

2004 NOV 19 AM 11:12
DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO

**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

)
)
) **ORDER GRANTING MOTION TO FILE**
) **LATE NOTICE OF CLAIM**
)

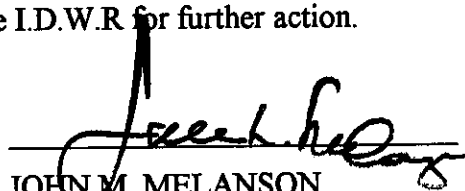
) **For Water Right Claim: 65-22909**
)

On August 25, 2004, Claimants Virgil and Janice Hicks filed a *Motion to File Late Notice of Claim* for the above water right. On November 16, 2004, a hearing was held on the *Motion*, and Ms. Hicks appeared. No other parties appeared to oppose the *Motion*.

Following questioning by the Court, the Court has concluded that the Claimants demonstrated good cause for the *Motion to File Late Notice of Claim* to be granted.

Therefore, IT IS ORDERED, that the above water right is hereby **allowed** to proceed as a claim. The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the I.D.W.R. for further action.

Dated: November 19, 2004.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTION TO FILE LATE NOTICE OF CLAIM was mailed on November 19,
2004, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JANICE HICKS
VIRGILE HICKS
1423 HEREFORD DR
EAGLE, ID 83616
Phone: 208-939-1591

ORDER

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FILE COPY FOR 00987

Deputy Clerk

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.

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

Identification No. _____

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.**

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Virgil or Janice Hicks Phone (208) 939-1591

Mailing Address 1423 Hereford Dr. Eagle, ID Zip 83616

2. Date of Priority (Only one per claim) Dec. 5, 1989 1978 ^{Jan} Month/Day/Year

3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 11 North Range 3 East

Section 14, 1/4 of SW 1/4 of SW 1/4, Govt. Lot 3, BM.,

County of Valley

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 130 feet - 6" well hole & pipe submersible pump

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)
For domestic purposes from 1-1 ^{Month/Day} to 12-31 ^{Month/Day} amount .02 ^(cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed .02 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) one home

10. Place of use is: Township: 11 North Range 3 East
Section 14 SW 1/4 of SW 1/4, Govt. Lot 3 B.M.,
County of Valley for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Valley

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.
13. Describe any other water rights used at the same place and for the same purposes as described above.
None

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Unril Hicks Date 8-18-2004
Janice Hicks Date 8-18-2004

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
document in the space below as _____ of _____
Organization Title Organization

and that the statements contained in the foregoing document are true and correct.

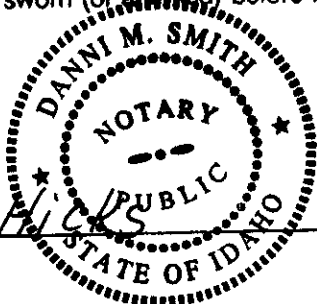
Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or ADA)
County of IDAHO) SS.

Subscribed and sworn (or affirmed) before me this 18th day of August 2004

SEAL



Notary Public Danni M Smith

Residing at BOISE ID

My Commission Expires 12/5/2006

Last Name Hicks Ident No. _____

WARRANTY DEED

FOR VALUE RECEIVED

VERN H. RUDOLPH AND ELEANOR RUDOLPH,
Husband and Wife,

the Grantors, do hereby grant, bargain, sell and convey unto

VIRGIL E. HICKS AND JANICE A. HICKS,
Husband and Wife,

the Grantees, whose current address is 2421 Airport Ave., Caldwell, ID 83605, the following described real property, located in Valley County, Idaho, to-wit:

Lot 28, Block 1, Smith's Ferry Subdivision No. 1, situate in Valley County, Idaho according to the Official Plat thereof, on file and of record in the Office of the Recorder of Valley County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water and ditch rights and rights of way for water and ditches.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto 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 encumbrances except:

Subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Taxes and assessments of all taxing units not yet due and payable.

Reservations in patents or state grants or in acts authorizing the issuance thereof.

The bonded debt of all taxing units within which said premises are located.

Restrictions imposed by law, ordinance, or regulation imposed by any governmental entity, department or agency.

Restrictions contained in any covenants of record affecting the premises.

All rights of way or easements affecting the premises regardless of how evidenced or acquired and whether the same appear of record or not.

Questions of location, boundary and area; overlaps or encroachments.

DATED: October 30th, 1989.

