

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: A43-04234
Date Received: 5/30/1989
Receipt No: M003743
Received By: Adm

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: TED HIGLEY
Address: P.O. BOX 57
MALTA ID

83342

AND/OR

Name: BETTY ANN HIGLEY
Address: P.O. BOX 57
MALTA ID

83342

2. Date of Priority: JUN 22, 1897

3. Source: COTTONWOOD CREEK

Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	23E	18	SE	NW	SE		CASSIA

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	22.120		
STOCKWATER	01/01	12/31	0.140		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/ 600 HEAD BEEF CATTLE AND SOME HORSES

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	23E	18	SE	SE		STOCK IRR	35.0
						Section Acres	35.0
		19				STOCK	
			NE	NE		IRR	30.0
			SE	NE		IRR	21.0
			NE	SE		IRR	20.0
						Section Acres	71.0
		20				STOCK	
			NE	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	560.0
		21				STOCK	
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
						Section Acres	160.0
		28				STOCK	
			SW	NE		IRR	40.0
			NW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SE		IRR	40.0
						Section Acres	200.0
		29	NE	NE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	23E	29	NW	NE		IRR	40.0

Section Acres 80.0

Total Acres 1106.0

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:

A43-02203, -02204, -02208, -02120, -02231

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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):

[Handwritten Signature]

Date:

1-30-92

Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of Jan. 19 92

[Signature]
Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/30/92

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WARRANTY DEED

A43-042

aka VIOLA WIGHT,

For Value Received BLAINE WIGHT and VIOLA JUNE WIGHT, husband and wife,
of the County of Cassia, State of Idaho,

the grantors, do hereby grant, bargain, sell and convey unto TED HIGLEY and BETTY ANN HIGLEY, husband and wife, of the County of Cassia, State of Idaho, whose current mailing address is: P. O. Box 57, Malta, Idaho 83342,

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

TOWNSHIP 16 SOUTH, RANGE 23 EAST, BOISE MERIDIAN

Section 18: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 19: E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

Section 20: W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 21: W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 29: N $\frac{1}{2}$ NE $\frac{1}{4}$

TOGETHER WITH all water rights arising out of Cottonwood Creek decreed to Seller or that Seller may have any right, title or interest in.

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN

Section 24: NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

TOGETHER WITH water rights

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee^s, Grantees' heirs and assigns forever. And the said Grantor^s do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except as above described, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 12th, 1985.

Blaine Wight
BLAINE WIGHT

Viola June Wight
VIOLA JUNE WIGHT aka VIOLA WIGHT

STATE OF IDAHO, COUNTY OF CASSIA: SS.

On this 12th day of December, 1985, before me, a notary public in and for said State, personally appeared

aka VIOLA WIGHT,

BLAINE WIGHT and VIOLA JUNE WIGHT,
husband and wife,

known to me to be the person^s whose name^s are subscribed to the within instrument, and acknowledged to me that they executed the same.

Thomas H. Church

Residing at Burley

, Idaho. Comm. Expires Dec

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MAR 04 1993

Real Estate Agreement

THIS AGREEMENT, Made and entered into the 3rd day of July in the year of our Lord one thousand nine hundred thirty-five 1935
Between **FIRST TRUST COMPANY OF SAINT PAUL**, a Minnesota corporation,
of **Saint Paul**, County of **Ramsey**, State of **Minnesota**
Part^y of the first part, and **GEORGE KIRKPATRICK**
of **Oakley**, County of **Cassia**, State of **Idaho**
the part^y of the second part.

WITNESSETH, That the part^y of the first part, in consideration of the covenants and agreements on the part of the said part^y of the second part, hereinafter contained, agree^s to sell and convey unto the said part^y of the second part, and the second part^y agree^s to buy all the certain lot, piece or parcel of land, situate, lying and being in
County of **Cassia** State of **Idaho**, and bounded and particularly described as follows, to-wit:

The West Half of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$), the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty (20); the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Eighteen (18); the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Nineteen (19), all in Township Sixteen (16) South, Range Twenty-three (23) East Boise Meridian, according to the U. S. Government survey thereof, and containing three hundred sixty (360) acres, more or less; and all water, water rights, ditches, aqueducts, laterals, appropriations and appurtenances upon, leading to, connected with, appertaining or belonging to, or had and enjoyed in connection with the above described premises; subject to any reservation, term, or condition in the patents of the United States of America, or any prior conveyance of record, and any and all rights of way over and across the above described premises.

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Time is the essence of this agreement and in case the part^y of the second part should fail, refuse or neglect to pay said part^y of the first part the money as is agreed herein to be paid, or to pay taxes, assessments or insurance on the date same shall become due, and for a period of thirty days thereafter, or shall fail to fulfill any of the covenants or agreements on the Purchaser's part to be kept and performed, then and in that event, the part^y of the first part may, at 1st option, forfeit any and all rights of the purchaser in and to said property, and all money paid to the part^y of the first part by the purchaser under this agreement shall be retained by the said part^y of the first part as liquidated damages for the non-performance of this contract, and as rent for said property; and the purchaser, if then living on the property shall be considered a lessee of the part^y of the first part and shall be liable to ejectment under the laws of the State of Idaho, relating to forcible entry and unlawful detainer. And the said part^y of the first part, on receiving payment at the time and in the manner above mentioned, agree ~~to transfer the above interest~~ to deliver to the said part^y of the second part, or his heirs and assigns the ~~deed~~ deed which shall be a good and sufficient Warranty Deed to said premises, together with abstract showing title free from incumbrances, except incumbrances above mentioned, ~~if any~~ if any ~~-----~~, excepting also, such encumbrances as may be created by the part^y of the second part, or through his assigns or heirs. It is understood that the stipulations herein set forth, are to apply and bind the heirs, executors, administrators and assigns of the respective parties thereto.

Provided, however, that this agreement cannot be assigned by the part^y of the second part ~~to any Greek, Italian, Negro, Indian, Chinese or Japanese~~ without first securing the consent of the part^y of the first part in writing.

caused these presents to be properly executed
IN WITNESS WHEREOF, The said parties of these presents have ~~hereunto set their hands and~~ the day and year first above written.

Signed, Sealed and Delivered in the Presence of
John W. Lewis
By James J. Caudle Vice President (SEAL)
And; E. Hays Asst. Secretary (SEAL)
John Lewis George Kirkpatrick (SEAL)
(George Kirkpatrick) (SEAL)

STATE OF IDAHO }
COUNTY OF BLAINE } ss.

On the 17 day of June in the year 1935, before me,
a Notary Public in and for said State personally appeared GEORGE KIRKPATRICK

known to me to be the person he whose name is subscribed
to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and
year in this certificate first above written.

(SEAL)

Maek W. Branch

Notary Public

My commission expires May 25, 1937.

Residing at Burley, Ida

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STATE OF MINNESOTA)
) SS
County of Ramsey)

On this 16 day of September A. D. 1935, before me, E. J. Olson
a Notary Public in and for said County, appeared Louis S. Headley
and P. E. Thayer personally known to me to be the persons whose
names are subscribed to the foregoing instrument, who being by me
severally duly sworn did say each for himself that they are the
Vice President and Asst. Secretary respectively of the
FIRST TRUST COMPANY OF SAINT PAUL, and that the seal affixed to the
foregoing instrument is the corporate seal of said corporation, and
that said instrument was signed and sealed in behalf of said corporation,
by authority of its Board of Directors, and the said Louis S. Headley
and P. E. Thayer acknowledged said instrument to be the free act
and deed of said corporation.

