

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

JUN 15 1989

Ident. Number: A43-07048
Date Received: 5/30/1989
Receipt No: M003743
Received By: B

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED HIGLEY 208-645-2444
Address: BOX 57
MALTA, ID 83342

AND

Name: BETTY ANN HIGLEY 208-645-2444
Address: BOX 57
MALTA, ID 83342

2. Date of Priority: DEC 28, 1973

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	24	NW	NW	NW		CASSIA

5. Description of diverting works:
WATER COLLECTS IN POND, PUMPED TO MAINLINE WITH 20 HP PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.760		

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

8. Total consumptive use is 195.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-07048

Page 1

Date: 06/05/89

MICROFILMED

MAR 04 1993

10. Place of Use:

[illegible]

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:
43-02491 & 43-00123

14. Remarks:
THE MAXIMUM RATE OF DIVERSION & VOLUME OF WATER UNDER THIS LIC.
WHEN COMBINED WITH LIC. NO. 43-2491 SHALL NOT EXCEED 76.0 CFS NOR
369 AFA.

15. Basis of Claim: LICENSE

MICROFILMED
MAR 04 1993

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 _____

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

43-07048

Date Received

5-30-89

Receipt Number

M083743

RECEIVED
MAY 30 1989

Department of Water Resources

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED
MAY 30 1989

ACQUIRED UNDER STATE LAW Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Ted and Betty Ann Higley Phone (208) 645-2444Mailing Address Box 57, Malta, ID Zip 833422. Date of Priority (Only one (1) per claim) December 28, 19733. Source of water supply (a) a pond
which is tributary to (b) sinks4. a. Location of existing point of diversion is: Township 13S Range 26E Section 24,
1/4 of NW 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. Water raises in a basin created by
excavation for road building. The water is pumped into a mainline for
transmission to the lands to be irrigated, by a 20 h.p. pump and motor.

MICROFILMED

MAR 04 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 0.76 or 369

For Stockwater purposes from 1-1 to 12-31 amount 0.12 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.88 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is 195 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater for 400 to 500 head of cattle

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	24		S			S												78

Total number of acres irrigated 78

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.
43-2491 and 43-0123 or None ()

14. Remarks:

MICROFILMED

MAR 04 1993

Last Name Higley Ident No.

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 43-7048
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 (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) Ray W. Rigby Date 5/24/89

Delna A. Keller Date 5/24/89

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 _____ of _____
Title 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 Delna 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 N. 2nd E., POB 250, Rexburg, ID 83440

Date 5/24/89

MICROFILMED
MAR 04 1993

Last Name Higley Ident. Number _____

Copies White-State, Yellow-Claimant

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 43-7048 Priority December 28, 1973 Amount 0.76 cfs

THIS IS TO CERTIFY, that BLAINE WIGHT

of Malta, Idaho, has complied with the terms and conditions of Permit No. 43-7048 issued pursuant to Application for Permit dated December 28, 1973, and has submitted proof to the Department of Water Resources on October 27, 1977, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.76 cfs of water from a pond tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from March 15 to November 15</u>	<u>at 0.76 cfs and</u>	<u>369 acre feet</u>
_____	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	_____
_____	<u>from _____ to _____</u>	<u>at _____ cfs and</u>	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.76 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 369 acre feet per year, said waters to be diverted within the NW1/4, Sec. 24, Twd. 13S, Rge. 26E, P.M. in the County of Cassia

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				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	24		39			39												78

Total number of acres irrigated 78

SEE ATTACHED SHEET FOR CONDITIONS

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 2 day of November, 19 79.

Director

MICROFILMED
MAR 04 1993

License No. 43-7048

Conditions:

- (1) The maximum rate of diversion and volume of water under this license when combined with License No. 43-2491 shall not exceed 76 cfs nor 369 acre feet per annum.
- (2) A measuring device of a type approved by the Department shall be maintained as part of the diverting works.
- (3) Use of water under this permit is subject to control by the Watermaster of State Water District No. 43B, Upper Raft River.

MICROFILMED
MAR 04 1993

Water Right Number - 43-07048

Prefix Translation:

WATER RIGHT

Old (D) Number -

Last Name

First Name

Address

*** C - CURRENT OWNER ***
WIGHT

BLAINE

1 -
2 -
3 -

City- MALTA
Phone -

State- ID Zip- 83342

Priority Date - 12/28/1973

Region - 17 SOUTHERN

Stage - L - LICENSE

Status -

Source - POND

Tributary -

Twn Rng Sec Tract Lot Rflg County

Point of Diversion - Stream Index (Blank if no Index Code)

13S 26E 24 NW NW (31) CASSIA

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

03/15 11/15

0.760

369.00

Total Div. Rate - 0.760

Total Div. Volume - 369.00

Total Div. Capacity -

Twn Rng Sec Tract Lot Acres Place of Use Code Description County

13S 26E 24 NW NE 39.0 01 IRRIGATION (31) CASSIA
13S 26E 24 NE NW 39.0 01 IRRIGATION (31) CASSIA

Total Acres: 78.0

- - - Diversion Means - PUMP & SPRINKLER.

