

1-138



North Rigby Irrigation & Canal Co Inc

SRBA Recommendations: 1-138, 1-238

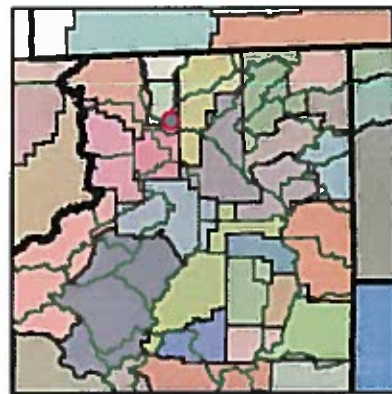
Service Area Boundary
GIS Place of Use Illustration

Service Area

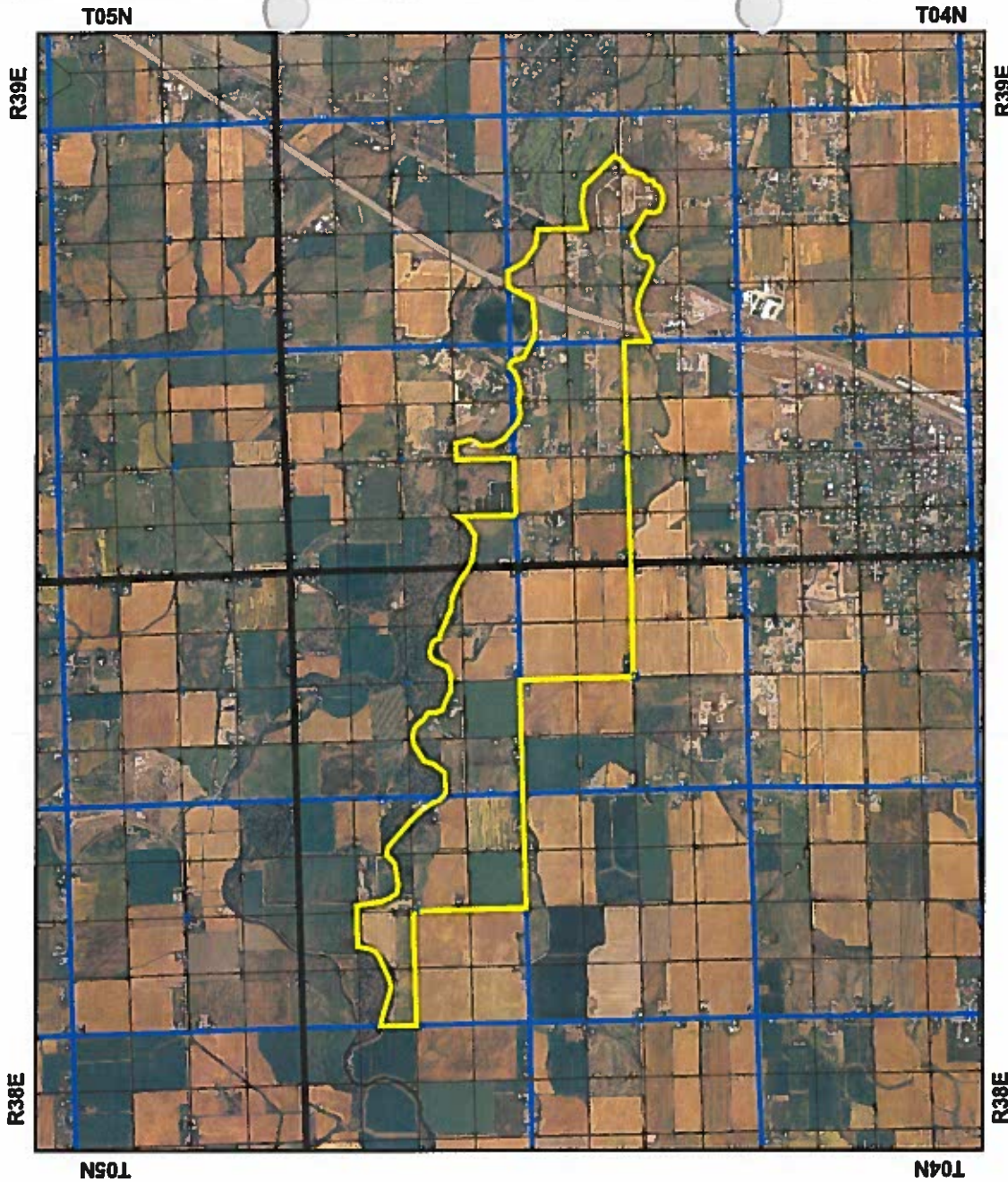
Townships

PLS Sections

Quarter Quarters



Jefferson County
IDWR Basin 1



Prepared by M. Holliday
On Tuesday, December 12, 2006
2004 Aerial Photography

SCANNED

MAY 22 2007



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

February 15, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

NORTH RIGBY IRRIGATION & CANAL
C/O CALVIN KINGHORN
3791 E 500 N
RIGBY ID 83442

RE: Notice of Change of Address for 1-138, 1-238 & 1-4021 and
Notice of Completed Administrative Proceeding (NCAP)

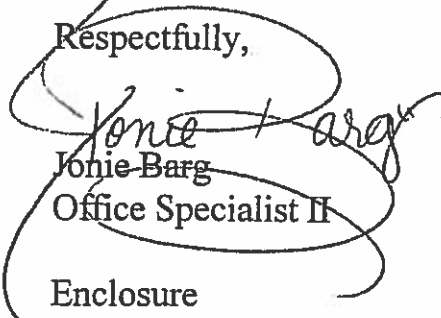
Dear Mr. Sullivan:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of a change of address for the above referenced water right(s). Based on this change, 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,


Jonie Barg
Office Specialist II

Enclosure

SCANNED

FEB 22 2008

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: 1-138, 1-238 & 1-4021

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☒ Address change
- ☐ Substitution of Party
- ☐ 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: Feb 20, 2008

Ernest M. Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on February 21, 2008, 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:
North Rigby Irrigation & Canal
C/O Calvin Kinghorn
3791 E 500 N
Rigby ID 83442

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

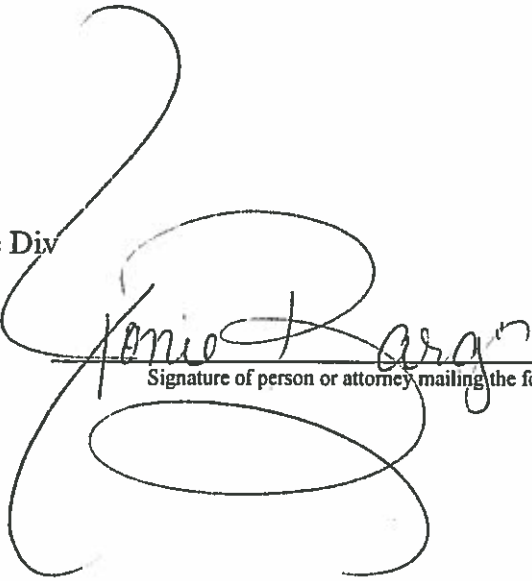
Each party in the subcase, or attorney of record

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

02/15/2008

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

RIGHT NUMBER: 1-138
NAME AND ADDRESS: NORTH RIGBY IRRIGATION & CANAL CO INC
C/O ROBERT GOODY
3791 E 500 N
RIGBY ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
Water is delivered from the Dry Bed.

QUANTITY: 50.000 CFS

PRIORITY DATE: 06/10/1883

POINT OF

