

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: A43-02310

Date Received: 5/31/1989

Receipt No: S007430

Received By: *ownership change*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED HIGLEY 208-645-2444
Address: 2200 RODOCKER LANE
PO BOX 57
MALTA ID 83342

AND/OR

Name: BETTY ANN HIGLEY 208-645-2444
Address: 2200 RODOCKER LANE
PO BOX 57
MALTA ID 83342

2. Date of Priority: MAY 10, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.400		

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

8. Total consumptive use is 360.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	26E	13	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			NE		NW		IRR	40.0
							Section Acres	120.0
							Total Acres	120.0

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:

43-00099, -00100, -00101, -00102, -00103, -00104

14. Remarks:

DESCRIPTION OF DIVERSION WORKS: WELL IS 360' DEEP, 8" PIPE, INSIDE A 20" CASING (CASED ALL THE WAY DOWN); A MAINLINE, RUNNING EAST ACROSS THE LANDS WATERED, ALONG THE SOUTH SIDE THEREOF. THIS WELL IS USED AS A SUPPLEMENTARY SOURCE WHEN THERE IS INSUFFICIENT WATER IN CASSIA CREEK, FROM DECREED WATERS LISTED BY IDAHO DEPARTMENT OF WATER RESOURCES NUMBERS IN #13 ABOVE, THEN THIS WELL IS USED TO OBTAIN THE REST OF THE WATER.

15. Basis of Claim: LICENSE

Water Right Number: 20450

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 _____

OWNER NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
C TED HIGLEY 05/10/1948 IRRIGATION 04-01 11-01 2.40 CFS
C BETTY ANN HIGLEY
2200 RODOCKER LANE
PO BOX 57
MALTA ID 83342
(208) 645-2444
TOTAL DIVERSION: 2.40 CFS
CONSUMPTIVE USE: 360.00 AFA

Water Source: GROUNDWATER Tributary to:
Point(s) of Diversion: T13S R26E S13 NENE CASSIA County
Stage: LICENSE

Place of use Legal Description for: IRRIGATION											
NE			NW			SW			SE		
T	R	S	T	R	S	T	R	S	T	R	S
13S	26E	13	40	40	40	40	40	40	40	40	40
NENE			NENE			NENE			NENE		
Lt Ac			Lt Ac			Lt Ac			Lt Ac		
: 40			: 40			: 40			: 40		
SUM			SUM			SUM			SUM		
: 120.0			: 120.0			: 120.0			: 120.0		
TOTAL ACRES			TOTAL ACRES			TOTAL ACRES			TOTAL ACRES		
: 120.0			: 120.0			: 120.0			: 120.0		

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: 43-00099, -00100, -00101, -00102, -00103, -00104

Remarks: GEN DESCRIPTION OF DIVERSION WORKS: WELL IS 360' DEEP, 8" PIPE, INSIDE A 20" CASING (CASED ALL THE WAY DOWN); A MAINLINE, RUNNING EAST ACROSS THE LANDS WATERED, ALONG THE SOUTH SIDE THEREOF. THIS WELL IS USED AS A SUPPLEMENTARY SOURCE WHEN THERE IS INSUFFICIENT WATER IN CASSIA CREEK, FROM DECREED WATERS LISTED BY IDAHO DEPARTMENT OF WATER RESOURCES NUMBERS IN #13 ABOVE, THEN THIS WELL IS USED TO OBTAIN THE REST OF THE WATER.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

Comments: Date: 11/06/1997 User-ID: JROBERTS Subject: OWNERSHIP CHANGE FORM AND WARRANTY DEED RECEIVED 11/5/97 FROM BLAINE & VIOLA WIGHT TO TED & BETTY ANN HIGLEY. A43-02310 ALSO CHANGED. jr

Audit: 11/06/97 JROBERTS

RECEIVED

NOV 06 1997

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): #A43-00099B, A43-00100B, A43-00101B, A43-00102B & A43-00103B, A43-00104A, A43-02310, A43-04190, A43-07
Adjudication Claim No(s): _____
2. The following REQUIRED information must be submitted with this form:
 - 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 Blaine + Viola Night
MAITA, Idaho 83342
4. New Owner/Claimant(s) Ted + Betty Ann Higley
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address 2200 Rodocker Ln Box 57
City, State and ZIP Code MAITA, Idaho 83342
New Telephone Number (208) 645-2444
5. Date you acquired the property Feb. 7-1992
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) Ted Higley for Betty Ann Higley
(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..

