

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
39576
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number 43-10307A
Date Received: 6/1/89
Receipt No:
Received By:

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

1. Name of Claimant(s)

Name: TYLER POWERS Phone: (208) 645-2578

Address: 1352 S 3200 E
MALTA ID USA 83342

Name: TODD POWERS Phone: (208) 645-2578

Address: 1352 S 3200 E
MALTA ID USA 83342

2. Date of Priority: 03/15/1985

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	0	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	3/15	11/15	2.4		0

7. Total Quantity Appropriated is:
2.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12S	28E	33	NE NE		IRRIGATION	40
			NW NE		IRRIGATION	40
			SW NE		IRRIGATION	40
			SE NE		IRRIGATION	40
Section Acres						160
12S	28E	34	NE NW		IRRIGATION	40
			NW NW		IRRIGATION	40
			SW NW		IRRIGATION	17.8
			SE NW		IRRIGATION	12
			NE SW		IRRIGATION	4
Section Acres						113.8
Total Acres						273.8

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:

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. WARRANTY DEED WITH AN EXHIBIT "A" WAS SUBMITTED
***** 9/16/97 TF; REMOVED STOCKWATER FROM POU PER DOUG JONES
** CHANGE OF OWNERSHIP 7/11/00 SCC.

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: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED**JUL 07 2000**Department of Water Resources
Southern Region

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

1. Water Right No(s): ✓ A43-10309, ✓ A43-04106D, A43-10307A
 Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP. *<see file>*

3. Name and Address of Former Owner/Claimant James Powers
P.O. Box 656. MALTA, ID 83342

4. New Owner/Claimant(s) ~~Wanda G. Powers~~ Todd & Tyler Powers
 Name Connector (Check one): ☒ and, ☐ or, ☒ and/or
 New Mailing Address 1362 S. 3200 E.
 City, State and ZIP Code MALTA, ID 83342
 New Telephone Number (208) 645-2578

5. Date you acquired the property 4-7-1997

☒ Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) Todd Powers

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

ASCS MAPS IN FILE ALREADY. 7/7/00 scw



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 11, 2000

TODD &/OR TYLER POWERS
1352 S 3200 E
MALTA ID 83342

RE: Change of Ownership of SRBA Claims 43-4106D, 43-10307A & 43-10309

Dear Mr. Powers,

Pursuant to your request for a change in ownership and/or the notification that you recently purchased portions of the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owner as requested for rights listed above.

Please find enclosed a copy of your adjudication claim, as it now appears in our records. Please refer to this numbers above for future correspondence. You have already received the copy for the amended claim 43-10309 when you were in my office on July 7th.

If you have any further corrections or questions please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland'.

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

For Value Received

JAMES ELLIS POWERS and ROZANN POWERS, husband and wife

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

TODD POWERS and TINA POWERS, husband and wife, and
TYLER POWERS and JILL POWERS, husband and wife
Address: 1352 South 3200 East Box 1081
Malta, Idaho 83342

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

TOWNSHIP 12 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: NE $\frac{1}{4}$

Section 34: N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, EXCEPTING THEREFROM the following
described parcels:

Parcel No. 1:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of
said Section 34;
Thence West along the South boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$
350 feet;
Thence North parallel to the East boundary of the
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 250 feet;
Thence East parallel to the South boundary of the
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 350 feet to a point on the East boundary
of the NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence South along the East boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$
250 feet to the Point of Beginning.

Parcel No. 2:

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°22'22" 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°22'22" West along the west line of Section 34 for a distance of 719.55 feet;
Thence South 29°04'39" East for a distance of 74.91 feet to a $\frac{1}{2}$ " rebar;
Thence South 29°04'39" East for a distance of 78.87 feet to a $\frac{1}{2}$ " rebar;
Thence South 65°48'07" East for a distance of 399.79 feet to a $\frac{1}{2}$ " rebar;
Thence South 65°08'39" East for a distance of 956.68 feet;
Thence South 02°08'44" West for a distance of 74.28 feet to a $\frac{1}{2}$ " rebar;
Thence South 00°07'58" 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°59'24" 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.

