

02/11/2004

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

RIGHT NUMBER: 25-12041
NAME AND ADDRESS: CHARLES BRIGGS
3625 E 500 N
RIGBY ID 83442
JOYCE BRIGGS
3625 E 500 N
RIGBY ID 83442

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 12/20/1885

POINT OF DIVERSION:
T04N R38E S3 SESWSW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.200 CFS
DOMESTIC	01/01 12/31	0.040 CFS
Stockwater use is for 200 dairy cattle and 6 horses.		

PLACE OF USE: STOCKWATER Within JEFFERSON County
T04N R38E S03 SWSW
DOMESTIC Within JEFFERSON County
T04N R38E S03 SWSW

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. RP04N38E034800 STOCKWATER, 200 DAIRY CATTLE, 6 HORSES

FILED

SCANNED

SEP 13 2004

02/11/2004

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PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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T04N R38E S03 SWSW

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EXPLANATORY MATERIAL: Beneficial Use

PARCEL NO. RP04N38E034800 STOCKWATER, 200 DAIRY CATTLE, 6 HORSES

02/11/2004

RM

**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:

Water right number: 25-12041

~~CHARLES BRIGGS~~
~~3625 E 500 N~~
~~RIGBY ID 83442~~
~~Telephone Number: (208) 754-4275~~

JOYCE BRIGGS
3625 E 500 N
RIGBY ID 83442
Telephone Number: (208) 754-4275

*changed
JC
9/14/04* / *ownership
change
sent to
claimant
for
25-12042*

RECEIVED

SEP 10 2004

Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Charles passed away March of 2001

2. Describe the changes you wish to make in the proposed recommendation:

Please remove his name. I have enclosed the deed of distribution for both water right #s

25-12041 ✓

25-12042

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: 9-1-04

SIGNATURE: Joyce Briggs

Please print your name: Joyce Briggs

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

PROFILED

SCANNED

SEP 13 2004

PERSONAL REPRESENTATIVE'S

DEED OF DISTRIBUTION

THIS DEED, made by JOYCE L. BRIGGS as Personal Representative of the ESTATE OF CHARLES M. BRIGGS, deceased, "Grantor", to JOYCE L. BRIGGS, "Grantee", whose address is 3625 E. 500 N., Rigby, Idaho 83442,

WITNESSETH:

WHEREAS, Grantor is the duly-appointed and qualified personal representative of said estate, filed as Probate No. *CV02-252* in Jefferson County, Idaho; and

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property from the estate;

THEREFORE, for valuable consideration received, Grantor conveys and releases to Grantee the following described real property located in Jefferson County, Idaho:

TRACT I:

*Right #
25-12042*

Beginning at the North Quarter corner of Section 10, Township 4 North, Range 38, East of the Boise Meridian, Jefferson County, Idaho, and running thence South 80 rods; thence East 53 1/3 rods; thence South 76 rods; thence West 106 2/3 rods; thence North 76 rods; thence West 53 1/3 rods; thence North 80 rods to the North line of said Section 10, thence East 106 2/3 rods to the point of beginning. Together with appurtenant water rights and ditch rights, including 30.2 shares of stock in the Parks and Lewisville irrigation company.

Excepting therefrom:

Beginning at the Northeast corner of the Northwest quarter of the Northwest quarter of Section 10, Township 4 North, Range 38 East, Boise Meridian, and running thence North 89° 45' East along the Section Line 66 Feet, thence South 305 Feet; thence South 89° 45' West 143 Feet; thence North 305 feet, more or less, to the section line, thence

PROFILE

SCANNED

SEP 13 2004

RECEIVED BY
ASSESSOR

For PLATTING

Date *4-18-02* Time *9:25*

Instrument # 314166

RIGBY, JEFFERSON, IDAHO

2002-04-18

09:25:00

No. of Pages: 3

Recorded for : JOYCE BRIGGS

CONNIE M. KELLER

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: DEED, PERSONAL REPRESENTATIVE

JK

North 89°45' East 77 feet, more or less, to the point of beginning.

