

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: **A43-10307B**

Date Received: 6/ 1/1989

Receipt No: X777777

Received By: *[Signature]*

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: STEVE GENE RIGBY 208-645-2349
Address: 3243 SUBLETT ROAD
MALTA ID 83342

AND

Name: ANN L RIGBY 208-645-2349
Address: 3243 SUBLETT ROAD
MALTA ID 83342

2. Date of Priority: MAR 15, 1985

3. Source: WARM CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12S	28E	35	SW	NW	SW		CASSIA

5. Description of diverting works:

CHECK DAMS & CONCRETE PIPE, DITCHES. POND CREATED BY SPR. DEV.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

7. Total Quantity Appropriated is:

0.400 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 120.7 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
12S	28E	34	SW	NW		IRR	5.2

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	28E	34	NW	SW		IRR	8.3
Section Acres							13.5
Total Acres							13.5

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:
A43-04106E

14. Remarks:

THE TOTAL FLOW OF WARM CREEK IS ROTATED AMONG THE THREE OWNERS LISTED. POWERS RIGHT CONSISTS OF ENTIRE FLOW FOR 7 DAYS. EXPANSION OF IRRIGATED ACRES UNDER A43-10307. THERE IS NO INCREASE IN AMOUNT OF WATER CLAIMED ONLY IN ACRES IRRIGATED.

OWNERSHIP CHANGE RESULTED IN A SPLIT FROM A43-10307. THE "A" PORTION BELONGS TO POWERS AND THE "B" PORTION BELONGS TO RIGBY. A WARRANTY DEED WITH AN EXHIBIT "A" WAS SUBMITTED. TLB 9/11/97

15. Basis of Claim: BENEFICIAL USE

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: _____

A43-04106C & A43-10307

How these claims were split:

Warranty Deed specified the NWSW and about 9 acres in the SWNW of Section 34, T12S, R28E. It also specified .4 cfs from the claims. (A43-10307 is an enlargement claim of A43-04106C, thus there is no additional diversion rate. The .4 cfs is the total of both claims.)

A43-04106C	A43-10307
(34) SWNW 17 Ac.	(34) SWNW 23 Ac.
(34) NWSW 30 Ac.	(34) NWSW 8.3 Ac.

- gave acres in NWSW (38.3 Ac.) to Rigby and split the acres in the SWNW as follows:

A43-04106C $\frac{9}{40} \times 17 = 3.8 \text{ Ac. (Rigby)}$ A43-04106E
 leaving 13.2 Ac. (Powers) A43-04106D

A43-10307 $\frac{9}{40} \times 23 = 5.2 \text{ Ac. (Rigby)}$ A43-10307B
 leaving 17.8 Ac. (Powers) A43-10307A

.05 cfs for Stockwater was claimed under A43-04106C. Left this with Powers (part D) as use was claimed in the NESW which Powers retained.

split 1. cfs of Groundwater Recharge also claimed under A43-04106C as follows:

$\frac{.4}{2.80} \times 1 \text{ cfs} = .142 \text{ cfs (Rigby)}$ A43-04106E
 leaving 0.858 cfs (Powers) A43-04106D



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

REGISTRATION

DATE OF CLOSING: 10-25-96

OCT 30 1996

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BMArtment of Water Resource
Lot _____, Block, _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. See attached for legal

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) _____
Assigned by IDWR: A43-04106c and A43-10307

[] Name and Address of Former Owner/Claimant(s)(Seller): James Ellis Powers
Sublett Route, Malta 83342

[] New Owner/Claimant (Purchaser): Steve Gene Rigby and Ann L. Rigby

[] New Mailing Address: 3243 Sublett Road
Malta, Idaho 83342

[] New Telephone Number: (208) 645 - 2349

[] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
.4 cfs

[] Attach proof of ownership, describe proof attached: Recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signed in duplicate, see attached
Signature of New Owner/Claimant(s) Steve Gene Rigby Date 10/25/96
Ann L. Rigby Date 10/25/96
[] Signature of Former Owner/Claimant(s): James Ellis Powers Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date _____ By _____
Further Action Needed _____
Further Action Taken
Date _____ By _____
Final Review and Data-Entry
Date _____ By _____
Claim Numbers of Split, if any _____

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 10-25-96

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet. See attached for legal

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) _____
 Assigned by IDWR: A43-04106c and A43-10307