Parcel No. 3:

TOWNSHIP 12 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: Part of the W $\frac{1}{2}$, more particularly described as follows:

Beginning at the Southeast corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 34, said corner marked by a 5/8 inch rebar; Thence South 89°59'24" West along the South line of the N $\frac{1}{2}$ SW $\frac{1}{4}$ for a distance of 350.00 feet to the Point of Beginning;
Thence South 89°59'24" West along the South line of the N $\frac{1}{2}$ SW $\frac{1}{4}$ for a distance of 988.54 feet to a 1/2 inch rebar;
Thence North 00°07'58" West for a distance of 1276.47 feet to a 1/2 inch rebar;
Thence South 63°58'52" East for a distance of 562.52 feet to a 1/2 inch rebar;
Thence South 73°48'51" East for a distance of 473.76 feet to a 1/2 inch rebar;
Thence South 14°41'49" East for a distance of 147.78 feet to a 1/2 inch rebar;
Thence South 82°33'28" East for a distance of 272.56 feet to a 1/2 inch rebar;
Thence South 82°33'28" East for a distance of 70.56 feet to the East line of the W $\frac{1}{2}$ SW $\frac{1}{4}$;
Thence South 00°15'52" East along the East line of the W $\frac{1}{2}$ SW $\frac{1}{4}$ for a distance of 460.03 feet;
Thence South 89°59'24" West for a distance of 350.00 feet;
Thence South 00°15'52" East for a distance of 250.00 feet to the Point of Beginning.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

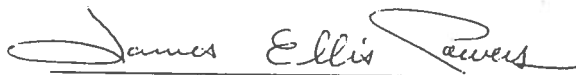
All reservations in patents or deeds in the chain of title.

Taxes for 1996 and subsequent years.

Accruing taxes, levies and assessments; easements and rights of way of record if any.

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.

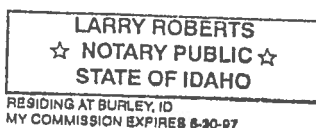
Dated: April 7, 1997

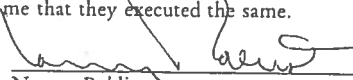

James Ellis Powers


Rozann Powers

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 8th day of April, 1997, 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: Burley, Idaho
My Commission expires: 6-30-97

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: A43-10307A

Date Received: 6/ 1/1989

Receipt No: X777777

Received By: *[Signature]* o/c - split

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

1. Name: JAMES POWERS 208-645-2296
Address: SUBLETT RT
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	2.400		

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

8. Total consumptive use is 741.3 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	33	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	160.0
		34	NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	17.8
			SE	NW	IRR	12.0
			NE	SW	IRR	4.0
					Section Acres	113.8
					Total Acres	273.8

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:

A43-04106D

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. WARRANTY DEED WITH AN EXHIBIT "A" WAS SUBMITTED.

9/16/97 TF; REMOVED STOCKWATER FROM POU PER DOUG JONES.

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: _____

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
(34) SWNW 17 Ac.
(34) NWSW 30 Ac.

A43-10307
(34) SWNW 23 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 NE 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 .858 cfs (Powers) A43-A43-04106!



NOTICE OF NEW PROPERTY OWNER CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

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^{ureau}ment of Water Resour
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 Steve Gene Rigby Date 10/25/96
Signature of New Owner/Claimant(s) 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
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ 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.

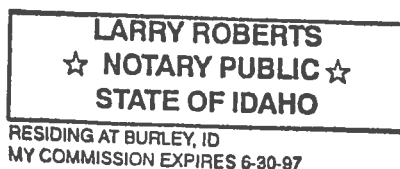
Dated: October 1, 1996

James Ellis Powers
JAMES ELLIS POWERS

Rozann Powers
ROZANN POWERS

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 23rd 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
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.

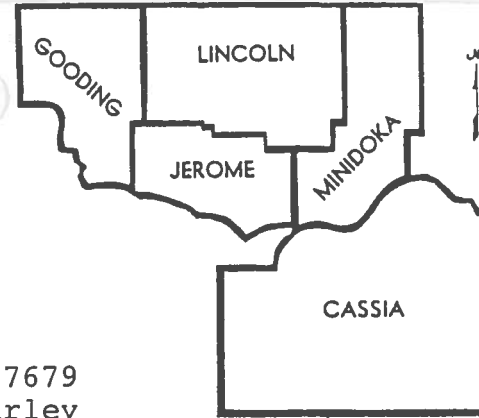
Said property contains 49.34 acres more or less and is subject to a 25 foot wide county road right of way along the west side and also subject to any other easements or right of ways, existing or of record.

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 Resource
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 678-3524 - FAX 678-4435

