

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: A22-02170
Date Received: 6/09/1988
Receipt No: E000369
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH JIM JENSEN 208-356-6421
Address: 5195 WEST HWY 33
REXBURG, ID 83440
AND/OR
Name: BETTY J. JENSEN 208-356-6421
Address: 5195 WEST HWY 33
REXBURG, ID 83440

2. Date of Priority: SEP 29, 1958

3. Source: WASTE WATER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	39E	29	NW	SW			MADISON

5. Description of diverting works:
CONCRETE DRAINAGE DITCH TO OPEN DITCH FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.420		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A22-02170

Page 1

Date: 06/09/88



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OCT 29 1988

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	29	NW	SW		IRR	22.0
						Section Acres	22.0
		30	NE	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	29.0
						Section Acres	149.0
						Total Acres	171.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

15 SHARES OF REXBURG IRRIG.; 2 SHARES OF TEXAS SLOUGH IRRIG.

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 27578

00728 882

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Joseph J. Jensen Date: 6-9-88
Date: _____

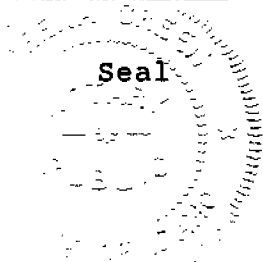
State of Idaho

County of Bonnerille) SS.

