

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 37-21616
Date Received: 11/30/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FRANCIS LIVINGSTON Phone: (208)788-1532
110 ELDERBERRY LN
BELLEVUE ID 83313

SUE ROTHER Phone: (208)788-1532
110 ELDERBERRY LN
BELLEVUE ID 83313

2. Date of Priority: 07/01/1887

3. Source: BROADFORD SLOUGH Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	35	NE NE	BLAINE	

5. Description of diverting works:

POLO #40A HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	0.16	
STOCKWATER	01/01	12/31	0.16	

7. Total Quantity Appropriated is:
0.16 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	18E	35	NE	NE	IRRIGATION	3.3
			NE	NE	STOCKWATER	
					Section Acres	3.3
					Total Acres	3.3

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

This right is a split from former right 37-21436 .

15. Basis of Claim: Decreed



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 30, 2005

FRANCIS LIVINGSTON AND SUE ROTHER
110 ELDERBERRY LN
BELLEVUE ID 83313

RE: SRBA Claim #37-21436

Dear Claimants:

Thank you for contacting me about your water right claim. The department has split water right #37-21436 into two parts, giving you a separate claim based on the quitclaim deed with the Broadford Polo Homeowners Association. Your portion has been numbered #37-21616. Enclosed please find your copy of the claim. Review this document and should you have any questions or corrections, please contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Carrie Hahn', is written over a light blue horizontal line.

Carrie Hahn
Clerk
enc.

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 37-21436
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

CAROL BASHISTA Phone: (208)788-3160
PO BOX 1660
HAILEY ID 83333

FRANK BASHISTA Phone: (208)788-3160
PO BOX 1660
HAILEY ID 83333

SUE ROTHER Phone: (208)788-1532
110 ELDERBERRY LN
BELLEVUE ID 83313

FRANCIS LIVINGSTON Phone: (208)788-1532
110 ELDERBERRY LN
BELLEVUE ID 83313

RODNEY KEGLEY Phone: (208)726-4242
C/O ROGER E CRIST
PO BOX 2326
KETCHUM ID 83340

JAMES MC ELVEEN Phone: (208)726-4242
C/O ROGER E CRIST
PO BOX 2326
KETCHUM ID 83340

ROBERT F BOUTTIER Phone: (208)726-4242
C/O ROGER E CRIST ATTORNEY
PO BOX 2326
KETCHUM ID 83340

PETER B ALLEN Phone: (208)726-4242
C/O ROGER E CRIST
PO BOX 2326
KETCHUM ID 83340

MICHAEL BADELL Phone: (208)726-4242
C/O ROGER E CRIST
PO BOX 2326
KETCHUM ID 83340

2. Date of Priority: 07/01/1887

3. Source: BROADFORD SLOUGH Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	18E	35	NE NE	BLAINE	

5. Description of diverting works:

POLO #40A HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	1.73	
STOCKWATER	01/01	12/31	1.73	

7. Total Quantity Appropriated is:
1.73 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	18E	35	NE NE	IRRIGATION	15
			SE NE	IRRIGATION	27
			NE NE	STOCKWATER	
			SE NE	STOCKWATER	
				Section Acres	42
				Total Acres	42

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.

A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

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
NOV 17 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, 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
37-21436					

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) are 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) VERNA R. HARRAH
4. New Owner/Claimant(s) 9951 BEVERLY GROVE BEVERLY HILLS, CA. 90210
FRANCIS LIVINGSTON & SUE ROTHER
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 110 ELDERBERRY LN.
- City, State and ZIP Code BELLEVUE, ID. 83313
- New Telephone Number (208) 788-1532
5. Date you acquired the property ~~12-20-94~~ 12-02-94

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)

Joe Rothley

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 OnlyReceived by NTDate 11/21/05Fee 25.00 no fee dueReceipted by NTDate 11/21/05Receipt No. 3028176 WD159 11/22/05

Processed by _____ AJ

Date _____

WR _____ Date _____

Order No. 20500

WARRANTY DEED

FOR VALUE RECEIVED

Verna R. Harrah, As Trustee Of The Verna R. Harrah Trust Dated September 5, 1986

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Francis Livingston, an unmarried man as to an undivided 1/2 Interest and Sue Rother, an unmarried woman as to an undivided 1/2 Interest

GRANTEE(s) whose address is: 6230 East Surrey Drive, Cave Creek, AZ 85331

the following described real property in Blaine County, Idaho, to wit:

Lots 1 & 2 in Block 3 of BROADFORD POLO SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 266544, records of Blaine County, Idaho.

