

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10632 V1

WATER RIGHT NUMBER: 45-10632 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH H RIGBY 236 S 650 E BURLEY, ID 83318 (208)654-2364
Current Owner	TAMRA RIGBY 236 S 650 E BURLEY, ID 83318 (208)654-2364

Priority Date: 06/15/1930

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
<u>Total Diversion:</u>		0.060 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4NE1/4	Sec. 5, Twp 11S, Rge 24E, B.M.
CASSIA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	24E	5				X													

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	24E	5				X													

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10632 V1

1. RP11S24E051949
2. C18 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.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:

Comments:



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

5/3/2004

TAMRA & KENNETH RIGBY
236 S 650 E
BURLEY ID 83318

RE: Notice of Error Reply

Dear Mr. & Mrs. Rigby

Thank you for your reply to our recent mailing regarding IDWR's incorrect listing of Tanya as claimant. I regret that our mailing had appeared to perpetuate our error! I recall working with you to correct this problem back in January, and indeed it was updated properly then. However, my staff and I did not find and replace the printout we had generated for our recent mailing before the fix was made.

How confused you must have been to get the wrong data sent to you again! Please accept my apologies for this frustration. The enclosed print out should help allay fears that we still do not have the matter fixed. If you are internet-connected you can utilize the enclosed brochure to confirm our present information for your recommendation.

In late June or early July IDWR shall be sending out a mailing containing our final recommendations to the Snake River Basin Adjudication court in the form a Director's Report. You will be receiving the record again at that time so you can verify the information.

Thank you again for your patience through this process. If you have other questions be sure to give us a call.

Sincerely,

Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

01/28/2004

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: See cover letter

Water right number: 45-10632

KENNETH H RIGBY
236 S 650 E
BURLEY ID 83318
Telephone Number: (208)654-2364

~~TANYA~~ RIGBY TAMRA RIGBY ADDRESS CORRECT
236 S 650 E
BURLEY ID 83318
Telephone Number: (208)654-2364 PHONE CORRECT

RECEIVED
APR 19 2004

Department of Water Resources
Southern Region

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

*Just the name. Spouse is Tania Rigby not
Tanya Rigby*

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

3. Give a brief explanation as to why you disagree with these portions:

Tanya is daughter

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

*PDR Printed
on 1/28/04, draft sent
to claimant, Claimant
requested correction then,
it was done, but new
PDR was not printed claimant
received old incorrect report,
sent NOE 5/3/04*

01/28/2004

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

RIGHT NUMBER: 45-10632

NAME AND ADDRESS: KENNETH H RIGBY
236 S 650 E
BURLEY ID 83318

~~TANYA RIGBY~~ TAMRA RIGBY
236 S 650 E ADDRESS CORRECT
BURLEY ID 83318

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/15/1930

POINT OF DIVERSION:
T11S R24E S5 NESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS
STOCKWATER	1/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T11S R24E S05 SENE

DOMESTIC Within CASSIA County

T11S R24E S05 SENE

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

RP11S24E051949

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10632 V1

WATER RIGHT NUMBER: 45-10632 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH H RIGBY 236 S 650 E BURLEY, ID 83318 (208)654-2364
Current Owner	TAMRA RIGBY 236 S 650 E BURLEY, ID 83318 (208)654-2364

Priority Date: 06/15/1930

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4NE1/4	Sec. 5, Twp 11S, Rge 24E, B.M.
CASSIA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	24E	5				X													

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	24E	5				X													

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10632 V1

1. RP11S24E051949
2. C18 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.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10632 V1

WATER RIGHT NUMBER: 45-10632 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH H RIGBY 236 S 650 E BURLEY, ID 83318 (208)654-2364
Current Owner	TANYA RIGBY 236 S 650 E BURLEY, ID 83318 (208)654-2364

Priority Date: 06/15/1930

Basis: Beneficial Use

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

DOMESTIC

From To

1/01 to 12/31

Dive

STOCKWATER

1/01 to 12/31

Total Diversion:Location of Point(s) of Diversion

GROUND WATER

NE1/4SE1/4NE1/4

CASSIA County

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	24E	5				X													

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	24E	5				X													

Conditions of Approval:

Please remove
Tanya (daughter)
& put on Tamra
(as claimed).

Return printouts to
me.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-10632 V1

1. RP11S24E051949
2. C18 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.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.

Remarks:Comments:Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-10632

WATER RIGHT NUMBER: 45-10632

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH H RIGBY 236 S 650 E BURLEY, ID 83318 (208)654-2364
Current Owner	TANYA RIGBY 236 S 650 E BURLEY, ID 83318 (208)654-2364

Priority Date: 06/15/1930

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
<u>Total Diversion:</u>		0.060 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4NE1/4	Sec. 5, Twp 10S, Rge 24E, B.M.
CASSIA County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	5				X													

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	5				X													

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-10632

Remarks:

1. General 1/15/98 TF; RENUMBERED CLAIM, SEE A36-15518. 1/28/04 DVS The number was brought back to this Basin 45 when the location of the property was found in Township 11 South instead of as claimed.

Comments:

Dates and Other Information:

Claim Received Date: 5/18/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

renumbered
36-15518

Kelly

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: A45-10632
Date Received: 5/18/1989
Receipt No: S007169
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH RIGBY 208-654-2364
Address: RT. 1 BOX 1610
BURLEY, ID 83318

OR
Name: TAMRA RIGBY 208-654-2364
Address: RT. 1 BOX 1610
BURLEY, ID 83318

2. Date of Priority: JUN 15, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	24E	5	NE	SE	NE		CASSIA

5. Description of diverting works:
WELL AND PUMP

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	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE S/50 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	24E	5	SE	NE		DOMEST	
			SE	NE		STOCK	

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:
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 _____

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

Identification No. A45-10632

Date Received

Receipt Number 5007169 *sa*

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

MAY 18 1989

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes Department of Water Resources
Where Daily Use is less than 13,000 gallons per day Southern Region Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Kenneth or Tamra Rigby Phone (208) 654 2364

Mailing Address Rt Box 1610 Burley Idaho Zip 83318

2. Date of Priority (Only one per claim) June 15 1930 Month/Day/Year

3. Source of water supply (Check one) (☒ Groundwater or Other () (a) _____

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 10 Range 24

Section 5, NE 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, BM.,

County of Cassia

Additional points of diversion if any: _____

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. Well and pump 3/4 H.P.

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)

(Both dates are inclusive)
For Stock water purposes from January 1 to December 31 amount .02

7. Total quantity claimed .06 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1 House hold Stock water 50 cattle 2 horse

MICROFILMED

MAR 08 1993

10. Place of use is: Township: 10 Range 24

Section 5 SE 1/4 of NE 1/4, Govt. Lot _____, B.M.,

County of Cassia for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes ✓ 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. None (T)

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s) I do not want docket

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) X Kenneth Rigdon Date 5-16-89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing
document in the space below as _____ of _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____ }
County of Cassia } SS. 519-56-8855

Subscribed and sworn (or affirmed) before me this 16 day of May 19 89

SEAL

Notary Public Bruce A. Schuch

Residing at Boise Idaho

My Commission Expires 7/11/95

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

MAR 08 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Aug 1, 1989

Re: A45-10632

KENNETH RIGBY
RT 1 BOX 1610
BURLEY ID 83318

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Judy Givens', written over a horizontal line.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 08 1993