

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

I, **RODNEY A. HAWES**, being first duly sworn, on oath says that he is the Publisher of the **OWYHEE NUGGET**, a newspaper of general circulation, published weekly by **Rodney A. Hawes**, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 28 day of Jan., 1971, and the last publication being on the 4 day of Feb., 1971;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 4 day of Feb., 1971.

Leon S. Hawes
NOTARY PUBLIC

My commission expires 9-10-72

(SEAL)

RECEIVED

MAR 8 1971

Administration

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that **Wesley C. Higgins**, Star Route, Melba, Idaho, has received an approved permit No. **G-32959/57-2294** issued by the Idaho State Reclamation Department authorizing the diversion of 1.26 cubic feet per second of water from a groundwater source. The priority to be established under this permit is June 28, 1966, and the permit was approved July 5, 1966. Water is to be diverted by well, pump, pipe and ditches from a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, T. 1 N., R. 4 W., B. M., Owyhee County, to be used for irrigation in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 1 N., R. 4 W., B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before July 5, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation
Engineer

Published in the Owyhee Nugget, Marsing, Idaho on January 28, 1971 and February 4, 1971.

57 2294

R. 4 W.

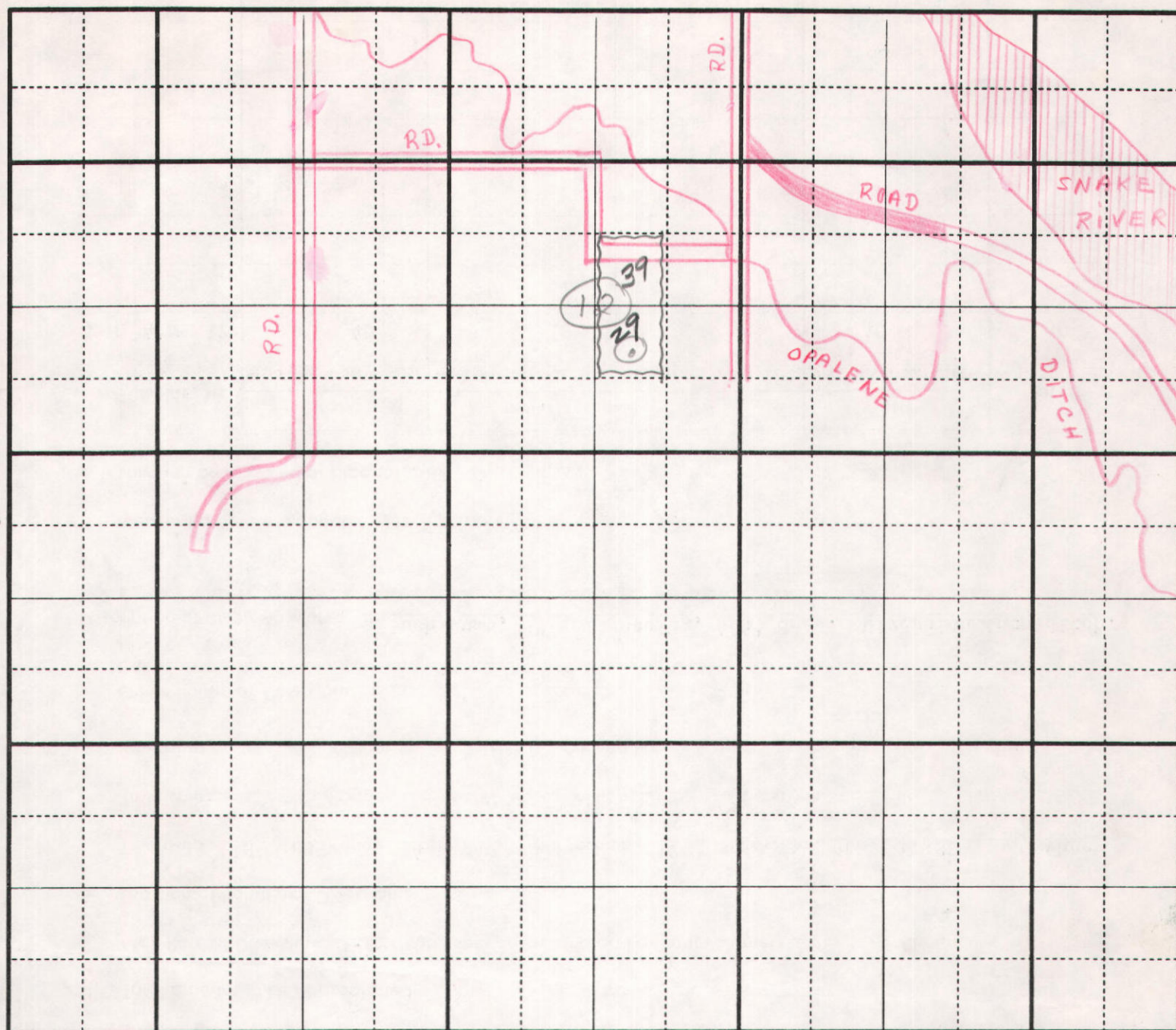
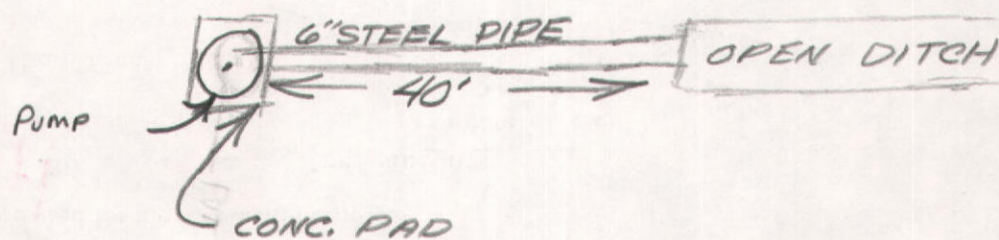
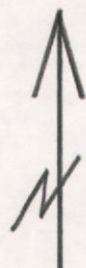


