

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: **A43-04106E**

Date Received: 6/ 1/1989

Receipt No: X777777

Received By: JF O/C - split

**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, 1878

3. Source: WARM CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	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		
GROUNDWATER RECHARGE	11/16	03/14	0.142		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
GROUNDWATER RECHARGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	28E	34	SW	NW		IRR	3.8
			NW	SW		IRR	30.0
Section Acres							33.8
Total Acres							33.8

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:
A43-10307B

14. Remarks:

EXCESS WATER DIVERTED TO INSURE STOCKWATER GETS TO THE RAY GUILLES PROPERTY DURING THE NON IRRIGATION SEASON IS SPREAD ON THE FEILDS AND RECHARGES THE GROUNDWATER.

THE TOTAL FLOW OF WARM CREEK IS ROTATED AMONG THE THREE OWNERS LISTED. POWERS RIGHT CONSISTS OF ENTIRE FLOW FOR 7 DAYS.

EXPANSION OF ACRES CLAIMED UNDER A43-10307.

OWNERSHIP CHANGE RESULTED IN A SPLIT WITH A43-04106C. THE "D" PORTION BELONGS TO POWERS AND THE "E" PORTION BELONGS TO RIGBY. A WARRANTY DEED WITH AN EXHIBIT "A" WAS SUBMITTED. TLB 9/11/97

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): _____ Date: _____
_____ Date: _____



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

OCT 30 1996

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

- ☐ 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

[] 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 ID 83342

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

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(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
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

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

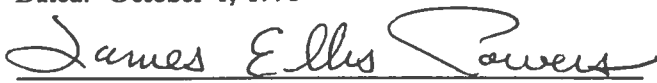
SUBJECT TO:

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.

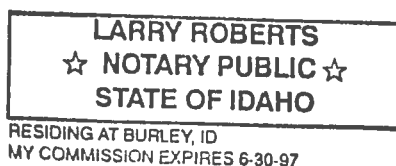
Dated: October 1, 1996

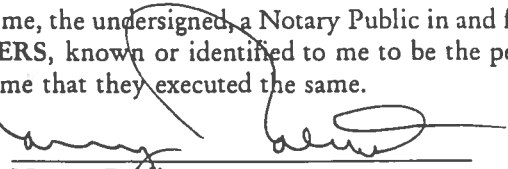

JAMES ELLIS POWERS


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.




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 $\frac{5}{8}$ " 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 $\frac{5}{8}$ " 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.

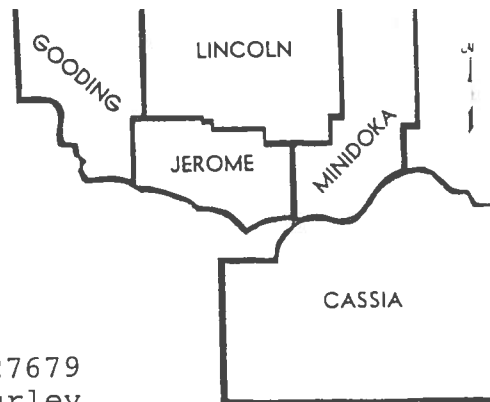
Said property contains 49.34 acres more or less and is subject to a 25 foot wide county road right of way along the west side and also subject to any other easements or right of ways, existing or of record.

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
Twin Falls, Idaho

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, appearing to read "Nancy Garrett".

