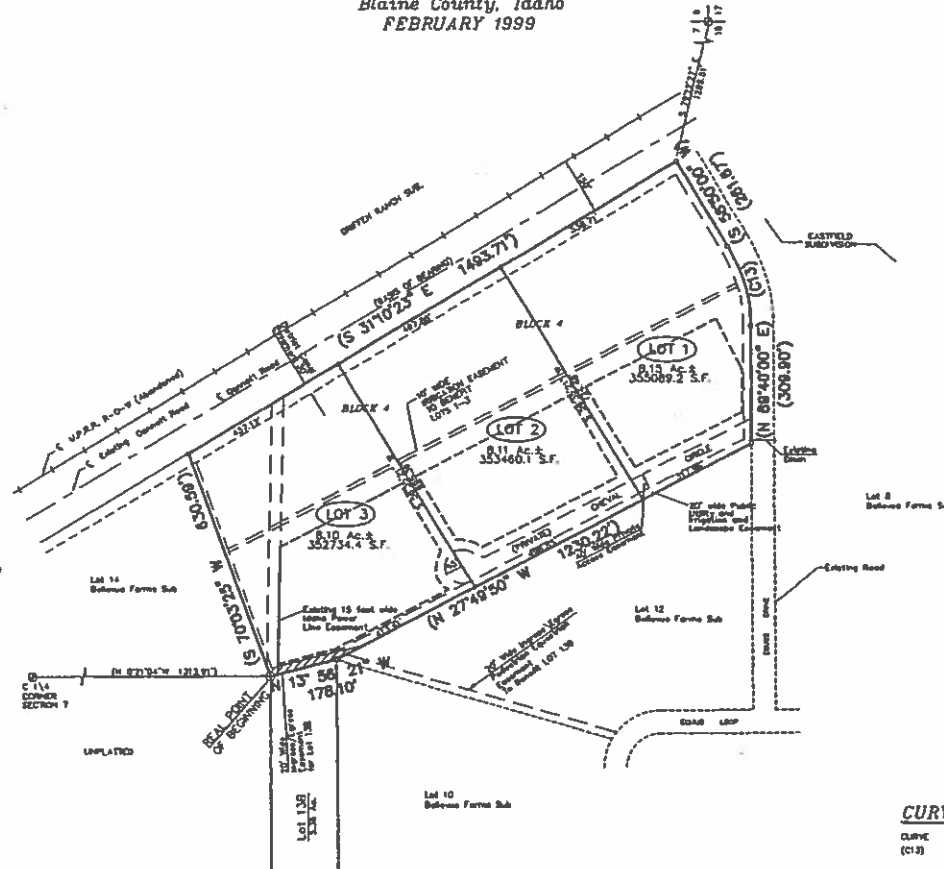
HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code Title 50, Chapter 13, have been satisfied. Sanitary restrictions may be reimposed, in accordance with Idaho Code Title 50, Chapter 13, Section 50-1326, by the issuance of a certificate of disapproval.

Date: 2-5-99
Robert L. Enichen
South Central District Health Dept., ENS

LEGEND

- ⊙ Set Monument Cap
- ⊙ Found Brass Cap
- ⊙ Found 1 1/2" Rebar
- ⊙ Found 3/8" Rebar
- ⊙ Set 1 1/2" Rebar
- ⊙ Set 3/8" Rebar
- () Record and Record/Grand Date
- Property Boundary
- - - - - Building Envelope



*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington*



Travis L. Thompson
tlth@idahowaters.com

113 Main Ave. W., Suite 303
P.O. Box 485
Twin Falls, ID 83303-485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

205 N. Tenth St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

September 28, 2005

Ms. Trish Fawcett
Idaho Department of Water Resources
Southern Region
1341 Fillmore St., Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
SEP 29 2005
Department of Water Resources
Southern Region

Re: Notice of Change of Water Right Ownership – Ame D. Vaughan-Pitt

Dear Trish:

Please find enclosed a completed *Notice of Change of Water Right Ownership* form for my client Ame D. Vaughan-Pitt. The change in ownership involves a split of the water rights for the Bellevue Farms property and Ms. Vaughan-Pitt's individual lot. The split is necessary because the homeowners association is no longer pursuing the claims in the Snake River Basin Adjudication (SRBA). The split will not change any of the other elements of the water rights.

As discussed, I understand there is no fee associated with this change since the claims are still pending in the SRBA and have not yet been decreed by the Court. Also, would you please copy me with the Director's recommendations for these claims, along with the recommendations for Andrew Pitt's claims (37-21510, 37-21522, 37-21533, 37-21544, 37-21555, 37-21566).

