

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 43-13031
Date Received: 6/5/01
Receipt No:
Received By:

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

1. Name of Claimant(s)

BETTY ANN HIGLEY Phone: (208)645-2444
TED HIGLEY
2200 RODOCKER LANE BOX 57
MALTA ID USA 83342

BLAINE WIGHT Phone: (208)645-2545
VIOLA WIGHT
PO BOX 8
MALTA ID USA 83342

*split from
43-123*

2. Date of Priority: 05/29/1907

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	26E	23	NW SW NE	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.4	
STOCKWATER	01/01	12/31	0.09	

7. Total Quantity Appropriated is:
2.49 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
13S	26E	13	SW SW	IRRIGATION	40
				Section Acres	40

13S	26E	24	NW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
					Section Acres	80
					Total Acres	120

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

CLAIM SPLIT BASED UPON A WARRANTY DEED SUBMITTED BY JERRY UDY. HE INDICATED THAT THE DIVERSION RATE WAS TO BE SPLIT 1/4 TO UDY AND 3/4 TO HIGLEY.

15. Basis of Claim: Decreed

RECEIVED

JUN 08 2001

Department of Water Resources
Southern Region

Form 42-248/42-1409(6) July, 2000

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.

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
<i>Creek</i> 43-123		$\frac{1}{4}$			
<i>Go water</i> 43-2491		$\frac{1}{4}$			

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)

4. New Owner/Claimant(s)

Jerry R + or Delma R Udy
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

1697 S Hwy 81

City, State and ZIP Code

Malta ID 83342

New Telephone Number

(208) 645 2445

5. Date you acquired the property

May 18, 1998

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JUN 08 2001

Department of Water Resources
Southern Region

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<i>Creek</i> 43-123		$\frac{1}{4}$			
<i>Gr water</i> 43-2491		$\frac{1}{4}$			

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

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- 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) _____
4. New Owner/Claimant(s) Jerry R + or Delma R Udy
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 1697 S Hwy 81
- City, State and ZIP Code Maita ID 83342
- New Telephone Number (208) 645 2445
5. Date you acquired the property May 18, 1998

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) _____ and or _____
(include title if applicable)

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 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESINSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 769-1450

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

255707

WARRANTY DEED

For Value Received

GALE WIGHT and VAUDIS WARD as Co-Personal Representatives of the ESTATES OF JACOB BLAINE WIGHT, also known as BLAINE WIGHT, and VIOLA JUNE WIGHT, deceased,

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

JERRY R. UDY and DELMA D. UDY, husband and wife
1697 S. Hwy. 81, Malta, Idaho 83342

the grantees, the following described premises, to-wit:

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, STATE OF IDAHO

Section 13: SE $\frac{1}{4}$ SW $\frac{1}{4}$

RECEIVED

JUN 08 2001

Department of Water Resources
Southern Region

RECORDED AT THE REQUEST OF
FILM 299 *Douglas W. Hupple*

1998 MAY 22 P 4:09

255707

CASSIA COUNTY, IDAHO
DARRYL M. ROSKELLEY
RECORDER

FEE 300 *REPUTED*
RE: 8 at 749
Shirley. old



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

June 5, 2001

JERRY UDY
1697 S HWY 81
MALTA ID 83342

RECEIVED

JUN 08 2001

Department of Water Resources
Southern Region

Dear Jerry

Enclosed is the change of ownership form you submitted. In my haste in reviewing the form I did not initially note that it was not signed on the second page.

Please sign the form and return it to this office. I have enclosed an addressed envelope attention Kelly for your use. As soon as it gets back, I can then complete the splitting of the rights and the resulting recommendations based upon the splits.

Sincerely

A handwritten signature in cursive script that reads "Kelly K Christensen".

Kelly K Christensen
Sr Water Resource Agent

enclosures

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: A43-00123
Date Received: 5/30/1989
Receipt No: M003743
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	BLAINE WIGHT	208-645-2545
Address:	BOX 8	
	MALTA, ID	83342
AND		
Name:	VIOLA WIGHT	208-645-2545
Address:	BOX 8	
	MALTA, ID	83342
AND		
Name:	TED HIGLEY	208-645-2444
Address:	BOX 57	
	MALTA, ID	83342
AND		
Name:	BETTY ANN HIGLEY	208-645-2444
Address:	BOX 57	
	MALTA, ID	83342
AND		
Name:	JERRY UDY	208-645-2445
Address:	HC 72, BOX 2014	
	MALTA, ID	83342
AND		
Name:	DELMA UDY	208-645-2445
Address:	HC 72, BOX 2014	
	MALTA, ID	83342