Nancy Garrett
Reconveyance Department

/nrg
enc.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

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

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

Right No: _____

MEETS AND BOUNDS TABLE

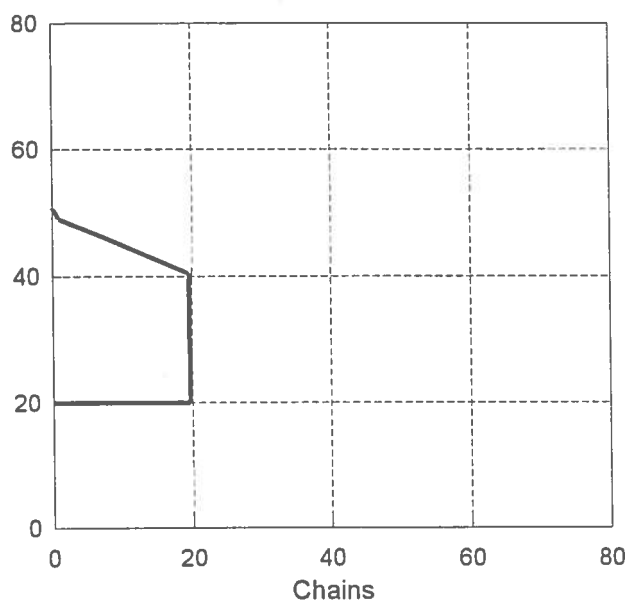
[illegible]

Right No: _____

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

Section Breakdown

Sec ____, T ____, R ____



05/10/2001

RECEIVED

JUN 05 2001

NOTICE OF ERROR
REPLY

Department of Water Resources
Southern Region

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: 43-4106E

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

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: 43-4106E

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

SOURCE: WARM CREEK TRIBUTARY: SINKS

QUANTITY: 0.4 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-10307B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.40 CFS.

PRIORITY DATE: 03/15/1878

POINT OF DIVERSION: T12S R28E S35 SWNWSW 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	0.40 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 33.8 ACRES
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

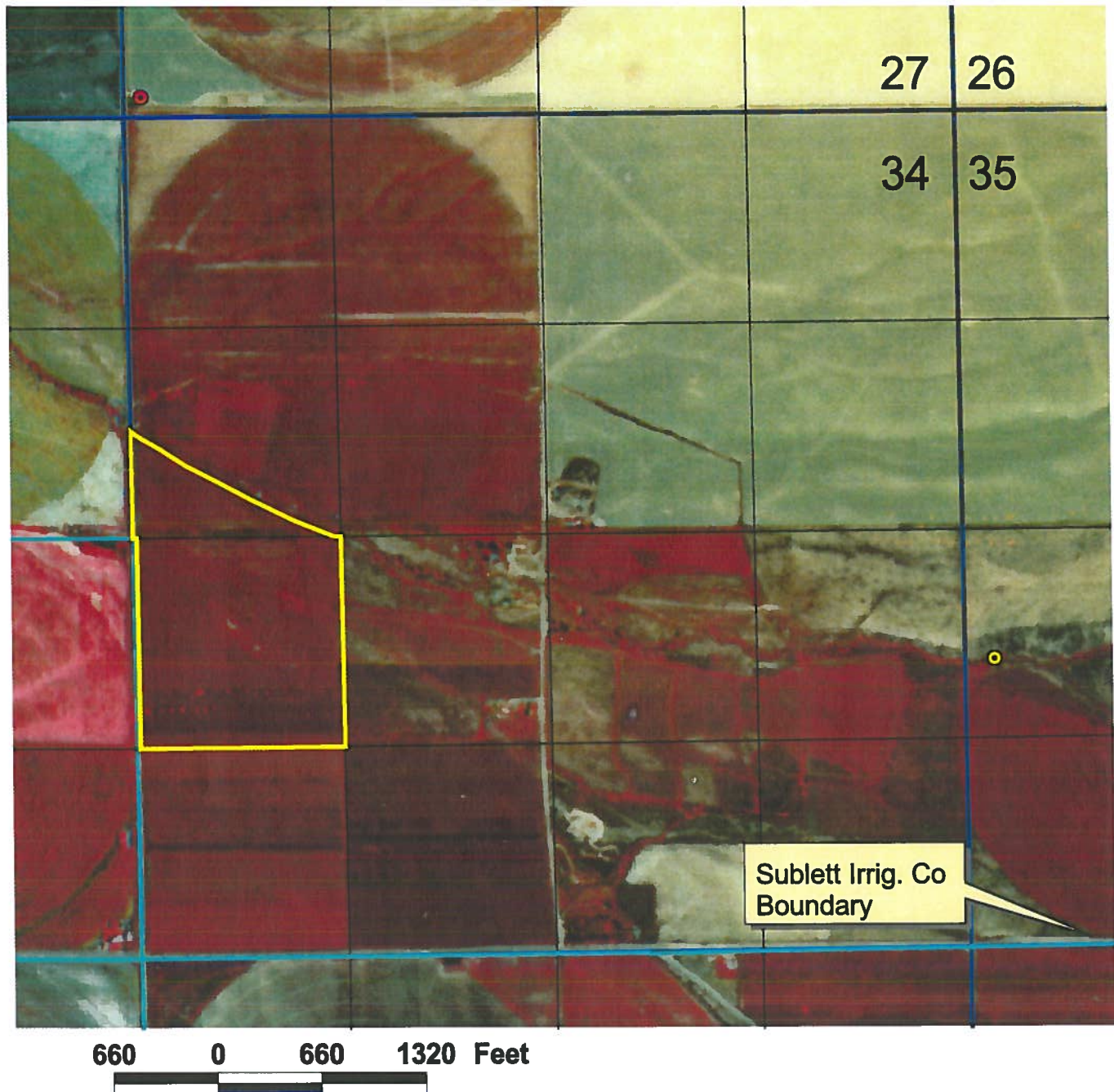
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 43-10307B IS AN ENLARGEMENT OF THIS RIGHT
PURSUANT TO SECTION 42-1426, IDAHO CODE.