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Sublett Route, Malta 83342

☐ New Owner/Claimant (Purchaser): Steve Gene Rigby and Ann L. Rigby

☐ New Mailing Address: 3243 Sublett Road -
Malta ID. 83342

☐ New Telephone Number: (208) 645 - 2349 -

☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
.4 cfs

☐ Attach proof of ownership, describe proof attached: Recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
 Signed in duplicate, see attached

☐ Signature of New Owner/Claimant(s) Steve Gene Rigby Date _____

☐ Signature of Former Owner/Claimant(s): James Ellis Powers Date 10-24-96

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
 Date _____ By _____

Further Action Needed _____

Further Action Taken
 Date _____ By _____

Final Review and Data-Entry
 Date _____ By _____

Claim Numbers of Split, if any _____

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

245769

WARRANTY DEED

#EC725

For Value Received

JAMES ELLIS POWERS and ROZANN POWERS, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

STEVE GENE RIGBY and ANN L. RIGBY, husband and wife

Address: 3243 Sublett Road
Malta, Idaho 83342

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

See Attached Exhibit

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited .4CFS From Idaho Department of Water Resources Adjudication Numbers A43-04106C and A43-10307.

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: October 1, 1996

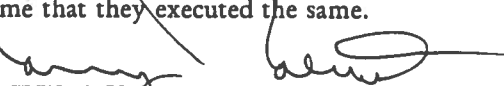

JAMES ELLIS POWERS


ROZANN POWERS

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 25th day of October, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES ELLIS POWERS and ROZANN POWERS, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

LARRY ROBERTS
☆ NOTARY PUBLIC ☆
STATE OF IDAHO
RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-30-97


Notary Public
Residing at:
My Commission expires:

August 28, 1996
JOB # 4173-96B1
JIM POWERS SURVEY

L E G A L D E S C R I P T I O N

Part of the W $\frac{1}{2}$ of Section 34 of Township 12 South, Range 28 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the SW corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 34 of T.12 S., R.28 E., B.M. said corner marked by a 5/8" rebar which shall be the Point of Beginning;

THENCE North 00 degrees 22 minutes 22 seconds West along the west line of Section 34 for a distance of 1331.82 feet to a 5/8" rebar at the west $\frac{1}{4}$ section corner of Section 34;

THENCE North 00 degrees 22 minutes 22 seconds West along the west line of Section 34 for a distance of 719.55 feet;

THENCE South 29 degrees 04 minutes 39 seconds East for a distance of 74.91 feet to a $\frac{1}{2}$ " rebar;

THENCE South 29 degrees 04 minutes 39 seconds East for a distance of 78.87 feet to a $\frac{1}{2}$ " rebar;

THENCE South 65 degrees 48 minutes 07 seconds East for a distance of 399.79 feet to a $\frac{1}{2}$ " rebar;

THENCE South 65 degrees 08 minutes 39 seconds East for a distance of 956.68 feet;

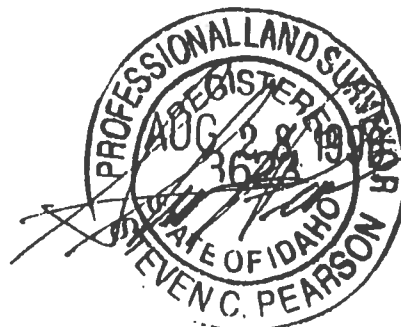
THENCE South 02 degrees 08 minutes 44 seconds West for a distance of 74.28 feet to a $\frac{1}{2}$ " rebar;

THENCE South 00 degrees 07 minutes 58 seconds East for a distance of 1276.47 feet to a $\frac{1}{2}$ " rebar on the south line of the N $\frac{1}{2}$ SW $\frac{1}{4}$;

THENCE South 89 degrees 59 minutes 24 seconds West along the south line of the N $\frac{1}{2}$ SW $\frac{1}{4}$ for a distance of 1294.29 feet to the Point of Beginning.

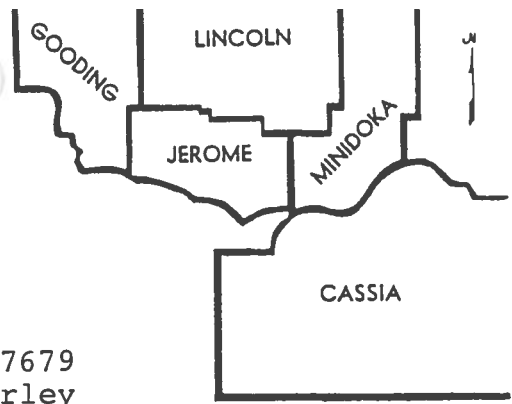
Said property contains 49.34 acres more or less and is subject to a 25 foot wide county road right of way along the west side and also subject to any other easements or right of ways, existing or of record.