Vern H. Rudolph
VERN H. RUDOLPH

Eleanor Rudolph
ELEANOR RUDOLPH

STATE OF IDAHO, COUNTY OF CANYON

On this 30th day of October, 1989, before me, a Notary Public, in and for said State, personally appeared VERN H. RUDOLPH AND ELEANOR RUDOLPH, Husband and Wife, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date and year in this certificate first above written.

Theresa W. Loh

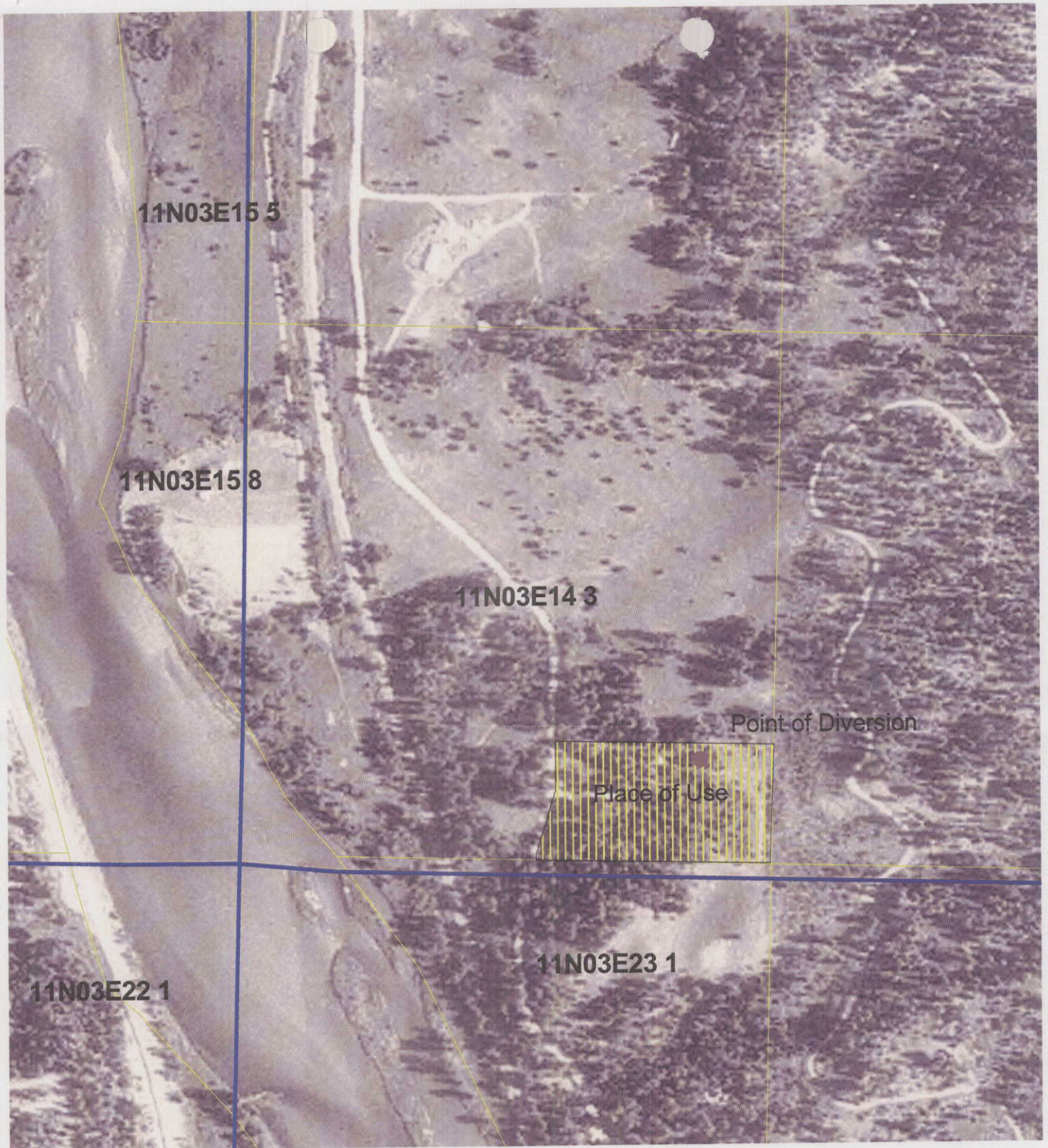
Notary Public for Idaho
Residing at Caldwell, Idaho
Commission Expires: 7-25-91

170208

MOUNTAIN TITLE & ESCROW

REQUESTED BY: _____
RECORDED _____

Oct 30 1989
Mile High
Title & Escrow



Virgil and Janice Hicks Domestic Water Use

400 0 400 800 Feet

