

12/15/2011

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

RIGHT NUMBER: 22-13738

NAME AND ADDRESS: CANYON CREEK LATERAL DITCH ASSN
12241 E 3749 N
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.950 CFS
833.500 AFY

Right Nos. 22-7253 and 22-13738 are limited to a total combined diversion rate of 14 cfs.

The rights listed below are limited to a total combined diversion rate of 29.04 cfs. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.

PRIORITY DATE: 10/31/1978

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T07N R40E S36 NESE Within FREMONT County

T07N R40E S36 NWSE Injection Within FREMONT County

T07N R42E S30 SENE Rediversion Within MADISON County

Water diverted under this right is exchanged by injecting water diverted under this right into Teton River at the point of injection described above, and diverting an equal amount from Teton River at the point of rediversion described above.

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 10/31

4.950 CFS
833.50 AFY

PLACE OF USE:

IRRIGATION in FREMONT County and MADISON County

T06N R41E S01	NESE	6.40	T06N R41E S01	NWSE	0.40
T06N R41E S01	SWSE	28.00	T06N R41E S01	SESE	36.00
T06N R41E S12	NENE	40.00	T06N R41E S12	NWNE	40.00
T06N R41E S12	SWNE	40.00	T06N R41E S12	SENE	40.00
T06N R41E S12	NESE	40.00	T06N R41E S12	SESE	40.00
T06N R42E S05	SWNE	39.00	T06N R42E S05	SENE	39.00
T06N R42E S05 Lot 4	NWNW	37.00	T06N R42E S05	SWNW	33.00
T06N R42E S05	SENE	36.00	T06N R42E S05	NESW	36.00

T06N R42E S05	NWSW	39.00	T06N R42E S05	SWSW	40.00
T06N R42E S05	SESW	34.00	T06N R42E S05	NESE	39.00
T06N R42E S05	NWSE	39.00	T06N R42E S05	SWSE	39.00
T06N R42E S05	SESE	39.00	T06N R42E S06 Lot 1	NENE	32.00
T06N R42E S06 Lot 2	NWNE	38.00	T06N R42E S06	SWNE	40.00
T06N R42E S06	SENE	39.00	T06N R42E S06 Lot 3	NENW	39.00
T06N R42E S06 Lot 5	SWNW	29.00	T06N R42E S06	SENW	39.00
T06N R42E S06	NESW	39.00	T06N R42E S06 Lot 6	NWSW	24.00
T06N R42E S06 Lot 7	SWSW	37.00	T06N R42E S06	SESW	37.00
T06N R42E S06	NESE	40.00	T06N R42E S06	NWSE	40.00
T06N R42E S06	SWSE	40.00	T06N R42E S06	SESE	40.00
T06N R42E S07	NENE	39.00	T06N R42E S07	NWNE	40.00
T06N R42E S07	SWNE	40.00	T06N R42E S07	SENE	40.00
T06N R42E S07	NENW	40.00	T06N R42E S07 Lot 1	NWNW	38.00
T06N R42E S07 Lot 2	SWNW	38.00	T06N R42E S07	SENW	40.00
T06N R42E S07	NESW	40.00	T06N R42E S07 Lot 3	NWSW	38.00
T06N R42E S07 Lot 4	SWSW	38.00	T06N R42E S07	SESW	40.00
T06N R42E S07	NESE	40.00	T06N R42E S07	NWSE	40.00
T06N R42E S07	SWSE	40.00	T06N R42E S07	SESE	39.00
T06N R42E S08	NWNE	40.00	T06N R42E S08	SWNE	14.00
T06N R42E S08	NENW	40.00	T06N R42E S08	NWNW	40.00
T06N R42E S08	SWNW	40.00	T06N R42E S08	SENW	40.00
T06N R42E S08	NESW	40.00	T06N R42E S08	NWSW	40.00
T06N R42E S08	SWSW	40.00	T06N R42E S08	SESW	40.00
T06N R42E S08	NWSE	14.00	T06N R42E S08	SWSE	13.00
T07N R41E S26	NESW	39.00	T07N R41E S26	NWSW	13.00
T07N R41E S26	SWSW	35.00	T07N R41E S26	SESW	39.00
T07N R41E S27	SESE	5.00	T07N R41E S35	NENE	39.00
T07N R41E S35	NWNE	39.00	T07N R41E S35	SWNE	40.00
T07N R41E S35	SENE	40.00	T07N R41E S35	NENW	39.00
T07N R41E S35	NWNW	39.00	T07N R41E S35	SWNW	40.00
T07N R41E S35	SENW	40.00	T07N R41E S35	NESE	40.00
T07N R41E S35	NWSE	40.00	T07N R41E S35	SWSE	33.00
T07N R41E S35	SESE	37.00	T07N R42E S30 Lot 4	SWSW	17.00
T07N R42E S30	SESW	40.00	T07N R42E S30	NESE	9.10
T07N R42E S30	SWSE	40.00	T07N R42E S30	SESE	40.00
T07N R42E S31	SWNE	40.00	T07N R42E S31	SENE	38.00
T07N R42E S31 Lot 2	SWNW	39.00	T07N R42E S31	SENW	40.00
T07N R42E S31	NESW	40.00	T07N R42E S31	SESW	38.00
T07N R42E S31	NESE	37.00	T07N R42E S31	NWSE	40.00