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 - E KP.																			
CLAIM			34							5.2				8.3					13.5
GIS			34				GIS			9				39					48
RECOM			34				REC'D			9				38.3					47.3
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP

SHAPE NOS.

SRBA Acres = STAT. Claim Acres = 33.8 Ac.
Enlargement + 13.5
47.3 AC PPU

B43-POD.SHP

NOS. DESCRIPTION

Groundwater Rich. requires another Claim w/ priority Prof.

Remarks: C18-K01-K06-E01

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

27 26

34 35

43-4106 D

43-4106 ORIGINAL ACRES
(IN RED)

43-4106 E
(yellow)

43-4106 B

43-4106 A

Claimed Acres
3/22/01
su

43-4106 E

33

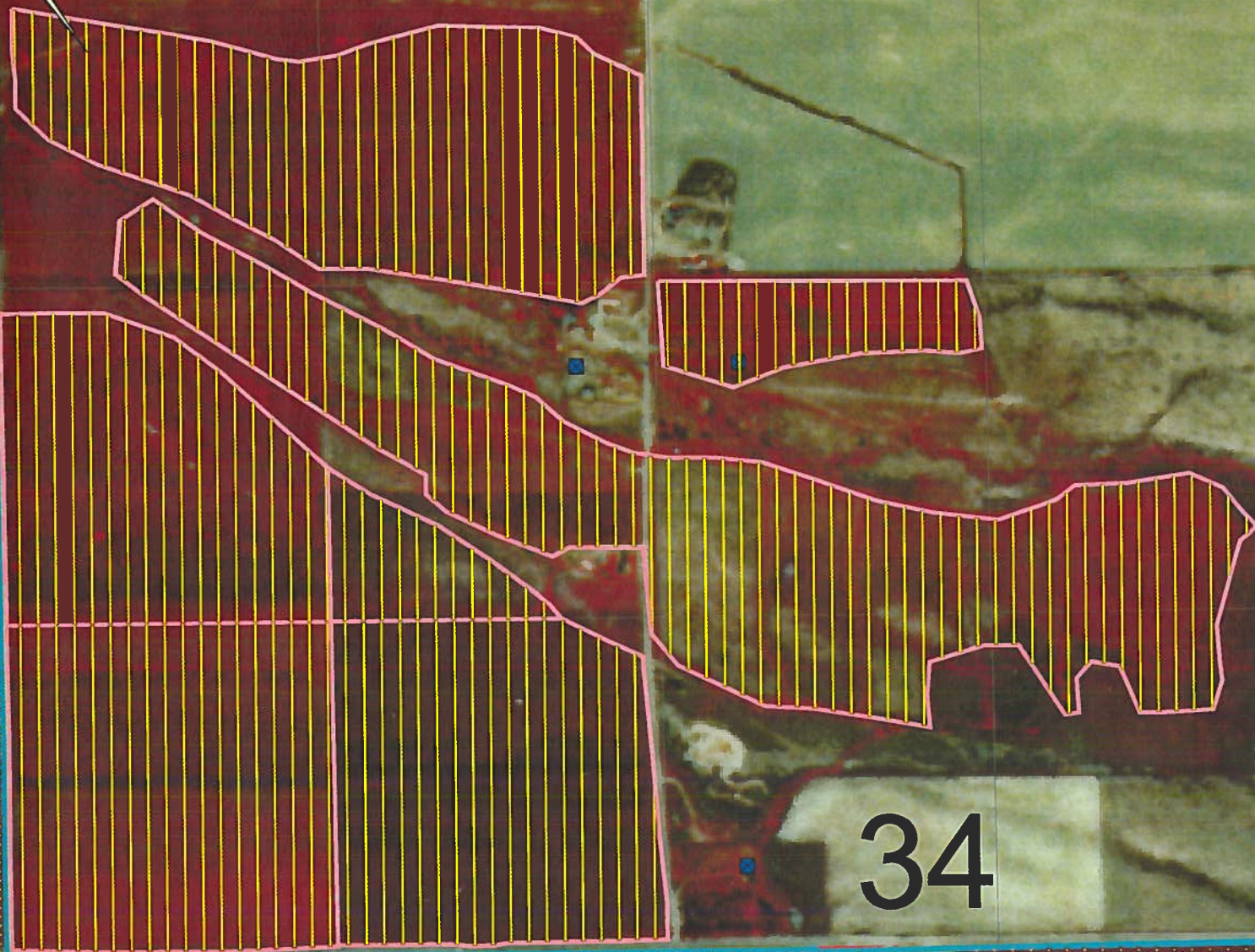
4

3

approximately 234 acres as shown with this shape for the historic POU of claim 43-4106.

3/21/01 scc

CLAIM IS FOR 222 AC.





CRP
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NHEL/W

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

c/o Alice Powers, 1319 Malta Ave., Burley, Id 83318 Telephone No. 678-7355

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) 1/18/78 1878
 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)
Mam Creek
 3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed.
irrigation to sinks

(Use, gals. AFA)		(Domestic Irrigation, Stock, Etc.)		(Dates inclusive)			
Quantity		Use		Period of Use From	(Mo., Day)	To	(Mo., Day)
Quantity	2.80 cfs	Use	Irrigation	Period of Use From	Mar 15	To	Nov 15
Quantity	0.05 cfs	Use	livestock	Period of Use From	Mar 15	To	Nov 15
