

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



Rigby Canal & Irrigation Co

SRBA Recommendations: 1-116T, 1-117Z, 1-118T, 1-152, 1-153, 1-154, 1-155, 1-252

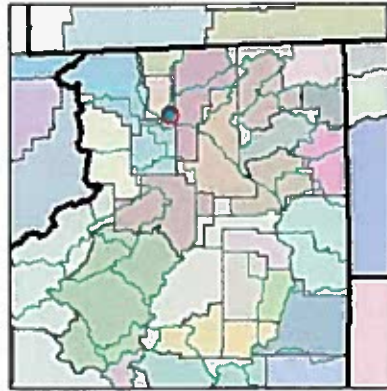
Service Area Boundary
GIS Place of Use Illustration

Service Area

Townships

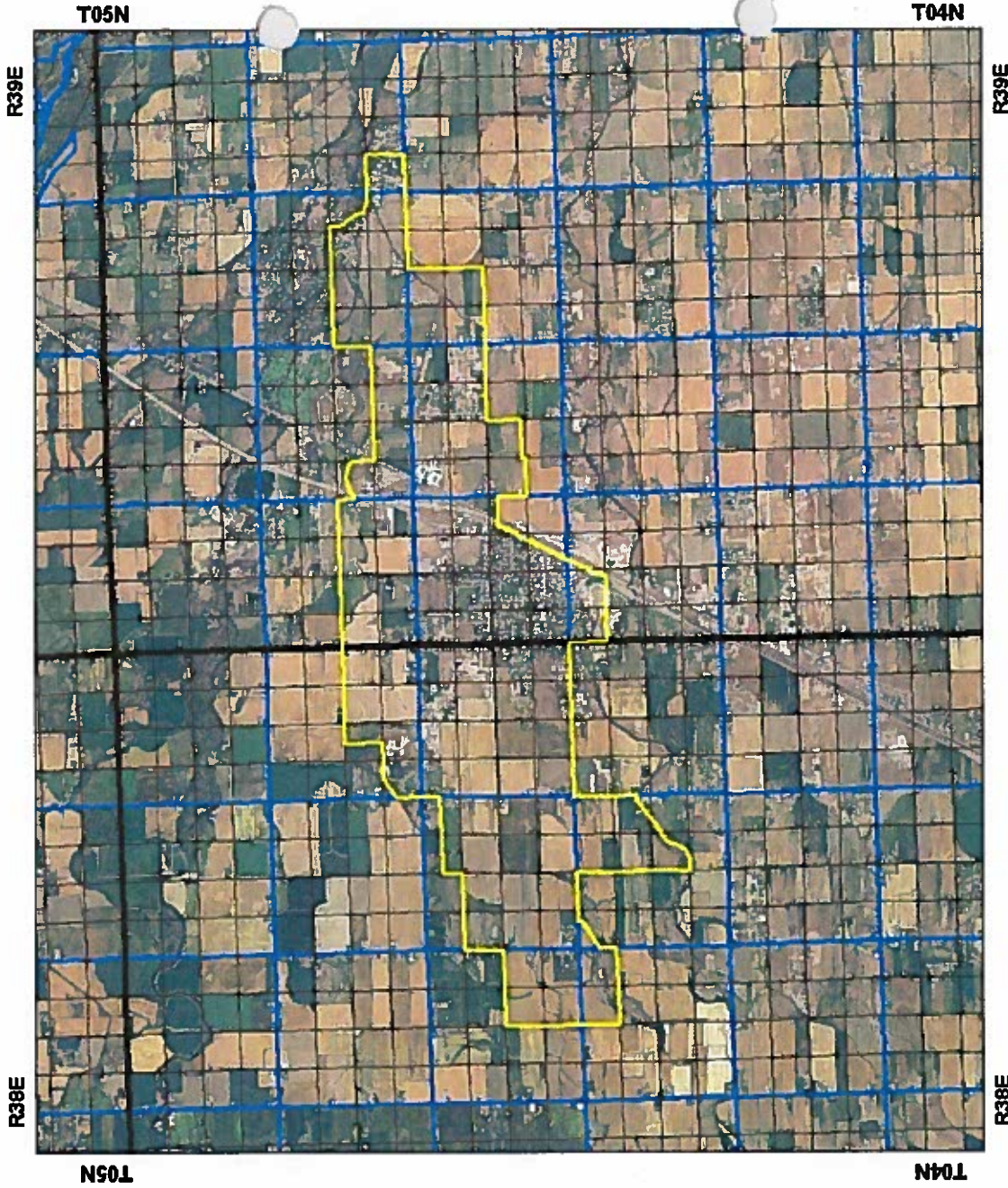
PLS Sections

Quarter Quarters



Jefferson County
IDWR Basin 1

Prepared by C. Moore
On Monday, November 27, 2006
2004 Aerial Photography





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

January 26, 2007

RIGBY CANAL & IRRIGATING CO INC
C/O SHARON WALKER SEC
4149 E 400 N
RIGBY ID 83442

RE: Notice of Change of Name for 01-116T, 01-117Z, 01-118T, 01-152, 01-153, 01-154, 01-155, 01-252, 01-4026 and Notice of Completed Administrative Proceeding (NCAP)

Dear Ms. Walker:

On January 19, 2007, Richard Jacobson sent the Idaho Department of Water Resources (IDWR) a copy of your company by-laws. Based on this information, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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

)

Water Rights: SEE ATTACHED
LIST

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party **RIGBY CANAL & IRRIGATION – RIGBY CANAL & IRRIGATING**
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 21, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 23, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
RIGBY CANAL & IRRIGATION CO INC
C/O SHARON WALKER SEC
4149 E 400 N
RIGBY ID 83442

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
RIGBY CANAL & IRRIGATING CO INC
C/O SHARON WALKER SEC
4149 E 400 N
RIGBY ID 83442

4. One copy to:

Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

01-116T