Subscribed and sworn (or affirmed) before me this 9th day

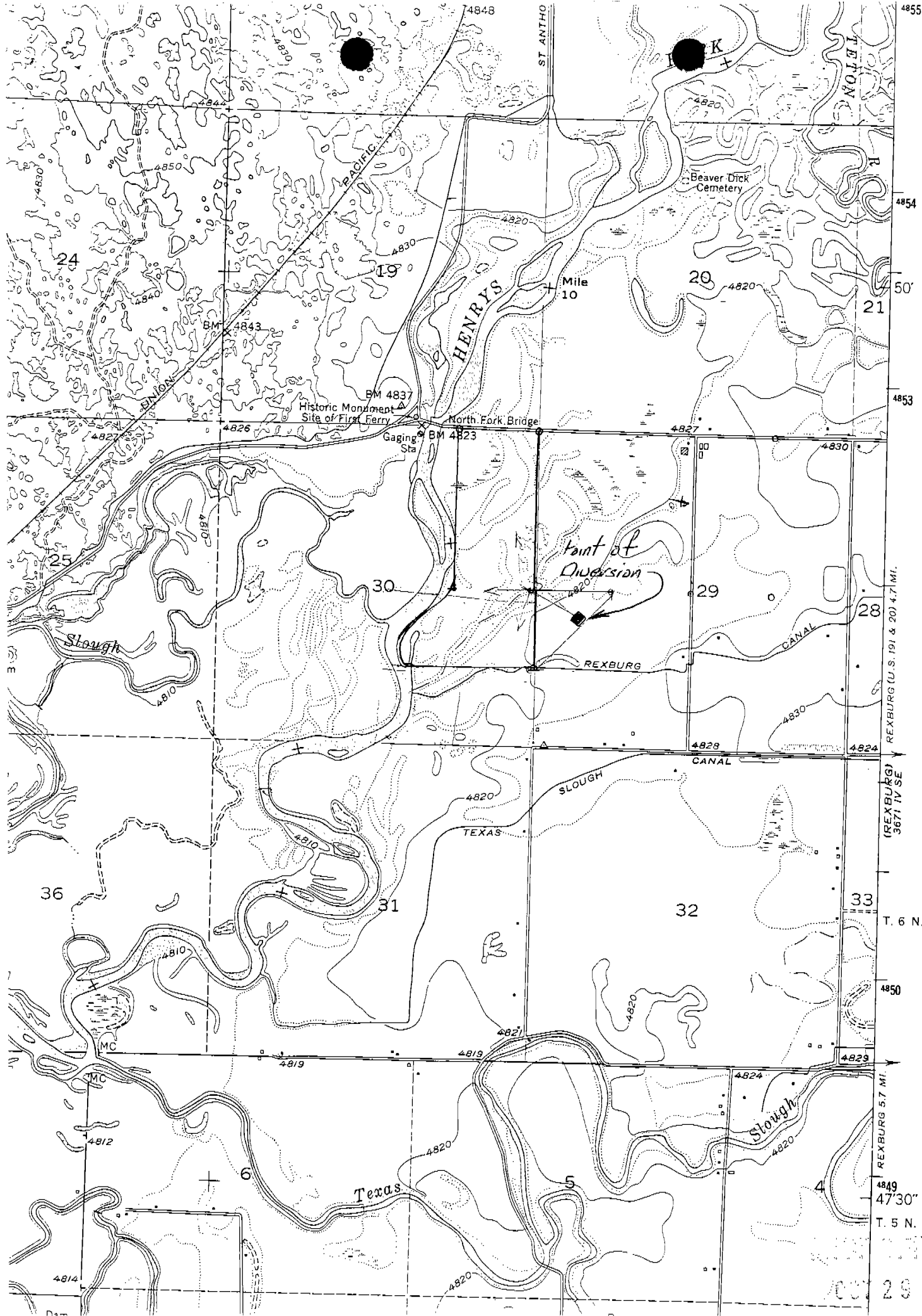
of June 19 88

Dana Green
Notary Public



Residing at Rigby
My Commission Expires 4-22-1994

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REXBURG (U. S. 191 & 20) 4.7 MI.
(REXBURG) 3671 IV SE

T. 6 N.

REXBURG 5.7 MI.

4849
47'30"

T. 5 N.

29 1882

Log for claim 22-02170

Spatial Dynamics LTD

6/25/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n39e	29	NWSW	22	17	
06n39e	30	NENE	40	40	
06n39e	30	SENE	40	39	
06n39e	30	NESE	40	39	
06n39e	30	NWSE	29	17	
Totals:			171	152	

State of Idaho
License and Certificate of Water Right

Water License No. 27578

Amount 3.42 c.f.s.

Water District No. _____

Priority Sept. 29, 1956

THIS IS TO CERTIFY that HARLO B. RIGBY
of Rexburg, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 29, 19 56; that Permit No. 27578
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.42 second feet, was issued thereunder on March 19, 19 63, showing that said works
were completed on the 20th day of November, 19 61; and that on the 20th
day of November, 19 61,

HARLO B. RIGBY

of Rexburg, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of waste water -
drainage ditch, a tributary of Snake River, for the purpose of irrigation
under Use Permit No. 27578 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7566, on the 19 day of March, 19 63;

The right hereby confirmed dates from September 29, 19 56;

The Point of Diversion is located

in the NW 1/4 SW 1/4, Sec. 29, Tp. 6 N., R. 39 E., B. M. Madison County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 3.42 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	39 E.	29 30	NW 1/4 SW 1/4	20	22
			NE 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	18	29
			Total number of acres to be irrigated:		171

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
19th day of March, 19 63.

s/ RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

2170

Application For Permit To Appropriate the Public Waters of the State of Idaho

22-2170

APPLICATION No. 35513
PERMIT No. 27578
DISTRICT No.

Harlo B. Rigby
Rexburg, Idaho

1. Name of Applicant: HARLO B. RIGBY

Postoffice address: Rexburg

County: Madison

State: Idaho

I. If applicant is a corporation, give:

- (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) Bond to be issued:
(d) Other resources:

2. Quantity of water claimed: Four

cubic feet per second.

3. Source of water supply: A waste and drainage ditch which is used to drain surplus irrigation and sub waters from the surrounding farming area and which crosses a portion of the applicant's land and empties into the Snake River, which channel is, then, a tributary of the Snake River

4. Location of point of diversion: ~~Section 29, T. 6 N., R. 39 E., B.M., and is in the SE 1/4 and NW 1/4~~ At the SE corner of NW 1/4 and also at a point approximately 5 rods So. of SE corner of NW 1/4, all in

~~Section 29, T. 6 N., R. 39 E., B.M., and is in the SE 1/4 and NW 1/4~~
of section 29, T. 6 N., R. 39 E., B.M., County of Madison

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 500.00

8. Kind of works: Checks, headgates and ditches

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width 5 feet; height 3 feet.

11. Ditch: Width at bottom 5 feet; width at water line 6 feet; depth of water 2 1/2 feet;
dimensions of flume: None

Diameter of pipe None inches; length of conduit None miles.

Average grade per mile 2 feet.