Copy
Original Held in Escrow
until Contract is paid

WARRANTY DEED

For Value Received

Blaine Wight and Viola June Wight, Husband and Wife,
Box 8, Malta, Idaho,

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

Ted Higley and Betty Ann Higley, Husband and Wife,
Box 57, Malta, Idaho,

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

Township 13, Range 26 East Boise Meridian, Cassia County,
Idaho,
Section 13: $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}$ of Tax Number
2086, $S\frac{1}{2}$ of Tax Number 2086.

Reserving and excepting to Sellers a life estate in the
resident, garage, cellar and surrounding approximately
two acres located on said property.

Township 13 South Range 26 East Boise Meridian, Cassia
County, Idaho,
Section 13: $SW\frac{1}{4}SW\frac{1}{4}$
Township 12 South, Range 28 East Boise Meridian, Cassia
County, Idaho,
Section 13: $SE\frac{1}{4}NE\frac{1}{4}$ $NE\frac{1}{4}-SE\frac{1}{4}$ (80 acres)

Township 12 South, Range 29 East Boise Meridian, Cassia
County, Idaho,
Section 18: $S\frac{1}{2}$ $NE\frac{1}{4}$, $N\frac{1}{2}$ $SE\frac{1}{4}$, $SW\frac{1}{4}$ $SE\frac{1}{4}$,
 $E\frac{1}{2}$ $SW\frac{1}{4}$, and Lots 3 & 4 of said section
(330.4 acres)

Section 17: $SW\frac{1}{4}$ (160 acres)

Township 14 South, Range 30 East Boise Meridian, located
in Oneida County, State of Idaho.

Section 28: $E\frac{1}{2}$, $SE\frac{1}{4}$ $NW\frac{1}{4}$ (360 acres)

and

Sellers one half ($1/2$) interest in the Glen Canyon Spring
water right located on land that is controlled by the
United States of America Bureau of Land Management.

Together with all and singular the tenements,
hereditaments, appurtenances and water rights thereto.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 7 day of February, 1992.

Blaine Wight
BLAINE WIGHT

Viola June Wight
VIOLA JUNE WIGHT

STATE OF IDAHO)
 ss
County of Cassia)

On this 7 day of February, 1992, before me, a notary public in and for said State, personally appeared Blaine Wight and Viola June Wight, Husband and Wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Don R. Wight
Notary Public of Idaho
Residing at Burley, Idaho
My Commission Expires: Aug. 1992

13S
CC82





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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 7, 1997

TED & BETTY ANN HIGLEY
2200 RODOCKER LANE
PO BOX 57
MALTA ID 83342

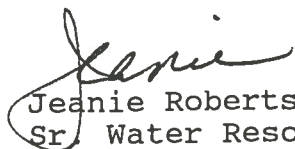
Re: Ownership Change for Adjudication Claim #A43-00099B,
A43-00100B,
A43-00101B,
A43-00102B,
A43-00103B,
A43-00104A,
A43-02310,
A43-04190,
A43-07057, &
A43-10296
(WIGHT/HIGLEY)

Dear Mr. and Mrs. Higley:

Pursuant to notification that you presently own the property in which the above referenced Adjudication Claims are appurtenant, the Department has changed the records of the current owner as you requested. Please find enclosed copies of the computer records of the claims noting the change in claimant.

Please review the records and if you have any corrections or questions, please feel free to call this office.

Sincerely,


Jeanie Robertson
Sr. Water Resource Agent

/jr
Enclosures

98

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: A43-02310
Date Received: 5/30/1989
Receipt No: 5007430
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BLAINE WIGHT 208-645-2545
Address: POB 8
MALTA, ID 83342

AND

Name: VIOLA WIGHT 208-645-2545
Address: POB 8
MALTA, ID 83342

2. Date of Priority: MAY 10, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.400		

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

8. Total consumptive use is 360.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	13	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			NE	NW		IRR	40.0
						Section Acres	120.0
						Total Acres	120.0

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:

43-00099, -00100, -00101, -00102, -00103, -00104

14. Remarks:

DESCRIPTION OF DIVERSION WORKS: WELL IS 360' DEEP, 8" PIPE, INSIDE A 20" CASING (CASED ALL THE WAY DOWN); A MAINLINE, RUNNING EAST ACROSS THE LANDS WATERED, ALONG THE SOUTH SIDE THEREOF. THIS WELL IS USED AS A SUPPLEMENTARY SOURCE WHEN THERE IS INSUFFICIENT WATER IN CASSIA CREEK, FROM DECREED WATERS LISTED BY IDAHO DEPARTMENT OF WATER RESOURCES NUMBERS IN #13 ABOVE, THEN THIS WELL IS USED TO OBTAIN THE REST OF THE WATER.