01-117Z
01-118T
01-152
01-153
01-154
01-155
01-252
01-4026

NOTICE OF ERROR
REPLY

12/09/06
RECEIVED
DEC 26 2006
Department of Water Resources
Eastern Region

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: November 30, 2006

Water right number: 1-116T
Irrigating Co. Inc
RIGBY CANAL & IRRIGATION CO
C/O SHARON WALKER SEC
4149 E 400 N
RIGBY ID 83442
Telephone Number: (208)745-6177

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

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 16 Dec 06

SIGNATURE: *Richard L Jacobson*

Please print your name: Richard L Jacobson

208-745-6545 317-5557

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

OC

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 416.

This is to certify that John W. Hart of Rigby, County of Jefferson, and State of Idaho, has rights to the use of the waters of the South Fork of Snake River, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of "Rexburg Irrigation Company, et al, plaintiffs, versus Teton Irrigation Company, et al, defendants", J. M. Stevens, District Judge, wherein 17/50 of one second foot, bearing date of priority of June 1, 1887; 16/50 of one second foot, bearing date of priority of June 1, 1888; and 17/50 of one second foot, bearing date of priority of June 1, 1889, of the waters of the South Fork of Snake River, in Water District No. 36, were decreed to the Long Island Irrigation Company for the irrigation of lands lying under the Long Island Canal, including the Northeast Quarter (NE $\frac{1}{4}$) of Section 31, Township 5 North, Range 38 East, B.M.;

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho at Boise, in Volume 3 of Decrees at page 450.