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 436-0608 - FAX 436-1189

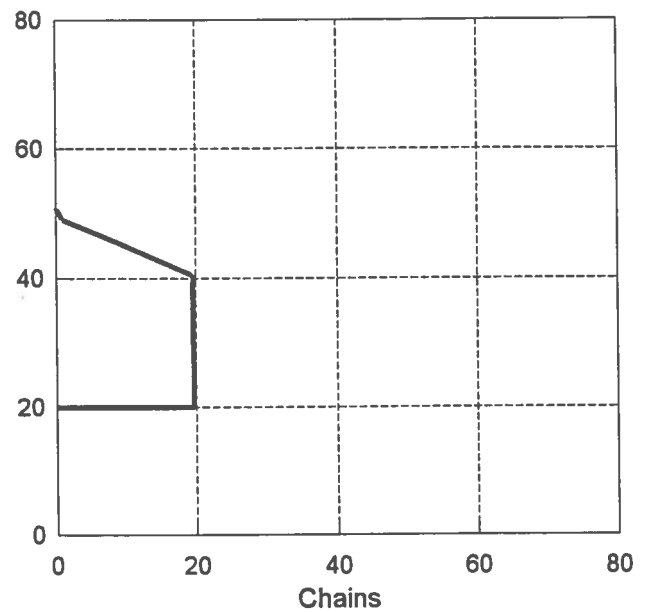
=====

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 ____



AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

05/21/99 09:46:52
Page 1

Water Right Number - A43-10307

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

SPLIT RIGHT - SEE A & B

1 -
2 -
3 -
City- X State- ID Zip- 0
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***

POWERS JAMES

1 - SUBLETT RT
2 -
3 -
City- MALTA State- ID Zip- 83342
Phone - 208-645-2296

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - -
03/15/1985 17 SOUTHERN Z - SEE REMARKS

+ - - - - Source - - - - - + + - - - - Tributary - - - - -
WARM CREEK SINKS
SPLIT RIGHT

+ - - - - Point of Diversion - - - - -
Tw n R n g S e c T r a c t L o t R f l g C o u n t y D i v e r s i o n N a m e
12S 28E 35 SW NW SW (31) CASSIA

+ - - - - Water Use - - - - -
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 2.800

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage -
2.800 862.0

+ - - - - Place of Use - - - - -
Tw n R n g S e c T r a c t L o t A c r e s C o d e D e s c r i p t i o n C o u n t y
12S 28E 33 NE NE 40.0 01 IRRIGATION (31) CASSIA
12S 28E 33 NW NE 40.0 01 IRRIGATION (31) CASSIA
12S 28E 33 SW NE 40.0 01 IRRIGATION (31) CASSIA
12S 28E 33 SE NE 40.0 01 IRRIGATION (31) CASSIA
12S 28E 34 NE NW 40.0 01 IRRIGATION (31) CASSIA
12S 28E 34 NW NW 40.0 01 IRRIGATION (31) CASSIA
12S 28E 34 SW NW 23.0 01 IRRIGATION (31) CASSIA
12S 28E 34 SE NW 12.0 01 IRRIGATION (31) CASSIA
12S 28E 34 NE SW 4.0 01 IRRIGATION (31) CASSIA
12S 28E 34 NW SW 8.3 01 IRRIGATION (31) CASSIA

Total Acres: 287.3

+ - - Diversion Means - CHECK DAMS & CONCRETE PIPE, DITCHES. POND CREATED BY SPR. DEV.

Water right number - A43-10307

Prefix Translation: ADJUDICATION CLAIM

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A43-04106C

+ - - - - - Remarks - - - - -

GEN 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 RIGBYS.
A WARRANTY DEED WITH AN EXHIBIT "A" WAS SUBMITTED. TLB 9/11/97

9/16/97 TF; REMOVED STOCKWATER FROM POU PER DOUG JONES.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date -
00/00/0000

+ - - Audit Fields - 06/01/89 CLELLAND 03/30/95 POST-STD 09/16/97 TFAWCETT 05/19/99 JROBERTS

+ - - - - Comments - - - - -
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 06/01/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S007436	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	- E
		Name Connector	- AND/OR	Notice of Error Flag	-

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
(34) SWNW 17 Ac.
(34) NWSW 30 Ac.

A43-10307
(34) SWNW 23 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 NE 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 .858 cfs (Powers) A43-A43-04106!



NEW PROPERTY OWNER CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

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

[] 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 Sibley 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 _____
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

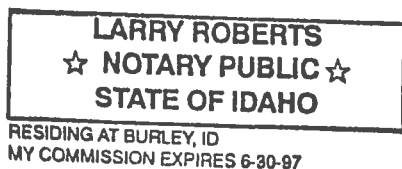

ROZANN POWERS

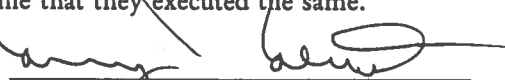
STATE OF IDAHO)

COUNTY OF CASSIA)

) ss.

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

LEGAL DESCRIPTION

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.

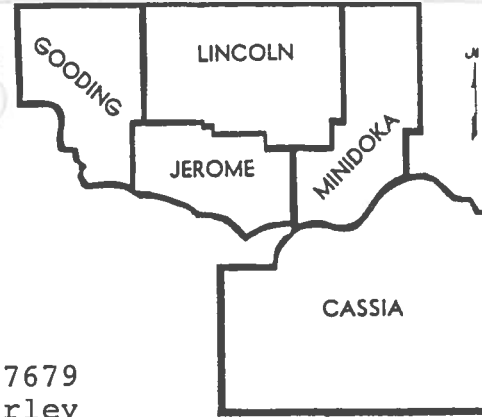
Said property contains 49.34 acres more or less and is subject to a 25 foot wide county road right of way along the west side and also subject to any other easements or right of ways, existing or of record.