Thank you for your attention to these matters and please call me at (208) 733-0700 if you have any questions.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to be "T. L. Thompson".

Travis L. Thompson

cc: Ame D. Vaughan-Pitt



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 31, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

AME VAUGHAN PITT
ANDREW PITT
12215 EVERGLADE ST
LOS ANGELES CA 90066

RE: Bellevue Farms Subdivision water rights

Dear Claimants:

Pursuant to the notification that you own a lot in Bellevue Farms Subdivision, the department has split the Subdivision's claims. Computer-generated copies of your portion of these claims are enclosed. Please review these documents and should you have any questions or corrections, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.

cc: Travis Thompson
Barker Rosholt & Simpson
PO Box 485
Twin Falls ID 83303

11/28/2006

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

RIGHT NUMBER: 37-21699

NAME AND ADDRESS: AME D VAUGHAN PITT
12215 EVERGLADE ST
LOS ANGELES CA 90066

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.008 CFS

PRIORITY DATE: 06/12/1886

POINT OF DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.008 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S07 SWSE 8.10

8.1 ACRES TOTAL

Right Nos. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708 are limited to the irrigation of a combined total of 8.1 acres in a single irrigation season.

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

Point of diversion described above is the headgate for District 45 canal.

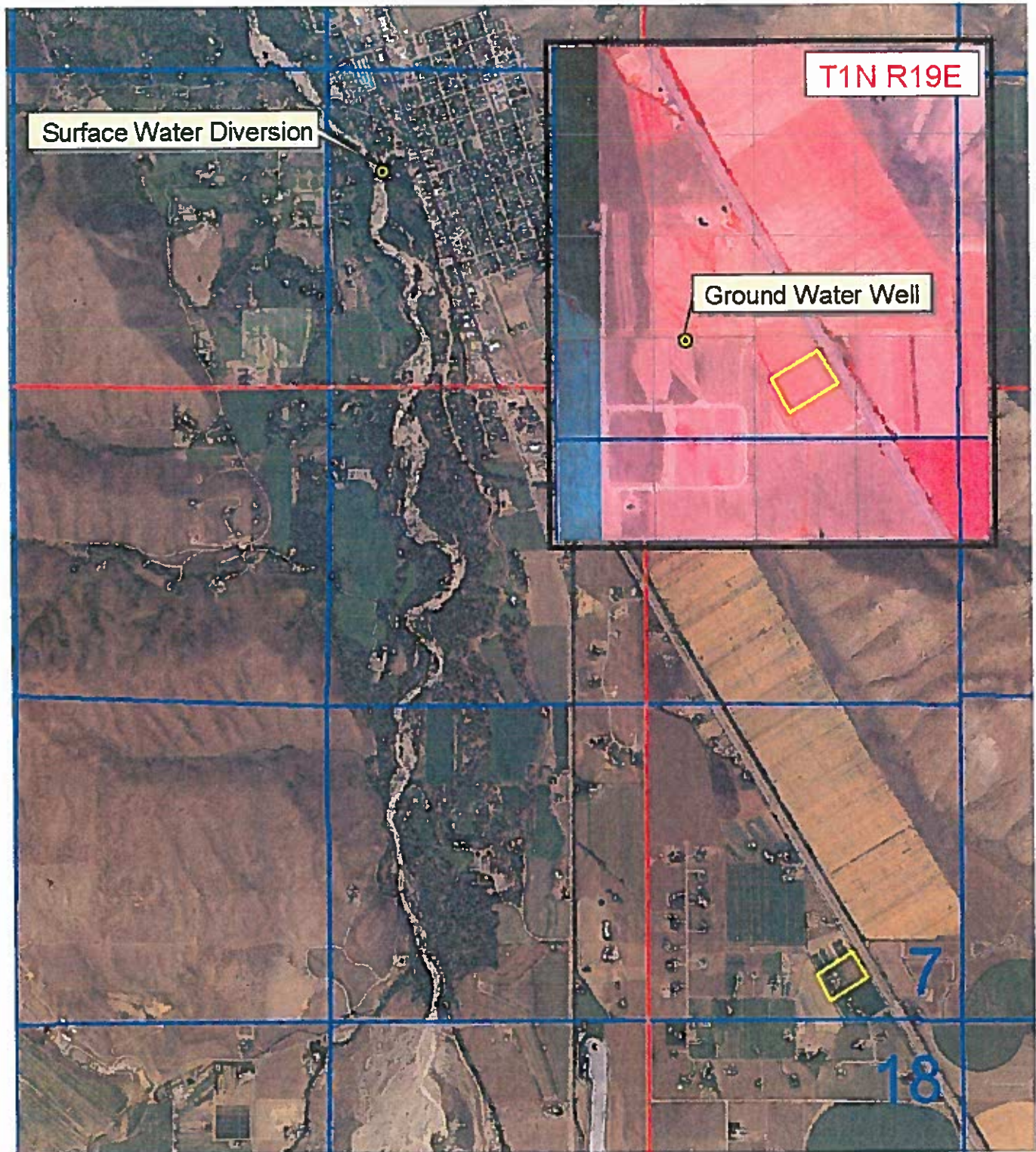
This right is a split from former right 37-666.