That John W. Hart is the holder and owner of certain shares of the capital stock of the Long Island Irrigation and that, upon the application of the said John W. Hart for a transfer of water right made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.0 second feet of the waters of the South Fork of Snake River upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, is shown in the following list of lands, limited at any given time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amounts, to-wit:

0.34
0.22
0.24
1.00

17/50 sec. ft., dated June 1, 1887;
16/50 sec. ft., dated June 1, 1888;
17/50 sec. ft., dated June 1, 1889;

West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), Section 17, Township 4 North, Range 39 East, B.M.;

That the water to be transferred has heretofore been diverted in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Section 34, Township 5 North, Range 35 East, B.M., and carried through the Long Island Canal, but will hereafter by virtue of this certificate be diverted in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 10, Township 4 North, Range 39 East, B.M., and carried through the Rigby Canal.

Long Island to Rigby

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

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed this 2d day of February, 1928.



Commissioner of Reclamation.

Rigby Canal & Irrigation Co.

RECEIVED
1
Department of Water Resources
Eastern Region

Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

To Whom It May Concern:

The Board of Directors of the Rigby Canal & Irrigation Co. has deemed that the service area boundary of the Rigby Canal & Irrigation Co. is illustrated accurately, without modifications, and in its entirety on the map(s) created by Danielle Favreau on June 6, 2006. Additionally, the previously identified map(s) accurately illustrate the location of land serviced by the company as of 1987. We understand that in the process of finalizing the SRBA recommendations, these maps may be adjusted.


Signature

20 June 06
Date

Richard L. Jacobson
Printed Name

President - Board of Directors
Title

RECEIVED
JUN 21 2006
Department of Water Resources
Eastern Region

BY LAWS OF THE RIGBY CANAL AND IRRIGATING COMPANY, INC.

ARTICLE I.

SHAREHOLDERS

SECTION 1. ANNUAL MEETING OF SHAREHOLDERS:

THE ANNUAL MEETING OF THE SHAREHOLDERS OF THE CORPORATION SHALL BE HELD ANNUALLY AT THE PRINCIPAL OFFICE OF THE CORPORATION AT RIGBY, JEFFERSON COUNTY, STATE OF IDAHO, AT AN HOUR AND ON A DAY IN FEBRUARY OF EACH YEAR AS SHALL BE SET BY THE BOARD OF DIRECTORS, FOR THE PURPOSE OF ELECTING DIRECTORS AND FOR THE TRANSACTION OF SUCH OTHER BUSINESS AS MAY BE BROUGHT BEFORE THE MEETING.

IT SHALL BE THE DUTY OF THE SECRETARY TO CAUSE NOTICE OF SUCH ANNUAL MEETING BY GIVING WRITTEN NOTICE OF THE TIME, PLACE, AND PURPOSE OF THE MEETING TO ALL SHAREHOLDERS ENTITLED TO VOTE AT SUCH MEETING AT LEAST TEN (10) DAYS PRIOR TO THE DATE OF THE ANNUAL MEETING. IF SUCH WRITTEN NOTICE IS PLACED IN THE UNITED STATES MAIL, POSTAGE PREPAID, AND ADDRESSED TO A SHAREHOLDER AT HIS LAST KNOWN POST OFFICE ADDRESS, NOTICE SHALL BE DEEMED TO HAVE BEEN GIVEN HIM.

SECTION 2. SPECIAL MEETINGS:

SPECIAL MEETINGS OF THE SHAREHOLDERS MAY BE CALLED AT THE PRINCIPAL OFFICE OF THE CORPORATION AT RIGBY, JEFFERSON COUNTY, STATE OF IDAHO, AT ANY TIME BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS. IF MORE THAN EIGHTEEN (18) MONTHS ARE

HOLDING IN THE AGGREGATE ONE-THIRD OF THE VOTING POWER OF ALL SHAREHOLDERS, IT SHALL BE THE DUTY OF THE SECRETARY TO CALL A SPECIAL MEETING OF SHAREHOLDERS TO BE HELD AT THE REGISTERED OFFICE OF THE CORPORATION AT SUCH TIME AS THE SECRETARY MAY FIX, NOT LESS THAN TEN (10) OR MORE THAN THIRTY-FIVE (35) DAYS AFTER THE RECEIPT OF SAID REQUEST, AND IF THE SECRETARY SHALL NEGLECT OR REFUSE TO ISSUE SUCH CALL, THE DIRECTOR OR SHAREHOLDER OR SHAREHOLDERS MAKING THE REQUEST MAY DO SO.