IN WITNESS WHEREOF, I have hereto set my hand and
affixed my Notarial Seal on the day and year above written.

E. J. Olson
Notary Public, Ramsey County, Minn.
My commission expires July 19, 1939
Residing at Saint Paul, Minn.

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MAR 4 1993

Desert Lands. } The United States of America, to all whom these presents shall come, Greeting: Whereas John W. Keogh, of Cassia County Idaho, has deposited in the General Land Office of the United States a certificate of the Register of the Land Office at Hailey, Idaho, whereby it appears that full payment has been made by the said John W. Keogh, according to the provisions of the Act of Congress of the 24th of April 1820, entitled, 'An Act making further provisions for the sale of the Public Lands' and this Act supplemental thereto, for the Southeast quarter of the Southeast quarter of Section eighteen, the East half of the North quarter of Section nineteen and the West half of the Northwest quarter; the Southeast quarter of the Northwest quarter, the Northeast quarter of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section twenty, Township sixteen South of Range twentythree East of the Boise Meridian, in Idaho, containing three hundred and twenty acres, according to the official Plat of the Survey of the said Lands, returned to the General Land Office the Surveyor General, which said tract has been purchased by the said John W. Keogh. Now know ye, that the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted and by these Presents do give and grant unto the said John W. Keogh and to his heirs, the said Tract above described: To have and to hold the same, together with all the rights, privileges and immunities and appurtenances, of whatsoever nature thereunto belonging, unto the said John W. Keogh, and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and right to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local custom laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted as provided by law. — In Testimony Whereof, I Grover Cleveland, President of the United States of America have caused these letters to be made Patent and the seal of the General Land Office to be hereunto affixed. Given under my hand at the City of Washington the Second day of August in the year of our Lord one thousand eight hundred and ninety five and of the Independence of the United States the one hundred and twentieth.

Seal
G.L.O.

By the President. Grover Cleveland

By M. S. Leman, Secretary

L. Q. C. Lamar, Recorder of the General Land Office.

Recorded Vol. 3 page 115.

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MAR 04 1993

Filed for record at request of Stephen Keogh at 8:27 A.M. June 23rd 1897.
John F. Harman

115600

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

RECEIVED
MAY 30 1989

Ident. Number: A43-04234
Date Received: 2/09/1989
Receipt No: 1003743
Received By: B

Department of Water Resources NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED HIGLEY
Address: P.O. BOX 57
MALTA, ID 83342

AND/OR

Name: BETTY ANN HIGLEY
Address: P.O. BOX 57
MALTA, ID 83342

2. Date of Priority: APR 27, 1959

3. Source: COTTONWOOD CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	23E	18	SE	NW	SE		CASSIA

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	22.120		
STOCKWATER	01/01	12/31	0.140		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 600 HEAD BEEF CATTLE AND SOME HORSES

A43-04234

Page 1

Date: 05/26/89

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16S	23E	18	SE		SE		STOCK IRR	35.0
							Section Acres	35.0
		19					STOCK	
			NE		NE		IRR	30.0
			SE		NE		IRR	21.0
			NE		SE		IRR	20.0
							Section Acres	71.0
		20					STOCK	
			NE		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	560.0
		21					STOCK	
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
							Section Acres	160.0
		28					STOCK	
			SW		NE		IRR	40.0
			NW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	200.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	23E	29	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
						Section Acres	80.0
						Total Acres	1106.0

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:
A43-02203, -02204, -02208, -02120, -02231

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: 1

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): [Signature] Date: 5/26/89
[Signature] Date: 5-26-89

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of May 19 89
Notary Public [Signature]

Seal

Residing at Anna Baumhoff, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994

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43-04234

35	46	47	48	49	50
30	46	47	48	49	50
25	46	47	48	49	50
20	46	47	48	49	50
15	46	47	48	49	50
10	46	47	48	49	50
5	46	47	48	49	50

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MAR 11 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04234
TED HIGLEY
BETTY ANN HIGLEY
P.O. BOX 57
MALTA

ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by February 3, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 04 1993

**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: 43-4234

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

11/28/2000

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

RIGHT NUMBER: 43-4234

NAME AND ADDRESS: BETTY ANN HIGLEY
TED HIGLEY
PO BOX 57
MALTA, ID 83342

SOURCE: COTTONWOOD CREEK TRIBUTARY: JUNCTION CREEK

QUANTITY: 5.48 CFS

PRIORITY DATE: 06/22/1897

POINT OF DIVERSION:	T16S R23E S18	NESWSE	Within CASSIA County
	T16S R23E S20	SWSWNE	Within CASSIA County
	T16S R23E S20	NWSENW	Within CASSIA County
	T16S R23E S20	SWNESE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	5.48 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
T16S R23E S18	SESE	18	T16S R23E S19 NENE 17
T16S R23E S19	SENE	17	T16S R23E S19 NESE 1.2
T16S R23E S20	SWNE	17	T16S R23E S20 NWNW 24
T16S R23E S20	SWNW	40	T16S R23E S20 SENW 38
T16S R23E S20	NESW	40	T16S R23E S20 NWSW 23
T16S R23E S20	SESW	3.2	T16S R23E S20 NESE 16
T16S R23E S20	NWSE	40	T16S R23E S20 SWSE 28
T16S R23E S20	SESE	40	T16S R23E S21 SWSW 28
T16S R23E S28	SWNE	11	T16S R23E S28 NWNW 36
T16S R23E S28	SENE	33	T16S R23E S28 NESW 1.4
T16S R23E S28	NWSE	26	T16S R23E S29 NENE 16
T16S R23E S29	NWNE	0.7	
STOCKWATER Within CASSIA County			
T16S R23E S18	SESE		T16S R23E S19 NENE
T16S R23E S19	SENE		T16S R23E S20 NWNW
T16S R23E S20	SWNW		T16S R23E S20 SENW
T16S R23E S20	NESW		T16S R23E S20 NWSE
T16S R23E S28	SWNE		T16S R23E S28 NWNW
T16S R23E S28	SENE		T16S R23E S28 NWSE
T16S R23E S29	NENE		

514.5 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 274 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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: BASIS OF CLAIM - Beneficial Use