TRACT II:

Right #
25-12041

Commencing at a point 40 rods East of the Southwest Corner of Section 3, Township 4 North, Range 38 East of the Boise Meridian; thence North 40 rods; thence East 40 rods; thence South 40 rods; thence West 40 rods to the point of beginning:

Also, the East half (E1/2) of the Southwest Quarter (SW1/4), in Section 3, Township 4 North, Range 38 East of the Boise Meridian.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues and profits thereof;

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee and to her successors and assigns forever.

In construing this Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand the day and year first above written.

DATED this 11 day of April, 2002.

ESTATE OF CHARLES M. BRIGGS

By Joyce L. Briggs
Joyce L. Briggs, Personal Representative

PROFILED

SCANNED
SEP 13 2004

STATE OF IDAHO)
) ss.
County of Bonnoville)
T. J. Peterson

On this 10th day of April, 2002, before me,
ED WATSON, a Notary Public in and for said State, personally appeared
JOYCE L. BRIGGS, known or identified to me to be the Personal Representative of the
ESTATE OF CHARLES M. BRIGGS, deceased, and the person whose name is subscribed to the
within instrument as a personal representative of the Estate, and acknowledged to me that she
executed the same.

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

(SEAL)



A handwritten signature of Ed Watson in black ink.

Notary Public for Idaho

Residing at: 17564

My Commission Expires: 7-30-07

PROFILED

SCANNED
SEP 13 2004

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: A25-12041
Date Received: 11/29/1988
Receipt No: E005172
Received By: SS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES BRIGGS 208-754-4275
Address: 3625 E. 500 N.
RIGBY, ID 83442
OR
Name: JOYCE BRIGGS 208-754-4275
Address: 3625 E. 500 N.
RIGBY, ID 83442

A2512041



2. Date of Priority: DEC 20, 1885

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	38E	3	SE	SW	SW		JEFFERSON

5. Description of diverting works:
WELL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSEHOLD, S/200 HEAD DAIRY CATTLE, 6 HORSES.

A25-12041

Page 1

Date: 07/12/89

MICROFILMED
NOV 11 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	38E	3	SW	SW		DOMEST	
			SW	SW		STOCK	

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

DATE RECEIVED, <u>11-29-88</u>	CK # <u>424</u>	AMOUNT \$ <u>125⁰⁰</u>	YES	NO
1. Is the name and address complete with zip code?			<u>X</u>	<u> </u>
2. Is a priority date entered?			<u>X</u>	<u> </u>
Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued? A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.				
3. (a) Is a source entered?			<u>X</u>	<u> </u>
(b) Is a tributary to entered? (if required)			N/A <u>X</u>	<u> </u>
4. Is the legal description of the p.d. sufficient?			<u>X</u>	<u> </u>
5. Is there a description of the diverting works?			<u>X</u>	<u> </u>
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.			<u>X</u>	<u> </u>
Is the period of use included?			<u>X</u>	<u> </u>
Is a quantity claimed for each use?			<u>X</u>	<u> </u>
7. Is a total quantity claimed entered?			<u>X</u>	<u> </u>
8. If required is a consumptive use entered?			N/A <u>X</u>	<u> </u>
Is the consumptive use correct?			N/A <u>X</u>	<u> </u>
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.			N/A <u>X</u>	<u> </u>
10. Is (are) the place(s) of use and purpose(s) indicated?			<u>X</u>	<u> </u>
11. Is (are) the county(ies) entered?			<u>X</u>	<u> </u>
12. Is the ownership of p.u. checked?			<u>X</u>	<u> </u>
13. Are other water rights listed or "none" indicated?			<u>X</u>	<u> </u>
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)			N/A <u>X</u>	<u> </u>
15. Is the basis of the claim indicated?			<u>X</u>	<u> </u>
16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)			<u>X</u>	<u> </u>
Has the claim been signed, sealed, and dated by a notary?			<u>X</u>	<u> </u>
Was this claim filed on time, or was an extension granted?			<u>X</u>	<u> </u>
Is the fee enclosed correct?			Exempt <u>X</u>	<u> </u>
If this claim is based on an existing water right, has the identification number been entered?			N/A <u>X</u>	<u> </u>
Should this claim be receipted and data entered?			<u>X</u>	<u> </u>

EOO 5172

WATER RIGHT NUMBER - A25-12041

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
BRIGGS

CHARLES

1 - 3625 E. 500 N.