DIVERSION: T04N R39E S9 SWNW 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	50.000 CFS
STOCKWATER	01/01 12/31	13.000 CFS

PLACE OF USE:

1005 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 North Rigby Irrigation & Canal Company.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Diversion of this right for stockwater purposes between November 1 and April 30 is subject to the provisions for saving winter water as recognized in the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969).

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

Water is delivered through North Rigby Canal.

SCANNED
FEB 22 2008

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

FEB 22 2003

02/15/2008

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

RIGHT NUMBER: 1-4021

NAME AND ADDRESS: NORTH RIGBY IRRIGATION & CANAL CO INC
C/O ROBERT GOODY
3791 E 500 N
RIGBY ID 83442

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.230 CFS

PRIORITY DATE: 06/10/1883

POINT OF

DIVERSION: T04N R39E S9 SWNW Within JEFFERSON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

11/01 11/30

0.230 CFS

PLACE OF USE:

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

SCANNED

FEB 22 2008

RECEIVED

11/21/2006

NOV 27 2006

NOTICE OF ERROR
REPLY

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: 1-138

NORTH RIGBY IRRIGATION & CANAL CO INC
C/O CALVIN KINGHORN
426 N 3700 E
RIGBY ID 83442

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: 11/28/06

SIGNATURE: Calvin Kinghorn

Please print your name: Calvin Kinghorn

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

SCANNED

MA: 12 2 2007

KMT
11/30

North Rigby Canal & Irrigation Co.
426 N 3700 E
Rigby, ID 83442

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 North Rigby Canal & Irrigation Co. has deemed that the service area boundary of the North Rigby Canal & Irrigation Co. is illustrated accurately, without modifications, and in its entirety on the map(s) created by Danielle Favreau on October 5, 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.