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

08/22/97 09:57 AM

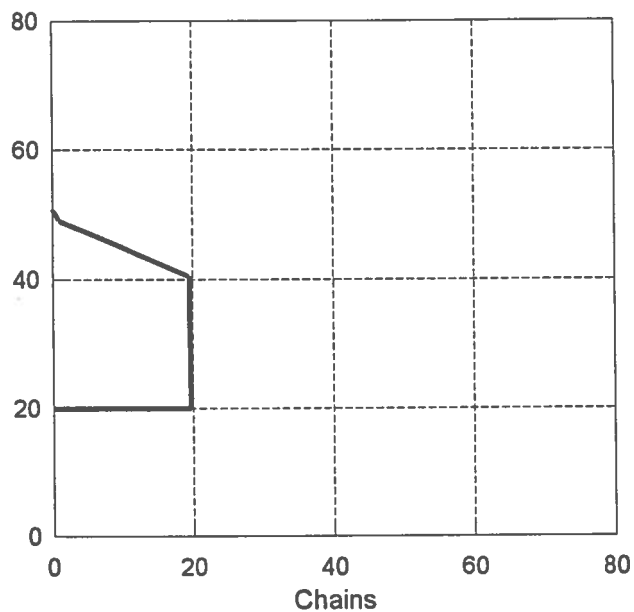
By: _____

Right No: _____

-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 _____



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: A43-10307
Date Received: 6/01/1989
Receipt No: S007436
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES POWERS 208-645-2296
Address: SUBLETT RT.
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	2.800		

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

8. Total consumptive use is 862.0 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	33	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0

Section Acres 160.0

A43-10307

Page 1

Date: 06/01/89

MICROFILMED

MAR 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	28E	34	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	23.0
			SE		NW		IRR	12.0
			NE		SW		IRR	4.0
			NE		SW		STOCK	
			NW		SW		IRR	8.3
							Section Acres	127.3
							Total Acres	287.3

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:
A43-04106C

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.

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): James Powers Date: 6-1-89
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of June 19 89 Steve Collins
Notary Public

Seal

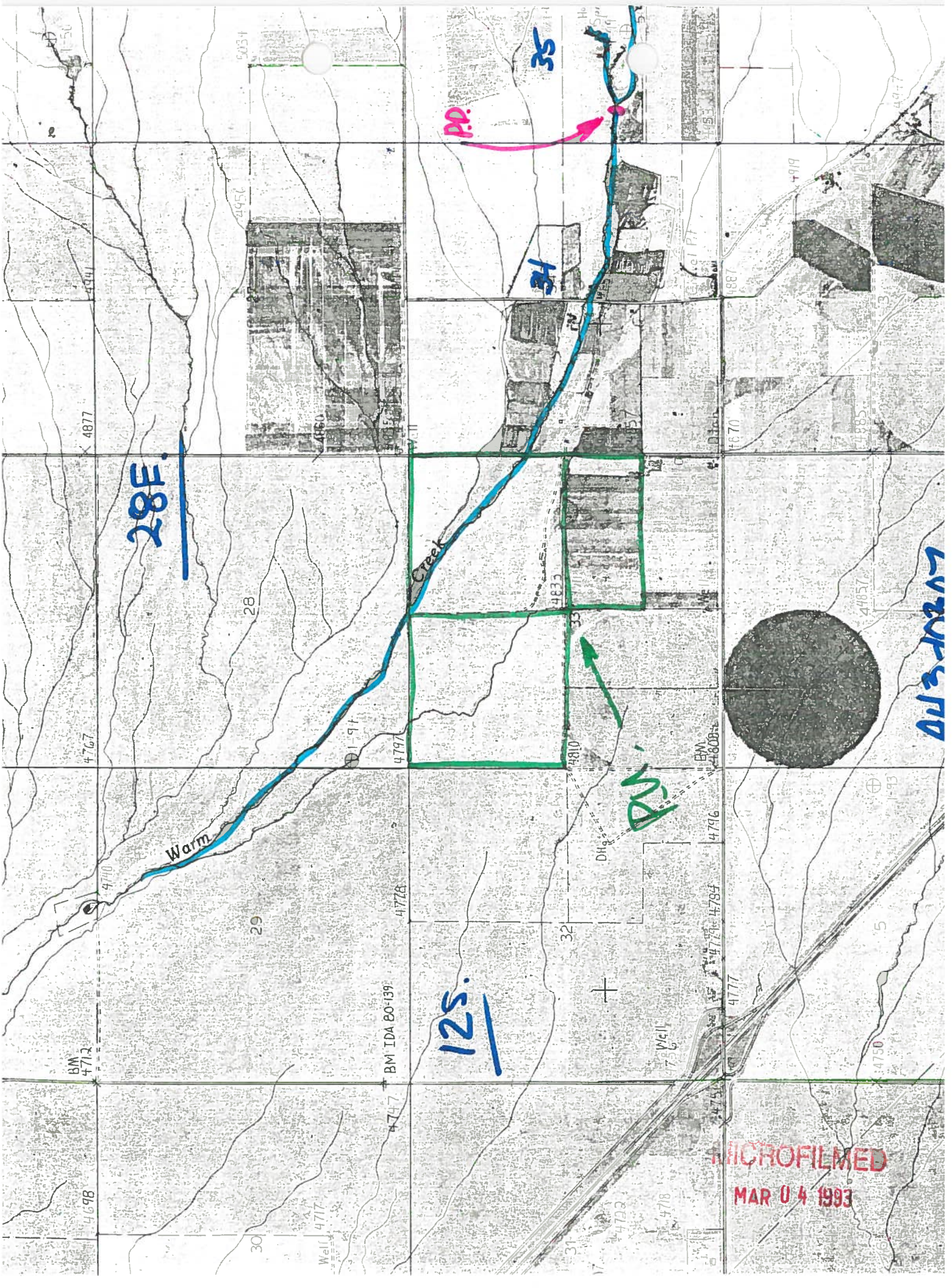
Residing at Twin Falls
My Commission Expires Dec 7 1994