2. Date of Priority: MAY 29, 1907

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	13	SW	SW			CASSIA

5. Description of diverting works:
CEMENT HEADGAT, WEIR, LATERAL DITCH TO POND, PIPED FROM POND.

A43-00123

Page 1

Date: 06/06/89

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MAR 02 1993

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		
STOCKWATER	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
3.320 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 400 TO 500 HEAD OF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	13	SW	SW		IRR	40.0
			SW	SW		STOCK	
			SE	SW		IRR	40.0
			SE	SW		STOCK	
						Section Acres	80.0
		24	NW	NE		IRR	40.0
			NW	NE		STOCK	
			NE	NW		IRR	40.0
			NE	NW		STOCK	
						Section Acres	80.0
						Total Acres	160.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-02491

14. Remarks:
THE WIGHTS OWN THE SW, SW OF SECTION 13 AND 1/4 OF THE WATER RIGHT. THE UDYS OWN THE SE, SW OF SECTION 13 AND 1/4 OF THE WATER RIGHT. THE HIGLEYS OWN THE NE, NW AND THE NW, NE OF SECTION 24 AND 1/2 OF THE WATER RIGHT. ALL OF SAID WATER IS USED AND ADMINISTERED JOINTLY.

15. Basis of Claim: DECREED
Case Number:

Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs JOBE ADAMS ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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 43-000123Date Received 5-30-89Receipt Number 1203743

RECEIVED
MAY 30 1989

NOTICE OF CLAIM
TO A
WATER RIGHT

Department of Water Resources

ACQUIRED UNDER STATE LAW

RECEIVED
MAY 30 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Blaine & Viola Wight 208 645-2545
Ted and Betty Ann Higley 208 645-2444
Jerry & Delma Udy Phone (208) 645-2445
Mailing Address Box 8, Malta, ID 83342
Box 57, Malta, ID 83342
H 72, Box 2014, Malta, ID Zip 83342

2. Date of Priority (Only one (1) per claim) May 29, 1907

3. Source of water supply (a) Cassia Creek
which is tributary to (b) Raft River

4. a. Location of existing point of diversion is: Township 13S Range 26E Section 13,
1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of Cassia

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. A cement headgate across Cassia Creek, a weir in the head of the lateral ditch and dumps into a pond 3/4 mile away, and from there into an existing pipeline which carries the water to the land to be irrigated.

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MAR 02 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 3.2 or _____

For Stockwater purposes from 1-1 to 12-31 amount 0.12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.32 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 400 acre feet per annum. for this and the other water right for this land.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater for 400 to 500 head of cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13S	26E	13											S ₄₀	S ₄₀					80
13S	26E	24		S ₄₀	~~S~~		S ₄₀												80

Total number of acres irrigated 160

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

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.
43-2491 or None ()

14. Remarks:
The Wights own SW1/4SW1/4 of said Sec. 13 and 1/4 of the water right;
The Udys own the SE1/4SW1/4 of said Sec. 13 and 1/4 of the water rights; and
the Higleys own the NE1/4NW1/4 and NW1/4NE1/4 of said Sec. 24 and 1/2 of
the water right, but all of said water is used and administered jointly.