Calvin J. Kinghorn
Signature

10-12-06
Date

Calvin J. Kinghorn
Printed Name

Director North Rigby
Title
Irrigation Co.

RECEIVED

OCT 12 2006

SCANNED

MAR 22 2007

Department of Water Resources
Eastern Region

13038315

NORTH RIGBY WINTER DIVERSIONS

<u>YEAR</u>	<u>MAX Q</u>	<u>OUT</u>
1978	31	11/15
1979	37	11/30
1980	21	12/4
1981	15	11/30
1982	22	11/30
1983	37	11/30
1984	23	11/30
1985	7	11/18
1986	18	12/10
1987	—	—

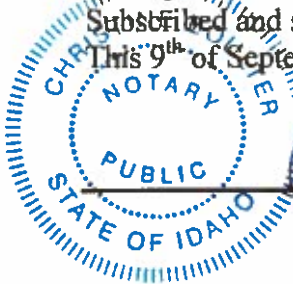
SCANNED

MAY 22 2007

I Donna Tanner Fuchs born in 1931 in Jefferson County, State of Idaho. Verify that the North Rigby Canal ran a constant flow of water, a much larger flow than stock water thru the fall of 1945 from November 1st to December 31st which continued thru the winter of 1946 including January, February, and March. Canal flow being regulated according to ice build up.

Signed Donna Tanner Fuchs

State of Idaho
County of Jefferson
Subscribed and sworn before me
This 9th of September 2006



Christopher B. Smith
Notary Public

Residing
at R. Rigby, Id
My commission expires 6/10/2011

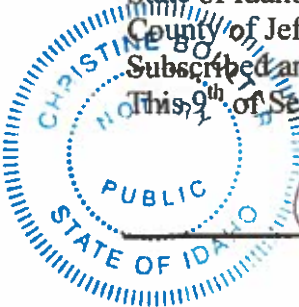
SCANNED

MAY 22 2007

I Franklin G. Kinghorn born March 30, 1923 in Jefferson County, State of Idaho. Verify that the North Rigby Canal ran a goodly flow of water which greatly exceeded stock water from November 1st thru December 31st 1933 which continued thru the winter of 1934 including January, February, and March. Canal flow being regulated as winter progressed according to ice build up.

Signed Franklin G. Kinghorn

State of Idaho
County of Jefferson
Subscribed and sworn before me
This 9th of September 2006



Christine Baulty
Notary Public

Residing
at Rigby Id
My commission expires 6/10/2011

SCANNED

MAY 22 2007

11/04/2006

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

RIGHT NUMBER: 1-138

NAME AND ADDRESS: NORTH RIGBY IRRIGATION & CANAL CO INC
C/O CALVIN KINGHORN
426 N 3700 E
RIGBY ID 83442

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
Water is delivered from the Dry Bed.

QUANTITY: 50.000 CFS

PRIORITY DATE: 06/10/1883

POINT OF DIVERSION:
T04N R39E S9 SWNW 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	50.000 CFS
STOCKWATER	01/01 12/31	13.000 CFS

PLACE OF USE:

1005 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 North Rigby Irrigation & Canal Company.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Diversion of this right for stockwater purposes between November 1 and April 30 is subject to the provisions for saving winter water as recognized in the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969).

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
Water is delivered through North Rigby Canal.