28E.

12S.

013-102-07

MICROFILMED
MAR 04 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

A43-10307
JAMES POWERS
SUBLETT RT.

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

MICROFILMED

MAR 04 1993

Priority Evidence

A43-10307
Submitted 2/4/92
R.H.W.

To Whom it may Concern
Water was first used in March 1985
on land in N $\frac{1}{2}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$, Sec. 34 T12S R28E
and NE $\frac{1}{4}$ Sec 33, T12S, R28E Own by James Powers.
by means of sprinklers, Pressurized by a diesel
Powered pump. The diesel engine failed in July 1985
and was replaced by an electric pump.

James Rigby

STATE OF IDAHO
COUNTY OF CASSIA

On this 4th day of February 1992,
before me a notary public in and for said State, personally
appeared James Rigby

known to me to be the
(person/persons) whose name or names are subscribed to
the within instrument and acknowledged to me that (he/she,
they) executed the same.

Lucy Ellen Keller

Notary Public

Residing at Albion, Idaho

My commission expires 4-9-93

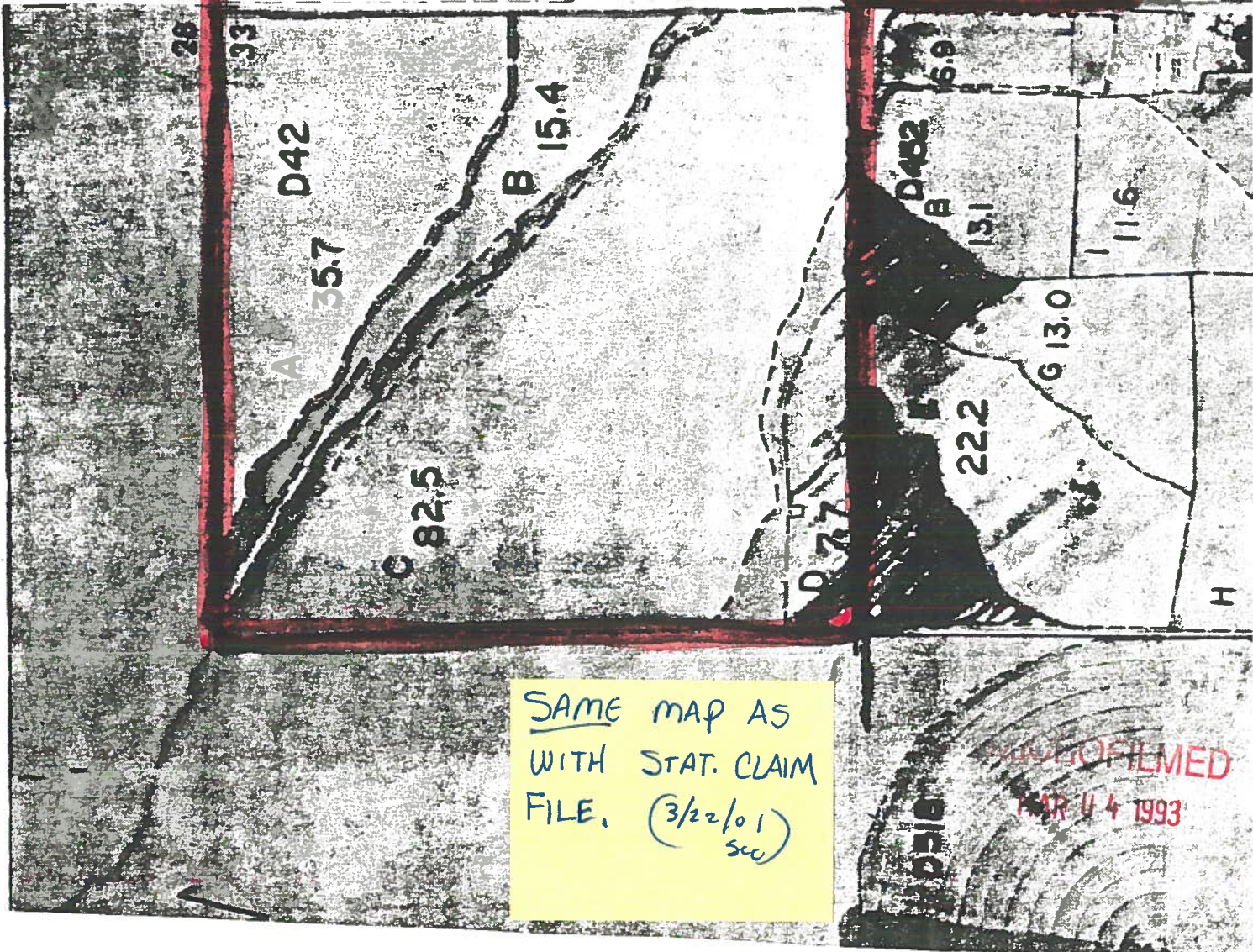
MICROFILMED

MAR 04 1993

The Powers farm before
sprinklers were added.

Evidence of Priority for A43-10307
Submitted 2/4/92 R. K. H.

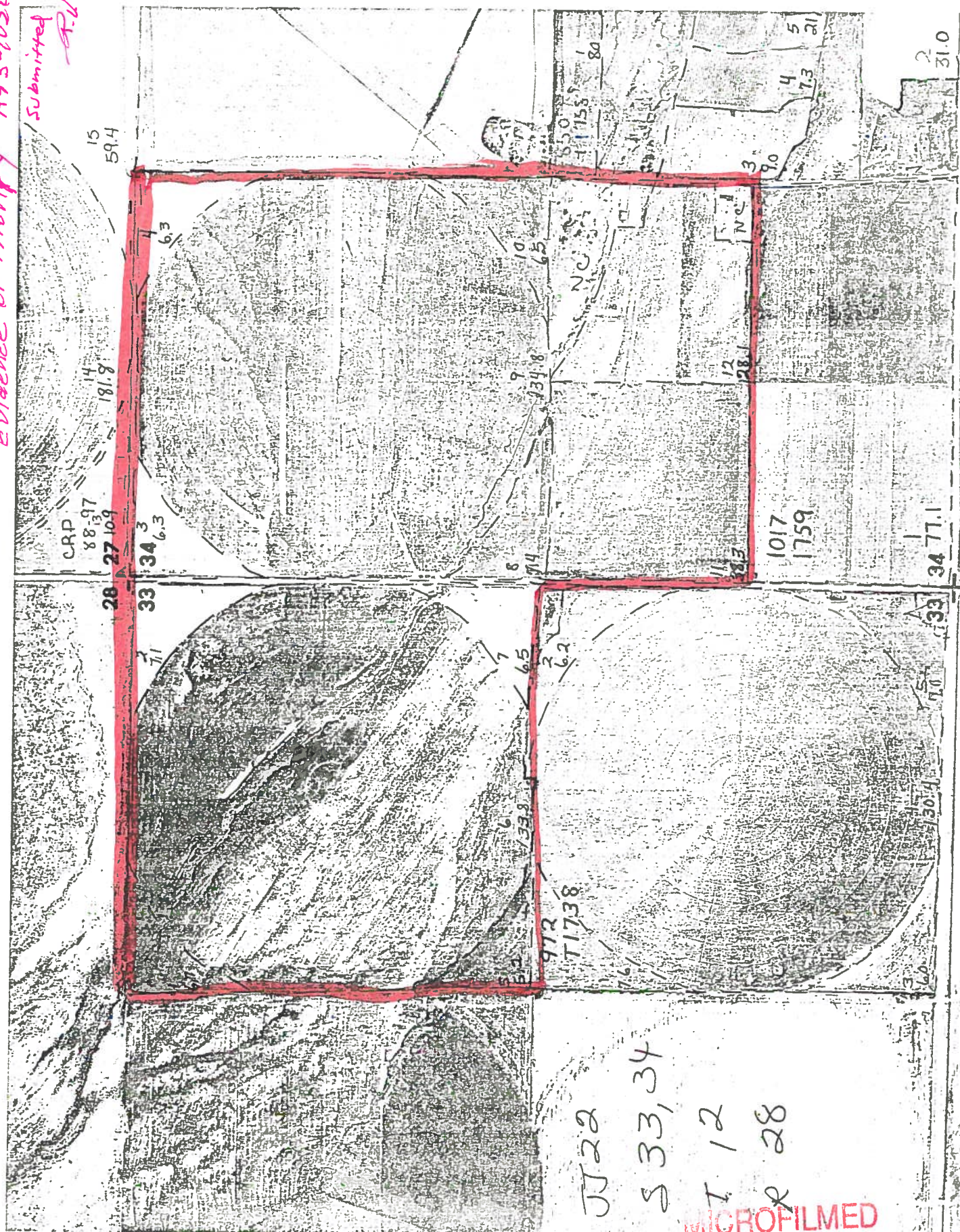
SAME MAP AS
WITH STAT. CLAIM
FILE. (3/22/01
SCU)