2 -

3 -

CITY- RIGBY

STATE- ID ZIP- 83442

PHONE - 208-754-4275

BRIGGS

JOYCE

1 - 3625 E. 500 N.

2 -

3 -

CITY- RIGBY

STATE- ID ZIP- 83442

PHONE - 208-754-4275

+ - - PRIORITY DATE - - +
12/20/1885+ - - - REGION - - - +
ERROR IN REGION

+ - - - STAGE - - - +

+ - - - STATUS - - - - +

J - BENEFICIAL USE

+ - - - - SOURCE - - - - - +
GROUNDWATER

+ - - - - - TRIBUTARY - - - - - +

+ - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

04N 38E 3 SE SW SW (51) JEFFERSON

+ - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME
43 - DOMESTIC 01/01 12/31 0.040
04 - STOCKWATER 01/01 12/31 0.200+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.240 0.0+ - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY
04N 38E 3 SW SW 04 STOCKWATER (51) JEFFERSON
04N 38E 3 SW SW 43 DOMESTIC (51) JEFFERSON

+ - - DIVERSION MEANS - WELL

+ - - NON-IRRIGATION USE - D/1 HOUSEHOLD, S/200 HEAD DAIRY CATTLE, 6 HORSES.

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +
NO REMARKS FOUND.+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

CERTIFIED
FEB 18 1994
WATER EXAMINER

OLD (D) NUMBER -

+ - - - - - ADDRESS - - - - - +

STATE- ID ZIP- 83442

STATE- ID ZIP- 83442

+ - - - STATUS - - - - +

+ - - - - - TRIBUTARY - - - - -

04N 38E 3 SE SW SW (51) JEFFERSON

----- OLD WATER RIGHT NUMBERS -----
NO OLD WATER RIGHT NUMBERS FOUND.

WATER RIGHT NUMBER - A25-12041

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - - +

+ - - - - DECREE DEFENDANT - - - - +

+ - DECREE DATE - +
00/00/0000

+ - - AUDIT FIELDS - 01/27/89 ESRBA 07/12/89 ESRBA 10/10/89 REFUNDML

+ - - - - 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	- 11/29/1968	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	- E005172	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POW OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- OR		

RP 04N38E034800

CERTIFIED

APR 28 1991

WATER EXAMINER

DATA ENTRY

ENTERED 4-09-94 RS

CHECKED 10/11/94 J

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
APR - 1991

MICROFILMED
NOV 12 1990

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 A25-12011

Date Received 11-29-88

Receipt Number E005172

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25
Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Charles or Joyce Briggs Phone (28) 754-4275

Mailing Address 3625 E 500 N Rigby, Idaho Zip 83442

2. Date of Priority (Only one (1) per claim) April 1 1884 Dec. 20 1885

3. Source of water supply (a) GROUND WATER - WELL
which is tributary to (b) _____

4. Location of point of diversion is: Township 4 North Range 38 E8M

Section 3, SE 1/4 of SW 1/4 of SW 1/4, Govt. Lot 0, B.M.,

County of JEFFERSON

Additional points of diversion if any: - 0 -

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. _____

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

For Domestic purposes from JANUARY 1 to DECEMBER 31 amount .04 (cfs)

For Stockwater purposes from JANUARY 1 to DECEMBER 31 amount .20 (cfs)

7. Total quantity claimed .24 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of livestock) 1 Domestic: 200 head dairy cattle: 6 horses

MICROFILMED
NOV 11 1992
Copies: White-State, Yellow-Claimant

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
4	38	3											D	S				

11. In which county (ies) are lands listed above as place of use located? Jefferson

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.
_____ or None (X)

14. Remarks: _____

15. Basis of Claim (check one) Beneficial Use ✓ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number — 0 —
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 ✓
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Charles Briggs Date 11-23-88

Jayce Briggs Date 11-23-88

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 Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of November 19 88

SEAL

Notary Public Fay D. Walker

Residing at Minon

My Commission Expires June 16, 1992

Last Name _____ Ident No. _____

MICROFILMED

NOV 11 1992
Copies White-State, Yellow-Claimant