SCANNED
MAY 22 2007

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 1-138
Date Received: 11/15/1988
Receipt No: E004042 + E032297
Received By: MWH

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

NORTH RIGBY IRRIGATION & CANAL CO INC Phone:
C/O CALVIN KINGHORN
426 N 3700 E
RIGBY ID USA 83442

2. Date of Priority: 06/10/1883

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	39E	9	SE SW NW	JEFFERSON	

5. Description of diverting works:

CONCRET W/ METAL GATE FROM DRY BED INTO CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	50	
STOCKWATER	01/01	12/31	13	

7. Total Quantity Appropriated is:
50 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	38E	1	NE SW	IRRIGATION	15
			NW SW	IRRIGATION	30

SCANNED

MAY 22 2007

			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	20
			NW	SE	IRRIGATION	25
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	250
04N	38E	2	SW	NE	IRRIGATION	10
			SE	NE	IRRIGATION	5
			SW	NW	IRRIGATION	20
			SE	NW	IRRIGATION	35
			NE	SE	IRRIGATION	30
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	220
04N	38E	12	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
					Section Acres	160
04N	39E	6	SW	SW	IRRIGATION	38
			SW	SE	IRRIGATION	15
					Section Acres	53
04N	39E	7	NE	NE	IRRIGATION	38
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NW	NW	IRRIGATION	40
			NE	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
					Section Acres	318
04N	39E	8	SE	NE	IRRIGATION	1
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	29
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	12
			NW	SW	IRRIGATION	10
			NE	SE	IRRIGATION	1
			NW	SE	IRRIGATION	20
			SW	NE	IRRIGATION	18
					Section Acres	211
					Total Acres	1212

11. Place of use in counties: JEFFERSON

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

SCANNED
MAY 22 2007

13. Other Water Rights Used:

14. Remarks:

P/U INCOMPLETE IN DECREE.
P/D INCOMPLETE IN DECREE.

Amended claim on 10/11/2006 to add stockwater.

15. Basis of Claim: Decreed

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 Director of

Title
North Rigby Irrigation Co., that I have signed the foregoing
Organization
document in the space below as Director of

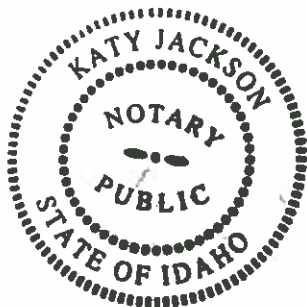
Title
North Rigby Irrigation Co. and that the statements contained in the
Organization
foregoing document are true and correct. Calvin J. Kinghorn
Signature of Authorized Agent
Director North Rigby Irrigation Co.
Title and Organization
10-11-06
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11 Day
of October 2006

Katy Jackson
Notary Public

Residing at Idaho Falls
My commission Expires 3/31/2011



SCANNED
MAY 22 2007

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: A01-00138
Date Received: 11/15/1988
Receipt No: E004042
Received By: SSI

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORTH RIGBY IRRIGATION & CANAL CO., INC. 208-745-6471
Address: C/O CALVIN F. REED, PRES.
455 N. 3950 E.
RIGBY, ID 83442

2. Date of Priority: JUN 10, 1883

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	Lot	County
04N	39E	9	SE	SW	NW		JEFFERSON

5. Description of diverting works:
CONCRET W/ METAL GATE FROM DRY BED INTO CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	50.000		

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

8. Total consumptive use is 3030.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	38E	1	NE	SW		IRR	15.0
			NW	SW		IRR	30.0

A01-00138

Page 1

Date: 11/15/88

SCANNED
MAY 22 2007

MICROFILMED
OCT 19 1992

A0100138



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	38E	1	SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	20.0
			NW		SE		IRR	25.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					250.0
		2	SW		NE		IRR	10.0
			SE		NE		IRR	5.0
			SW		NW		IRR	20.0
			SE		NW		IRR	35.0
			NE		SE		IRR	30.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					220.0
		12					IRR	
			NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			Section Acres					160.0
	39E	6	SW		SW	7	IRR	38.0
			SW		SE		IRR	15.0
			Section Acres					53.0
		7	NE		NE		IRR	38.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	40.0
			SW		NW	2	IRR	40.0
			SE		NW		IRR	40.0
			Section Acres					318.0
		8	SW		NE		IRR	18.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	39E	8	SE	NE		IRR	1.0
			NE	NW		IRR	40.0
			NW	NW		IRR	29.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	12.0
			NW	SW		IRR	10.0
			NE	SE		IRR	1.0
			NW	SE		IRR	20.0
						Section Acres	211.0
						Total Acres	1212.0

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:
01-00238 AND PALISADES STORAGE RIGHTS.