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - LIC. 43-2491.

Remarks
THE MAXIMUM RATE OF DIVERSION & VOLUME OF WATER UNDER THIS LIC.
WHEN COMBINED WITH LIC. NO. 43-2491 SHALL NOT EXCEED 76.0 CFS NOR
369 AFA.

No Old Water Right Numbers found.

Conditions of Approval
R01 - A measuring device of a type approved by this Department shall be
maintained as a part of the diverting works.

MICROFILMED

MAR 04 1993

WATER RIGHT

R04 - Use of water under this water right is subject to control by the watermaster of State Water District No. 60DISTRICT.

016 - See remarks for additional conditions of approval.

+ - Decree Date - +
00/00/0000

- - Comments - -
No Comments Found

Water Rights Dates and Flags Area

Proof Due Date	- 01/01/1979	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 01/29/1974	Protested Date	- 00/00/0000	Swan Falls	- 2
Proof Made Date	- 01/01/1900	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 01/28/1985	DLE/Carrey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 43B
Licensed Date	- 09/12/1983	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

MICROFILMED
MAR 04 1993

06/11/2001

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

RIGHT NUMBER: 43-7048

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

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.76 CFS

VERIFIED BY KKC

PRIORITY DATE: 12/28/1973

POINT OF DIVERSION: T13S R26E S24 SWNE 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	0.76 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>				
T13S R26E S24	NWNE	39	T13S R26E S24	NENW 35

74 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 113 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-13031, 43-13041, AND 43-7048.

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 - License

43 - 123

6-5-01

43 - 2491

Mr & Mrs Ledy & Mr & Mrs Higley came into the office to review these claims.

Jerry Ledy brought in a warranty deed identifying that the SE SW of Sec 13 is now in his name only. He stated that the agreement was to split the rights with $\frac{1}{4}$ belonging to him and $\frac{3}{4}$ going with the Higleys.

He then identified a small area within that quarter quarter as irrigated. I revised the shape file which added 1 acre to the recommended place of use.

I then visited with Ted Higley he basically wanted his P/U to be recommended as full 40 acre tracts. He (they) stated that that was the way it was licensed and decreed.

I explained the principle regarding the Jobe Adams decree just recognizing owned ground and not necessarily irrigated ground.

I reviewed the licensed right and noted that the claim did not represent the original license and that it included an accomplished transfer for several acres. After reviewing their position and my recommendation I indicated that I did not feel that I should change my recommendation. Ted eventually signed all NOE replies. I indicated that he could take them home with him and make a decision at a later date.

**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: 43-7048

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

03/23/2001

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

RIGHT NUMBER: 43-7048

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

VERIFIED BY: KKC

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.76 CFS

PRIORITY DATE: 12/28/1973

POINT OF DIVERSION: T13S R26E S24 SWNEW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.76 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R26E S24 NWNE 39 T13S R26E S24 NENW 35

74 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 150 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-123, 43-2491, AND 43-7048.