Subject To: Taxes, easements, restrictions and encumbrances of record.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 30, 1994

Verna R. Harrah, Trustee
Verna R. Harrah, Trustee

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA

County of LOS ANGELES

On 11/30/94 before me, ROLANDO P. RAMIREZ

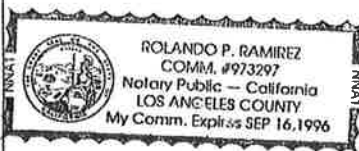
DATE

NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared VERNA R. HARRAH

NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☒ proved to me on the basis of satisfactory evidence to be the person (s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

SIGNATURE OF NOTARY

OPTIONAL SECTION

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

TITLE OR TYPE OF DOCUMENT

WARRANTY DEED

NUMBER OF PAGES 9 DATE OF DOCUMENT NOVEMBER 29, 1994

SIGNER(S) OTHER THAN NAMED ABOVE NONE

OPTIONAL SECTION

CAPACITY CLAIMED BY SIGNER

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

☐ INDIVIDUAL
☐ CORPORATE OFFICER(S)

TITLE(S)

☐ PARTNER(S) ☐ LIMITED
☐ GENERAL

☐ ATTORNEY-IN-FACT
☒ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)
THE VERN R. HARRAH TRUST

DATED SEPTEMBER 5, 1986

Order No. 20500

WARRANTY DEED

FOR VALUE RECEIVED

Verna R. Harrah, As Trustee Of The Verna R. Harrah Trust Dated September 5, 1986

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

Francis Livingston, an unmarried man as to an undivided 1/2 interest and Sue Rother, an unmarried woman as to an undivided 1/2 interest

GRANTEE(s) whose address is: **6230 East Surrey Drive, Cave Creek, AZ 85331**

the following described real property in Blaine County, Idaho, to wit:

Lots 1 & 2 in Block 3 of BROADFORD POLO SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 266544, records of Blaine County, Idaho.

Subject To: Taxes, easements, restrictions and encumbrances of record.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: **November 30, 1994**

Verna R. Harrah, Trustee

J:\escrow\forms\wd

READ AND APPROVED

READ AND APPROVED

Sue Rother

QUITCLAIM DEED

FOR VALUE RECEIVED, **BROADFORD POLO SUBDIVISION BLOCK 3 HOMEOWNERS ASSOCIATION, INC.**, hereinafter referred to as "Grantor", does hereby convey, release, remise and forever quitclaim unto **FRANCIS LIVINGSTON and SUE ROTHER**, hereinafter referred to as "Grantees", whose address is 110 Elderberry Lane, Bellevue, Idaho, 83313, all of its right, title and interest in and to **8.20 miners inches** of the following State of Idaho water right as claimed in the Snake River Basin Adjudication, to-wit:

Idaho Department of Water Resource No. 37-0687

To have and to hold the said premises and their appurtenances unto the said Grantees, their successors and assigns, forever.

DATED this 15 day of APRIL, 2003.

"GRANTOR"

**BROADFORD POLO SUBDIVISION BLOCK 3
HOMEOWNERS ASSOCIATION, INC.**

By: Sue Rother
SUE ROTHER, President

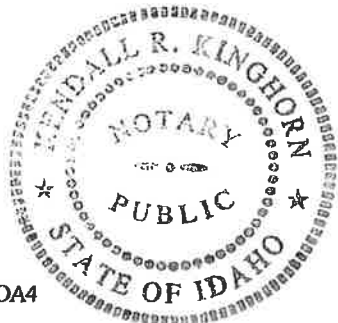
STATE OF IDAHO)

ss.

County of Blaine)

On this 15th day of April, 2003, before me, a Notary Public for the State of Idaho, personally appeared Sue Rother, known or identified to me, to be the President of Broadford Polo Subdivision Block 3 Homeowners Association, Inc., and the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.



Wendall R. Kinghorn
NOTARY PUBLIC FOR IDAHO
Residing at Har, OR
My commission expires 6-23-04

lr/w/realst/qcd water HOA4

$$1'' = 200' - 0''$$



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 23, 2005

SUE ROTHER AND FRANCIS LIVINGSTON
110 ELDERBERRY LN
BELLEVUE ID 83313

RE: SRBA Claim Nos. #37-21436

Dear Claimants,

The Department has received the *Notice of Change of Water Right Ownership* you recently submitted referenced above. Since this claim has not been decreed in the Snake River Basin Adjudication, no fees are due at this time. I am herein returning Francis Livingston's check # 1914 for twenty-five dollars (\$25.00)

We have changed the record of current ownership. Please find the enclosed copy of the computer record of the water right noting the change in owners. Review this record and if there is an error, or you have any questions, please contact this office.

Should you have any questions please call me at (208) 736-3033.

Sincerely,

Carrie Hahn
Clerk

Enc.