Diagram of System





B-227

14.6

A

C

E

2.8

4.8

B

32.2

B-221

22.2

D

19.5

B-223

B-222

31

29

B-226

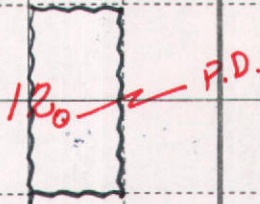
57 2294

NAME OF APPLICANT WALTER C. Higgins

Form No. 0

R 4 W

T
I
N



Permit Map No. 32959
As Approved JUL 5 1966
CARL E. TAPPAN
State Reclamation Engineer

RECEIVED

DEC 16 1997

WATER RESOURCES
WESTERN REGION+ fee 57-02222 for
support documentationSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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).:

A57-02222 A57-02294

Adjudication Claim No(s).:

RECEIVED
JAN 07 1998

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

Department of Water Resource

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 for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former
Owner/ClaimantArlayne D. Overman
28474 Jager Ln, Junction City OR 97448

4. New Owner/Claimant(s)

Teresa L. SperryName Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

2107 S. Scyene Way

City, State and ZIP Code

Boise Idaho 83712

New Telephone Number

(208) 385-0031

5. Date you acquired the property

September 12, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

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. --

7. Signature of New Owner
or Claimant(s)Teresa L. Sperry

(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..

MICROFILMED

JUN 19 2000

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-02294

1997 DEC 15 AM 10:55

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: DEAN OVERMAN
ARLAYNE OVERMAN
HC 79 BOX 122A
MELBA ID 83641

SOURCE: GROUNDWATER

QUANTITY: 0.76 CFS

USE OF THIS RIGHT WITH RIGHT NO. 57-02222 IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 225.9 AF.

PRIORITY DATE: 06/28/1966

POINT OF DIVERSION: T01N R04W S12 NWSE Within Owyhee County

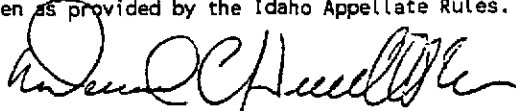
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.76 CFS

PLACE OF USE:	IRRIGATION	Within Owyhee County
	T01N R04W S12	SWNE 36.8 NWSE 13.4
	50.2 ACRES TOTAL	

USE OF THIS RIGHT WITH RIGHT NO. 57-02222 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 50.2 ACRES IN A SINGLE
IRRIGATION SEASON.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

• •

This
Right has been
Decreed in the
SRBA.

MICROFILMED

JUN 19 2000

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32959/57-2294 Priority June 28, 1966 Amount 0.85 cfs

THIS IS TO CERTIFY, that WESLEY C. HIGGINS
of Melba, Idaho, has complied with the terms and conditions of Permit
No. 32959/57-2294 issued pursuant to Application for Permit dated June 28, 1966,
and has submitted proof to the Department of Water Administration on January 25, 1971,
that he has applied water to a beneficial use, an examination by the Department indicates that the
works have a capacity of 0.85 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.85 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.85 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 12, Twp. 1 N, Rge. 4 W, B.M.

in the county of Owyhee, and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 306 acre feet per year or _____
4.5 acre feet per acre.

Description and location of place of use:

TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1 N	4 W	12			39											29			68

Total number of acres irrigated 68

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 19th day of
December, 19 72.


Deputy Director

57 2294

PROOF OF PUBLICATION

STATE OF IDAHO

County of Owyhee

s.s.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each week and every week for 2 consecutive weeks, the first publication being on the 28 day of Jan, 1971, and the last publication being on the 4 day of Feb, 1971;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

Rodney A. Hawes
PUBLISHER

Subscribed and sworn to before me this 4 day of Feb, 1971.

Thomas J. Hawes
NOTARY PUBLIC

My commission expires 4-10-72

(SEAL)

NOTICE OF DIVERTING

WATER PERMIT

Notice is hereby given that Wesley C. Higginson, Star Route, Melba, Idaho, has received an approved permit No. G-32959/57-2294 issued by the Idaho State Reclamation Department authorizing the diversion of 1.26 cubic feet per second of water from a groundwater source. The priority to be established under this permit is June 28, 1966, and the permit was approved July 5, 1966. Water is to be diverted by well, pump, pipe and ditches from a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 12, T. 1 N., R. 4 W., B. M., Owyhee County, to be used for irrigation in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 1 N., R. 4 W., B. M.

