

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 17 2013

Notice of Change in Water Right Ownership

DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
43-7048	Yes ☐	43-13031	Yes ☐		Yes ☐
43-10265	Yes ☐		Yes ☐		Yes ☐
43-13693	Yes ☐		Yes ☐		Yes ☐
43-13691	Yes ☐		Yes ☐		Yes ☐
43-13041	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Ted and Betty Ann Higley
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Heath Ted Higley
Name of each new owner as listed on the conveyance document
Dawn Marie Higley

New owner continued Name connector ☒ and ☐ or ☒ and/or

1971 South 2350 East

Mailing address

Malta

ID

83342

City

State

ZIP

Telephone

Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: 11-19-2012

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: _____
Signature of new owner/claimant Title, if applicable Date

Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by DM Date 1-22-2013 Receipt No. 5033001 Receipt Amt. \$50-

Approved by _____ Processed by _____ Date _____

SUPPORT DATA

IN FILE # 43-7048

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**NOV 21 2012****DEPT. OF WATER RESOURCES
SOUTHERN REGION**

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
~~43-103B~~	_____	___	_____	_____	___
43-7048	_____	___	_____	_____	___
~~43-4190~~	_____	___	_____	_____	___
~~43-2310~~	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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) Ted and Betty Ann Higley
4. New Owner/Claimant(s) Heath Ted Higley and Dawn Marie Higley
 Name Connector (Check one): [] and, [] or, ☒ and/or
- New Mailing Address 1971 South 2350 East
- City, State and ZIP Code Malta, ID 83342
- New Telephone Number () _____
5. Date you acquired the property November 19, 2012

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)

David Ted [Signature]
Donna Marie Higley

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 \$100 - total
 Receipted by DM Date 11-27-2012 Receipt No. SD32923
 Processed by _____ AJ Date _____ WR _____ Date _____

CASSIA COUNTY
Recorded for:
LAND TITLE AND ESCROW
2:51:44 pm 11-13-2012
2012-005334

RE-RECORD TO AMEND WATER RIGHT NUMBERS

447078

No. Pages: 6 Fee: \$25.00

JOSEPH W. LARSEN
County Clerk

WARRANTY DEED

Deputy: THERESA

THIS INDENTURE, made this 16th day of November 2012, between **TED V. HIGLEY** aka **TED HIGLEY** and **BETTY ANN HIGLEY**, husband and wife, of Box 57, Malta, ID 83342 ("GRANTOR"), and **HEATH TED HIGLEY** and **DAWN MARIE HIGLEY**, husband and wife, whose address is 1971 South 2350 East, Malta, ID 83342 ("GRANTEE").

WITNESSETH:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the heirs and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, described on Exhibit A attached hereto and incorporated herein by reference, **EXCEPTING AND RESERVING** unto the Grantors a life estate in and to that portion of the foregoing real estate particularly described on Exhibit B attached hereto and incorporated herein by reference.

SUBJECT TO: Accruing taxes, levies and assessments for 2012; Deed of Trust for the benefit of MERS as Instrument No. 294374; Deed of Trust for the benefit of D. L. Evans Bank recorded as Instrument No. 2010-005785 and Financing Statements to Rain for Rent and Farm Credit Services of America and Contract with Blaine White and Viola June White.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, all Water Rights, including but not limited to:

WARRANTY DEED - 1

CASSIA COUNTY
Recorded for:
LAND TITLE AND ESCROW
3:10:12 pm 01-11-2013
2013-000156
No. Pages: 6 Fee: \$25.0
JOSEPH W. LARSEN
County Clerk

43-10265, 43-13693, 43-13691, 43-13041 and 13-13031
43-103B, 43-7048, 43-4190 and 43-2310, and all estate, right, title and interest in and to said
property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described
premises, together with appurtenances unto the Grantee and to the heirs and assigns of
Grantee forever.

The Grantor shall and will warrant and by these presents will forever defend the said
premises in the quiet and peaceable possession of the Grantee, and the heirs and assigns of
Grantee against all and every person and persons whomsoever lawfully claiming the same,
except as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first
above written.