REPRODUCED
APR 4 1993

Evidence of Priority A43-10307

Submitted 2/3/82
R. V. B. M. M. B.



222

33,34

12

280

MICROFILMED

MAR 04 1993

SERVICE #16028

For Evidence of Priority

A43-10307

(040885)

Submitted 2/4/87 R.U.26

AGREEMENT FOR ELECTRIC SERVICE

(IRRIGATION)

THIS AGREEMENT, made this 10th day of July, 1985,
between RAFT RIVER RURAL ELECTRIC COOPERATIVE, INC., an Idaho rural electric
Cooperative of Malta, Cassia County, Idaho 83342, hereinafter called "Seller", and
Alice Powers, James E. Powers, Rozann Powers

of Sublett Route, Malta, Idaho,

hereinafter called "Consumer",

WITNESSETH:

The Seller shall sell and deliver to the Consumer, and the Consumer shall purchase from Seller, upon the terms and conditions hereinafter set forth, electric power and energy for the use upon, and connection with, the following described property located in the County of CASSIA, State of IDAHO, to-wit:
NE $\frac{1}{4}$ of Section 33, Township 12 South Range 28 East Boise Meridian
Pond located on the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 as above described.

1. Service Characteristics and Indemnity.

(a) Service hereunder shall be alternating current, three(3) phase, three(3) wire, sixty cycles, 480 volts. HP 50 HP Booster

(b) The Consumer shall not use the electric power and energy furnished hereunder as an auxiliary or supplement to any other electrical source of power and shall not sell electric power and energy purchased hereunder.

(c) The Consumer shall cause all premises covered by this agreement to become and remain wired in accordance with all applicable wiring codes.

(d) The Consumer shall be responsible for and shall indemnify the Seller against any injury, loss or damage resulting from defects in, or improper use or maintenance of the Consumer's premises, wiring or any other apparatus connected thereto. In no event shall the responsibility of the Seller extend beyond the point at which the Consumer's service wires are attached to the transformer pole or pad mount transformer.

2. Payment.

(a) The Consumer shall pay the Seller for service hereunder, at the rates and upon the terms and conditions set forth in Schedule "C", which has been

03/23/2001

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

RIGHT NUMBER: **43-10307A**

NAME AND ADDRESS: TODD POWERS
TYLER POWERS
1352 S 3200 E
MALTA, ID 83342

SOURCE: WARM CREEK TRIBUTARY: SINKS

QUANTITY: 0.81 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-04106D IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 1.0 CFS.

PRIORITY DATE: 04/01/1985

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	0.81 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T12S R28E S33	NENE	40	T12S R28E S33	NWNE	40
T12S R28E S33	SWNE	40	T12S R28E S33	SENE	40
T12S R28E S34	NENW	40	T12S R28E S34	NWNW	40
T12S R28E S34	SWNW	31	T12S R28E S34	SENW	40
T12S R28E S34	NESW	26			

337 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 271.8 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.