Proof of the application of the water to beneficial use is to be submitted to the department on or before July 5, 1971. Any protests against the issuance of the license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation
Engineer

Published in the Owyhee Nugget, Marsing, Idaho on January 28, 1971 and February 4, 1971.

57 2294

Identification No. _____

Permit No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation
Bureau of Reclamation

dg
OK
1-27-71

1. a) Name of Permit Holder Wesley C Higgins
b) Post Office Address Star Route, Melba, Idaho
2. Permit Number 6-32959 (57-2294)
3. Date of Priority that you are prepared to establish June 28, 1966
4. a) Source from which water was appropriated Subterranean
b) Location of the point of diversion: NW 1/4 SE 1/4, Section 12
Township 1 N, Range 4 W Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied
amount 1.26 for irrigation purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1.26 cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: estimate
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) 5 inch pump 8" well casing 464' deep diversion into ditch
b) Describe the type and size of measuring device which you have installed at your point of diversion: none
c) Give well drillers name and address and date the well was completed Dave Johnson
enlarged the existing well that is licensed under 57-2222

Exam typed 4-7-71 (ce)

57 2294

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	7W	12			40										~~20~~ 20				60

Total number of acres irrigated 60

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

1-15-74
(Date)

Wesley C Higgins
(Signature)

State of Idaho)
County of Blaine) ss.

On this 15 day of January, 1971, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (~~she~~) (~~they~~) executed the same.

Ramona L. Curt
Notary Public residing at Marsing Idaho

My commission expires 7-15-71

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32959/57-2294)

in the name of WESLEY C. HIGGINS)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-32959 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 2nd day of June, 1970.


R. KEITH HIGGINSON
State Reclamation Engineer

57-2294
32959

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 41142
Permit No. G- 32959
District No.

Assigned to

Wesley E. Higgins
State Engineer
Melba -
Idaho

1. Name of Applicant: Walter C. Higgins
Postoffice address: Star Route, Melba County: Owyhee State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 1.26 or Idaho
Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12
Twp. 1 N , Rge. 4 W , B.M., County of Owyhee
5. Water is to be used for: irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp , Rge , B.M.
7. Kind of works: pump, pipes and ditches
8. Estimated cost of works: \$ 4,000.00
- 9
 - (a) Is reservoir to be used?
 - (b) Capacity of reservoir:
- 10 The time required for the completion of such work and complete application of the water to the proposed use is
years. 5
11. If applicant is a corporation, give:
 - I.
 - (a) Date and place of incorporation:
 - (b) Amount of capital stock: \$
 - (c) Amount paid in: \$
 - (d) Names and addresses of directors:
 - II The financial resources of the applicant are
 - (a) Cash on hand: \$
 - (b) Treasury stock:
 - (c) Bonds to be issued:
 - (d) Other resources:
- 12 The land to be irrigated is described in the following tabulation:
- 13 Existing water rights and/or valid permits appurtenant to the lands to be irrigated are. License G-27018
 - (a) .56 (cubic feet per second, ~~inches or gallons per minute~~) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) .14 (cubic feet per second, ~~inches or gallons per minute~~) is for new lands.

Plan to case this well that is licensed under G-27018 and may go a few feet deeper and install a cut-off in order that the well can be closed when not in use.

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

Applicant

Agent.

Date of first receipt at Department of Reclamation: June 28, 1966 11:45 A.M.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 32959

Recorded in Book **115** Page **32959** Approved **July 5, 1966**

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control

One-fifth of the work above specified to be completed on or before **January 5, 1969**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before **July 5, 1971**

Witness my hand this 5th day of July, 1966

/s/ R. KEITH HIGGINSON, Deputy
STATE RECLAMATION ENGINEER

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho,
and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 5th
day of July, 1966.

Countersigned

STATE OF IDAHO

(SEAL)

By /s/ LOUIS E. CLAPP
Secretary of State.

By /s/ W. E. DREVLOW, ACTING
Governor

12

Twp	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
1 N	4 W	12	40												40				80

LICENSE ISSUED FOR 0.25 SEC. FT.
 LICENSE PAGE NO. _____

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the public waters of the State of Idaho, Permit G-32959 to Wesley C. Higgins, Star Route, Melba, Idaho.

/s/ WALTER C. HIGGINS, Permit Holder

/s/ VANJA E. HIGGINS, Wife of Permit Holder

State of Idaho)
 : ss
County of Ada)

On this 15th day of March, 1968, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared Walter C. and Vanja E. Higgins, known to me to be the persons whose names are subscribed to the within instrument and duly acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

/s/ M. RUSSELL BOSCH
Notary Public residing at Boise, Idaho

(S E A L)

My commission expires: January 19, 1969.

ASSIGNMENT

RECEIVED

MAR 15 1968

For value received, I hereby assign ALL of my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, Permit

No. 932959 to WESLEY C. HIGGINS

Address: STAR ROUTE

* MELBA, IDAHO

Walter C. Higgins
Permit Holder

Vanja E. Higgins
Wife of Permit Holder

STATE OF IDAHO)
County of Ada) ss

On this 15th day of March, 1968, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho personally appeared Walter C. & Vanja E. Higgins known to me to be the person 5 whose name 5 are is subscribed to the within instrument and duly acknowledged to me that They executed the same.

