

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Gerald L. Hidalgo &/or Marcia J. Hidalgo
(Name of Claimant)

690 N. 8th, Monpelier, ID 83254 Telephone No. 847-0357
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) Apr. 1, 1951

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

unnamed spring tributary to Thomas Fork

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day) (Mo., Day)	
Quantity <u>0.06</u>	Use <u>stockwater</u>	Period of Use From <u>Jan. 1</u>	To <u>Dec. 31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 0.06 TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SE ¼, Sec. 33 Twp. 13S Rge. 46E B.M., County of Bear Lake

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities; be as specific as possible. Describe any changes in the system and give the date of the change. Cattle drink directly from spring

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13S	46E	33														X			

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

NOTE: Include here the type and number of stock watered: 200 head range cattle

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____

R 46 E

T
13
S

33

C.D.A.

Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 20th day of February, 1980.

Marcia J. Hidalgo
(Claimant)
William Wray
Notary Public
Residing at Idaho Falls, Id.

My commission expires 6/15/81

FOR DEPARTMENT USE ONLY

Received by <u>CLW</u>	Date <u>2-20-80</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>EMC</u>	Date <u>2-20-80</u>		claimant by:	
\$20.00 fee received by <u>CLW</u>	Date <u>2-20-80</u>			
Published in <u>The News Examiner</u>	<u>#15597</u>			
Dates <u>2/28 & 3/6/80</u>				

Nº 1391

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake

ss.

Soren W. Thompson

being duly sworn,

deposes and says:

That he is the publisher of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for three consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

February 28, 1980, and ending

with the issue of March 6, 1980.

Fees, \$23.87

Subscribed and sworn to before me this 27 day
of March, 1980

Notary Public

Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 11, 1983

MAR 31

Department of Water Resources
Eastern District Office

Public Notices

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

11-4086

HIDALGO, GERALD L. & or MARCIA J.

630 N. 8TH, Montpelier, ID 83254

Source: SPRING tributary to THOM-
AS FORK

Priority Date: 04-01-1951

Amount: 0.06 CFS

Diversion Point: NWSE Sec 33 T 13S R
46E, BEAR LAKE Co.

Use: STOCKWATER (0.06 CFS) from
01-01 to 12-31

Place of Use: NWSE Sec 33 T 13S R 46E

Diversion Means: SPRING

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

(s) C. STEPHEN ALLRED

C. Stephen Allred

Director

Published 2-28 & 3-06-80

F 28-M 6

ok kw
4/1/80

11-4086-

HIDALGO, GERALD L. &/or MARCIA J.

690 N. 8TH, MONTPELIER, ID 83254

Source: SPRING tributary to THOMAS FORK

Priority Date: 04/01/1951

Amount: 0.06 CFS

Diversion Point: NWSE Sec 33 T 13S R 46E, BEAR LAKE Co.

Use: STOCKWATER (0.06 CFS) from 01/01 to 12/31

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Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 .

C. STEPHEN ALLRED

Director

Published: 2/28 & 3/06/80.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

FEBRUARY 21, 1980

The News-Examiner
P. O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MARCH 17, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

March 18, 1980

RE: Claim to a Water Right No. 11-4086 HIDALGO

The News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on February 28 and March 6, 1980.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

MARCH 20, 1980

GERALD L. HIDALGO
MARCIA J. HIDALGO
690 N. 8TH
MONTPELIER

ID 83254

RE: Claim No. 11-4086

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernest Carlson

Right Number 11-4086 11 4086 Applicant Idaho

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date 4/4/80

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jin Date 4/16/80

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

APR 11 1999

Please print or type. Attach pages with additional information. Instructions are on the back of this page. Department of Water Resources
Eastern Region
Incomplete forms will be returned.

RECEIVED

APR 07 1999

1. Water Right No(s): 11 4086
Adjudication Claim No(s): _____
2. The following REQUIRED information must be submitted with this form: Department of Water Resources
 A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND
 B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 OR
 C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Gerald L Hidalgo &/or Marcia J. Hidalgo
4. New Owner/Claimant(s) Kenneth H Rigby &/or Tamra Rigby
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address 236 S 650 E
 City, State and ZIP Code Burley, Id 83318
 New Telephone Number (208) 654-2364
5. Date you acquired the property 7-7-89
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Kenneth H Rigby Date 3-24-99
Tamra Rigby Date 3-24-99
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

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 these number(s) at Item 1. 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 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 of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(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 be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

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

WARRANTY DEED

For Value Received TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

GERALD L. HIDALGO and MARCIA J. HIDALGO, husband and wife

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

KENNETH H. RIGBY and TAMRA RIGBY, husband and wife
Rt. 1, Box 1610; Burley, Idaho 83318

the grantees, the following described premises, in Bear Lake County Idaho, to wit:

Lots One (1), Two (2), and Three (3) of Section 23, in Township 13 South, Range 46 East, Boise Meridian in Idaho, as platted and of record in the County of Bear Lake, State of Idaho.

ALSO: Beginning at the Northeast corner of the Southwest Quarter of Section 33, in Township 13 South, Range 46 East of Boise Meridian, and running thence East 160 rods; thence South 2 rods; thence East 80 rods; thence South 64-2/3 rods; thence West 240 rods; thence North 66-2/3 rods to place of beginning.

ALSO: The Southeast Quarter of the Northeast Quarter of Section 33 in Township 13 South, Range 46 East of Boise Meridian.

ALSO: The Southeast Quarter of the Northeast Quarter of Section 4 and the Southwest Quarter of the Northwest Quarter and the North Half of the Southwest Quarter of Section 3, Township 14 South of Range 46 East, Boise Meridian, Idaho.

Together with all oil, gas, and mineral rights appertaining thereto.