Property is also known as Lot 2, Lookout Circle Subdivision.

IDAHO DEPARTMENT OF WATER RESOURCES

Surface Water Rights: 37-21672, 37-21681, 37-21690,
37-21699, 37-21708

Ground Water Right: 37-21665



1320 0 1320 Feet

-  Section Lines
-  Quarter/Quarter Lines
-  Place of Use
-  Point(s) of Diversion



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 1987 NAPP
DATA ENTRY: 11/29/2008
TARA D BAKER

37-21665. Brian Smith

21672-21681-21690-21699-21705

Had order to Show Cause.

Original claimants "Pitt" foreclosed on.

Nick.

Smith's will accept standard "1" to an acre.

Travis Thompson - issue of Ownership/foreclosure
(Now a Non issue)

next Status conf

Feb. 16 @ 11:30

Barker - Hobby No Shows

SMRR - 3-3-11

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, May 12, 2010 10:17 AM
To: Kelly, Vicki; Spencer, Nick
Subject: 37-21665 Ame D Vaughn Pitt group SF-5s

Follow Up Flag: Follow up
Flag Status: Flagged

*Chg owner
10-21-10
Brian Smith*

Attached are the sf-5s or the language to submit to the court for the show cause order (whatever).

This is the same language I used for the Bloomfield gp (37-21509 etal). I have sent this group to Vicki's action.

We may want to set on this until the Bloomfield gp gets routed through Barker, Hobdey, and Bloomfield to see if they have any problems with the language. You can make the call.

The second Pitt group will follow later.



37-21665 Pitt gp 2 SF-5 2003.d... 37-21708 Pitt gp 2 SF-5 2003.d... 37-21699 Pitt gp 2 SF-5 2003.d... 37-21690 Pitt gp 2 SF-5 2003.d... 37-21681 Pitt gp 2 SF-5 2003.d... 37-21672 Pitt gp 2 SF-5 2003.d...

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

*Att issue as of
1-24-11*

**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

Case No. 39576

Subcase No.: 37-21699

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

OBJECTOR:

James P. Speck _____ Date
Attorney for Brian L. Smith &
Diane Steffey-Smith

Craig D. Hobdey _____ Date
Attorney for Big Wood Canal Company

IDWR CONCURRENCE:

Kelly K. Christensen 2-4-11
Kelly K. Christensen _____ Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer _____ Date
Deputy Attorney General
Attorney for IDWR

05/12/2010

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

RIGHT NUMBER: 37-21699

NAME AND ADDRESS: BRIAN L SMITH
PO BOX 5326
KETCHUM ID 83340

DIANE STEFFEY-SMITH
PO BOX 5326
KETCHUM ID 83340

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.008 CFS

KKC

The rights listed below shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use. Combined Right Nos. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708.

PRIORITY DATE: 06/12/1886

POINT OF
DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.008 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S07 SWSE 8.10

8.1 ACRES TOTAL

Right Nos. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708 are limited to the irrigation of a combined total of 8.1 acres in a single irrigation season.

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

Point of diversion described above is the headgate for District 45 canal.

This right is a split from former right 37-666.

Property is also known as Lot 2, Lookout Circle Subdivision.

05/12/2010

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

RIGHT NUMBER: 37-21699

NAME AND ADDRESS: AME D VAUGHAN PITT
12215 EVERGLADE ST
LOS ANGELES CA 90066

SF-5

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.008 CFS

The rights listed below shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands in the place of use. Combined Right Nos. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708.

PRIORITY DATE: 06/12/1886

POINT OF
DIVERSION:

T02N R18E S36 NESWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.008 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S07 SWSE 8.10

8.1 ACRES TOTAL

Right Nos. 37-21665, 37-21672, 37-21681, 37-21690, 37-21699 and 37-21708 are limited to the irrigation of a combined total of 8.1 acres in a single irrigation season.

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