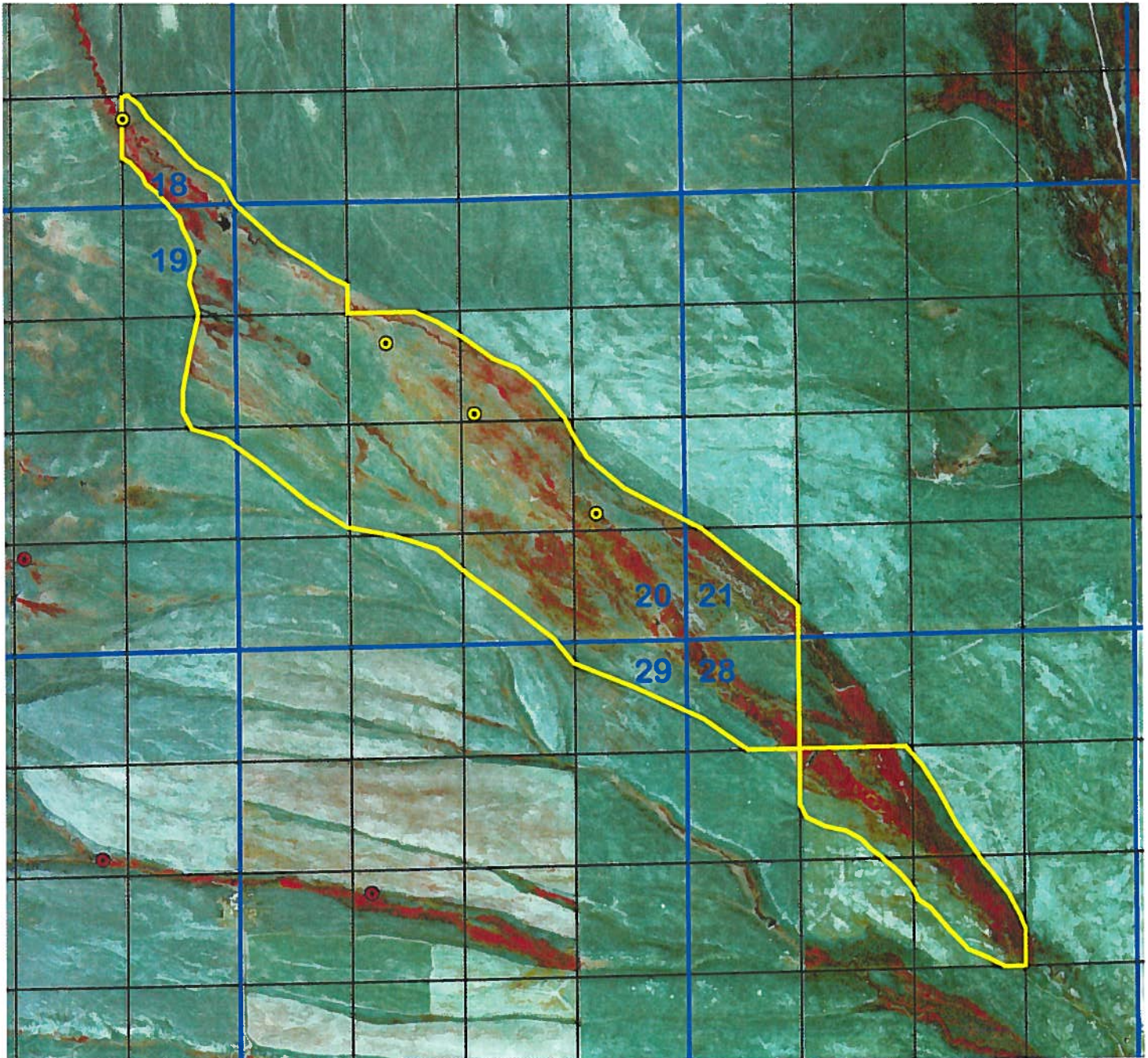
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

**RIGHT3: 43-2203,
43-2204, 43-4234**

**RECOMMENDED PLACE OF USE
TWP 16S, RNG 23E,
Sec 18, 19, 20, 21, 28, 29
Data entry on November 28, 2000**



-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

CLAIM NUMBER: A43-04234

DIVERSION RATE	DIVERSION VOLUME
22.12 GFS	5.46
0.14 GFS	

~~22.26 CFS~~

Stage: ~~STATUTORY CLAIM~~

CASSIA County

2

SE

SE

Field Inspection Flag:

123

 ∂u

SWT

Handwritten signature

2000
5/3
Hr
gpo

Same source for
Domestic Instrms
(Instructions
Advancing)

RECOMMENDATION NOTES

From: Vikie Hancock

11/28/00

Regarding: 43-2203, 43-2204, 43-4234

The above claims are all for the irrigation of the same 514 acre place of use. The source on all three is Cottonwood Creek, which is tributary to Junction Creek per USGS Cotton Thomas (Utah) Quadrangle map.

43-2203 and -2204 represent licenses appurtenant to old homesteads, or portions of old homesteads, now incorporated into claimant's ranch. The beneficial use claim represents a claim to all the water from Cottonwood Creek, which claimant says the ranch has historically used for irrigation and stockwater since 1897.

Other licenses were also claimed by Mr. Higley, but were found to have never been appurtenant to Mr. Higley's property, past or present. They are: 43-2120A, 43-2208 and 43-2231. The source for 43-2208 (1916) and 43-2231(1918) was Cottonwood Creek in the vicinity of the Higley Ranch, and so evidence that there were uses in the amount of 4.2 cfs contemporary to uses by the ranch in the early 1900's.

Tracts listed in the Keogh homestead patent of 1895 include 250 acres that are irrigated pasture on the ranch today, and would have most likely meant a diversion of approximately 5 cfs in 1897. If it is assumed that all the licensed and beneficial uses were being diverted circa 1918, a total appropriation of 14 cfs would be occurring from a creek that I measured at 12 cfs in the spring of 1999. This is not unreasonable, considering the contour of the valley and the resulting return flow, the locations of the homesteads along the creek and the western history of rotational use during periods of low flow.

GIS calculations find 514 acres irrigated in 1987, all flooded from Cottonwood Creek. One inch per acres would equal 10.28 cfs. Deducting the 4.8 cfs licensed under 43-2203 and -2204 would leave a balance of 5.48 cfs. Since my calculations of historical irrigation can only be speculation, I do not feel that it would be unreasonable to *recommend a 5.48 cfs diversion rate for the irrigation of 274 acres, priority date 1897, for claim 43-4234.*

43-2203 and 43-2204 should be recommended as licensed.

There is no diversion works for stockwater, so a 0.02 instream diversion rate is indicated. Both licenses list "domestic" use, which is interpreted to be stockwater. The place of use for stockwater in beneficial use claim 43-4234, as recommended, includes tracts within the ranch that was not previously licensed for stockwater.



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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 29, 1999

Ted Higley
P.O. Box 57
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)

Dear Mr. Higley,

I have finally succeeded in having a question answered about your claims, and sending you a copy of the shape file I created that outlines your irrigated acres. What I outlined here totals 513 acres. You originally claimed 1106 acres, so take a look at this and make sure that I didn't miss anything that's being irrigated; as you remember, my notes were getting a little soggy in the rain. If you find errors in the place of use, or in the points of diversion that I marked, please note them on the map and return it to me so I can make corrections.

The question I had on your claims concerns two of the licenses you claimed on Cottonwood Creek, and the license you claimed on South Cottonwood. I believe that you agreed that you claimed License 43-02120A in error, as you don't divert anything from South Cottonwood Creek, and the Buller family has also claimed this license. If you wish to, you can withdraw that claim by signing a simple form, which I can forward to you in the mail.

The question I had about the other two licenses, 43-02208 and 43-02231, concerned whether or not you had any basis for claiming them, as they were never appurtenant to the ranch. The short answer from our legal staff is: not unless you have documentation that conveys an interest in those licenses to you or your predecessor. It looked to me like the land that those water rights were licensed to is no longer being irrigated, and hasn't been for a long time. If I'm correct about that, then those rights may have been forfeited long ago.

This doesn't mean that you don't have a right to the water represented by those licenses. It just means that your right to the water is based on Beneficial Use of the water after, and possibly even during, the time that the license holders were irrigating with their share. One of the licensed tracts is downstream of all but your 160 acres in section 28. The other licensed tract is upstream of the ranch, but part of the water may have been available to the ranch as waste water even during the time the land was being actively irrigated. It does indicate, however, that there was water available to the downstream license holder in 1916.

The question concerning your Beneficial Use claim number A43-04234, is whether you will need to change the priority date on all or part of it, to fit around those off ranch licensed rights that existed in 1916. As far as your claims A43-02203 and A43-02204, based on licenses that were appurtenant to the ranch, those look like valid claims to me as they stand.