15. Basis of Claim: LICENSE

Water Right Number: 20450

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 _____

8/01/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME BLAINE ID VIOLA WIGHT CL# 0 IDENT. NO. A43-02310
DATE RECEIVED 5/30/89 CK # 623 AMOUNT \$ 545

YES

NO

1. Is the name and address complete with zip code? /
2. Is priority date entered? /
- Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. /
3. (a) Is a source entered? /
(b) Is a tributary to entered? (if required) NA
4. Is the legal description of the p.d. complete? /
5. Is there a description of the diverting works? /
6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form. /
Is the period of use included? /
Is a quantity claimed for each use? /
7. Is a total quantity claimed entered? /
8. Is the consumptive use correct? 3 x 120 = 360 /
If required is a consumptive use entered? /
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4. NA
10. Is (are) the place(s) of use entered? /
11. Is (are) the county(ies) entered? /
12. Is the ownership of p.u. checked? /
13. Are other water rights listed or "none" checked? /
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) NA
15. Is the basis of the claim checked? /
16. Is the claim signed by the claimant?
Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) /
- Has the claim been signed, sealed, and dated by a notary? /
- Is the fee enclosed correct? /
- If this claim is based on an existing water right, has the identification number been entered? N/A 43-02310
- Should this claim be receipted and data entered? /

MICROFILMED

Claim checked by MAR 03 1993

Comments: _____

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

A43-02310

Date Received

5/30/89

Receipt Number

5007430 9

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

MAY 30 1989

ACQUIRED UNDER STATE LAW

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Blaine and Viola Wight Phone (208) 645-2545Mailing Address POB 8, Malta, ID Zip 833422. Date of Priority (Only one (1) per claim) May 10, 19483. Source of water supply (a) underground
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 13 S. Range 26 E. Section 13,
_____ 1/4 of NE 1/4 of NW 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. Well is 360' deep, 8" pipe, inside a 20"
casing (cased all the way down); a mainline, running East across the lands watered, along
the South side thereof.

MICROFILMED

MAR 03 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 2.4 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 300 acre feet per annum, for this and the other claims for this land.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) N/A

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	40	40			40												120

Total number of acres irrigated 120

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.

43-0099; 43-0100; 43-0101; 43-0102; 43-0103; 43-0104 or None ()

14. Remarks:

This well is used as a supplementary source when there is insufficient water in Cassia Creek, from decreed waters listed by Idaho Department of Water Resources numbers in #13 above, then this well is used to obtain the rest of the water needed.