SECTION 3. WAIVER OF NOTICE:

NOTICE OF TIME, PLACE AND PURPOSE OF ANY MEETING OF SHAREHOLDERS MAY BE WAIVED BY THE WRITTEN ASSENT OF A SHAREHOLDER ENTITLED TO NOTICE FILED WITH OR ENTERED UPON THE RECORDS OF THE MEETING EITHER BEFORE OR AFTER THE HOLDING THEREOF.

ANY ACTION WHICH, UNDER THE PROVISIONS OF THE ARTICLES OF INCORPORATION OR BY-LAWS OF THE CORPORATION, TAKEN AT A MEETING OF THE SHAREHOLDERS, MAY ALSO BE TAKEN WITHOUT A MEETING AS AUTHORIZED BY THE WRITTEN SIGNATURE BY ALL OF THE SHAREHOLDERS OF SHARES WHO WOULD BE ENTITLED TO NOTICE OF A MEETING FOR SUCH PURPOSE. WHENEVER A CERTIFICATE WITH RESPECT TO ANY SUCH ACTION BE REQUIRED BY THE GENERAL LAWS OF THE STATE OF IDAHO TO BE FILED IN THE OFFICE OF THE COUNTY RECORDER OR IN THE OFFICE OF THE SECRETARY OF STATE, THE OFFICERS SIGNING THE SAME SHALL THEREIN STATE THAT THE ACTION WAS AUTHORIZED IN THE MANNER AFORESAID.

WHEN ALL OF THE SHAREHOLDERS OR MEMBERS OF THE CORPORATION ARE PRESENT AT ANY MEETING, HOWEVER CALLED OR NOTIFIED, AND SIGN A WRITTEN CONSENT THERETO ON THE RECORD OF SUCH MEETING, THE PROCEEDINGS OF SUCH MEETING ARE AS VALID AS IF HAD A MEETING BEEN LEGALLY CALLED AND NOTIFIED.

SECTION 4. ADJOURNMENT:

AN ADJOURNMENT OR ADJOURNMENTS OF ANY ANNUAL OR SPECIAL MEETING MAY BE TAKEN WITHOUT NEW NOTICE BEING GIVEN.

SECTION 5. ORGANIZATION:

THE PRESIDENT OF THE CORPORATION SHALL CALL THE MEETING OF THE SHAREHOLDERS TO ORDER AND SHALL ACT AS THE CHAIRMAN OF SUCH MEETINGS. THE BOARD OF DIRECTORS MAY APPOINT ANY STOCKHOLDER TO ACT AS CHAIRMAN OF THE MEETING IN THE ABSENCE OF THE PRESIDENT OF THE CORPORATION. THE SECRETARY-TREASURER OF THE CORPORATION SHALL ACT AS SECRETARY OF ALL MEETINGS OF THE SHAREHOLDERS, BUT IN THE ABSENCE OF THE SECRETARY-TREASURER AT ANY MEETING OF THE SHAREHOLDERS, THE PRESIDING OFFICER MAY APPOINT ANY SHAREHOLDER TO ACT AS THE SECRETARY OF THE MEETING.

SECTION 6. VOTING RIGHTS:

AT EACH MEETING OF THE SHAREHOLDERS EVERY SHAREHOLDER OF RECORD SHALL HAVE THE RIGHT TO VOTE ONE VOTE FOR EVERY SHARE OF STOCK OUT OF THE MEMBERSHIP STOCK STANDING IN HIS NAME ON THE BOOKS OF THE CORPORATION.

EVERY SHAREHOLDER SHALL HAVE THE RIGHT TO CAST HIS VOTE EITHER IN PERSON OR BY PROXY DULY AUTHORIZED IN WRITING AND FILED WITH THE SECRETARY.

SHARES OF A CORPORATION BELONGING TO ITSELF SHALL NOT BE VOTED NOR COUNTED IN CALCULATING THE TOTAL POWER OF ALL SHAREHOLDERS OF SUCH CORPORATION AT ANY GIVEN TIME.

SCANNED

AUG 2 2001

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: A01-00116T
Date Received: 11-14-1988
Receipt No: E004026
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RIGBY CANAL & IRRIGATION CO. 208-745-6177
Address: C/O SHARON WALKER, SECRETARY
4149 E 400 N
RIGBY, ID 83442

2. Date of Priority: JUN 01, 1887

3. Source: SNAKE RIVER, DRY BED Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	39E	15	NE	NW	NE		JEFFERSON

5. Description of diverting works:
HEADGATE OF THE RIGBY CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.340		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	38E	12	NE	SW		IRR	40.0
			NW	SW		IRR	10.0

A01-00116T

Page 1

Date: 11/14/88

MICROFILMED

OCT 19 1992

A0100116T



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	38E	12	SW		SW		IRR	37.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 287.0

13	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 640.0

14	NE	NE	IRR	20.0
	NW	NE	IRR	20.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 520.0

15	NE	SE	IRR	40.0
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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	38E	15	NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					160.0
		22	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			Section Acres					80.0
		23	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	5.0
			NW		NW		IRR	10.0
			NE		SE		IRR	2.0
			NW		SE		IRR	23.0
			Section Acres					200.0
39E		7	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	35.0
			Section Acres					315.0
		8	NE		SW		IRR	4.0
			NW		SW		IRR	25.0
			SW		SW		IRR	35.0
			SE		SW		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					184.0
		9	NE		SW		IRR	35.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	39E	9	SE		SW		IRR	40.0
			NE		SE		IRR	10.0
			NW		SE		IRR	35.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	280.0
		10	SW		SW		IRR	3.0
							Section Acres	3.0
		16	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
							Section Acres	160.0
		17	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	35.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
							Section Acres	475.0
		18	NE		NE		IRR	12.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	10.0
			NE		NW		IRR	38.0
			NW		NW		IRR	38.0
			SW		NW		IRR	35.0
			SE		NW		IRR	35.0
			NE		SW		IRR	35.0
			NW		SW		IRR	35.0
			SW		SW		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	39E	18	SE	SW		IRR	35.0
			NE	SE		IRR	35.0
			NW	SE		IRR	35.0
			SW	SE		IRR	35.0
			SE	SE		IRR	35.0
						Section Acres	528.0
		19	NW	NE		IRR	10.0
			NE	NW		IRR	35.0
			NW	NW		IRR	35.0
			SW	NW		IRR	2.0
			SE	NW		IRR	2.0
						Section Acres	84.0
						Total Acres	3916.0

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:

A01-00153/00154/00155/00152 /00117Z//00118T

14. Remarks:

HEADGATE STRUCTURE ON THE DRY BED IS 26'2" WIDE. CANAL HEADGATE
CONSISTS OF 4 GATES EACH 4'3.5" X 5'6".

15. Basis of Claim: DECREED

Case Number:

Court : 6TH

Decree date: 12/16/1910

REXBURG IRRIGATION CO.

Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET.

Decree 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 Organizations:

I do solemnly swear or affirm that I am Secretary of Rigby Canal & Irrig Co, that I have signed the foregoing document in the space below as Secretary of Rigby Canal & Irrig Co and that the statements contained in the foregoing document are true and correct.

Sharon A. Shalper
Signature of Authorized Agent

Sec. Rigby Canal & Irrig Co
Title and Organization

11-14-88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of Nov 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Elk Falls

My Commission Expires 6-94