I measured 12 cfs in the stream when I was up there on June 2nd. If you divide that amount of water by the 513 acres I calculated, it comes up to 0.023 cfs per acre, just over the Idaho accepted standard of one inch per acre (1 inch equals 0.02 cfs). Your claim A43-04234 is for 22.12 cfs, but it's possible that that figure isn't based upon any measurement of the water, but by the standard of claiming 1 inch per acre, (1106×0.02 cfs comes out to 22.12 cfs). I believe that the 12 cfs is probably an accurate representation of what you are diverting for the ranch.

One more issue that I wanted to discuss with you is the claim for stockwater that William Jones has on your property. The Department talked to Mr. Jones in 1992, and again in 1997, and he believes he has a valid basis to claim a stockwater right in section 18. It is documented in the file that you do not wish him to have a water right on your property. If the Department ends up recommending his right in the Adjudication, you will, of course, have the opportunity to formally object to it. It would be preferable, however, if the two of you came to some agreement before then, and gave us direction on how to handle this claim. Meanwhile, one of our legal staff is going to research similar situations to see how the Department proceeded on those.

I've enclosed the computer photo with the outlined acres, and also profile reports of all the claims I've discussed here, for your convenience. Please get in touch with me, when you get a chance, so I can make any needed corrections in your place of use or diversion points, and we can discuss the priority date on the claim based on beneficial use, as well as the Jones claim. It doesn't look like I'm going to have time to take another tour of your ranch, even though I'd love to see it in the sunshine.

Sincerely,

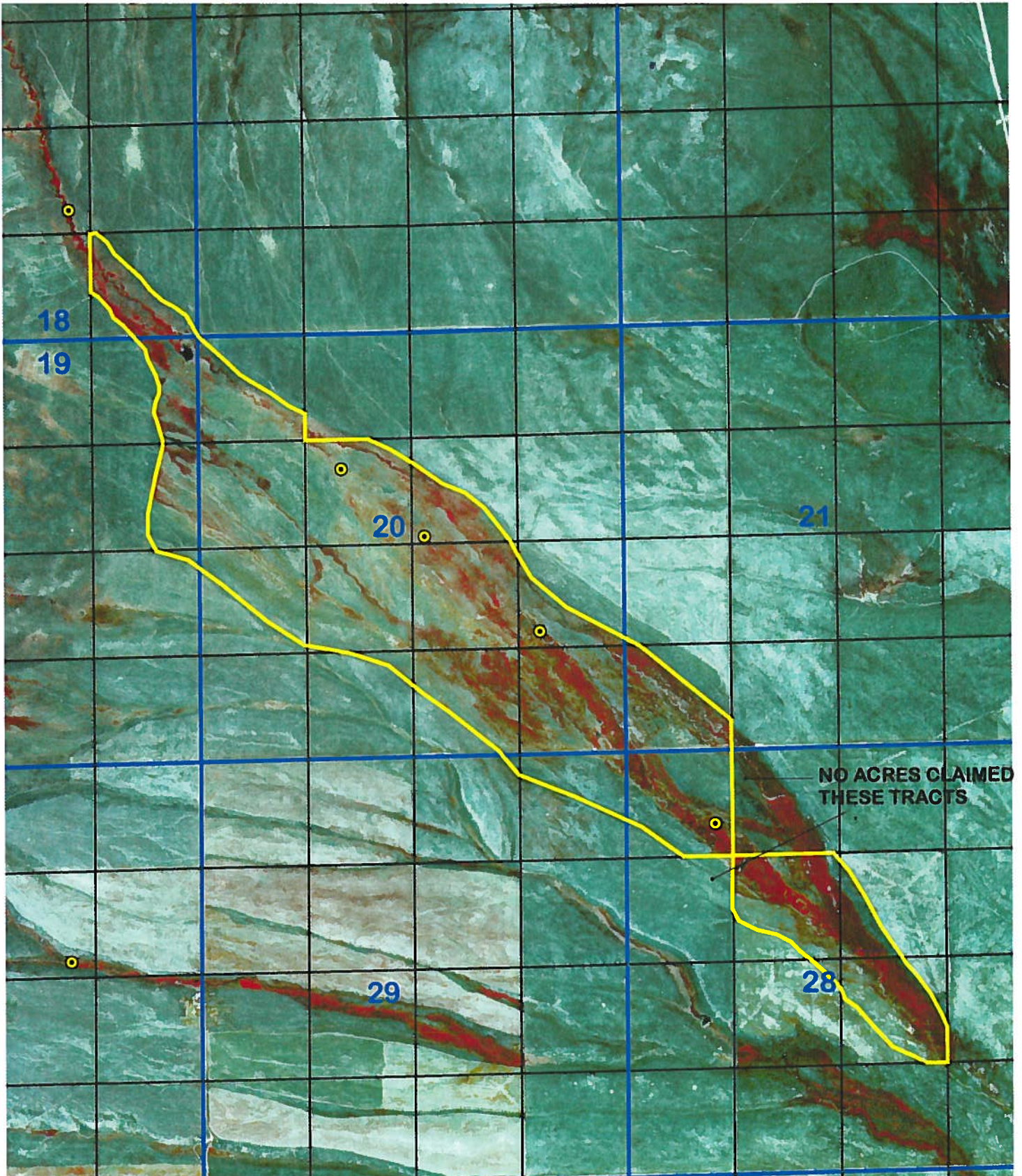
Vikie Hancock
Water Resource Agent

FIELD NOTES

513 1RR AC
Copy to Claimant

CLAIM NO(S): HIGLEY

TWP 16S, RNG 22E, 23E



Field Exam Notes

6/3/1999

Claim Nos: A43-04234, -02231, -02208, -02203, -02204, -02120A
Ted Higley Claims

Agent: Vikie Hancock

Claimant Ted Higley met me to tour the ranch. Mr. Higley's property is entirely in pasture and used for grazing cattle and a few horses.

All of the diversions are out of Cottonwood Creek. The system is such that water from the top main diversion in Section 18 floods back into Cottonwood creek and is re-diverted several times as the creek and ditches pass through the ranch. The high ditch to the west of the irrigated pastureland runs SE from the topmost diversion along the contour of a ridge, and sufficient slope exists that all water would generally flow back into the creek. Diversions from the high ditch are simple cuts from the bank. During high water, not all of the creek is used by the ranch. In times of low water, all of the creek flow is diverted at the top main diversion, and no water flows past the ranch. Most years, Cottonwood Creek dries up by the end of the summer.

Measurement of Cottonwood Creek was conducted using a Swiffer current meter at a suitable place upstream of the point of diversion, and documents the amount of available water from the creek during the spring of the season.

A pond exists in the NENE of section 19, and was dug by the claimant during drought years to capture underground flow for stockwater when the creek dried up. Irrigation water flows through the pond, but it is not a storage structure for irrigation.

Claimant has worked the ranch since 1969 with his in-laws, and subsequently purchased the ranch from them. The ranch has always diverted all the water it could use from Cottonwood Creek as long as he can remember. The water available varies from year to year, and at one time approximately 12 years ago, he sprinkled the 160 acres in section 28. He applied for a permit to drill a well there, but ran out of money and the permit lapsed (43-07090). All irrigation is done by flooding now, but his claims included acreage that he might want to use sprinkler on in the future. I explained that I could only recommend acres that he was currently irrigating.

Mr. Higley said that the ranch has been a continuous working ranch since the Keogh's homesteaded it. (Patent in file). I discussed the various licenses that he had claimed, and showed him that the places of use for three of those licenses were not his property. He conceded that he probably shouldn't claim license 43-2120 on South Cottonwood Creek, as he doesn't divert from S. Cottonwood, and this may have been an error in researching rights on Cottonwood Creek.