MICROFILMED

MAR 03 1993

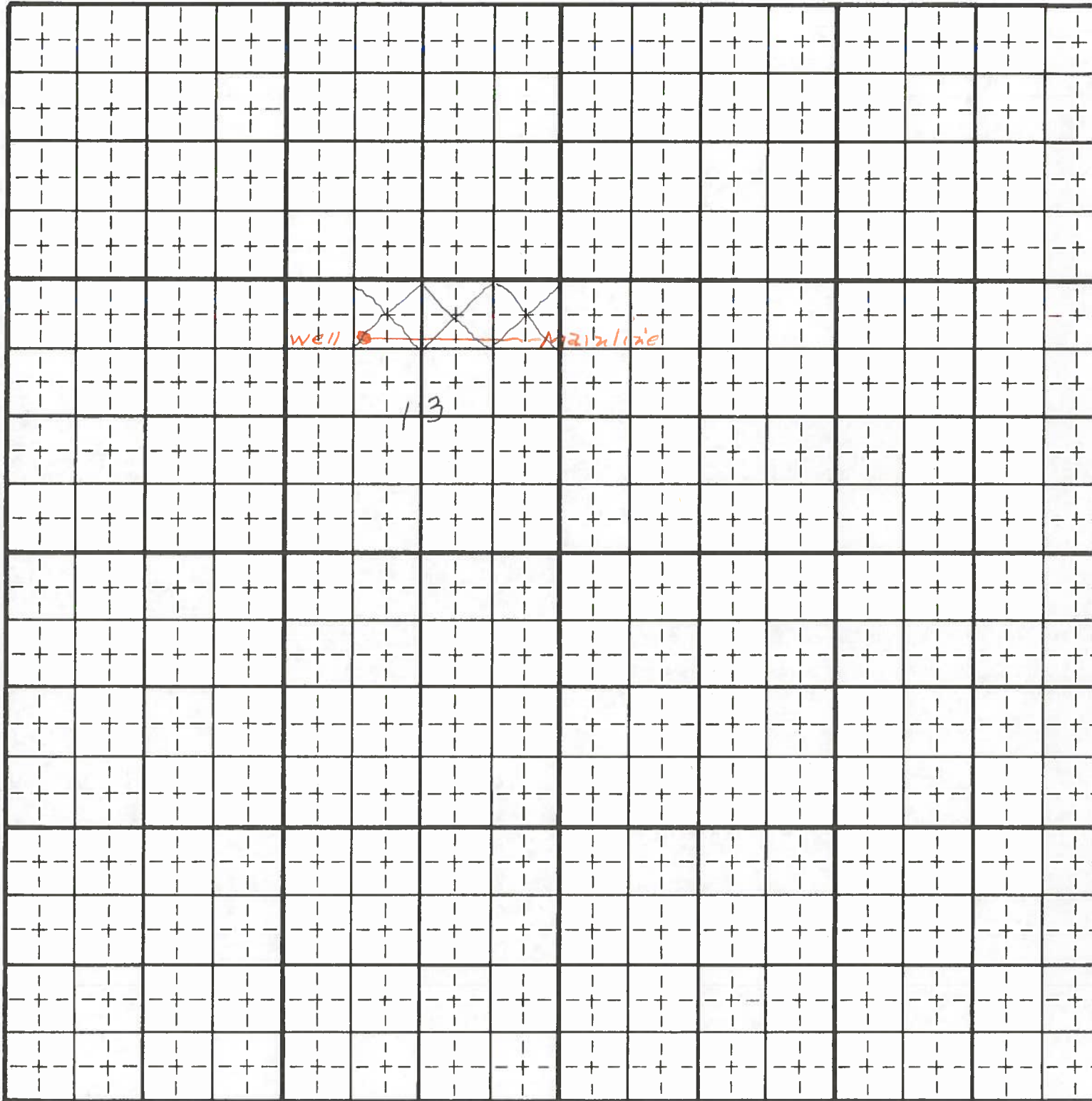
Last Name Wight Ident No. A43-02310

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

Twp 13S, Rge. 26E.



MICROFILMED

MAR 03 1993

Last Name Wight

Ident No. A43-02310

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 43-2310
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1 (copy of license)

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

Signature of Claimant (s)

Blaine Wright
Viola Wright

Date

5/24/89

Date

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 _____

Title

of _____

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, Idaho

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

Ray W. Rigby

Address 25 North 2nd East, POB 250, Rexburg, ID 83440

Date

5-24-89

MICROFILMED

MAR 03 1993

Last Name

Wright

Ident. Number

A43-02310

Copies White-State, Yellow-Claimant

State of Idaho
License and Certificate of Water Right

Water License No. 20450 (43-2310) Amount 2.4 second feet
Water District No. _____ Priority May 10, 1948

THIS IS TO CERTIFY that BLAINE WIGHT
of MALTA, IDAHO, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 10, 1948; that Permit No. 20450
was issued under said application: that Certificate of Completion of works, with a carrying capacity of
2.4 second feet, was issued thereunder on May 29, 1948, showing that said works
were completed on the 20th day of May, 1948; and that on the 12th
day of July, 1948,

BLAINE WIGHT

of Malta, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of
a well, a tributary of _____, for the purpose of irrigation
under Use Permit No. 20450 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4478, on the 11th day of February, 1949;

The right hereby confirmed dates from May 10, 1948;

The Point of Diversion is located
in the NE 1/4 NW 1/4 Sec. 13, Tp. 13 S., R. 26 E., E. M. Cessie

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.4 cubic feet per second. of supplemental water.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	26 E.	13	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			NE 1/4 NW 1/4	40	40
			Number of Acres Actually Irrigated - - -		120

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
11th day of February, 1949.