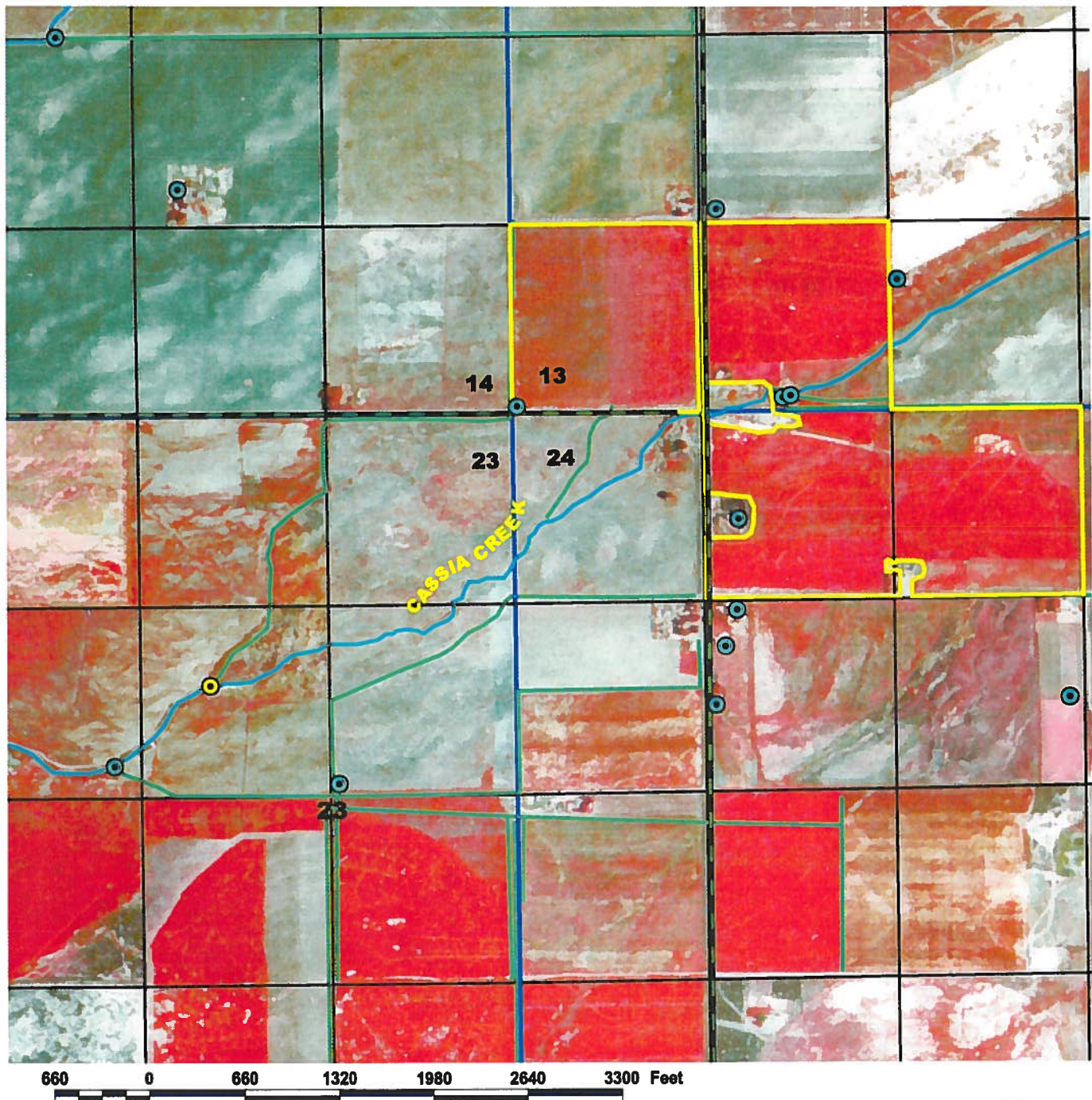
*chg according to split per ownership change.
KKC
6-11-01*

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 - License

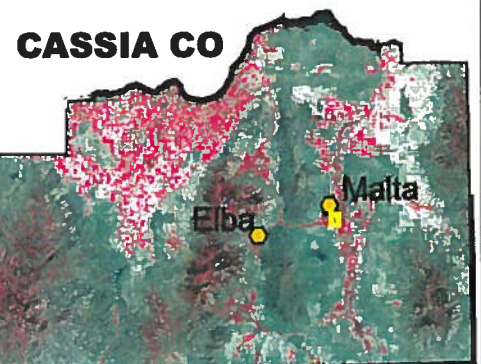
RECOMMENDED PLACE OF USE FOR 43-123, 43-2491, AND 43-7048



PLACE OF USE
TWP 13S, RNG 26E, SEC 13 & 24
Data entry on March 23, 2001

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

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



Higley/Udy/Wight

Pg 1

43-123 ; 43-2491 ; 43-7048

Three rights for the claimed place of use. Each right has a different source. Each claim includes Stockwater which was not part of any of the three rights.

43-123

SOURCE = Cassia Cr.

Claimed within the decreed P/U.

Claimed point of diversion does not agree with the napp photography.

Decreed at 3.20 cfs Stockwater added to right and total rate (giving 3.32 cfs)

43-2491

SOURCE = Ground Water.

Claim represents a change in P/U (unrecorded transfer) from ground in the $N\frac{1}{2}N\frac{1}{2}$ of Sec 13 to ground in Sec 24. Overall fewer acres are claimed than licensed. The current rate for the found P/U and licensed rate is less than $1\frac{1}{2}$ ac.

Stockwater added to right previously not part of license.

Change in P/U is from a supplemental use to Supplemental use.

Pg 2

43-7048 source - unnamed stream

Licensed on 78 acres @ .76 cfs and
claimed as such.

Stockwater use was added to the P/U.