He was not aware of any transfer of the water licensed under 43-02231 or 43-02208, only that as long as he could remember, all the water had been used by them on the ranch.

The day of this field exam was windy and rainy and difficult for taking detailed notes. It was decided that I would use what notes I had to alter the POU shape file, add the claimed points of diversion and send the info to him for review. We agreed that it would be best to meet another time for an additional field review if it was necessary. Mr. Higley is most pleasant, cooperative and interested in getting his claims recommended correctly.

No pictures of the diversion or place of use were taken this day. The uppermost, and main, point of diversion was GPS'd and tagged on the diverting structure.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No.
(if applicable)

Open Channel Discharge Measurement Notes

- A. GENERAL INFORMATION A43-04234, -02231, -02208, -02203, -02204
1. Name of stream or ditch: Cottonwood Creek (Trib to Junction Cr)
2. Location: Upstream of 1st Diversion
3. Person(s) conducting measurement: J. Hancock
4. Date of measurement: 6-2-99 5. Weather conditions: Raining
6. Measuring device size and ID no.: Swoffer
7. Spin test before: — after: —
8. Purpose of measurement: SRBA Field Exam
9. Cross section description: Small gravel, some large cobble
cleared from path before measurement

B. MEASUREMENT DATA

Dist. from initial point	Width	Depth	Obs. Depth	Revolutions	Time in Seconds	Velocity		Area	Discharge
						At point	Average		
1.7	RWE	—				—		—	—
2.2	.5	.6				2.96		.30	0.888
2.7	.5	.6				3.47		.30	1.04
3.2	.5	.65				2.60		.325	0.845
3.7	.5	.5				3.78		.25	0.945
4.2	.5	.6				3.86		.30	1.158
4.7	.5	.5				3.89		.25	0.973
5.2	.5	.6				3.60		.30	1.080
5.7	.5	.6				3.90		.30	1.17
6.2	.5	.55				2.40		.275	0.660
6.7	.5	.65				2.89		.325	0.939
7.2	.5	.5				2.16		.25	0.54
7.7	.5	.5				1.90		.25	0.475
8.2	.5	.5				1.40		.25	0.35
8.7	.5	.2				1.20		.10	0.12
9.2	.5	.4				1.41		.20	0.282
9.7	.5	.4				1.43		.20	0.286
10.2	.5	.4				0.87		.20	0.174
10.7	.5	.2				0.81		.10	0.081
11.2	.5	.1				0		.05	—
11.7	.5	.1				0		.05	—
12.3	LWE								12.0 cfs