(SEAL)

MARK R. KULP
State Reclamation Engineer

MICROFILMED
MAR 03 1993

WIGHT 43-02310

08/29/2001

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

RIGHT NUMBER: 43-2310

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

SOURCE: GROUND WATER

QUANTITY: 2.32 CFS
464 AFY

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHTS 43-103B AND 43-2310.

PRIORITY DATE: 05/10/1948

POINT OF DIVERSION: T13S R26E S13 SWNENW 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	2.32 CFS 464.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R26E S13	NENE	40	T13S R26E S13
T13S R26E S13	NENW	36	NWNE 40

116 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHTS 43-103B AND 43-2310.

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.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1976 TO 2000.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

05/09/2001

**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: 43-2310

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: 6-6-01 SIGNATURE: Ted Higley
Please print your name: Ted Higley

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

11/07/2000

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

RIGHT NUMBER: 43-2310

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

VERIFIED BY: KKC
11-7-00

SOURCE: GROUND WATER

QUANTITY: 2.32 CFS
464 AFY

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS
PER ACRE. COMBINED RIGHTS 43-99B, 43-100B, 43-101B, 43-102B, 43-103B,
43-104A, AND 43-2310.

PRIORITY DATE: 05/10/1948

POINT OF DIVERSION: T13S R26E S13 SWNENW 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	2.32 CFS 464.0 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R26E S13	NENE	40	T13S R26E S13
T13S R26E S13	NENW	36	NWNE 40
116 ACRES TOTAL			

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHTS 43-99B, 43-100B, 43-101B, 43-102B,
43-103B, 43-104A, AND 43-2310.

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.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1976 TO 2000.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

CLAIM NUMBER 43-23103 DATE _____
GROUND WATER AGENT _____

TRANSFER NUMBER _____
CLAIMED ACRE TOTAL 120
GIS ACRE TOTAL 116

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	13S	26E	13	40	40			40												120
GIS				39.8	39.9			35.7												
RECOM				40	40			36												116
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B43-POU.SHP _____
SHAPE NOS. _____

B43-POD.SHP _____
NOS. DESCRIPTION _____

DBF TABLES UPDATED _____
B43-DBPOU.DBF _____
B43-DBPOD.DBF _____
JPEG LAYOUT _____

Iaho Dept of Water Resources
Claims review notes and narrative

Date: 10-30-2000

File: 43-99 thru 104 recom analysis

Prepared by Kelly K Christensen

SPLIT ANALYSIS FOR 43-99, 43-100, 43-101, 43-102, 43-103, AND 43-104
These rights were decreed to Deardorff and are collectively referred to as the
DEARDORFF RIGHTS

DECREED RIGHTS	SIMPLOT	BEYLER	HIGLEY
43-99	43-99C	43-99A	43-99B
43-100	43-100C	43-100A	43-100B
43-101	43-101C	43-101A	43-101B
43-102	43-102C	43-102A	43-102B
43-103	43-103C	43-11263	43-103B
43-104	43-104C		43-104A

Two different parties now own the decreed property. When claims were filed there were three different owners. Higley now owns the Beyler property but for narrative purposes the two parcels will be analyzed individually and be referred to as either the Beyler property or the Higley property. (see table above)

There are two arguments concerning how the rights are to be split.

Argument 1. Simplot Rights should be 'unstacked'

Simplot's argument is that 43-99 thru 43-103 are appurtenant to the property currently owned by Simplot and that 43-104 is appurtenant to the ground claimed by Beyler and Higley. This is based upon wording in the warranty deed when the property was first split.

Argument 2, All rights should be delivered proportionately

The Beyler-Higley argument was that the rights have been historically delivered on a proportionate basis and should continue to be delivered in such manner.