Quantity	1.40 cfs	Use	livestock	Period of Use From	Nov 16	To	Mar 14
Quantity	~~11.90 cfs~~	Use	~~livestock~~	Period of Use From	~~Mar 16~~	To	~~Mar 14~~
Quantity	2.80 cfs	TOTAL QUANTITY USED		Period of Use From		To	

- 14) **2.60 cfs** **TOTAL QUANTITY USED** **Period of Use From** **To**
 (cfs, gpm, AFS)
 15) A) Point of diversion (Location of point where water is diverted from its source)
 NW 1/4 SW 1/4 Sec. 35 T. 12S R. 28E S.M. County of Cassia
 Additional points of diversion: **NELSE Sec. 34 T. 12S R. 28E**

B1 Describe means of drainage of water (Pumps and pipelines, well, diversion dam, reservoir, length of ditch and field, etc.). Give size and capacities, be as specific as possible. Describe any changes in the system and give the date of change. **Check dams & 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.

[illegible]

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8: If water is used for other than irrigation, fully describe that use, being as specific as possible
/Medicine/44/16/20/Keep concrete/

NOTE: Include here the type and number of stock (e.g., 200 range cattle & other assorted H.).
If you are drawing water at a number of an irrigation or list name of organization.

11. If you are claiming water as a member of an organization, list name of organization

27 26
34 35

T. 125 R. 2RE

26 25
35 34

3.0

AA
162.3

298.2

5 A
6

22.8

K
29.4

H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2
6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2	6.2

7 34 35
3 2

32.2

L
239.9

35 34
2 1

L
74.2

"NOT TO SCALE"