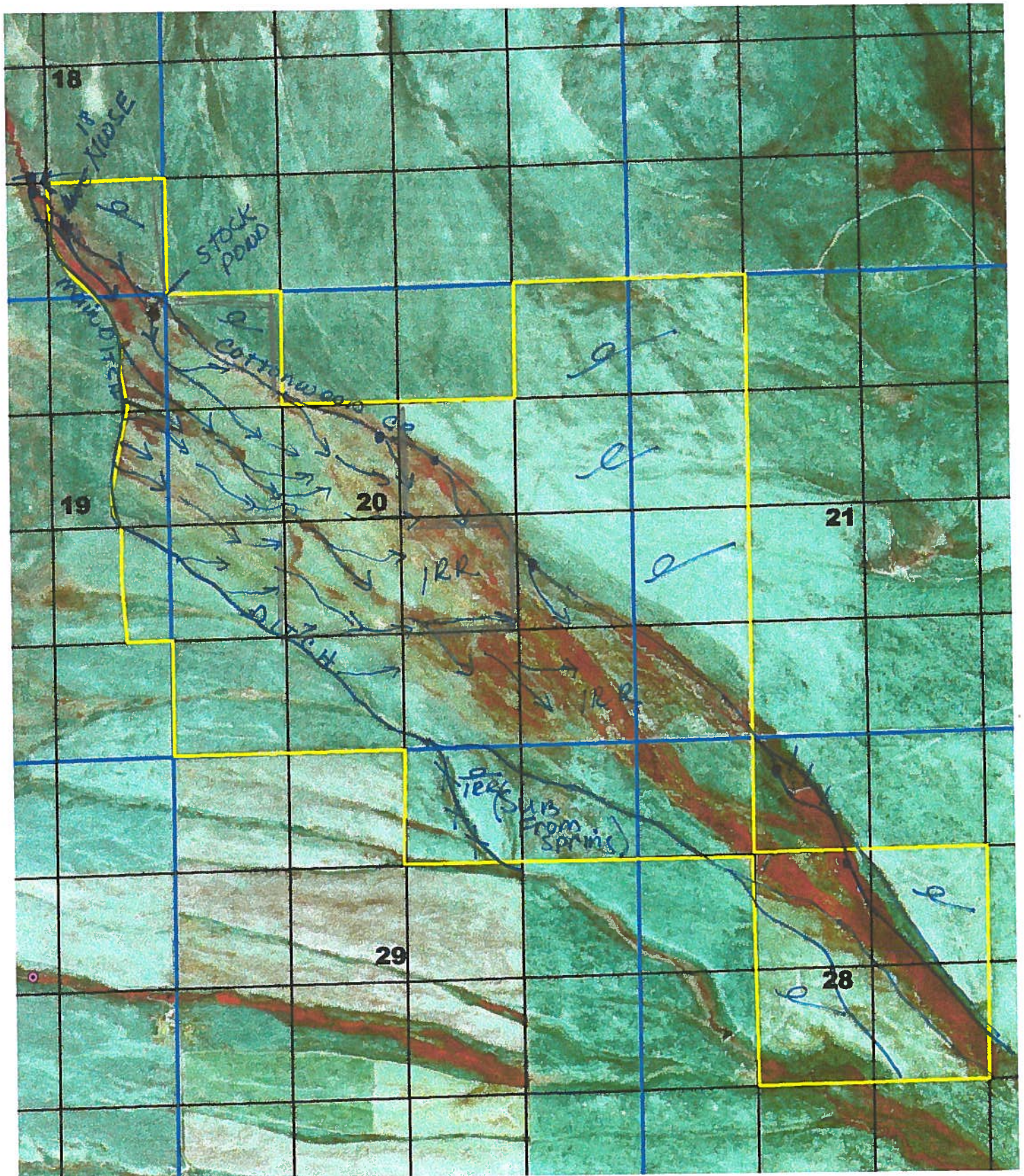
C. REMARKS

SIGNATURE

J. Hancock

FIELD NOTES

CLAIM NO(S): 43-4234



V HANCOCK

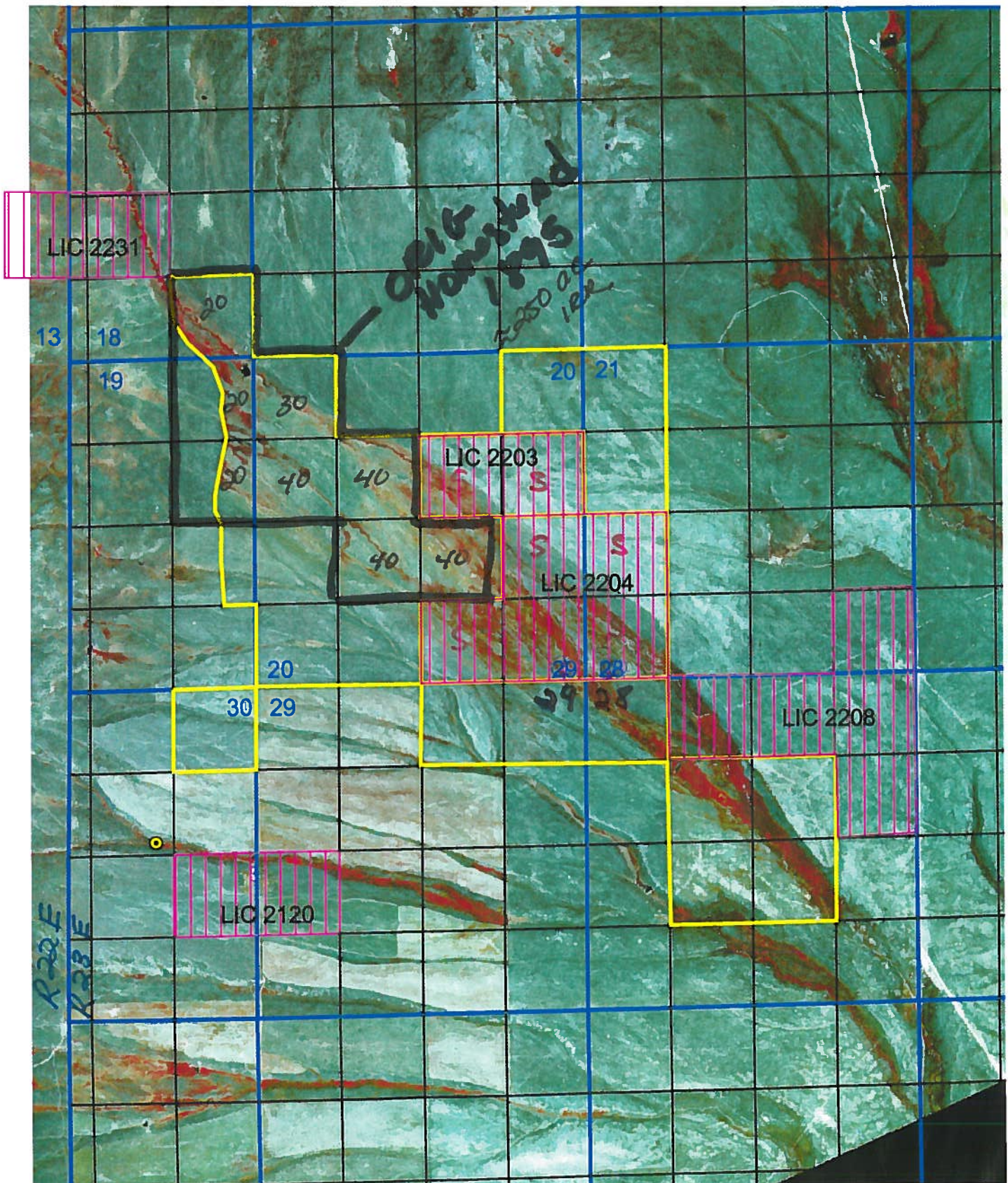
Date: 6-2-99

ALL IN PASTURE

FIELD NOTES

CLAIM NO(S): HIGLEY

TWP 16S, RNG 22E, 23E



CONVERSATION MEMO

Date:

5/26/99

Regarding:

SPBA FE

Customer:

Ted Hgley

From: Vikie Hancock

[illegible]

Mr. Hickey called and made an appt
to meet me for a Field Exam on 6-2-1999
at 10:30 AM at the Moulton School

Take Rd East out of Oakley past Emery canyon Rd south to Moulton. School sits across from Rock Quarry.

He says diversions are through ~~the~~ gates from cottonwood creek.



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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 19, 1999

Ted and Betty Ann Higley
P.O. Box 57
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
Claim Numbers: A43-04234, A43-02120A, A43-02204, A43-02231
A43-02208, A43-02203

Dear Mr. and Mrs. Higley:

In May 1989, you filed the above Adjudication water right claims appurtenant to property along Cottonwood Creek. The Department of Water Resources is now in the final stages of investigating and recommending the claims in your area for decree. One of the requirements, prior to issuing a decree for these water rights, is a field examination of the acreage and irrigation works that have been claimed in the SRBA.

I have attempted to contact you by telephone to set up an appointment for this exam, but like many of us, you have been away from the house during business hours. It would be best if you, or someone familiar with your irrigation system, were present during my field inspection, but with your permission, I can review your system by myself, if that is more convenient for you.

Please call me between 8am and 5pm if possible, at the number listed above, so that we can select a time for this field exam. I can also be reached evenings at 208-734-8069.

Sincerely,

Vikie Hancock
Water Resource Agent

6/07/1999
9:27:35

UNIFORM ASSESSMENT DEVELOPMENT
SOFTWARE SYSTEMS
NUMERIC ROLL

PAGE 2

** PARCEL KEY **
TYPE PARCEL NO STATUS
CODE OLD PARCEL NO
MAP NUMBER

NAME/ADDRESS

LEGAL DESCRIPTION

CAT

QUANTITY UNIT

MARKET REVIEW
YEAR

032-00 RP16S23E280005A
P O BOX 27
BOISE ID 83707
S 28 T 16 R 23
19 1.500 AC
1997
COMMENTS: NCS28B
PROPERTY ADDRESS:
INSR YR: 1997
158,000 ** 5,008 ***

RP 16S23E291200 A
032-00 RP16S23E291200A
BULLERS, FREDERICK W, REV TR
S WNE, W1/2, W1/2SE
3 137,000 AC 20,824 1998
5 300,750 AC 9,624 1998
19 2,250 AC 1,950 1998
32
186661
HEYBURN ID 83336
PROPERTY ADDRESS:
COMMENTS: NCS28B
INSR YR: 1998
440,000 ** 32,398 ***

RP 16S23E300000 A
032-00 RP16S23E300000A
BULLERS, FREDERICK W, REV TR
S 30 T 16 R 23
5 350,500 AC 11,216 1998
10 1,000 AC 3,000 1998
31
375 S 600 W
PERSONAL PROPERTY MOVED TO
PP#16170
10 31
32
186661
HEYBURN ID 83336
PROPERTY ADDRESS:
COMMENTS: NCS28B
INSR YR: 1998
351,500 ** 20,159 *** #H0*

NUMBER OF PARCELS- 7 TOTAL QUANTITY 1,408,580 TOTAL MARKET ** 72,232

*** PROMPT RESPONSES ***

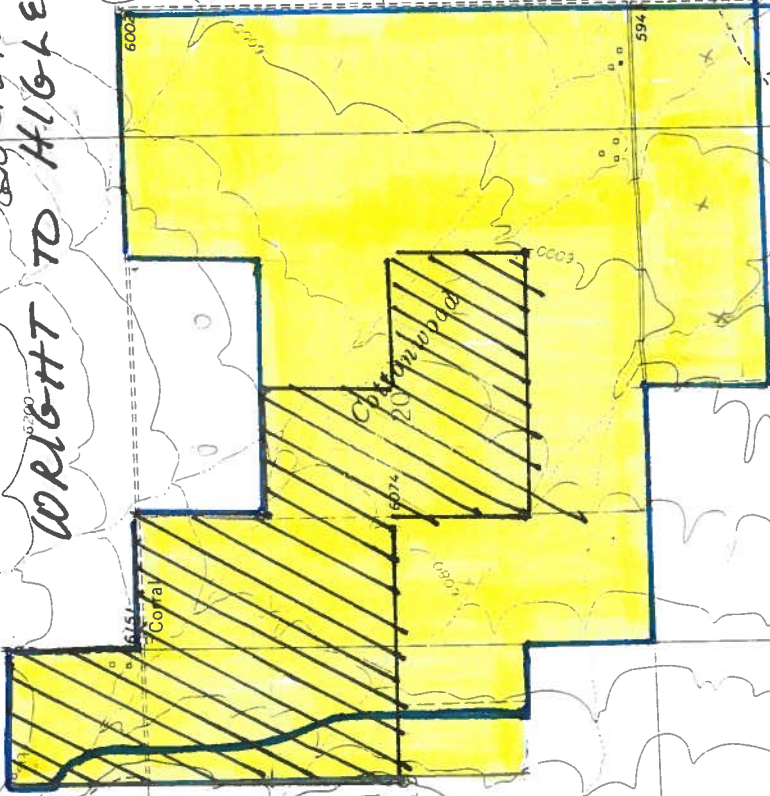
LOCATION CODES INCLUDED -ALL

PARCEL TYPES INCLUDED -ALL

LIMITS

FROM TO
RP16S22E137200A RP16S22E137200A
RP16S23E187800A RP16S23E187800A
RP16S23E218400A RP16S23E218400A
RP16S23E280005A RP16S23E280005A
RP16S23E291200A RP16S23E291200A