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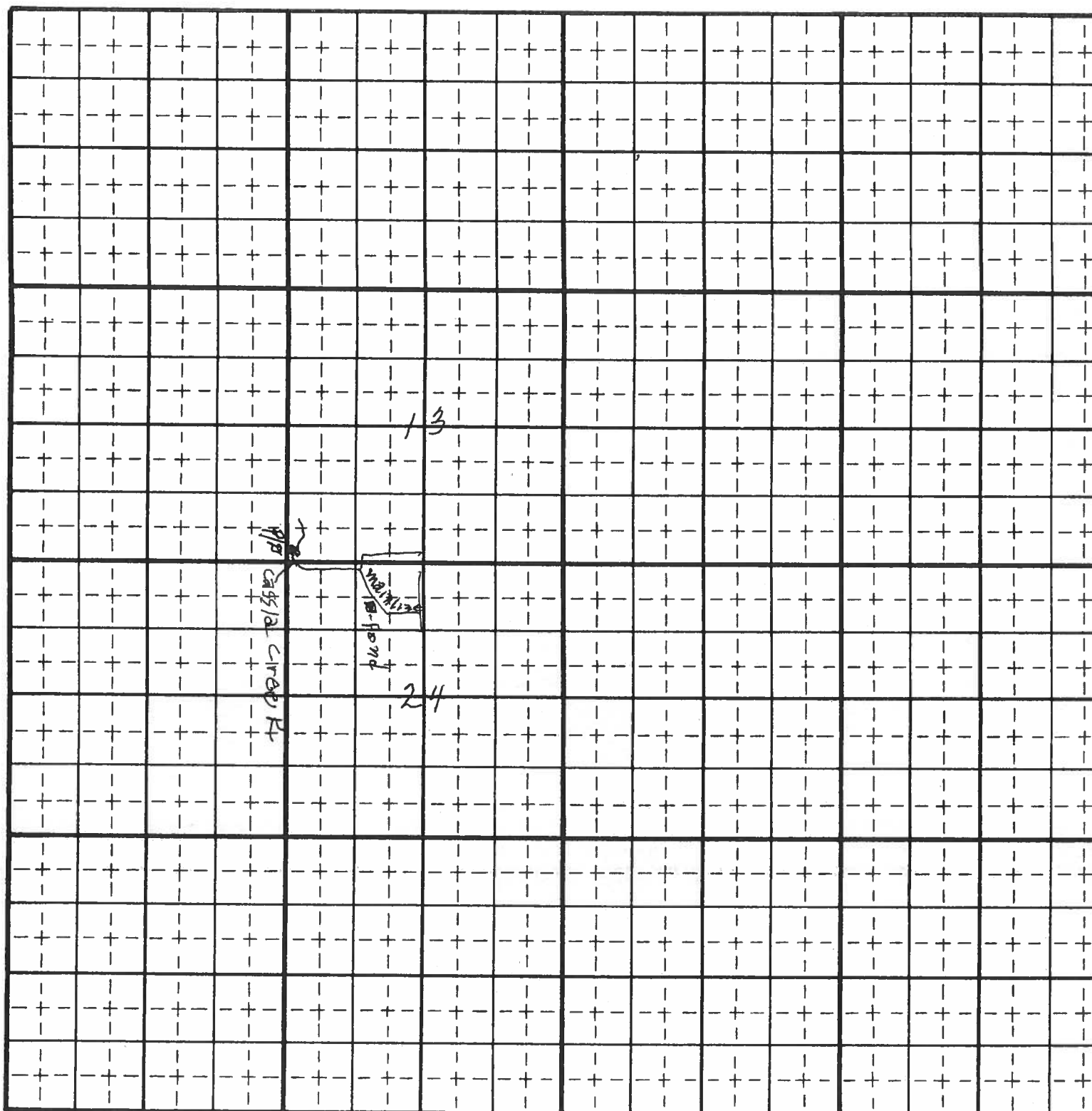
MAR 02 1993

Last Name Wight, Higley and Udy Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the place of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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MAR 02 1993

Wight, Higley and
Last Name Udy

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☐ License ☐ Permit ☐
Decree ☒ X

If applicable provide IDWR Water Right Number 43-0123

Court 11th (now 5th) Jud. Case Number _____ Decree Date 10-18-28

Plaintiff vs Defendant Albion-Idaho Land Co. v. Jobe Adams, et al.

16. Signature (s)

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

Number of attachments 1 (IDWR Water Right Report)

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

Signature of Claimant (s)

Ray W. Rigby 3/24/89

Debra A. Keller Date 3/24/89

Blaine Wight Date 3/24/89

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 24th day of May 1989

SEAL

Notary Public Debra A. Keller

Residing at Rexburg, ID 83440

My Commission Expires 11-15-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Ray W. Rigby will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Debra A. Keller for Ray W. Rigby

Address 25 N. 2nd E., POB 250, Rexburg, ID 83440

Date 5/24/89

MICROFILMED

MAR 02 1993

Last Name Wight, Higley and Ident. Number _____

Copies White-State, Yellow-Claimant

06/11/2001

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

RIGHT NUMBER: 43-13031

NAME AND ADDRESS: BETTY ANN HIGLEY
TED HIGLEY
2200 RODOCKER LANE BOX 57
MALTA, ID 83342

BLAINE WIGHT
VIOLA WIGHT
PO BOX 8
MALTA, ID 83342

VERIFIED BY *KKC*

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 2.4 CFS

PRIORITY DATE: 05/29/1907

POINT OF DIVERSION: T13S R26E S23

NWSWNE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
2.40 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R26E S13
T13S R26E S24

SWSW
NENW

39
35

T13S R26E S24

NWNE

39

113 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS. 43-13031, 43-13041, AND 43-7048.

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

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-123.



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

June 12, 2001

TED HIGLEY
2200 RODOCKER LANE BOX 57
MALTA ID 83342

RE: SPLIT RIGHTS 43-13031 AND 43-13041 AND 43-7048

Dear Ted

Enclosed are the copies of the claims for your portion of 43-123 and 43-2491. The split numbers for 43-123 are now 43-13031 and 43-13032. The split numbers for 43-2491 are now 43-13041 and 43-13042.

Also enclosed are the proposed recommendations for your portions of those rights. As the combined right language for 43-7048 originally referenced the parent rights, I had to update the remarks section of that right.

