

**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

) Subcase No. 43-11263
)
) **Standard Form 5**
)
) **STIPULATED ELEMENTS**
) **OF A WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Hank Higley

Betty Ann Higley

Hank Higley 11-3-03
Date

Betty Ann Higley 11-3-03
Date

Ted Higley

Ted Higley 11-3-03
Date

IDWR CONCURRENCE:

IDWR CONCURRENCE:

By: Kelly K. Christensen 12-4-03
Agent Date

By: Wick Spencer 12-8-03
Deputy Attorney General Date

CERTIFICATE OF MAILING

I certify that on December 10, 2003, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

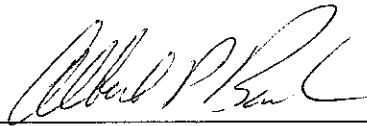
2. Copy to:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

Hank Higley
Ted Higley
Betty Ann Higley
200 Rodocker Lane Box 57
Malta, ID 83342



Signature of person or attorney mailing the form

10/16/2003

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

RIGHT NUMBER: 43-11263
NAME AND ADDRESS: HANK HIGLEY
2200 RODOCKER LN BOX 57
MALTA ID 83342

TED HIGLEY
2200 RODOCKER LN BOX 57
MALTA ID 83342

BETTY ANN HIGLEY
2200 RODOCKER LN BOX 57
MALTA ID 83342

KKC
NBS

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER
QUANTITY: ~~2-040~~ 1.60 CFS
WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN
.02 CFS PER ACRE. COMBINED RIGHTS 43-11263, AND 43-2355.

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION:

T13S R26E S14 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	~~2-040~~ 1.60 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R26E S12	NESW	32.0	T13S R26E S12	SESW	39.0
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71 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 71 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHTS 43-11263, AND 43-2355.

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: Decreed