Boundary - AT AND STATUTORY CLAIMS
Land Homestead patented
20th Dec 1895
WRIGHT TO HIGLEY



44-04234 BU.

17130"

270000m E

• INTERIOR GEOLOGICAL SURVEY RESTON, VIRGINIA

CONVERSATION MEMO

Date: _____

5/26/99

Regarding:

SRBA FE

Customer:

Ted Hiley

From: Vikie Hancock

[illegible]

Mr. Hickey called and made an appt
to meet me for a Field Exam on 6-2-1999
at 10:30 AM at the Moulton School

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DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 19, 1999

Ted and Betty Ann Higley
P.O. Box 57
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
Claim Numbers: A43-04234, A43-02120A, A43-02204, A43-02231
A43-02208, A43-02203

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Please call me between 8am and 5pm if possible, at the number listed above, so that we can select a time for this field exam. I can also be reached evenings at 208-734-8069.

Sincerely,

Vikie Hancock
Water Resource Agent

To: Cassia County Assessor

From: Vikie Hancock, Id. Dept. of Water Resources FAX 736-3037

May I have the names of the current owners of the following tracts:

T168 R23E

Sec 30 NE SE RP 0000 Frederick W. Bullers Row Tr

Sec 29 NW SW RP 1200 Frederick W Bullers Row Tr

Sec 28 NE NW RP 0005 C + Y Farms

Sec 28 NW NE RP 0005 C + Y Farms

Sec 28 E½ NE RP 0005 C + Y Farms
+ RP 0000 C + Y Farms

Sec 21 SE SE RP 3400 C + Y Farms

Sec 18 NW SE RP 7000 ST + RT Robinson

T169 R22E

Sec 13 NE SE RP 7000 ST + RT Robinson

THANKS

6/07/1999
9:27:35

UNIFORM ASSESSMENT DEVELOPMENT
SOFTWARE SYSTEMS
PMB001
NUMERIC ROLL

PAGE 1

** PARCEL KEY **
TYPE PARCEL NO STATUS
CODE OLD PARCEL NO
MAP NUMBER

NAME/ADDRESS

LEGAL DESCRIPTION

CAT

QUANTITY UNIT

MARKET REVIEW
YEAR

RP 16S22E17200 A ROBINSON, J T N1/2S1/2, SEBM, S4SE 5 280.000 AC 8.960 1997
032-00 RP16S22E17200A & ROBINSON, R T T 1221, T 1222
BOX 32D S 13 T 16 R 22
261380 ID B3346
261379

DEED CHANGE DATE: 1999/03/10
COMMENTS: NCS1287
INSP YR: 1997
PROPERTY ADDRESS:

RP 16S23E187800 A ROBINSON, J T LOT 3, 4, W1/2SE 5 97.080 AC 3.107 1997
032-00 RP16S23E187800A & ROBINSON, R T S 18 T 16 R 23
BOX 32D
261380 ID B3346
261379

DEED CHANGE DATE: 1999/03/10
COMMENTS: NCS288
INSP YR: 1997
PROPERTY ADDRESS:

RP 16S23E218400 A SIMPLOT INDUSTRIES, INC S1/2SE 5 79.250 AC 2.536 1998
032-00 RP16S23E218400A X C & Y FARMS S 21 T 16 R 23 19
P O BOX 27 BOISE ID B3707 .750 AC
BOISE ID B3707

COMMENTS: NCS388
INSP YR: 1998
PROPERTY ADDRESS:

RP 16S23E280000 A SCHOOL DIST 32 T 1520 SEC 28 T 16 R23 5 2.000 AC 64 1997
032-00 RP16S23E280000A X C & Y FARMS
P O BOX 27 BOISE ID B3707
BOISE ID B3707

COMMENTS:
INSP YR: 1997
PROPERTY ADDRESS:

RP 16S23E280000 A SIMPLOT INDUSTRIES, INC T 1321, SENE, NAME, NEW 5 156.500 AC 5,008 1997



202

UNIFORM ASSESSMENT DEVELOPMENT
SOFTWARE SYSTEMS
PMB001
NUMERIC ROLL

PAGE 2

6/07/1999
9:27:35

** PARCEL KEY **
 TYPE PARCEL NO STATUS
 CODE OLD PARCEL NO
 MAP NUMBER

NAME/ADDRESS

LEGAL DESCRIPTION

CAT

QUANTITY UNIT

MARKET REVIEW
YEAR

032-00 RP16S23E280005A

Z C & Y FARMS
P O BOX 27
BOISE

ID 83707

S 28 T 16 R 23

19

1.500 AC

1997

COMMENTS: NCS288
INSP YR: 1997

PROPERTY ADDRESS:

158.000 **

5,008 ***

RP 16S23E291200A
032-00 RP16S23E291200ABULLERS, FREDERICK W, REV TR
Z BULLERS, FREDERICK W, TRUSTEE
& WHITE, CHLOE G, TRUSTEE
375 S 600 W
HEYBURN

ID 83336

SAME, W1/2, W1/2SE
S 29 T 16 R 23

3	137,000	AC	20,824	1998
5	300,750	AC	9,624	1998
19	2,250	AC	1,950	1998
32				

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5	300,750	AC	9,624	1998
19	2,250	AC	1,950	1998
32				

COMMENTS: NCS288
INSP YR: 1998

PROPERTY ADDRESS:

440.000 **

32,398 ***

RP 16S23E300000A
032-00 RP16S23E300000ABULLERS, FREDERICK W, REV TR
Z BULLERS, FREDERICK W, TRUSTEE
& WHITE, CHLOE G, TRUSTEE
375 S 600 W
HEYBURN

ID 83336

E1/2, LOTS 2,3,4
S 30 T 16 R 23
PERSONAL PROPERTY MOVED TO
P#16170

5	350,500	AC	11,216	1998
10	1,000	AC	3,000	1998
31			1,813	1998
32			4,130	1998

COMMENTS: NCS288

INSP YR: 1998

PROPERTY ADDRESS:

351.500 **

20,159 *** *HDS

NUMBER OF PARCELS- 7

TOTAL QUANTITY 1,408.580

TOTAL MARKET **

72,232

**** PROMPT RESPONSES ****

LOCATION CODES INCLUDED -ALL

PARCEL TYPES INCLUDED -ALL

LIMITS

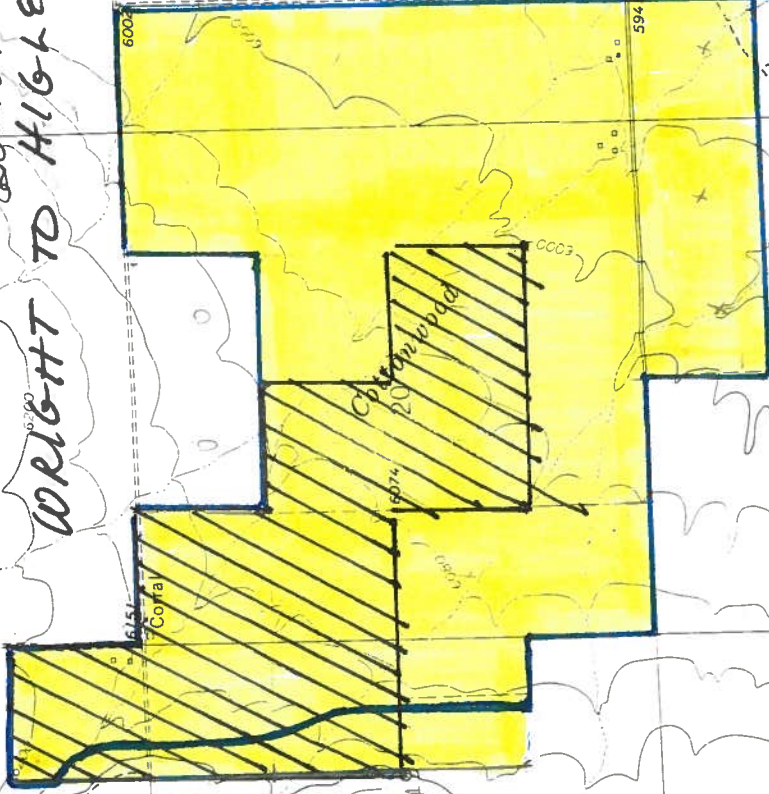
FROM	TO
RP16S22E137200A	RP16S22E137200A
RP16S23E187B00A	RP16S23E187B00A
RP16S23E218400A	RP16S23E218400A
RP16S23E280005A	RP16S23E280005A
RP16S23E291200A	RP16S23E291200A

158ac

Boundary - AJ and Statutory Claims

Land Homestead Patented
20th/1895

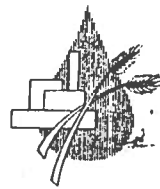
WRIGHT TO HIGLEY



A43-04239 BU.

The filing deadline has been extended
with a substantially increased fee.
Date Claim Filed
Until 6-30-1983
7-01-1983 thru 6-30-1984
7-01-1984 thru 6-30-1985
Fee
\$ 30
\$100
\$200

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 Ted Higley &/or Betty Ann Higley
(Name of Claimant)
P. O. Box 57 - Malta, Idaho 83342 Telephone No. 645-2444
(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) April 27, 1916

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)
Cottonwood Creek tributary to Raft River

(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, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>22.12</u>	Use <u>irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</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) 22.12 TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW 1/4 SE 1/4, Sec. 18 Twp. 16S Rge. 23E B.M., County of Cassia

See letter

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. headgate & ditches

(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.

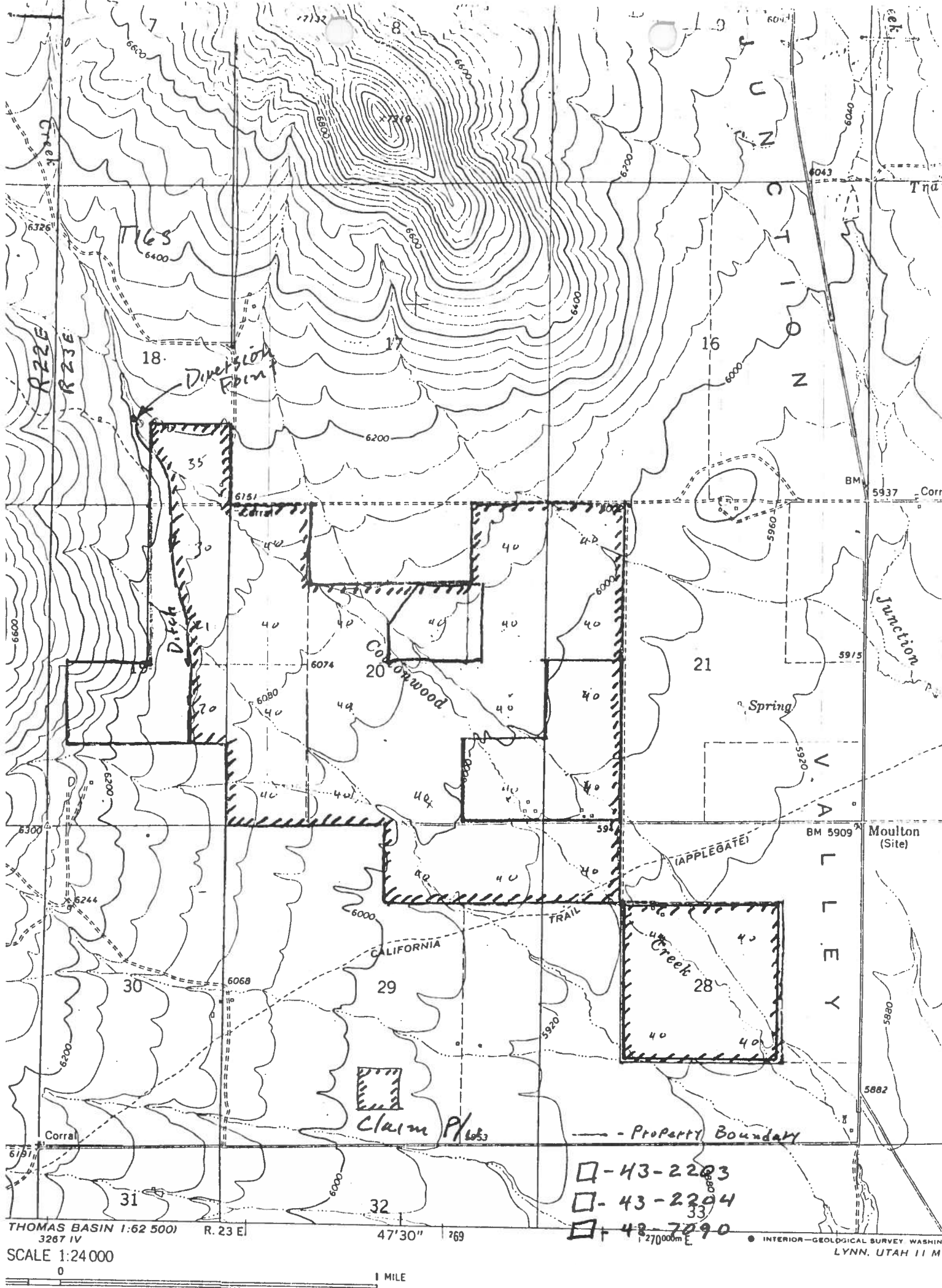
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16S	23E	18																35	35
		19	30			21									20				71
		20	40		40	40		40	40	40	40	40	40	40	40	40	40	40	560
		21						40	40				40	40					160
		28			40			40		40	40					40			200
		29	40	40															80

No. of acres 1160

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:

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



Mary A. Newber
Notary Public
Residing at Twin Falls, Idaho 83301

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by <u>gby</u>	Date <u>6/25/85</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>AT</u>	Date <u>7/2/85</u>		claimant by:	
~~\$30.00~~ fee received by <u>Mary A. Newber</u>	Date <u>6/25/85</u>	<u>#36625</u>		
Published in <u>South Idaho Press</u>				
Dates <u>8/8 & 8/15/85</u>				