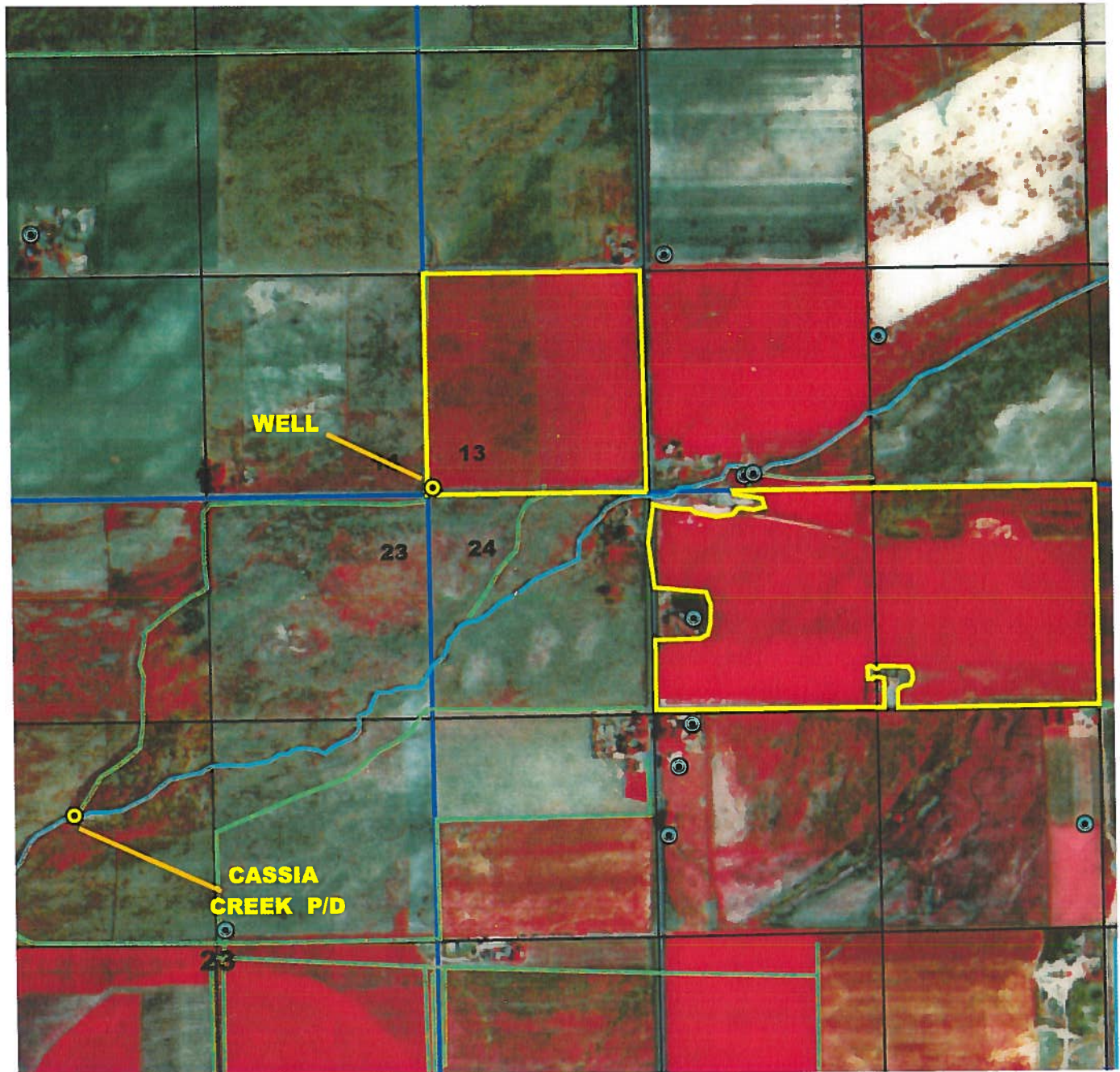
Please review the enclosed documents and contact me if you identify an error regarding any of these rights.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

enclosures

RECOMMENDED PLACE OF USE FOR 43-13031, 43-13041, AND 43-7048



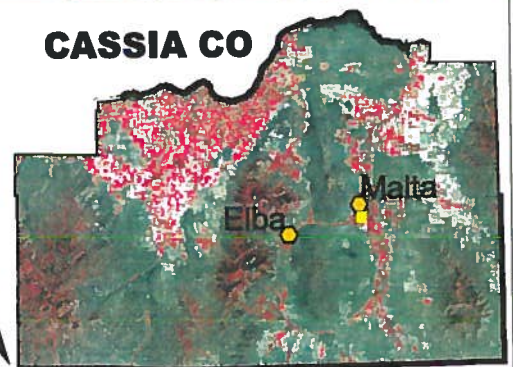
660 0 660 1320 1980 Feet

PLACE OF USE
TWP 13S, RNG 26E, SEC 13 & 24
Data entry on June 11, 2001

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

-  RECOMMENDED POINT OF DIVERSIO
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES

CASSIA CO



43 - 123

6-5-01

43 - 2491

Mr & Mrs Ledy & Mr & Mrs Higley came into the office to review these claims.