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

M. Russell Bond
Notary Public
Residing at Boise, Idaho

My commission expires: Jan 19, 1969

Note:

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions.

32959



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 24, 1999

DIRK KEMPTHORNE
GOVERNOR

TERESA L SPERRY
2107 S SCYENE WAY
BOISE ID 83712

KARL J. DREHER
DIRECTOR

RE: Decreed Water Rights 57-02222/57-02294

Dear Ms. Sperry:

The department acknowledges receipt of correspondence changing ownership of the above referenced decreed water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

cc: IDWR-Western Region

MICROFILMED
JUN 19 2000

This
Right has been
Decreed in the
SRBA.

MICROFILMED

JUN 19 2000

File 57-2294

April 15, 1980

Mr. Melvin V. Davenport
1215 Fillmore Street
Caldwell, ID 83605

Dear Mr. Davenport:

RE: License Nos. 57-2222 and 57-2294

In reply to your letter of March 24, License No. 57-2294 is supplemental to License No. 57-2222 in the amount of 0.4875 cfs. Used jointly, there is a total of 0.7275 cfs appurtenant to the 40-acre tract (SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T. 1 N., R. 1 W.). This is computed from License Nos. 57-2222 and 57-2294.

Where:

$$\frac{0.24 \text{ cfs} \times 40 \text{ acres}}{40 \text{ acres}} + \frac{0.85 \text{ cfs} \times 39 \text{ acres}}{68 \text{ acres}} = 0.7275 \text{ cfs}$$

There is a total of 0.3625 cfs appurtenant to 29 acres within the 40-acre tract identified in License No. 57-2294 (NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 1 N., R. 4 W.). With Mr. Smith's purchase of 15 of the 29 acres, he is entitled to 0.1875 cfs with 0.1750 cfs left on the remaining 14 acres.

Where:

$$\frac{0.85 \text{ cfs} \times 15 \text{ acres}}{68 \text{ acres}} = 0.1875 \text{ cfs}$$

$$\frac{0.85 \text{ cfs} \times 14 \text{ acres}}{68 \text{ acres}} = 0.175 \text{ cfs}$$

The field report and correspondence in file No. 57-2294 places the well near Walter Higgins' residence and supplies water to 68 acres by means

MICROFILMED

ON 1-7806

April 14, 1980

of pump and 6" X 40' pipe to open ditch. This would include delivery of water to the 14 acres south of the north 500 feet of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ as part of the 29 acres. I might add, however, our department need not be notified if the diversion works are changed as long as no enlargement of the right occurs.

The field report for License No. 57-2222 notes that Mr. Steiner, Oreana, Idaho, drilled the well for irrigation of 40 acres with water supplied by means of an 8" to 10" X 8' horizontal discharge pipe to open ditches. Since I could not match your legal description with a log of the well being used, 15 feet south and 135 feet east from the northwest corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T. 1 N., R. 4 W., you may be interested in reviewing the field reports made by representatives of this department prior to licensing. Please let me know if you would like a copy of the reports.

If you have additional questions or need further assistance, please feel free to contact us.

Sincerely,

Robertta Garrett
Records Supervisor

RG:rr

MICROFILMED

JUN 13 2006

Melvin V. Davenport
1215 Fillmore St.
Caldwell, Idaho 83605
March 24, 1980

RECEIVED

MAR 26 1980

Water Resources

Department of Water Resources
Statehouse
Boise, Idaho 83720

Attention Ms. Susan Smith

Thank you for your letter of Mar 20, 1980
and the papers regarding permit No
32959 / 57-2294 and permit 57-2222.

Permit 57-2222 is for 0.24 cfs for
40 Acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12 T1N R4W BM

I presume 57-2294 is supplemental to
57-2222. 57-2294 is for 39 Acres
in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12 T1N R4W BM and
for 29 Acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec 12
and is for 0.68 cfs.

The well being used is located appx.
15 ft S and 135 ft E. from the NW cor
of the NW $\frac{1}{4}$ SE $\frac{1}{4}$

The log for GUS Collis well 360 to 640 feet
reads 400 ft N and 100 ft W from the
SE cor of the NW $\frac{1}{4}$ SE $\frac{1}{4}$

MICROFILMED
JUN 19 2000

Melvin V. Davenport March 20, 1980 Page 2.

there may be another well at the second location as there is a house over there. I did not go to it.

Ronald Smith is buying the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the North 500 feet (apx 15 Acres) of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$. I presume that the 15 Acres would be part of the 29 Acres in Permit No 572294 as it is the lower ground.

I did not see any provision for the water to be delivered South of the North 500 feet of NW $\frac{1}{4}$ SE.

