

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 43-13041
Date Received: 6/11/01
Receipt No:
Received By:

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

1. Name of Claimant(s)

TED HIGLEY Phone: (208)645-2444
BETTY ANN 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

2. Date of Priority: 02/19/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
13S	26E	13	SW SW SW	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	1.91	
STOCKWATER	01/01	12/31	0.09	

7. Total Quantity Appropriated is:
2 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	STOCKWATER	
			SW SW	IRRIGATION	40
				Section Acres	40

13S	26E	24	NW	NE	STOCKWATER	
			NE	NW	STOCKWATER	
			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:

This right was split from 43-2491 based upon a change of ownership submitted by Jerry Udy. The split ratio was 1/4 for Udy and 2/4 for Higley.

15. Basis of Claim: License

RECEIVED

JUN 08 2001

Department of Water Resources
Southern Region

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
Civic 43-123		1/4			
Gravel 43-2491		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

06/11/2001

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

RIGHT NUMBER: 43-13041

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

SOURCE: GROUND WATER

VERIFIED BY *KKC*

QUANTITY: 1.91 CFS
452 AFY

PRIORITY DATE: 02/19/1960

POINT OF DIVERSION: T13S R26E S13 SWSWS Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
1.91 CFS
452.00 AFY

PLACE OF USE:

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

39
35

T13S R26E S24

NWNE

39

113 ACRES TOTAL

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2491.

43 - 123

6-5-01

43 - 2491

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

Jerry Lidy 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 or 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 that 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.

Vol. 2 of the license