



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 1, 2018

ELIZABETH ANNE MASSEY REVOCABLE TRUST
PO BOX 2696
HAILEY, ID 83333-2696

DAVID & DEBRA TOWN
5 QUIGLEY LN
HAILEY, ID 83333

RE: Ownership of Rights 37-23014 & 37-23015 Based on Portions of Right 37-22119

Dear Lot Owners:

During the summer of 2016, you submitted Notices of Change in Water Right Ownership involving portions of water right 37-22119. These notices related to property you own, in particular lots 4 and 8 within Marvin Gardens #1 Subdivision, and portions of right 37-22119 identified as rights 37-23014 and 37-23015. A recent review of these ownership changes and various supporting documents indicates that these ownership changes were processed in error and that the records of the Department should identify Thomas D & Louise Hickey as the current owners of water rights 37-23014 and 37-23015.

Right 37-22119 was decreed in the Snake River Basin Adjudication in the names of Thomas D & Louise Hickey in 2010. Neither of your Notices of Change in Water Right Ownership included any post-decree conveyance documents from the Hickeys. Furthermore, it appears that the Hickeys obtained ownership of the rights appurtenant to Lots 4 and 8 within Marvin Gardens #1 Subdivision, independent of the property, years ago.

- In 1988, Lot 8 was conveyed from James W. & Evelyn Phillips and James & Alice Rosenfeld to David & Debra Town via a Warranty Deed that indicated "*exclusive of all water and ditch rights which shall be retained by the Sellers*".
- Also in 1988, Lot 4 was conveyed from James & Evelyn Phillips and James & Alice K. Rosenfeld to Thomas A. Pyle via a Warranty Deed that indicated "**NO WATER RIGHTS OR DITCH RIGHTS SHALL BE CONVEYED WITH THE TRANSFER OF THE ABOVE DESCRIBED PROPERTY**".
- In 1999, James & Alice K. Rosenfeld and James & Evelyn Phillips conveyed the water rights appurtenant to Lots 4 and 8 to Thomas & Louise Hickey via a Quit Claim Deed.

I have included copies of these deeds for your reference.

IDWR has updated our water right records to reflect Thomas D & Louise Hickey as the current owners of rights 37-23014 and 37-23015.

If you have any questions, contact me at your convenience.

Sincerely,

Corey Skinner, PE
IDWR Southern Region Manager

Enclosures

cc: Thomas D & Louise Hickey – w/o enclosures
Fritz Haemmerle – w/o enclosures
Water District 37 – w/o enclosures



BCT #1776

This form furnished by
Blaine County Title, Inc.

WARRANTY DEED

For Value Received

JAMES PHILLIPS and EVELYN PHILLIPS, husband and wife and JAMES ROSENFELD and ALICE K. ROSENFELD, husband and wife

the Grantor hereby grants, bargains, sells, conveys and warrants unto

THOMAS A. PYLE, an unmarried man

the Grantee whose current address is: P.O. Box 94, Ketchum, Idaho 83340

the following described premises, to-wit:

→ Lot 4 in Block 1 of A REPLAT OF LOTS 4 AND 5, MARVIN GARDENS NO. 1 SUBDIVISION, Blaine County, Idaho, according to the official plat thereof, recorded 44-2-22 2-18-1988, as Instrument No. 200325-27, records of Blaine County, Idaho.

NO WATER RIGHTS OR DITCH RIGHTS SHALL BE CONVEYED WITH THE TRANSFER OF THE ABOVE DESCRIBED PROPERTY. NO FURTHER SUBDIVIDING OF THE ABOVE DESCRIBED PROPERTY.

SCANNED

NOV 02 2015

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all incumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: March 17, 1988

James Phillips by Evelyn Phillips
JAMES PHILLIPS BY EVELYN PHILLIPS,
HIS ATTORNEY IN FACT
Evelyn Phillips
EVELYN PHILLIPS

James Rosenfeld
JAMES ROSENFELD
Alice K. Rosenfeld
ALICE K. ROSENFELD

STATE OF IDAHO COUNTY OF IDAHO
On this 15 day of MARCH, 1988,
before me, a Notary Public in and for said State, personally appeared

EVELYN PHILLIPS

Identified to me on the basis of satisfactory evidence or shows to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same

William M. Adams

STATE OF IDAHO COUNTY OF
I HEREBY CERTIFY That the instrument was filed for record at the request of

in the office and on record of the
of Mortgage & Pay

E

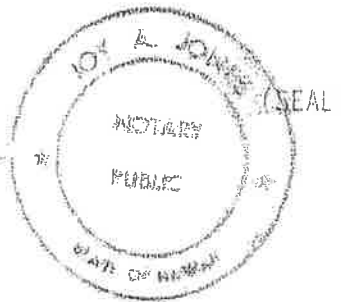
STATE OF HAWAII

COUNTY OF Hawaii

* On this 22nd day of MARCH, 19 88, before me,
the undersigned, a Notary Public, in and for said State, personally
appeared JAMES ROSENFELD and ALICE K. ROSENFELD, husband and wife

known to me and/or identified to me on the basis of satisfactory
evidence to be the person(s) whose name is/are subscribed to the
within instrument and acknowledged to me that they executed
the same.