T07N R42E S31	SWSE	39.00	T07N R42E S31	SESE	38.00
T07N R42E S32	NESW	40.00	T07N R42E S32	NWSW	39.00
T07N R42E S32	SWSW	37.00	T07N R42E S32	NWSE	36.00

3667.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 3667.9 acres in a single irrigation season. Combined Right Nos.: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.

Place of use does not include federal public lands.

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

The exchange well must inject water into the Teton Irrigation Canal under this right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

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.

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the rediversion pumps and the point of injection will be allowed even if the exchange well is pumping water into the Teton Irrigation Canal.

This right is based upon an enlargement of Right No. 22-7253 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 607.9 acres within the place of use described for this right.

Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.

Totalizing measuring devices shall be maintained at the exchange well and rediversion pumps from the Teton River.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.

Place of use is overlapped by non-SRBA water permits 22-7490 and 22-7508.

The following rights are (re)diverted through point of rediversion described above: 22-163A, 22-7253, 22-7276, 22-13738, and 22-13739.

Right No. 22-7253 is also diverted through point of diversion described above.

Hearing 10-16-2007
Status Conference 3-5-2008

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

) Subcase: 22-13738 / 22-07253
)
)

Case 39576

) STANDARD FORM 4
)
)

) MOTION TO FILE
)

) ☒ LATE NOTICE OF CLAIM
)

) ☐ AMENDED NOTICE OF CLAIM
)
_____)

X I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Stan Schwendiman, Secretary of Canyon Creek Lateral Ditch Association.

My address is: 12241 E 3749 N Newdale, ID 83436

My phone number is: Work_(208) 458-9807 _____ Home _____

I am an attorney representing _____

My name is _____

My address is: _____

My phone number is: _____

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JUL 30 2007

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of Claim to the use of the water in the SRBA because:

At the time the claims were filed on behalf of Canyon Creek Lateral for water right 22-07253, we were not aware of the need to file an enlargement claim for this right. The enlargement exists by virtue of one of our members using water which was pumped through the Canyon Creek Lateral system, then dumped into Canyon Creek Canal and diverted onto his land, which is not included in the prescribed place of use. He has been doing this since 07/29/1977. Once we became aware of the need to file the enlargement, we contacted an attorney and the Department of Water Resources and began investigating the necessary evidence to prove that the said water user has indeed irrigated his lands with our water since prior to 1987.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must described these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

An affidavit of Dwight Little describing the history of use of unused water from Canyon Creek Lateral Ditch Association on Little Farms.

☒ A fully completed Notice of Claim (available from IDWR).

☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.

☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$100.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.

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JUL 30 2007

2. Fill in the following information:

This motion will be heard on: Tuesday, October 16, 2007 at 1:30 P.M.

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File and Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of the water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An Amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

SCANNED

JUL 30 2007

VERIFICATION

STATE OF IDAHO,)
 SS
County of Madison.)

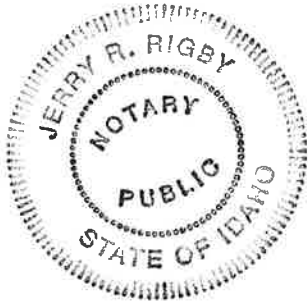
Stan Schwendiman, being first duly sworn, upon oath, deposes and says:

That I am the Secretary of party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 4204101A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Stan Schwendiman, Sec.
Signature of person filing motion

Attorney signing in representative capacity.

Subscribed and sworn to before me on July 26, 2007.