If you have any additional information it will be appreciated

Thank You,
Melvin V. Davenport

P.S. The well being used is not flowing now. It has a 15 HP Turbine pump. I did not determine the lift or amount of discharge

MVD
MICROFILMED

JUN 19 2000



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address.
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 20, 1980

Mr. Melvin Davenport
1215 Philmore Street
Caldwell, Idaho 83605

Dear Mr. Davenport:

In response to your request for information concerning water right No. 57-2294, in the name of Walter C. Higgins. He has assigned it to his son, Wesley C. Higgins and the right has been licensed, a copy is enclosed.

A well log I located had the same legal description but not the same name. Researching deeper, wondering if perhaps the log applied, it seems according to correspondence in the file, the well used had already been there and was previously licensed under water right No. 57-2222, the original owner being Gust Collis. It was then assigned to Walter Higgins. The enclosed copy of the log does apply but is only one part. The well had been deepened and this log is for the 360 to 640 feet in depth. I was unable to locate the first part that would have the 0 to 360 foot depth. Hopefully this will help you.

There is a fee of 50¢ per microfilm copy, minimum charge a \$1. The fee for a IBM copy is 25¢, minimum charge a \$1 also. The total is \$2.00 which you may remit payment to this office.

If you still have questions or need further assistance, feel free to contact us here at our State Office.

Thank-you and have a nice day!

Sincerely,

Susan Smith
Senior Clerk Aide,

Enclosures

MICROFILMED

JUN 19 2000

December 22, 1972

Re: Permit No. 32959/57-2294

Mr. Wesley C. Higgins
Star Route
Melba, Idaho 83641

Dear Mr. Higgins:

Enclosed is a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215

December 6, 1972



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

Mr. Wesley C. Higgins
Star Route
Melba, Idaho 83641

Dear Mr. Higgins:

A representative of this Department has made an examination of the works covered by your Permit No. 32959/57-2294 and has found the following:

Quantity of water diverted: 0.85 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.85 cfs

The maximum quantity diverted shall not exceed 306 acre feet per season.

Beneficial use: Irrigation of 68 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ (39), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (29), Sec. 12, Twp. 1 N, Rge. 4 W, B.M.

Point of diversion: NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, Twp. 1 N, Rge. 4 W, B.M.

The priority date established is: June 28, 1966

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

57 2294

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1 Name of permit holder Wesley C. Higgins
Post office address Star Route, Melba, Idaho Phone _____
Person to contact Walter Higgins (Father) Phone 896-4475

2. Source of water supply: Groundwater ☒ Surface water ☐ Subterranean
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes

Amount 1.26 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. G-32959/57-2294
Examination for B U

4 Total amount to be appropriated:

Max Rate of Diversion 1.26 cubic feet per second and annual volume _____ AF/Annum.

5 Location of Point(s) of Diversion:

Township 1N N/S, Range 4 W E/W, B.M., Section 12, Subdivision NW $\frac{1}{4}$ SE $\frac{1}{4}$ Owyhee
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$,
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$,
County

Other Points of Diversions: _____

Description of diverting works: 5 inch pump, 8" well casing, 464' deep. Diversion into ditch.

Measuring device required: yes ☐ no ☒

6 Lands to be irrigated or place of use

TWP	RANGE	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
1 N	4 W	12			40											40			80

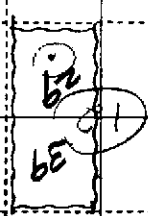
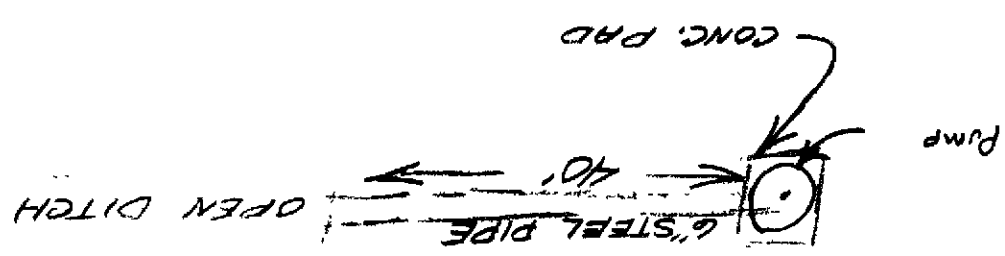
TOTAL ACREAGE