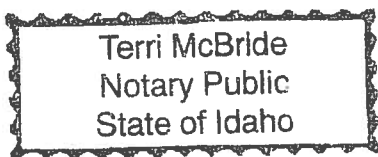
GRANTOR


TED V. HIGLEY aka TED HIGLEY


BETTY ANN HIGLEY

1 STATE OF IDAHO)
2) ss
3 County of Cassia)

4 On this 16th day of November in the year 2012, before me, the undersigned,
5 a Notary Public in and for said State, personally appeared **TED V. HIGLEY** aka **TED**
6 **HIGLEY** and **BETTY ANN HIGLEY**, husband and wife, known or identified to me to be
7 the persons whose names are subscribed to the within instrument, and acknowledged to me
8 that they executed the same.



Notary Public for Idaho
Residing at: Reupert
Comm. Exp.: 2-5-14

(HigleyTedBetty\WD.doc)

WARRANTY DEED - 3

EXHIBIT A

PARCEL NO. 1:

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

Section 24: Part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 89°41'55" East along the North line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 993.88 feet to a 1/2 inch rebar;
Thence South 00°02'43" West for a distance of 1319.89 feet to a 1/2 inch rebar on the East-West section line;
Thence South 89°32'56" West along said line for a distance of 1050.50 feet to a 1/2 inch rebar;
Thence North 00°01'54" East for a distance of 1322.62 feet to a 1/2 inch rebar on the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence North 89°41'07" East along said line for a distance of 56.91 feet to the Point of Beginning.

SAVE AND EXCEPT that portion deeded for highway purposes.

PARCEL NO. 2:

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

Section 13: SW $\frac{1}{4}$ SW $\frac{1}{4}$, **SAVE AND EXCEPT** that portion deeded for highway purposes.

PARCEL NO. 3:

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

Section 24: NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, **SAVE AND EXCEPT** the following described tract:

Beginning at the Northwest corner of Section 24, said corner marked by a 5/8 inch rebar with 3 inch aluminum cap on top; thence North 89°49'20" East along the north line of Section 24 for a distance of 1361.46 feet to the east right of way of State Highway 81 which shall be the Point of Beginning;
Thence North 89°49'20" East along the north line of Section 24 for a distance of 252.89 feet;
Thence South 78°48'45" West for a distance of 16.97 feet to a 1/2 inch rebar;

1 Thence South 84°48'55" West for a distance of 237.18 feet to a highway right of way marker
2 on the east right of way of State Highway 81;
3 Thence North 00°04'59" West along said right of way for a distance of 23.94 feet to the
Point of Beginning.

4 PARCEL NO. 4:

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

7 Section 13: SE¼SW¼, **SAVE AND EXCEPT** the following described parcel:

8 Beginning at the Southwest Corner of Section 13, said corner marked by a 5/8 inch rebar
9 with 3 inch aluminum cap on top; thence North 89°49'20" East along the south line of
Section 13 for a distance of 1361.46 feet to the east right of way of State Highway 81 which
shall be the Point of Beginning;

10 Thence North 00°04'59" West along the east right of way of State Highway 81 for a distance
of 311.41 feet to a ½ inch rebar;

11 Thence South 89°07'31" East for a distance of 171.79 feet to a ½ inch rebar;

12 Thence South 01°04'23" East for a distance of 106.53 feet to a ½ inch rebar;

13 Thence North 89°14'28" East for a distance of 289.12 feet to a ½ inch rebar;

Thence South 00°50'24" West for a distance of 164.37 feet to a ½ inch rebar;

Thence South 78°48'45" West for a distance of 211.13 feet to the south line of Section 13;

Thence South 89°49'20" West along said line for a distance of 252.89 feet to the Point of
Beginning.

EXHIBIT B

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

Section 24: Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Beginning at the N $\frac{1}{4}$ corner of said Section 24, said corner marked by a U.S. GLO pipe with brass cap on top; thence South along the West section line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 1322.28 feet to the Southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ which shall be the Point of Beginning;

Thence North along the West line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 243.00 feet; Thence East parallel with the South line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 213.00 feet;

Thence South parallel with the West line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 243.00 feet to the South line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence West along the South line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 213.00 feet to the Point of Beginning.