14. Remarks:
P/U INCOMPLETE IN DECREE.
P/D INCOMPLETE IN DECREE.

15. Basis of Claim: DECREED
Case Number:
Court :
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: 1

For Organizations:

I do solemnly swear or affirm that I am President of

Title

North Rky Irrig Canal Co., that I have signed the foregoing

Organization

document in the space below as President of

Title

North Rky Irrig Canal Co. and that the statements contained in the

Organization

foregoing document are true and correct.

Calvin F. Reed
Signature of Authorized Agent

President - North Rky Irrig Canal Co
Title and Organization

11-15-88
Date

State of Idaho)
County of Bonneville) SS.

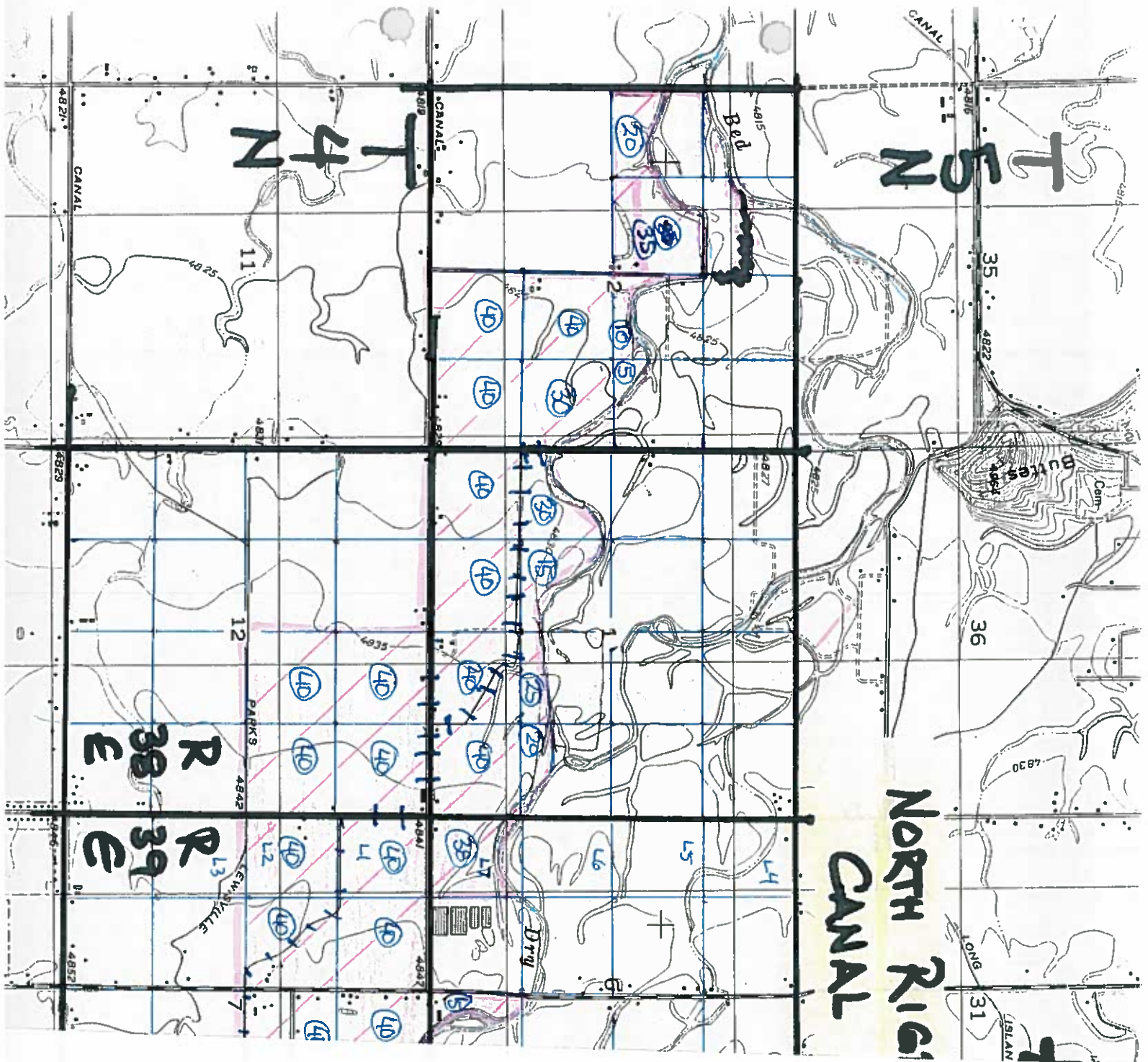
Subscribed and sworn (or affirmed) before me this 15 day
of November 19 88