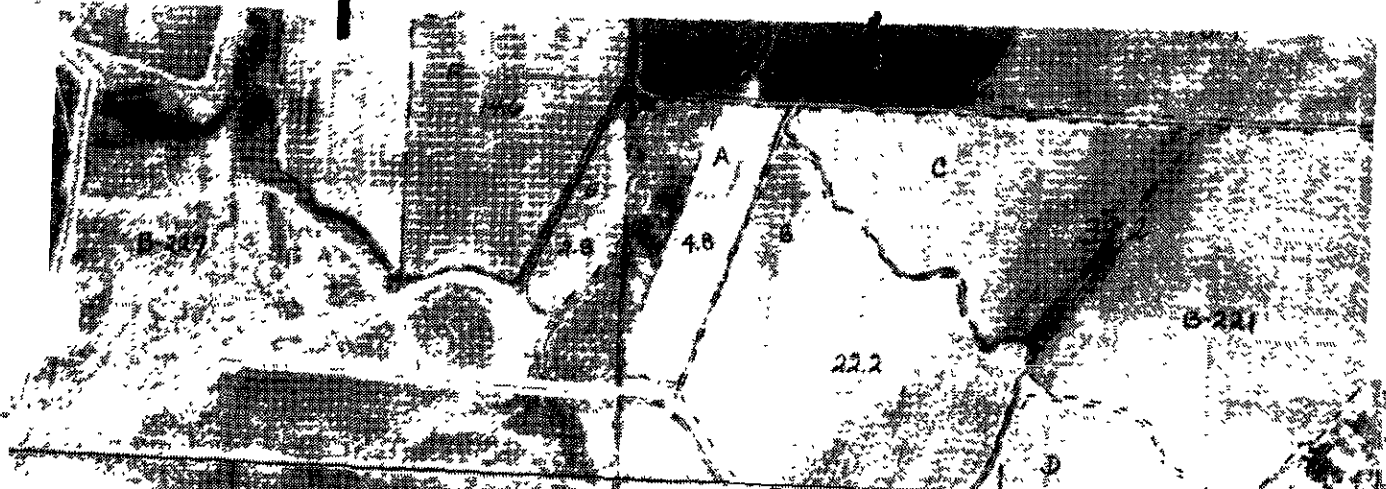
80

N
1
7



Diagram of System





DATE OF EXAM JUNE 25-71

ACREAGE
Found 68
Recommended 68

Irrigation Requirement 5.0 Ac Ft/Ac

USE
Irrigation Q = .85 c.f.s. V = 340 AF/Ann. from APRIL 2 to NOV. 2
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: GROUND
twp. 1 N/S, Rge 4 E/W B.M., Sec. 12, Sub. NW 1/4 SE 1/4 OWNEE County

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County

Total Q measured .85 Method of measurement SPARKING

Total Q recommended .85 Meter No. _____ Type _____ Condition _____

Total V recommended 340

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None

MEASUREMENT CALCULATION:

SPARKING METER: 100 C.U.F.T. IN 140 SEC.
 $100 \div 140 = .71$ C.F.S.
1.2 = CORRECTION FACTOR SO $.71 \times 1.2 = .85$ C.F.S.

SYSTEM DESCRIPTION:

U.S. Motors Pump Motor - 10 HP - 220/440 Volts SER NO. 454254
1/2" 3" RPM 1500 - 1500 - 1800 - FAIRBANKS
MARSH-POMONA TURBINE PUMP SER NO. PE 3051
6" SUCT. & LIFT PIPE - 6" DISCHARGE. RUNS EAST 40'
TO E.W. DITCH

REMARKS:

Examiner's Signature Rex E. Smith Date JUNE 25-71

Checked by nip Date 7-1-71

Approved by _____ Date _____

57 2294

March 10, 1971

Re: Permit No. G-32959/57-2294

C
Mr. Wesley C. Higgins
Star Route
Melba, Idaho 83641

O
Dear Mr. Higgins:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

P
Pursuant to your letter of March 6th, we will have our field examiner contact your father at the time the field examination is made. If we may be of assistance at any time, please contact us.

Very truly yours,

Y
Donald W. McEldowney
Appropriation Supervisor

DWM:DR

57 2294

RECEIVED

March 6, 1971

Dept.

Administration

Sir:

This is the proof of publication notice you needed.

Also, when your representative comes to make the field examination if he can't get in touch with me, he can try my father, who lives near the well. My father's name is Walter Higgins Phone 896-4475.

Thank you.

Yours truly,
Desley C. Higgins
Star Route
Melba, Idaho 83641
Phone 896-4513

57 2294

January 27, 1971

Re: Permit No. G-32959/57-2294

Mr. Wesley C. Higgins
Star Route
Melba, Idaho 83639

Dear Mr. Higgins:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit G-32959/57-2294.

Before a license can be issued you must submit an affidavit of publication to this department. The affidavit of publication may be obtained from the Owyhee Nugget, Marsing, Idaho upon payment of the bill of publication.

Prior to the issuance of the license a field examination must also be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted by the examiner, please advise.

Very truly yours,

Donald W. McKelowney
Appropriation Supervisor

DWM/DG

57 2294

January 19, 1971

Re: Permit No. G-32959/57-2294

Mr. Wesley C. Higgins
Star Route
Melba, Idaho 83639

Dear Mr. Higgins:

The legal notice for the above-referenced permit is being published in the

Owyhee Nuggett, Marsing, Idaho on January 28, 1971

and February 4, 1971.

You will be required to submit an affidavit of publication to this department.
The affidavit may be obtained from the above-mentioned newspaper upon payment of
the bill of publication.

Thank you for your cooperation in this matter.

Very truly yours,

Donald W. McElowney
Appropriation Supervisor

DWM:CM

January 19, 1971

Re: Permit No. G-32959/57-2294

The Owyhee Nugget
Marsing,
Idaho 83639

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing ample time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Water Administration immediately.