Together with all water rights appertaining thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the 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 they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 07 July 1989

Gerald L. Hidalgo

Marcia J. Hidalgo

STATE OF IDAHO, COUNTY OF Bear Lake
On this 26th day of July, 19 89
before me, a notary public in and for said State, personally
appeared

GERALD L. HIDALGO and
MARCIA J. HIDALGO, h/w

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

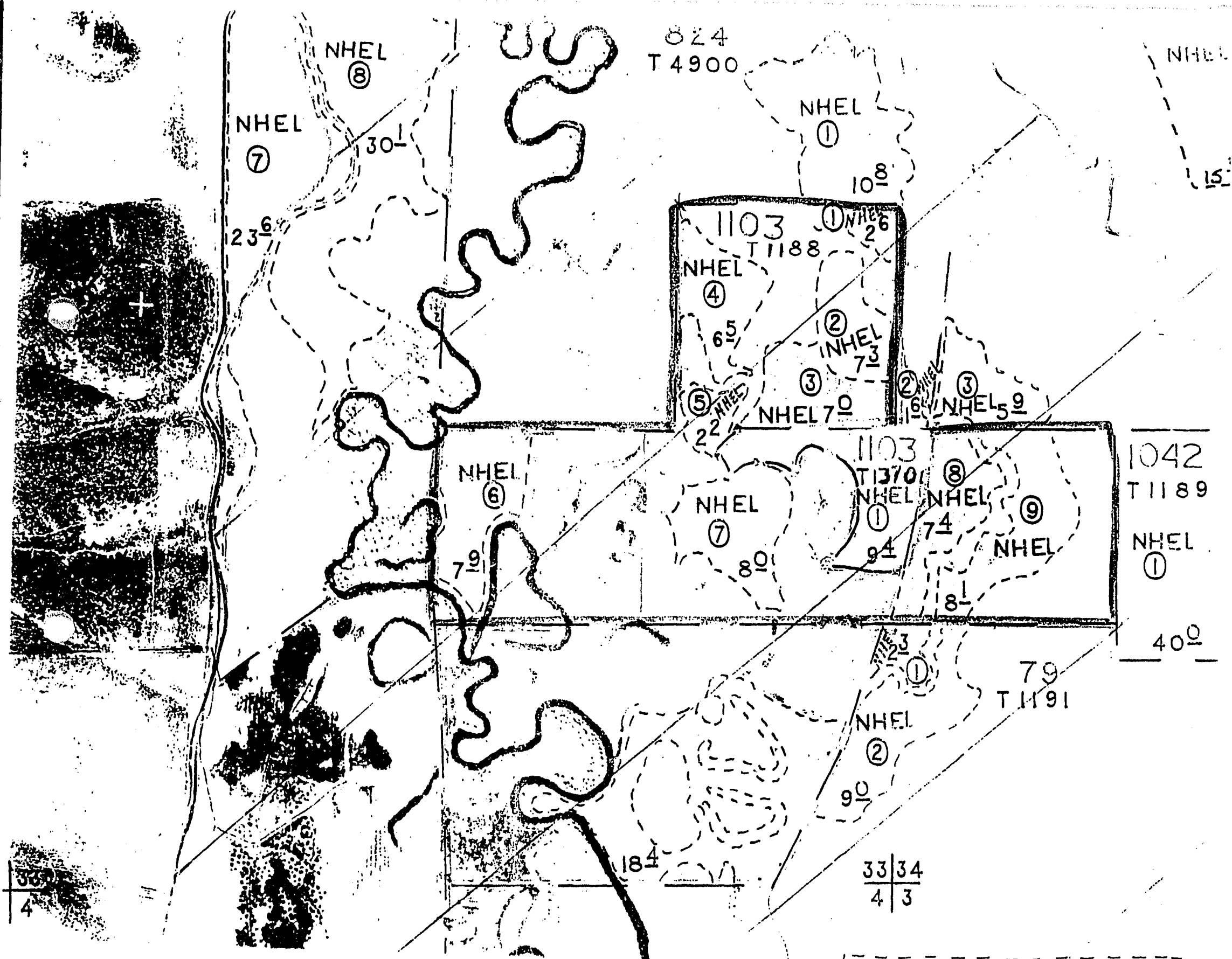
[Signature]
Notary Public
Residing at Ovid, Idaho
Comm. Expires 7-1-94

89 JUL 26 AM 9 37
DEPUTY FEE
#300

BEAR LAKE COUNTY RECORDER
JOAN P. EBORN

148766

INSTRUMENT NO





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 9, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KENNETH H RIGBY
TAMRA RIGBY
236 S 650 E
BURLEY ID 83318

RE: Decreed Water Right 11-04086

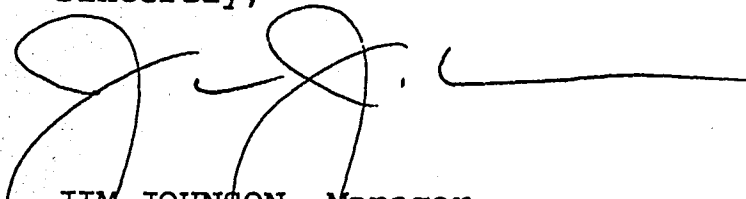
Dear Mr. & Mrs. Rigby:

The Department is in receipt of the correspondence changing ownership of the above referenced decreed water right to you. We have modified our records to reflect this change in ownership and a computer generated report is enclosed.

Just a reminder, because of a law that went into effect July 1, 1996, all water right owners are required to report change of address or ownership to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee to the water right owner. If you have other water rights that haven't had the ownership updated please contact the department as soon as possible.

If you have any questions regarding this matter, please feel free to contact me at (208) 327-7947.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure