

07/24/2006

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

RIGHT NUMBER: 1-117Z

NAME AND ADDRESS: RIGBY CANAL & IRRIGATION CO
C/O SHARON WALKER SEC
4149 E 400 N
RIGBY ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 0.320 CFS

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION:

T04N R39E S15 NWNE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.320 CFS

PLACE OF USE:

2785 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Rigby Canal & Irrigation Company.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Water is delivered through Rigby Canal.

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

Water is delivered through Rigby Canal.



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

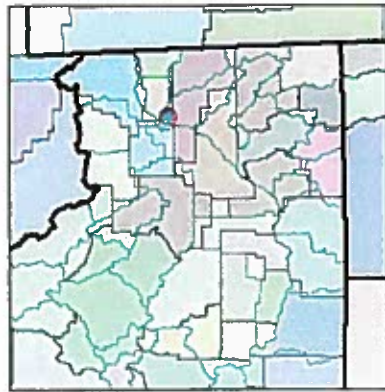
Legend

Service Area

Townships

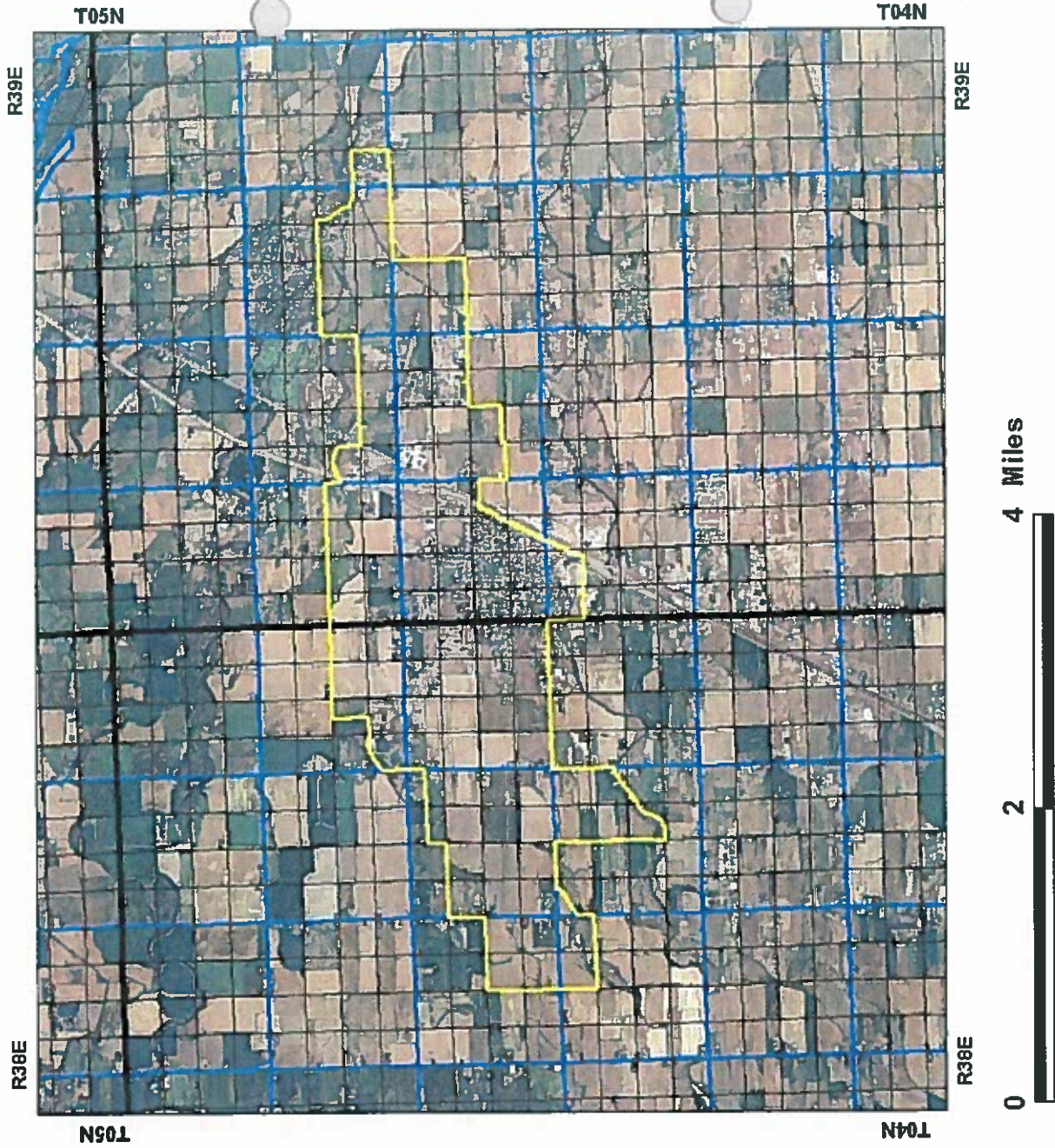
PLS Sections

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

RECEIVED
DEC 26 2006
12/01/2006
Department of Water Resources
Eastern Region

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: November 30, 2006

Water right number: 1-117Z

RIGBY CANAL & IRRIGATION Co. Inc.
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

JC

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	17/50 sec. ft., dated June 1, 1887;
0.34	16/50 sec. ft., dated June 1, 1888;
0.34	17/50 sec. ft., dated June 1, 1889;
1.00	

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

SCANNED

AUG 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: A01-00117Z
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, 1888

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	0.320		

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

A01-00117Z

Page 1

Date: 11/14/88

A0100117Z



MICROFILMED

OCT 19 1992

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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A01-00117Z

Page

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Date: 11/14/88

MICROFILMED

OCT 19 1992

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 /00116T//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 X 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
Regley Canal & Irrig Co., that I have signed the foregoing
document in the space below as Secretary of
Regley Canal & Irrig Co. and that the statements contained in the
foregoing document are true and correct.

Sharon N. Shalke
Signature of Authorized Agent

Sec. Regley 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 Idaho Falls
My Commission Expires 6-94