Jerry Ledy brought in a warranty deed identifying that the SE SW of Sec 13 is now in his name only. He stated that the agreement was to split the rights with $\frac{1}{4}$ belonging to him and $\frac{3}{4}$ going with the Higleys.

He then identified a small area within that quarter quarter as irrigated. I revised the shape file which added 1 acre to the recommended place of use.

I then visited with Ted Higley he basically wanted his P/U to be recommended as full 40 acre tracts. He (they) stated that that was the way it was licensed and decreed.

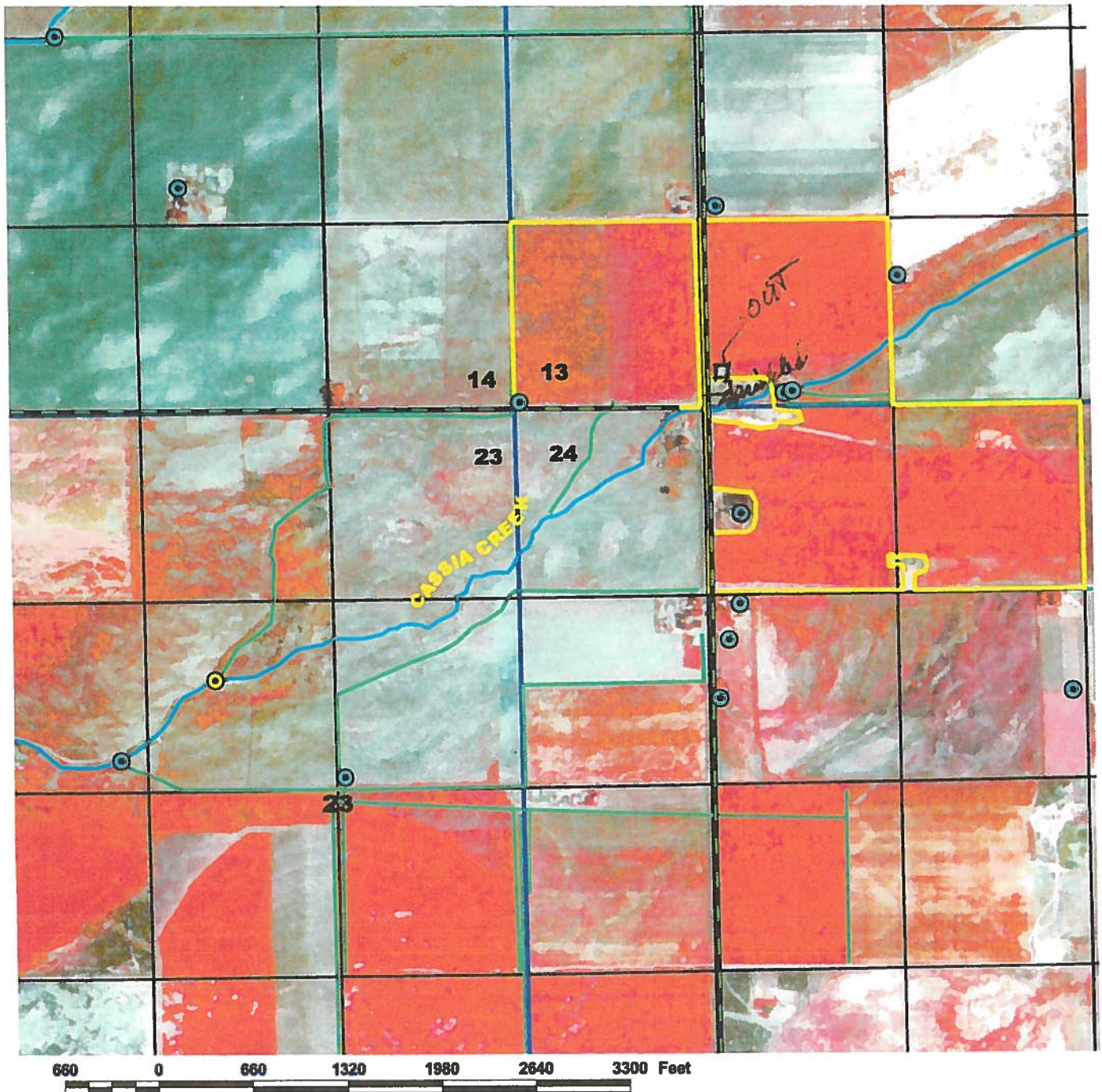
I explained the principle regarding the Jobe Adam decree just recognizing owned ground and not necessarily irrigated ground.