A conflict concerning the delivery surfaced and the department was contacted. The department's decision was that the rights should be delivered according to the decree (proportionally) until as such time as Simplot filed a transfer and supported the delivery of the rights as unstacked and appurtenant to the parcels as described above. That transfer was never filed. Throughout the 1980's and 1990's the rights have been delivered proportionately. As this is the historic practice and it has been supported by the department in administrative action I am recommending these rights based upon the proportionate splitting of the original decreed rights based upon a percentage of each claimant's ownership of a portion of the original decreed place of use. See the excel spreadsheet printout that documents the proportionate split rates. (File: 43-99 to 104 proportional rate table.xls)

HIGLEY PLACE OF USE ANALYSIS

Found irrigated place of use = 116 acres. Total of surface water rights.2.39 cfs. One ground water right exists, 43-2310. This right was licensed for 2.40 cfs on 120 acres. I am recommending a 116-acre place of use with the rights limited to 0.02 cfs/acre when combined.

BEYLER PLACE OF USE ANALYSIS

There was a change of ownership from Beyler to Higley in 1997, however this property will be referred to as the Beyler property for analysis purposes.

The place of use is 71 irrigated acres within the original decreed place. The total claimed diversion rate for the Cassia Creek rights is 1.50 cfs. No individual right exceeds 1 inch to the acre or $(71 * 0.02 \text{ cfs/acre} = 1.42 \text{ cfs})$.

One ground water right (43-2355) is also appurtenant to this property. I located the well during my field exam on 9-20-2000 and found that there was no motor or pump installed at that location. I talked with the current owner's daughter-in-law and she indicated that the pump had been pulled for several years. She did not know how many years. As the system was in operation as of 1987 I am recommending this right as valid for the licensed rate of 1.42 cfs and the 71-acre place of use.

SIMPLOT PLACE OF USE ANALYSIS

Simplot owns that portion of the decreed place of use for the Deardorf property that lies west of highway 81. I am recommending that ground with the proportionate rate that is appurtenant to that ground. I found approximately 416 irrigated acres within the decreed place of use. The combined proportional diversion rate is less than one inch per acre when applied to the 416 acres (combined rate = 4.74 cfs). This system overlaps with other decreed Cassia Creek rights and a ground water right.

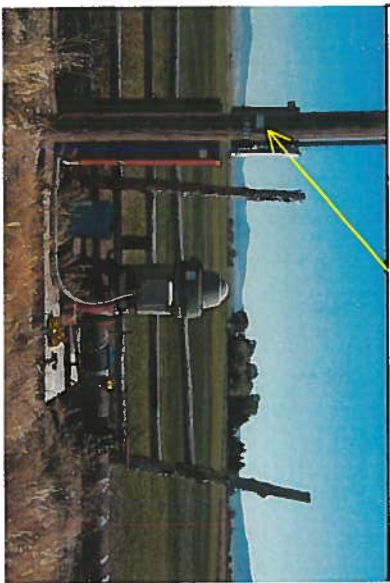
Surface water rights	Ground water right	Photos taken
43-99B 43-102B 43-100B 43-103B 43-101B 43-104A	43-2310	9-20-2000
File: 43-99A 43-2355 Higley p-u p-d		
By: Kelly K Christensen		



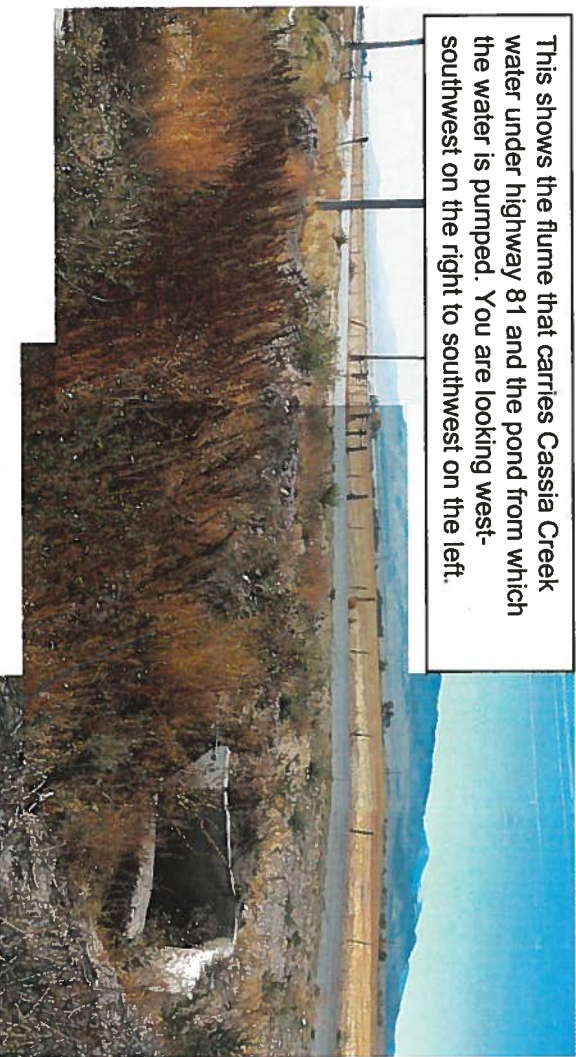
This photo set was taken at the southwest corner of the place of use and you are looking north on the left to east on the right. The pumping system in the foreground delivers Cassia Creek water into the mainline system to be delivered to the place of use. The well is located at the end of the pond to the left of the pickup. The well ties directly into the mainline and does not dump into the pond. Cassia Creek water comes in from the left at the north end of the pond.