CLAIM NUMBER

43-07048

DATE

TRANSFER NUMBER

AGENT

CLAIMED ACRE TOTAL

78

GIS ACRE TOTAL

	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	24		39			39												78
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B43-DBPOU.SHP

claimed as licensed. Overlap with 43-02491
also unrecorded transfer of a portion of " needs
investigation.

SHAPE NOS.

43-DBPOD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

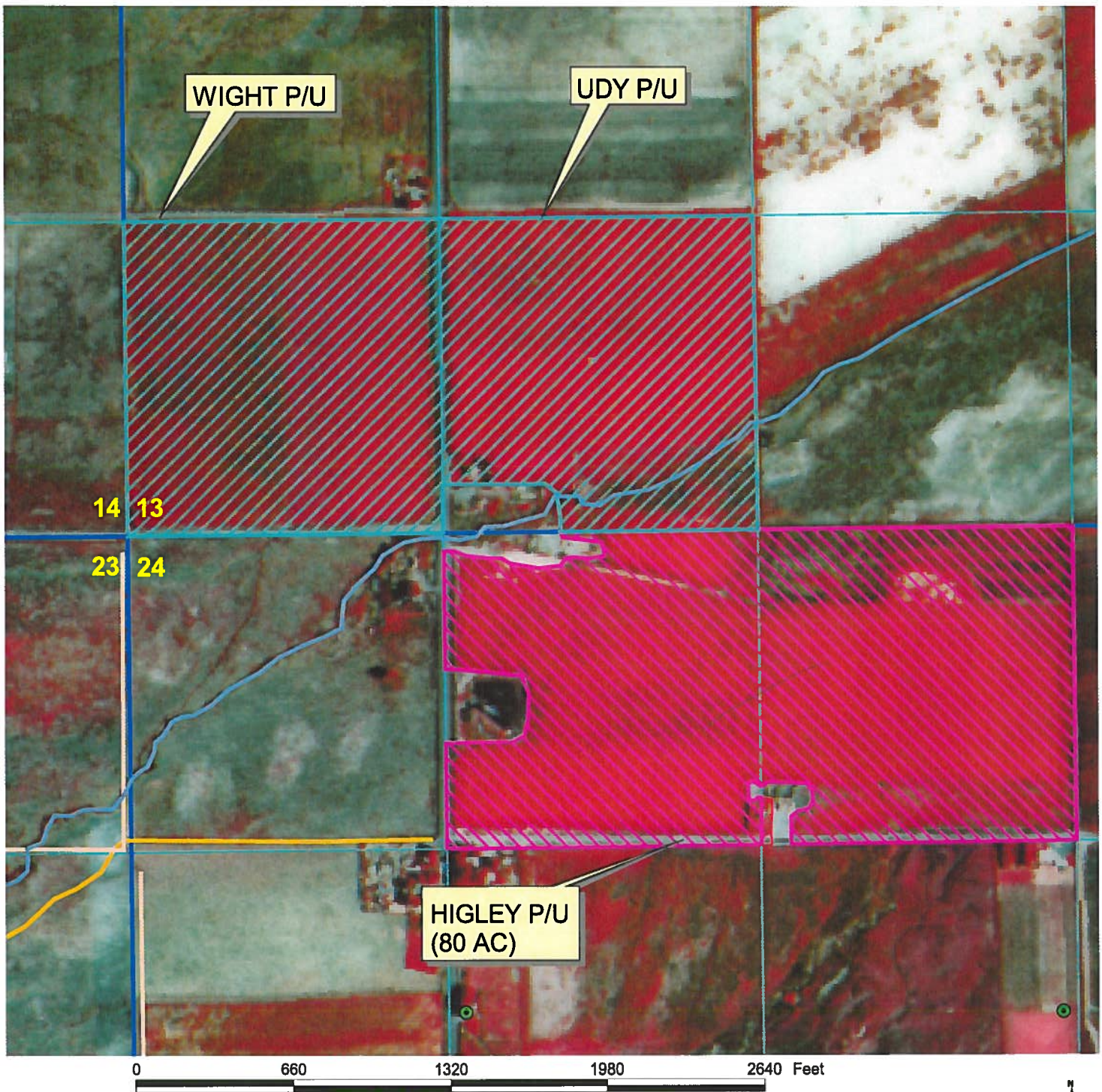
B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

IDAHO DEPARTMENT OF WATER RESOURCES

**CLAIMED P/U FOR
43-00123, 43-02491, & 43-07048**



TWP 13S; RNG 26E
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED _____

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

LICENSED AND/OR DECREED P/U
 SECTION LINES
 QUARTER QUARTER LINES