12. The time required for the completion of such work is five years.

13. The time required for the complete application of the water to the proposed use is None additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 15 shares of the capital stock of the Rexburg Irrigation Company representing 75 miners inches, which is used principally on NE 1/4 of Section 29, Twp. 6 No., Rge. 39 E.B.M. Some is used on rest of above described premises.

Twp.	Range	Sec.	NE¼	NW¼	SW¼	SE¼	Totals
			NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	NE¼ NW¼ SW¼ SE¼	
6 N.	39E	29	40	40	20		80
6 N.	39 E	30	40	40	40	40	160
Total number of acres to be irrigated - - - -							240
<u>REMARKS:</u> While completion of works can be accepted in order to keep permit in good standing, license cannot be issued until determination is made that the water claimed is public water. The applicant is a part owner of the drainage channel from which the water is to be diverted. After the drainage water enters the premises of the applicant, it has been abandoned by all upstream users and could not be used by any other person on the drain. The applicant's premises borders the Snake River into which the drainage water goes. Furthermore, the elevation of the drain is such that when the water reaches the premises of the applicant, it is so low that it could not be taken back up on the premises of the other owners of the drain. The abandonment, therefore, of that drainage water after it enters the applicant's premises makes it public water, and no consent is necessary from the other owners of the drain.							

Permit No. 27578
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that HARLO B. RIGBY of Rexburg, County of Madison, and State of Idaho, the holder of Permit No. 27578, issued upon Application No. 35513, bearing date of priority of September 29, 1958, authorizing the diversion of 4.0 second feet of waters of waste and drainage ditch, County of Madison, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.42 second feet of the waters of a waste and drainage ditch, tributary of Snake River; that the point of diversion of said waters NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 6 N., R. 39 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

171 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29; E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, T. 6 N., R. 39 E., B. M.

Witness my hand this 19th day of March A. D., 1963.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: November 20, 1961

PERMIT ISSUED FOR 3.42 SEC. FT.
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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 27578

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant: Harlo B. Rigby, Rexburg, Idaho
2. Source of water supply: waste water from drainage & waste ditch
3. Location of point of diversion: Is in the SE 1/4 NW 1/4 & NW 1/4 SW 1/4 of Section 29
T. 6 N. R. 39 E. County of Madison
4. Describe works as they exist, giving dimensions and capacities of same: Concrete Block check Control 4'x4'x4' - 500'x16" buried concrete Pipe to open ditch. Water is diverted by adding flash boards to raise the water level and increase pressure head.
5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
398.31 acres in NE 1/4, NW 1/4, NW 1/4 SW 1/4, Sec. 29; E 1/4 NE 1/4, N 1/4 SE 1/4, Sec. 30, T. 6 N., R. 39 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River

Remarks: Doctor Harlo Rigby along

Dr. Rigby says he has letter authorizing the diversion of water. is supposed to send copy for file. Drain ditch crosses Dr. Rigby's land from P.D. to River.
Only one P.D. Used.

This examination was made on the 6th day of July, 1962

(Signed) Logan Johnson Examiner.

27578

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

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JUL 24 1932
Department of Registration

Harlo B. Rigby
Rexburg, Idaho
351-6687
Permit No. 27578

Examination for Completion of Works and
Beneficial Use

County Madison

Sec. 29 T. 6 N. R. 39 E.

Quantity: 4.0 c.f.s.

Source: Wade and Jennings ditches

P.D.: 32.44' Sec. 29, T. 6 N. - R. 39 E. - S. 4 E.

Use: Shrinking

Filed: Sept. 20, 1932

Due: Oct. 15, 1932

Extension: —

Completion of Works: none

Other Rights: none
Q. 10000. 10

Concrete block check
across drain at
4' x 4' with check line
16" x 500' buried
concrete tile.

R-39E.

open ditch

rain ditch

buried concrete pipe

SUNNYSIDE RIVER

Natural Slough

To REBOURG

30

40

40

40

40

29

40

29

40

91

171

T. 6 N.

Subdivisions 5

AREA 171 ACRES

Allow. Q 3.42 cfs or 171 inch

27578

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 27578

Harlo B. Rigby
Rexburg, Idaho

REPORT ON PROOF OF Completion of Works & Beneficial Use

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