PREPARED BY:
Desert West Land Surveys
1751 Overland Ave.
Burley, Idaho 83318



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #27679
OFFICE: Burley

October 28, 1996

Idaho Dept. of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RECEIVED

OCT 30 1996

Department of Water Resources
Southern Region

Dear Clerk:

Enclosed please find two original executed Notice of Change of Water Right Ownership that have been signed in counterpart and a copy of the recorded Warranty Deed.

Please make the necessary changes in the records to indicate the new owners as Steve Gene and Ann L. Rigby for future assessments.

Should you have any questions concerning this letter, please do not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in cursive script that reads "Nancy Garrett".

Nancy Garrett
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8981

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

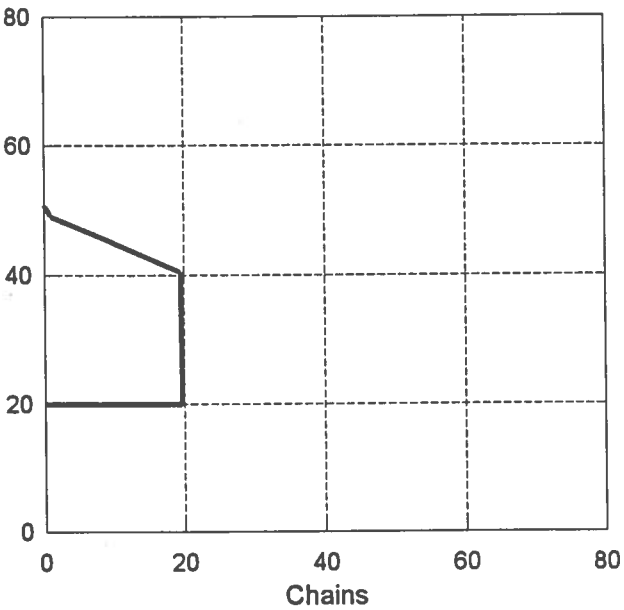
BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

Right No: _____

-0.00	20.00
-0.00	20.00
-0.00	20.00
-0.00	20.00
-0.00	20.00
-0.00	20.00

Section Breakdown

Sec ____, T ____, R ____



05/10/2001

**NOTICE OF ERROR
REPLY**

RECEIVED

JUN 05 2001

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.

Department of Water Resources
Southern Region

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-10307B

STEVE GENE RIGBY
3243 SUBLETT ROAD
MALTA ID 83342
Telephone Number: (208)645-2349

ANN L RIGBY
3243 SUBLETT ROAD
MALTA ID 83342
Telephone Number: (208)645-2349

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:

6/5/01

SIGNATURE:

Steven Gene Rigby

Please print your name:

Ann L. Rigby

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

03/23/2001

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

RIGHT NUMBER: 43-10307B

NAME AND ADDRESS: ANN L RIGBY
STEVE GENE RIGBY
3243 SUBLETT ROAD
MALTA, ID 83342

SOURCE: WARM CREEK TRIBUTARY: SINKS

QUANTITY: 0.11 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-4106E IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.40 CFS.

PRIORITY DATE: 04/01/1985

POINT OF DIVERSION: T12S R28E S35 SWNWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	0.11 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T12S R28E S34	SWNW	9	T12S R28E S34 NWSW 38.3

47.3 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 13.5 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.