[Signature]
NOTARY PUBLIC
Residing at: Hailua Kona, Hawaii
Commission Expires: 1/28/89



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HAWAII COUNTY
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INDIVIDUAL NOTARY ACKNOWLEDGEMENT

SCANNED
NOV 02 2015

QUIT CLAIM DEED
(Water Rights)

FOR VALUE RECEIVED, James Rosenfeld and Alice K. Rosenfeld of Honaunau, Hawaii, and James Phillips and Evelyn Phillips, husband and wife, of Hailey, Idaho do hereby convey, release, remise and forever quit claim unto Thomas Hickey and Louise Hickey ("Grantees") of Hailey, Idaho, whose mailing address is P.O. Box 2312, Sun Valley, Idaho 83353, all right, title and interest in and to the water rights, including, without limitation, the March 24, 1883, the water rights decreed to W.T. Riley in Frost V. Alturas Water Co. deeded by Emma K. Donovan and J.J. Donovan to Gus Johnson December 5, 1927, at Book 128, page 63, records of Blaine County, Idaho, and ditch rights appurtenant to or used on or with regard to certain real property situate in Blaine County, Idaho, more particularly described as follows:

→ Lot 4, Block 1, and Lot 8, Block 1, A Replat of Lots 4 and 5 Marvin Gardens Subdivision No. 1, Blaine County, Idaho, according to the plat thereof on file as Instrument No 283527, records of Blaine County, Idaho.

These water rights were filed on by Robert and Fern Young as SRBA Claim # A37-05577CE, and a Notice of Change of Water Right Ownership to the above named Grantees has been previously filed by the Youngs.

DATED this 30th day of April, 1999.

James Rosenfeld
James Rosenfeld

Alice K. Rosenfeld
Alice K. Rosenfeld

James W. Phillips
James W. Phillips

Evelyn B. Phillips
Evelyn B. Phillips

SCANNED
6/4/2015

EXHIBIT C

STATE OF Hawaii,)
County of Hawaii) ss.

On this 30th day of April, 1999, before me, a Notary Public in and for said State, personally appeared James Rosenfeld, a divorced man, known to me to be the person who name is subscribed to the within instrument, and acknowledged to me that he executed the same.

S. P. Gacayan S.P. GACAYAN
NOTARY PUBLIC for 3rd Judicial Court
Residing at Kamuela, HI
Commission expires 12-7-99

L.S.

STATE OF Hawaii,)
County of Hawaii) ss.

On this 30th day of April, 1999, before me, a Notary Public in and for said State, personally appeared Alice K. Rosenfeld, a divorced woman, known to me to be the person who name is subscribed to the within instrument, and acknowledged to me that she executed the same.

S. P. Gacayan S.P. GACAYAN
NOTARY PUBLIC for 3rd Judicial Court
Residing at Kamuela, HI
Commission expires 12-7-99

L.S.

STATE OF IDAHO,)
County of Blaine) ss.

On this 20th day of April, 1999, before me, a Notary Public in and for said State, personally appeared James W. Phillips and Evelyn B. Phillips, husband and wife, known to me to be the persons who name are subscribed to the within instrument, and acknowledged to me that they executed the same.



Jane A. Creviston
NOTARY PUBLIC for IDAHO
Residing at Hailey
Commission expires 3-22-2005

30ANNED

10/02/2015

WARRANTY DEED

GRANTORS, James W. Phillips and Evelyn B. Phillips, husband and wife, and James Rosenfeld and Alice Rosenfeld, husband and wife, (hereinafter referred to as Grantors) for a good and valuable consideration, the receipt of which hereby acknowledged, does hereby grant bargain, sell and convey unto David Town and Debra Town, husband and wife, whose current address is, City of Hailey, County of Blaine, State of Idaho as Grantees, and to Grantees' heirs and assigns forever, all the following described real estate located in County of Blaine, Idaho:

→ Lot 8, A Replat of Lots 4 and 5 Marvin Gardens No. 1 Subdivision according to the Official Plat thereof on file in the records of Blaine County, Idaho April 5, 1988, as Instrument No. 293527, exclusive of all water and ditch rights which shall be retained by the Sellers. Said property shall not be further subdivided as a covenant running with the land in perpetuity, and subject to Blaine County fire equipment fee as noted on said plat.

TOGETHER with all improvements, easements, hereditaments and appurtenances thereto.

GRANTORS, for themselves, their heirs and assigns does hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the Grantees, their heirs and assigns forever against the lawful claims of all persons.

In construing this deed, and where the context so requires, the singular includes the plural and the masculine, the feminine and the neuter.

IN WITNESS WHEREOF, Grantors have hereunto subscribed their names to this instrument this 4th day of October, 1988.



JAMES W. PHILLIPS


EVELYN B. PHILLIPS


JAMES ROSENFELD - Attorney In Fact


ALICE ROSENFELD - Attorney In Fact

warranty.jwp