The expense of the publication is to be paid by Mr. Wesley C. Higgins, Star
Route, Melba, Idaho, to whom you should furnish
an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

Enc: Legal Notice

57 2294

RECEIVED

JAN 13 1971

NOTICE OF EXISTING WATER PERMIT

Department of Water Administration

Notice is hereby given that Wesley C. Higgins, Star Route, Melba,
Idaho, has received an approved permit no.
G-32959/57-2294 issued by the Idaho State Reclamation Department auth-
orizing the diversion ~~storage~~ of 1.26 cubic feet per second ~~cubic feet~~
~~per second~~ of water from a groundwater source.
The priority to be established under this permit is June 28, 1966, and
the permit was approved July 5, 1966. Water is to be diverted by
well, pump, pipe and ditches from a point within the
NW¹/4 of Sec. 12, T. 1N, R. 4W, B.M., Owyhee County,
to be used for
irrigation
in the SW¹/4, NW¹/4, Sec. 12, T. 1N, R. 4W, B.M.

Proof of the application of the water to beneficial use is to be submitted to
the department on or before July 5, 1971. Any protests against the
issuance of the license for the above referenced permit should be filed with
the Department of Reclamation within ten (10) days of the last date of pub-
lication of this notice or prior to the licensing of the permit. Licensing
may commence prior to the date beneficial use proof is due without further
notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Owyhee Nugget, Marsing, Idaho, on
January 28, 1971 and February 4, 1971.

State Reclamation Engineer: Permit No. G-32959/57-2294

You are hereby authorized to have the attached notice published at my expense
in the Owyhee Nugget of Marsing, Idaho;
published in the county in which the works are situated.

Wesley C Higgins
(Signature)

Star Route, Melba, Id.
(Address)

✓
(Date)

57 2294

June 2, 1970

Re: Permit No. G-32959 (New No. 57-2294)

Mr. Wesley C. Higgins
Star Route
Melba, Idaho 83641

Dear Mr. Higgins:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a newspaper as prescribed by the Department; previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed form, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply them upon request at any time.

In the event you are ready to submit proof of beneficial use at this time, we are enclosing a proof of beneficial use affidavit for your use. If you have any questions regarding this matter, please contact us.

Very truly yours,

DWM:DR
Enc: Order
Advertising package
Proof affidavit

Donald W. McEldowney
Appropriation Supervisor

57-2294
32959

July 15, 1960

DON SAMUELSON
GOVERNOR



R KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

Re: Proof of Beneficial use

March 4, 1968

Wesley Higgins ✓
Star Route
Melba, Idaho

Dear Mr. Higgins:

Proof of ~~completion of works and~~ application of water to beneficial use for the above referenced permit is due not later than _____.

Under the terms of your permit, it is required that a notice be published once a week for four consecutive weeks in a local newspaper showing your intent to submit proof. The proof will consist of depositions which the permit holder and two disinterested witnesses must complete before the listed notary public, and must be accompanied by an affidavit of publication of the legal notice.

Please ~~We have~~ prepared the enclosed notice from the information on your permit. The complete name and address of a notary public of the State of Idaho must be entered together with a date for you to appear before the notary. Allow at least 40 days from the date the notice is mailed to this department for your appearance before the notary.

If you find any discrepancy in the notice or have made any changes, please advise this department and we will assist you in doing whatever may be necessary to assure correct publication.

~~If the enclosed notice is correct,~~ complete the blank spaces and sign the form authorizing us to publish the notice at your expense and return all forms. At the time we send the notice to the newspaper, you will be supplied with further instructions.

If you do not desire to complete the proofs and obtain a license of water right, you are requested to complete the relinquishment portion of this form below and return it to the Department of Reclamation.

R Keith Higgins
State Reclamation Engineer

RELINQUISHMENT

I hereby relinquish to the State of Idaho, all my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. _____.

Dated _____.

permit holder

57-2294
32959

**NOTICE OF PROOF OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Notice is hereby given that on July 15, 1970 at Marsing,
County of Owyhee, State of Idaho, before notary public (name & address) _____
D. Hatten Hiken Marsing, Idaho, proof will be
submitted of the completion of works for the diversion of 1.26 c.f.s. of the waters
of SUBTERRANEAN FLOW, and the application to beneficial use of said water,
in accordance with the terms and conditions of permit 32959, heretofore issued by
the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is WESLEY C. Higgins,
STAR ROUTE, MELBA, IDAHO.

2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of use is
1.26 cubic feet per second.

3. The use to which said water has been applied is Irrigation
_____ purposes, and the amount applied to beneficial
use is 1.26 c.f.s.

4. The point of diversion of said water is NW 1/4 of SE 1/4 of Sec. 12
Twp. 1N, Rge. 4W, B.M., Owyhee County.

5. The place where said water is used is NE 1/4 of SE 1/4 of Sec. 12 and
SW 1/4 of NE 1/4 of Sec. 12, Twp. 1N, Rge. 4W, B.M.,
Owyhee County.

6. The date of priority which said user is prepared to establish is June 28, 1966.

State Reclamation Engineer

57-2294
32959

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Owyhee Nugget of Marsing, Idaho, Owyhee Co.; published in the county in which the works are situated.

(signature)

(address)

(date)

In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer when proof is for completion of works.

I hereby certify that the facts set forth in the attached notice are true.