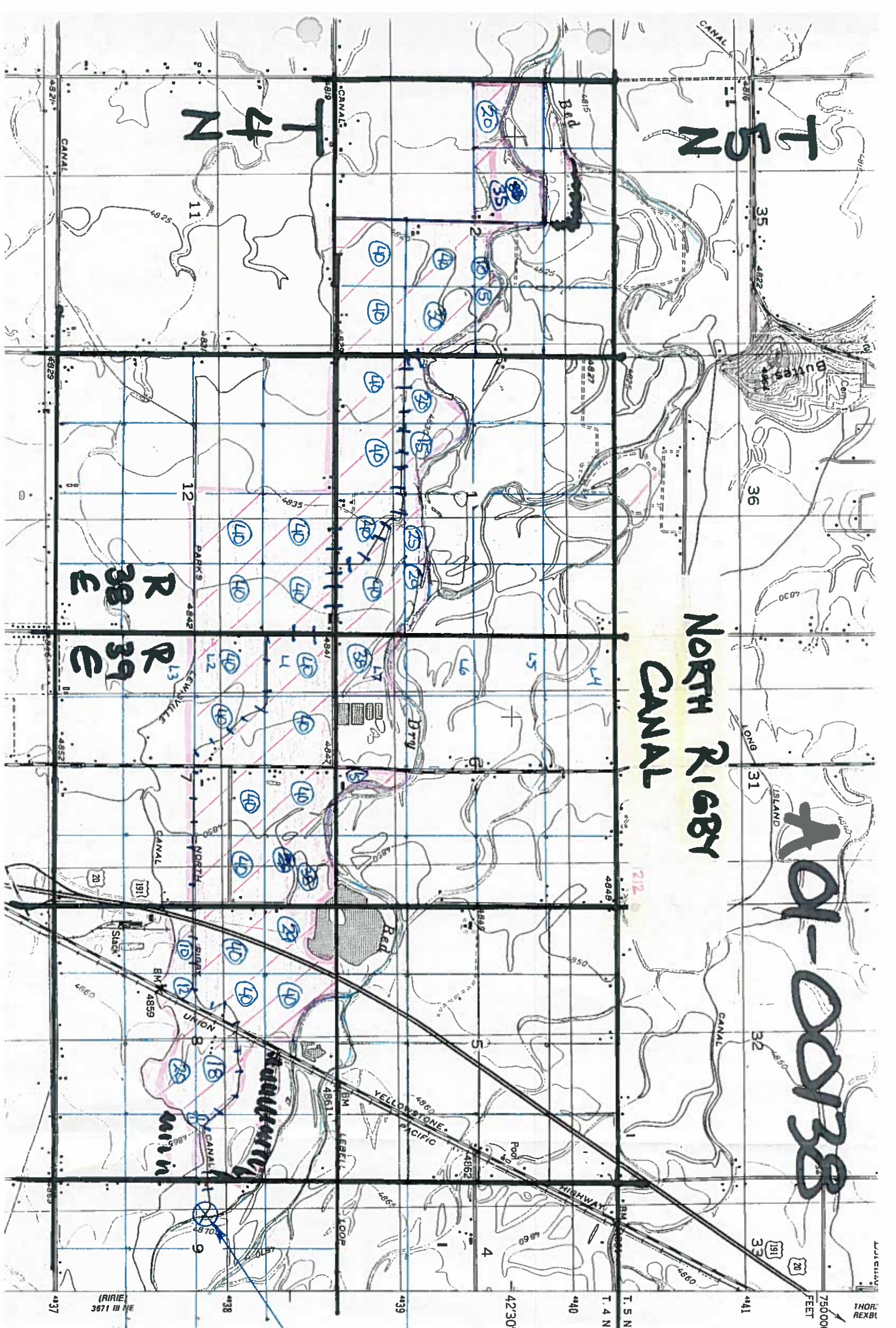
[Signature]
Notary Public

Seal

Residing at Idaho Falls, ID

My Commission Expires 22 Aug 1994





NORTH RIEGT
CANAL

A-01-00138

R 38 E
R 39 E

Point of
Diversion

SCANNED
MAY 22 2007