Inlet for Cassia Creek water

well



This photo is looking east at the well and GPS location. The GPS reading was taken on top of the motor. Site tag # A0004888 was placed on the power pole.



This shows the flume that carries Cassia Creek water under highway 81 and the pond from which the water is pumped. You are looking west-southwest on the right to southwest on the left.

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 9-8-2000

File: 43-2310 higley analysis

Prepared by Kelly K Christensen

43-02310

Source and rate analysis

This right was claimed as licensed for the place of use and diversion rate. The claim however describes a different well.

The licensing field examination found a 'dug well' 20 ft deep by 3 ft in diameter and equipped with an A.O. Smith deep well type turbine pump with an 8 inch discharge pipe going into a ditch 2 ft wide and 1 ft deep.

The claim identifies a well 360 ft deep with 20 inch casing and a mainline running east along the southern border of the claimed place of use. No HP is given.

The system is different and the well is different, however, according to the hand sketch provided with the original claim, the new well location is close to the original 'dug well'.

Place of use analysis

All of the claimed place of use except for a portion along the north side of the NENW appears to be irrigated. Approximately 5 acres along the north side is developed into housing lots and does not appear to be part of the irrigated place of use.

DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20450

In Water District No.

This proof is for Beneficial use

1. Name of applicant Blaine Night, Malta, Idaho
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13
T. 13 S. R. 26 E. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: A Dug Well approximately 20 feet deep, X 3 feet diameter, equipped with an A.O. Smith deep well type turbine pump; An 8 inch discharge pipe discharges to a ditch 12 feet wide X one foot deep.

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation)

NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, Twp. 13 South, Range 26 East, E. M.

(Submit map on attached plat, showing location and details of above description)

8. What large stream would the water here appropriated finally reach? UnknownRemarks: Pump was not in use at time of this examination.Land covered by this filing has a total decreed right of 2.4 Sec Ft. from Cassia Creek with priorities as follows.

Estimated pumping period, 108 days

Priority Dates	Sec. Ft.
4-1-1879	2.5
4-30-1880	2.4
4-30-1882	1.2
11-30-1886	.8
4-1-1894	5.1
8-30-1904	.8

This examination was made on the

14th.