Engineer

57-2294
32959

March 19, 1968

RE: Permit G-32959

Wesley C. Higgins
Star Route
Melba, Idaho 83641

Dear Mr. Higgins:

Enclosed herewith is an assignment for the above referenced permit which has been recorded in this department.

The original copy has been retained for our files.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:efw

Enclosure

32959

July 8, 1966

Re: Permit No. **G-32959**

Walter C. Higgins
Star Route
Malheur, Idaho

Dear Mr. Higgins:

We enclose Permit No. **G-32959** in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer

We also enclose Departmental Receipt No. **G-10539** which was issued covering payment in the amount of \$ **5.25** for the filing fee of the above mentioned permit.

Very truly yours,

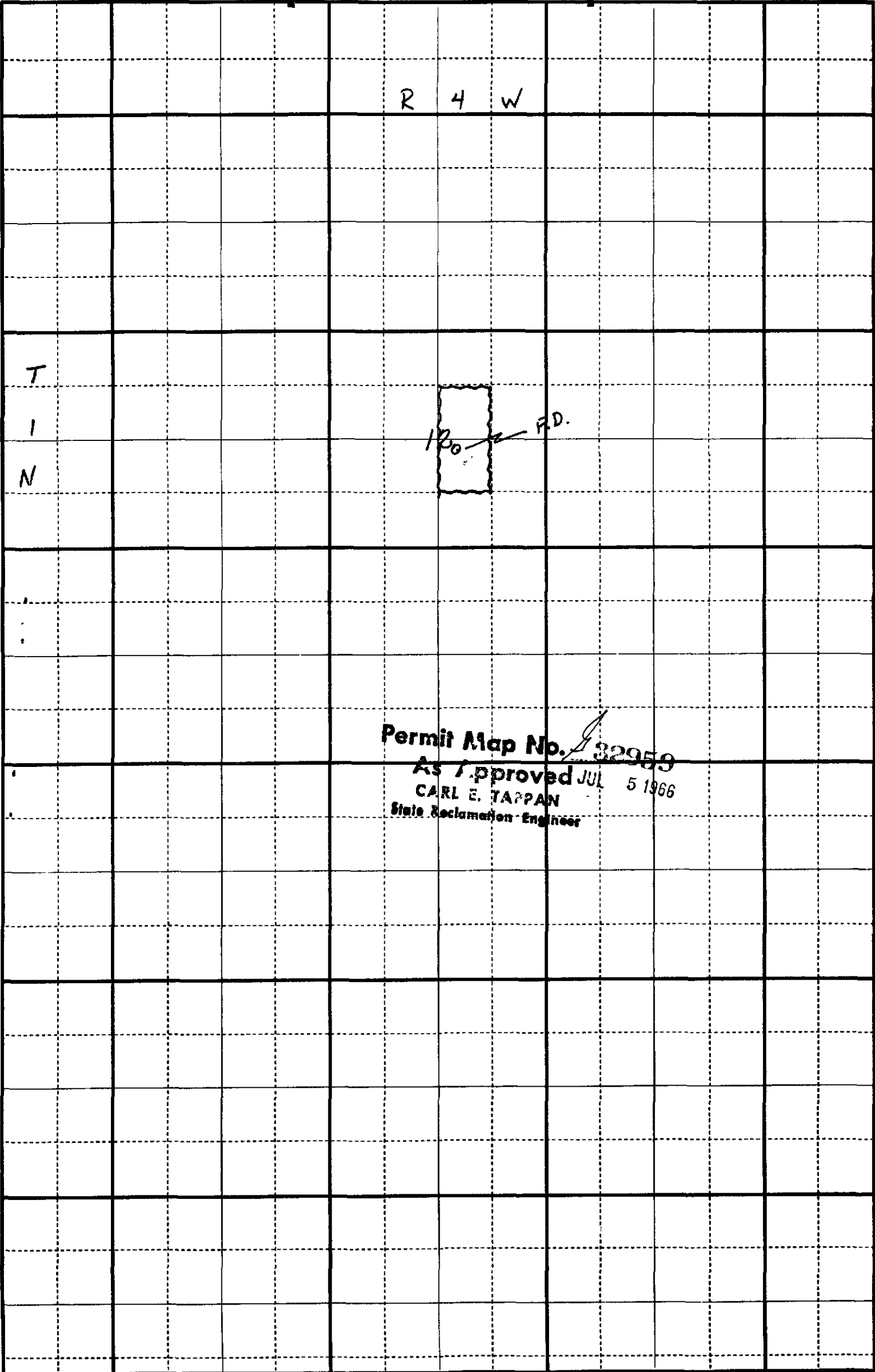
M. RUSSELL BOSCH
Office Manager

MRB:ejw
Enc: **permit**
receipt

32959

NAME OF APPLICANT WALTER C. HIGGINS

Form No. 0



Permit Map No. 32959
As Approved JUL 5 1966
CARL E. TAPPAN
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

32959

ACKNOWLEDGEMENT

Date: _____

32959

Re: Application No. _____

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Reclamation in the preparation of Application No.

_____, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

Signed: _____

Applicant

32959