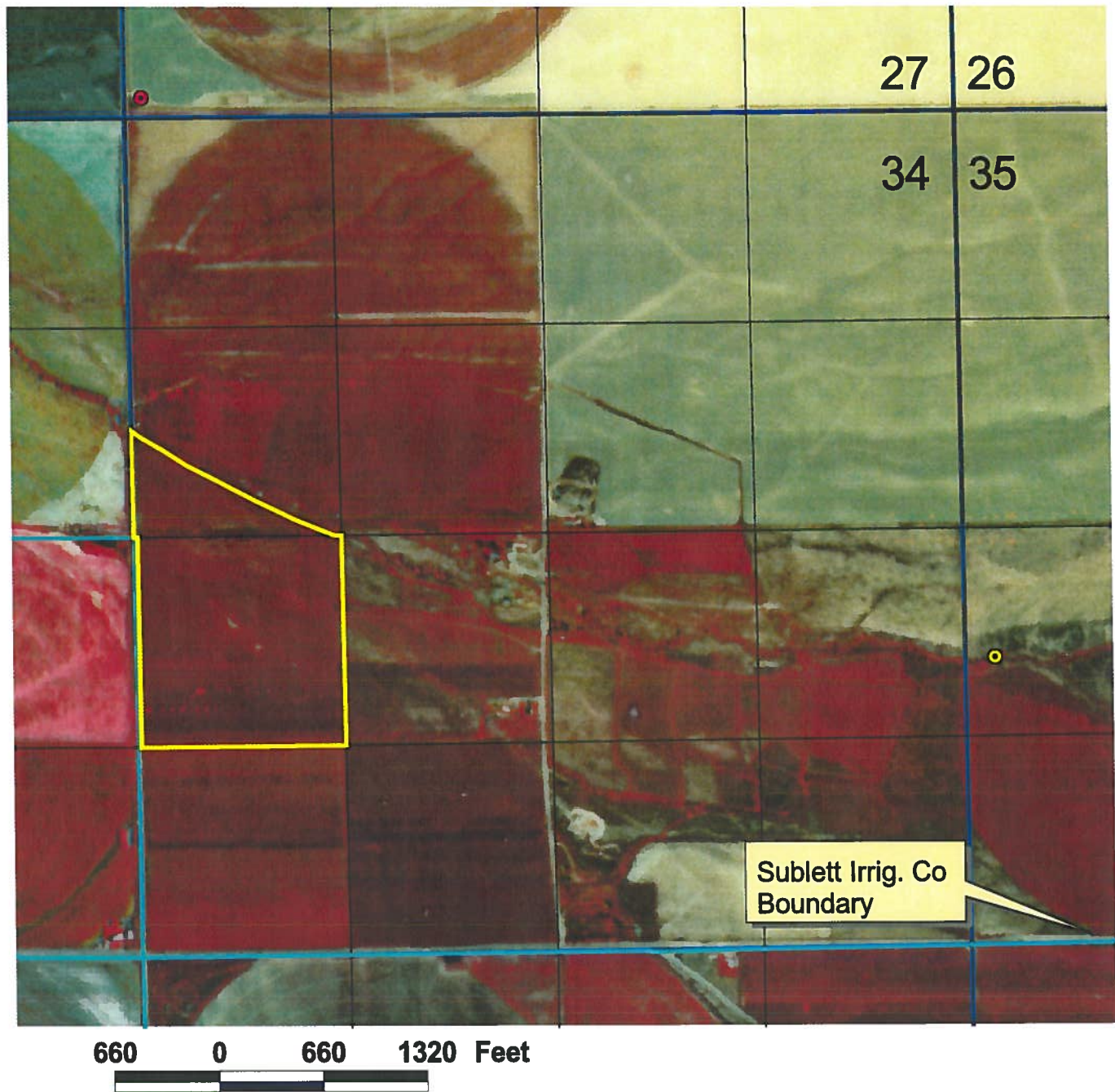
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 43-
4106E PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 13.5 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES

43-4106E & 43-10307B



T12S R28E SEC 34 SWNW, NWSW



-  **RECOMMENDED PLACE OF USE**
-  **POINT OF DIVERSION**
-  **SECTION LINES**
-  **1/4-1/4 LINES**

**GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY**

**DATA ENTRY BY: STEVE CLELLAND
DATE: March 23, 2001**

CLAIM NUMBER A43-04106E

DATE 3/23/01

TRANSFER NUMBER _____

AGENT SCC

CLAIMED ACRE TOTAL 39.3

43-10307B

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
4106E CLAIM	12S	28E	34							9.3				30					33.8
GIS	12S	28E	34							3.8									
RECOM	12S	28E	34							3.8				30					33.8
10307B - EXP.																			
CLAIM			34							5.2				8.3					13.5
GIS			34							9				39					48
RECOM			34							9				38.3					47.3
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP

SRBA Acres = STAT. Claim Acres = 33.8 Ac.

SHAPE NOS.

Enlargement + 13.5

47.3 AC PPU

B43-POD.SHP

Groundwater Rich. requires another Claim w/ priority proof.

NOS. DESCRIPTION

Enlg. Flow rate: $\frac{(0.4 cfs)}{(47.3 Ac)} \times 13.5 Ac. = 0.11 cfs$

Remarks: C18-K01-K06-E01

K09

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

< see full review in file 43-4106E >