

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered**

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OCT 26 2004

Department of Water Resources
Eastern Region

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October 21, 2004

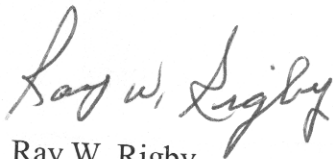
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RE: Water Right Claim 21-10619
Keith C. Saurey

Dear Allen,

I enclose herewith the affidavit of Ray W. Rigby in behalf of Keith C. Saurey (and Maxine Saurey) to answer your inquiry of June 23, 2004 concerning the above numbered Water Right Claim. If for any reason this does not answer your inquiry in a satisfactory manner, please let me know.

Sincerely,



Ray W. Rigby
RWR/bml

enclosure

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Thomas J. Chamberlain (SEAL)
Ada Chamberlain (SEAL)
 _____ (SEAL)
 _____ (SEAL)

FAX 356-0768

AFFIDAVIT

State of IDAHO)
 ss.
County of Madison)

RE: SRBA Water Right Claim 21-10619

RAY W. RIGBY, being first duly sworn, deposes and says:

1. That he resides at 2131 North 3000 West, Rexburg, ID 83440; that he was born 3/4 mile North of there on April 16, 1923, and has lived at one of those two addresses all of his life, except for the time he spent in the Army Air Corps in 1944-1945, and while he attended college at the University of Idaho in Moscow, Idaho.
2. That he is the nephew of H. B. Rigby and Elsie Rigby, his wife, and H. B. Rigby was a Medical Doctor who practiced medicine in Rexburg, Madison County, Idaho from approximately 1921 until his death in about the year 1964, and in addition to his medical practice acquired farms and ranches in the counties of Fremont and Madison in the state of Idaho.
3. On October 5, 1949 the said Rigby's acquired a ranch consisting of 180 acres in Section 23, Township 8 North, Range 41 E.B.M. in Fremont County Idaho, together with all water rights thereto from Thomas R. Chamberlain and Ada Chamberlain, his wife. A copy of the deed from said Chamberlain's to said Rigby's, recorded in Book 59, page 225, of the Records of Fremont County Idaho is attached hereto as exhibit A and made a part hereof as though set out in detail.
4. The said H. B. Rigby and Elsie Rigby took possession of the premises in the said year of 1949 and found that said property was very unlevel, with high places not being watered from the canals and ditches, and low marshy lands where water gathered in small ponds, some of which arose as sub-waters and some consisting of waste irrigation waters.
5. Early in the spring of 1950, said Rigby's determined to collect said waters and run the same through ditches to irrigate property not being irrigated on said ranch. Those collection ponds and ditches were completed in time to irrigate some unirrigated lands and supplement the irrigation of other lands, which resulted in an additional 15 acres of unirrigated land to now be irrigated, and that supplemental diversion and the application of said water was applied to said 15 acres commencing April 1, 1950 and has continued to be used to and including the date hereof. Some of said lands have been leveled, but a minimum of 15 additional acres on said ranch have been continuously irrigated from said waste

Warranty Deed

59 225

THIS INDENTURE, Made this 5th day of October
 of the year of our Lord One Thousand Nine Hundred and forty-nine between Thomas R. Chamberlain
 Ada Chamberlain, his wife,

Chester, County of Fremont, State of Idaho
 parties of the first part, and H. B. Rigby and Elsie Rigby, his wife,

Rexburg, County of Madison, State of Idaho,
 parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of
 one dollar and other valuable consideration - - - - - DOLLARS,

lawful money of the United States of America, to them in hand paid by the said parties
 of the second part, the receipt whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties
 of the second part, and to their heirs and assigns forever: All that certain
 piece or parcel of land situate, lying and being in the County of Fremont
 State of Idaho, bounded and more Particularly described as follows, to-wit:

South 72 acres of the Northeast Quarter, the North 50 acres of
 Southeast Quarter, and all that part of Lots 2 and 3 lying East
 of the Fremont-Madison Irrigation District diversion canal, all in
 Section 23, Township 8 North, Range 41 E. B. M., containing 180 acres,
 more or less. Together with all water rights however evidenced.



EXHIBIT

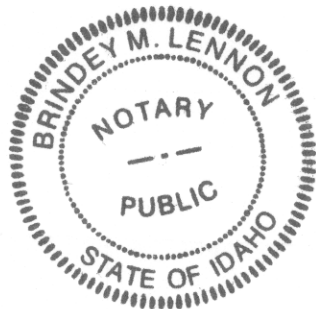
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waters, consisting of a minimum 0.750 c.f.s. of water.

6. The said H.B. Rigby and Elsie Rigby have no children; your affiant had assisted said Rigby's over many years in their ranching activities, and after your affiant graduated from Law School in May 1950, advised and assisted the said Rigby's in appropriating said water described above, and deposes and says that said appropriation and diversion was done prior to April 1, 1950 and a minimum of 0.750 c.f.s. of water has been beneficially used by the said Rigby's and Keith and Maxine Saurey and family, who purchased the said ranch from said Elsie Rigby, after the death of the said H.B. Rigby, on the lands described in said claim continuously through the years to and including the date hereof.
7. That your affiant is an Attorney at Law and has participated in matters concerning water during his entire legal career and particularly in the Snake River Adjudication Case in a substantial way; and based on the requirements of the Law and Procedures in said case, together with the personal knowledge of your affiant verily believes that the Priority Date should be established in the Decree of the Court in this case as April 1, 1950.

Ray W. Rigby
Ray W. Rigby

Subscribed and Sworn to before me this 21st day of October, 2004.



Brindey M. Lennon
A Notary Public for Idaho
Residing At: Rexburg, ID
My Commission Expires: 02-05-2010