I reviewed the licensed right and noted that the claim did not represent the original license and it included an accomplished transfer for several acres. After reviewing their position and my recommendation I indicated that I did not feel that I should change my recommendation. Ted eventually signed all NOE replies. I indicated that he could take them home with him and make a decision at a later date.

J. D. & M. Higley

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE FOR 43-123, 43-2491, AND 43-7048



PLACE OF USE
TWP 13S, RNG 26E, SEC 13 & 24
Data entry on March 23, 2001

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- RECOMMENDED POINT OF DIVERSION**
- RECOMMENDED PLACE OF USE**
- SECTION LINES**
- QUARTER/QUARTER LINES**



43 - 123

6-5-01

43 - 2491

Mr & Mrs Ledy & Mr & Mrs Higley came into the office to review these claims.

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Kelly L. Christensen

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-123

JERRY UDY
HC 72 BOX 2014
MALTA ID 83342
Telephone Number: (208)645-2445

BLAINE WIGHT
PO BOX 8
MALTA ID 83342
Telephone Number: (208)645-2545

VIOLA WIGHT
PO BOX 8
MALTA ID 83342
Telephone Number: (208)645-2545

DELMA UDY
HC 72 BOX 2014
MALTA ID 83342
Telephone Number: (208)645-2445

BETTY ANN HIGLEY
2200 RODOCKER LANE BOX 57
MALTA ID 83342
Telephone Number: (208)645-2444

TED HIGLEY
2200 RODOCKER LANE BOX 57
MALTA ID 83342
Telephone Number: (208)645-2444

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-15/01 SIGNATURE: Ted Higley
Please print your name: Ted Higley

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-123

JERRY UDY
~~HC 72 BOX 2014~~ 16975 Hwy B1
MALTA ID 83342
Telephone Number: (208)645-2445

BLAINE WIGHT
PO BOX 8
MALTA ID 83342
Telephone Number: (208)645-2545

VIOLA WIGHT
PO BOX 8
MALTA ID 83342
Telephone Number: (208)645-2545

DELMA UDY
~~HC 72 BOX 2014~~ 16975 Hwy B1
MALTA ID 83342
Telephone Number: (208)645-2445

BETTY ANN HIGLEY
2200 RODOCKER LANE BOX 57
MALTA ID 83342
Telephone Number: (208)645-2444

TED HIGLEY
2200 RODOCKER LANE BOX 57
MALTA ID 83342
Telephone Number: (208)645-2444

*split into
3/4 43-13031 Higley 2.40cfs
1/4 43-13032 Udy .80cfs*

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

Add 1 acrea for Pasture

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6/5/01

SIGNATURE: Jerry R Udy

Please print your name: Jerry R Udy

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

03/23/2001

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

RIGHT NUMBER: 43-123

NAME AND ADDRESS: BETTY ANN HIGLEY
TED HIGLEY
BOX 57
MALTA, ID 83342

BLAINE WIGHT
VIOLA WIGHT
BOX 8
MALTA, ID 83342

DELMA UDY
JERRY UDY
HC 72 BOX 2014
MALTA, ID 83342

VERIFIED BY *KKC*

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY:

3 32 CFS

*Decreed at
3.20 CFS*

PRIORITY DATE: 05/29/1907

POINT OF DIVERSION: T13S R26E S23

NWSWNE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
3.20 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R26E S13 SWSW
T13S R26E S24 NWNE

39
39

T13S R26E S13
T13S R26E S24

SESW
NENW

38
~~37~~
35

150 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 150 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-123, 43-2491, AND 43-7048.

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

Higley/Udy/Wight
43-123 ; 43-2491 ; 43-7048

Pg 1

Three rights for the claimed place of use
Each right has a different source. Each
claim includes Stockwater which was not
part of any of the three rights.

43-123 SOURCE = Cassia Cr.

Claimed within the decreed P/U.
Claimed point of diversion does not agree
with the napp photography.

Decreed at 3.20 cfs Stockwater added
to right and total rate (giving 3.32 cfs)

43-2491 source = Ground Water.

Claim represents a change in P/U (unrecorded
transfer) from ground in the $N\frac{1}{2}N\frac{1}{2}$ of Sec 13
to ground in Sec 24. Overall fewer acres are
claimed than licensed. The current rate for
the found P/U and licensed rate is less than $1\frac{1}{4}$ ac

Stockwater added to right previously not
part of license.

Change in P/U is from a supplemental use
to Supplemental use.