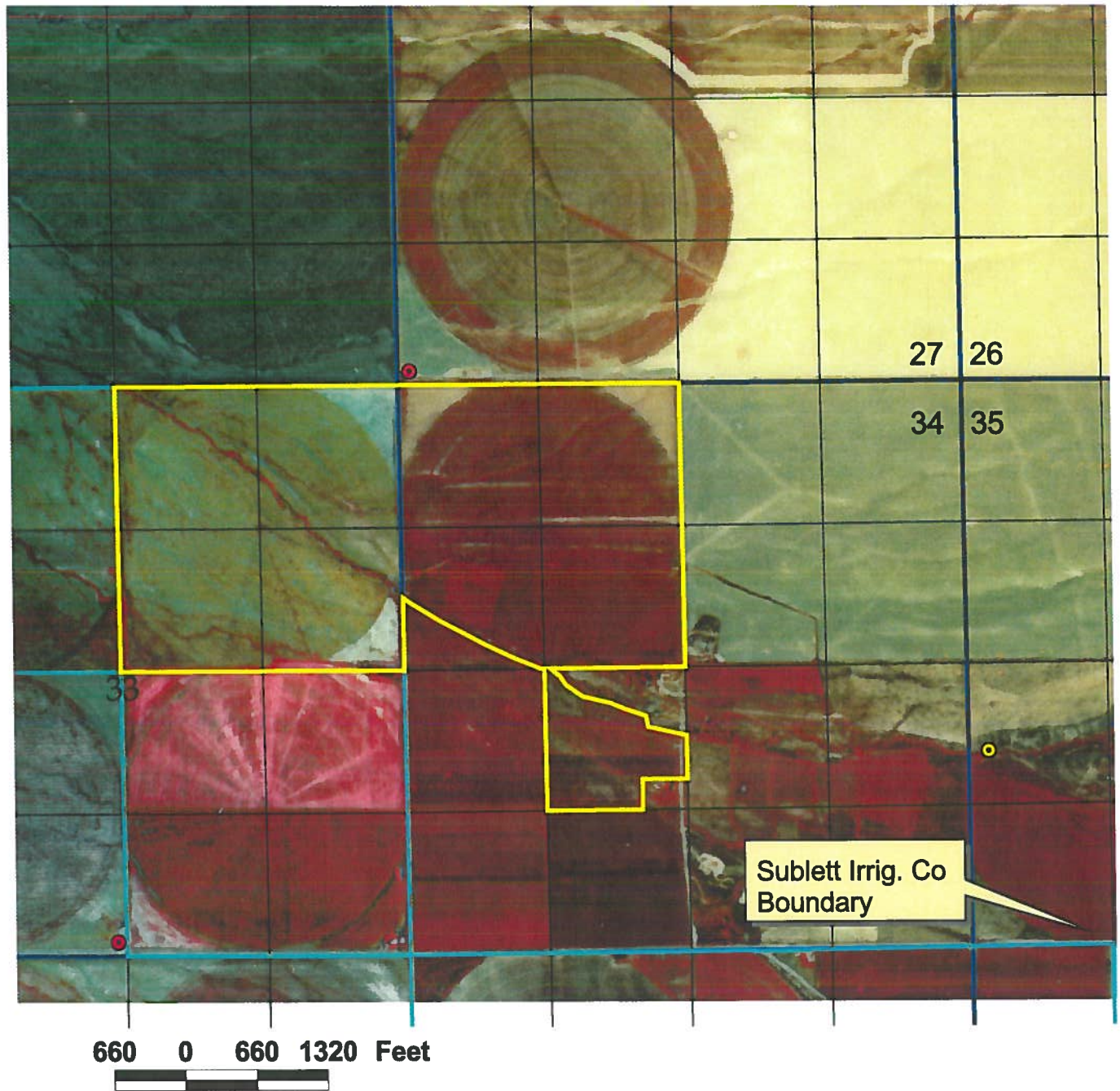
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 43-
04106D PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 271.8 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES

43-4106D & 43-10307A



T12S R28E SEC 33 & 34



- 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**

OPERATOR: Name, Address & I D No.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	EFFECTIVE CROPLAND	FARM IDENTIFIER	STATUS
82-6025204 E RIGBY FARMS % JIM RIGBY SUBLETT RT MALTA	398.0	387.0	387.0	387.0		ACTIVE
ID 83342 0000						

CRP: .0
IFM: N
RECON. REF. NO.: 000000
OFAY NORMAL PLANTED ACRES: .0

CROP	ROT.	BASE	CRP REDUCTION	ADJ. BASE	DATE	-----P&CP-----		-----YIELD-----			
						YEAR		YEAR	NI	I	
WHEAT	1	299.7	.0			93	304.3	94	24	7	
						92	308.2	85	27	7	
						91	296.3				
						90	288.8				
						89	300.7	94	70		
			88	327.6	85	76					
	IAM NAW	296.3 3.4							----- HWY -----		
BARLEY	1	45.4	.0			93	42.4	94	26	7	
						92	39.9	85	26	7	
						91	53.6				
						90	64.9				
						89	26.2	94	76		
			88	27.5	85	78					
	IAM NAW	53.6 .0							----- HWY -----		

No. of Tracts: 1													Current Year				
TRACT NO.	FARMLAND	CROPLAND	IRRIGATED CROPLAND	HEL	Ø27	AØ27	W	CW	FW	FC	AW	MW	RW	HG	CWTE	CWNA	PCW
1736	398.0	387.0	387.0	N	N	N	Y	N	N								N
IDENTIFIER			S-33.34 T-12 R-28 JJ-22														
OWNER			1 - JAMES POWERS														

R PROOF

CVR

MAPS

PHOTOS

MISC

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