day of

September

1948

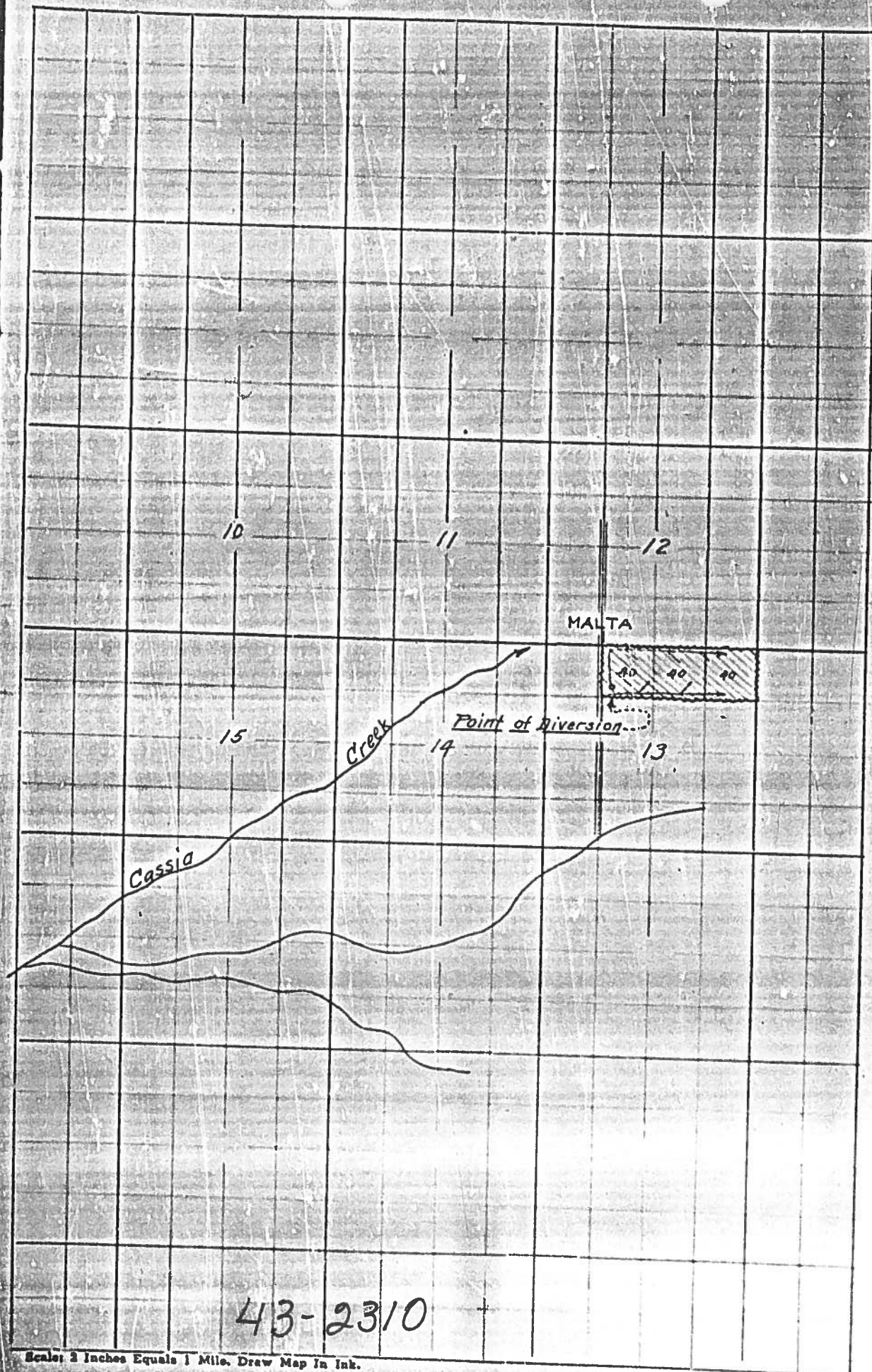
(Signed)

A. J. ...

Examiner

43-2310

20450



43-2310

Scale: 2 inches Equals 1 Mile. Draw Map in Ink.

State of Idaho License and Certificate of Water Right

Water License No. 20450

Amount 2.4 second feet

Water District No.

Priority May 10, 1948

THIS IS TO CERTIFY that

BLAINE WIGHT

of MALTA, IDAHO

made application for a permit to appropriate the public waters of the State of Idaho, dated May 10, 1948; that Permit No. 20450 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.4 second feet, was issued thereunder on May 29, 1948, showing that said works were completed on the 20th day of May, 1948; and that on the 12th day of July, 1948,

BLAINE WIGHT

of Malta

State of Idaho

made proof to the satisfaction of the

State Reclamation Engineer

of Idaho, of the right to use the waters of

a well

a tributary of

for the purpose of irrigation

under Use Permit No. 20450 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8

of Licenses at page 4438, on the 11th day of February, 1949;

The right hereby confirmed dates from May 10, 1948;

The Point of Diversion is located

in the NE 1/4 NW 1/4, Sec. 13, Tp. 13 S., R. 26 E., B. M. Cassia

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.4 cubic feet per second of supplemental water.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	26 E.	13	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			NE 1/4 NW 1/4	40	40
			Number of Acres Actually Irrigated	-	120

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 11th day of February, 1949.

MARK R. AULD

State Reclamation Engineer

(SEAL)