43-7048

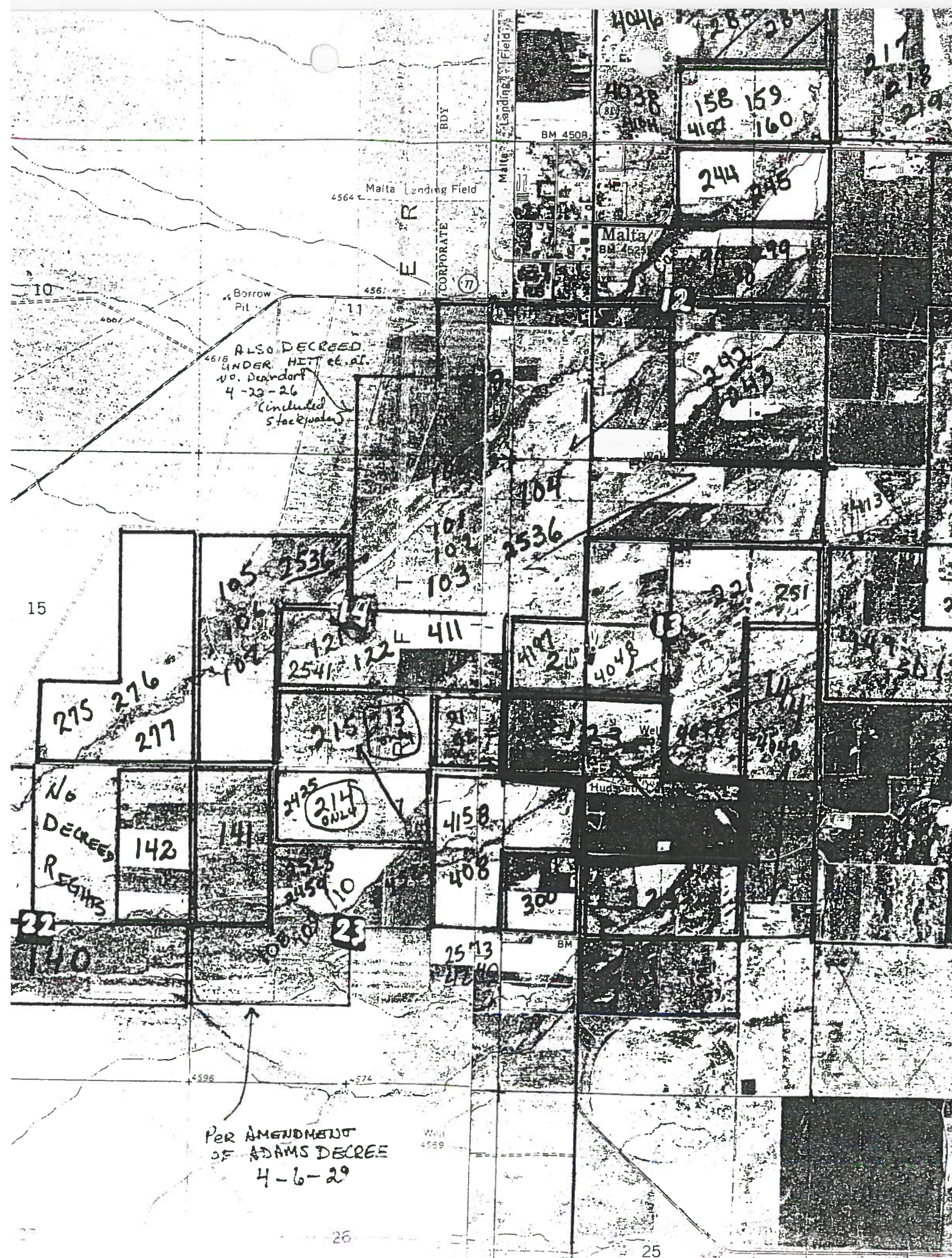
source = unnamed stream

Pg 2

Licensed on 78 acres @ .76 cfs and
claimed as such.

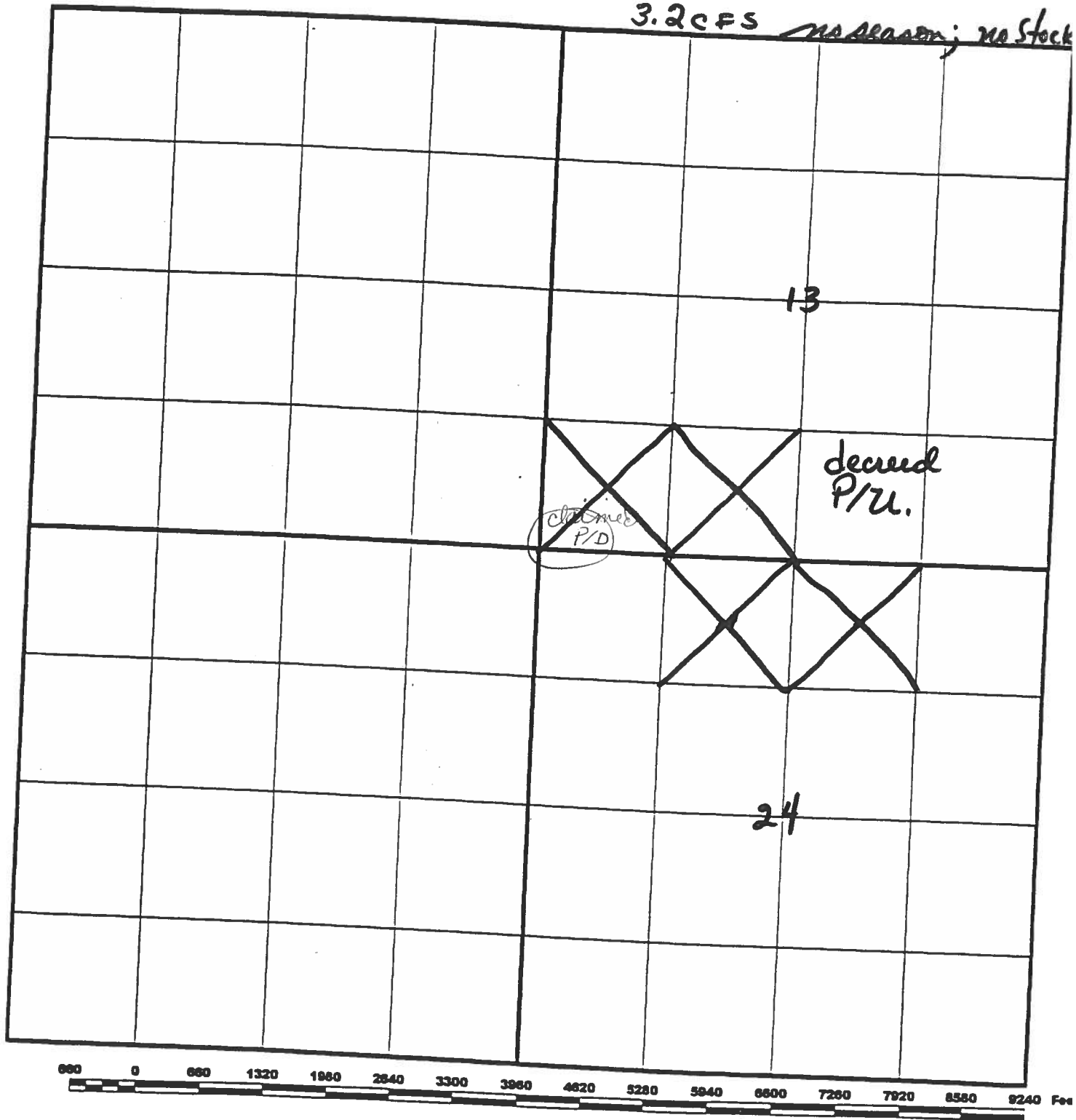
Stockwater use was added to the P/U.

X



MAY 3 1907

3.2 CFS no season; no stock



Water Right Number - 43-00123

+ - - - - Last Name - +

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

*** C - CURRENT OWNER ***
HARPER

JOSEPH

+ - - - - Address - - - - -

HARPER

SARAH

1 -
2 -
3 -
City-
Phone -

State-

Zip-

1 -
2 -
3 -
City-
Phone -

State-

Zip-

+ - - Priority Date - - +
05/29/1907+ - - Region - - - +
17+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

Source -
CASSIA CREEK+ - - Tributary - - - +
RAFT RIVER

+ - - Twn Rng Sec Tract Lot Rflg County Point of Diversion - - - +

Code Description

Period From Period To Water Use

Diversion Rate

Diversion Volume

01 - IRRIGATION

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - +
3.200

3.200

+ - - Twn Rng Sec Tract Lot Acres Place of Use Code Description County
13S 26E 13 SW SW 01 IRRIGATION 31 CASSIA
13S 26E 13 SE SW 01 IRRIGATION 31 CASSIA
13S 26E 24 NW NE 01 IRRIGATION 31 CASSIA
13S 26E 24 NE NW 01 IRRIGATION 31 CASSIA

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - -
No Remarks found.MICROFILMED
MAR 02 1993MICROFILMED
MAR 02 1993

Water right number - 43-00123

Adj. flag translation: Standard Water Right Number

Conditions of Approval - No Conditions of Approval found.

Decree Plaintiff - ALBION-IDAHO LAND CO.

Decree Defendant - JOBE ADAMS ET AL

Audit Fields -

Decree Date - 10/18/1928

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protected Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 03/12/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- 43C
Decree Date	- 10/18/1928				

MICROFILMED
MAR 6 2 1993