Notary Public for Idaho
Residing at Rexburg
My Commission Expires: 11/09/11

SCANNED

JUL 30 2007

CERTIFICATE OF MAILING

I certify that on July 26 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, ID 83303-2707

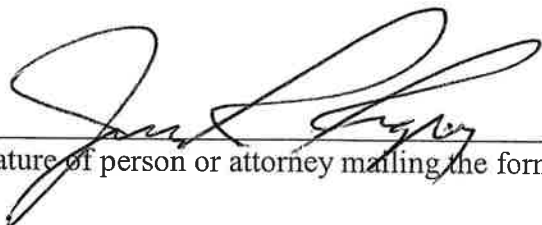
2. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties in that subcase.



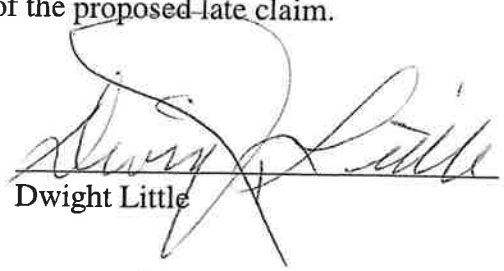
Signature of person or attorney mailing the form

SCANNED
JUL 30 2007

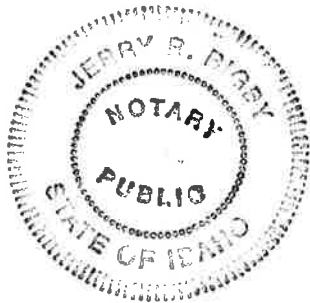
SCANNED
JUL 30 2007

Claimant understood that the law allowed for enlarged acres, especially following an objection filed by me to one of Claimant's water rights which raised the issue of the enlarged acres, it authorized seeking out legal help to accomplish the filing of the proposed late claim.

DATED this 2 day of July, 2007.


Dwight Little

SUBSCRIBED AND SWORN to before me this 2nd day of July, 2007.




Notary Public for Idaho
Residing at: Rexburg
My Commission Expires: 11-09-11

SCANNED

JUL 3 0 2007

Pre 1987 water from the canyon creek lateral ditch was pumped south through the system into canyon creek canals then diverted two miles down stream to the Little home farm. this was done from when the pipeline system was constructed until my retirement in 2001.

water manager for Whingler Bros Farms
Ode Whingler 3/17/06

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Canyon Creek Lateral Ditch Assn. C/O Stan Schwendiman Phone (208) 458-9807
Mailing Address 12241 E 3749 N Newdale, ID Zip 834362. Date of Priority (Only one (1) per claim) 07/29/19773. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 07N Range R42E Section 30
NE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Madison

Additional points of diversion If any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____ 1/4 Of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Pumping plant with six pumps totaling 1650 HP, as re-diverted
through a system of ditches to the enlarged acreage.

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JUL 30 2007

6. Water is claimed for the following purposes-

(both dates are inclusive) (Cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/15 amount 14 or 5109.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 14 (cfs) and/or (b) 5109.5 (acre feet)

8. Total consumptive use claimed is 5109.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
07N	41E	26									39	13	35	39					126
07N	41E	27																5	5
07N	41E	35	39	39	40	40	39	39	40	40					40	40	33	37	466

Total number of acres irrigated 597

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

12. Do you own the property listed above as place of use? Yes _____ No X
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.
22-2150, 22-7204, 22-12786 or None ()

14. Remarks: This land is owned by Little Farms, who is a member of Canyon Creek Lateral Canal Company. This is an
enlargement claim to enlarge the acres allowed by water right # 22-07253. These lands have been watered by said water
right since its beginning on 07/29/1977.

Last Name Canyon Creek Lateral Ditch Assn Ident No. _____

SCANNED

JUL 30 2007

07N 41E

07N 42E

SCANNED
JUL 30 2007

6N 41E

06N 42E



Little Property on Canyon Creek Lateral

- Little property.shp
- Canyon Creek Lateral.shp
- Canyon creek lateral da.shp
- Section
- Township



Prepared by LaDonna Henman
Date Prepared: May 10, 2007

15. Basis of Claim (check one) Beneficial Use, X Posted Notice _____ License _____ Permit _____

Decree

If applicable provide IDWR Water Right Number 22-13738, enlarged from 22-07253

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

Title

of Canyon Creek Lateral Ditch Association, that I have signed the foregoing

Organization

document in the space below as _____ Secretary _____ of Canyon Creek Lateral Ditch Association

Title

Organization

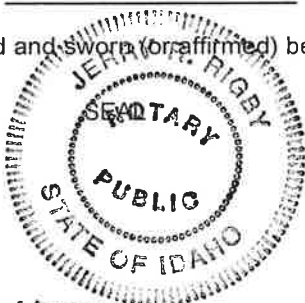
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Juan Schreindorfer

Title and Organization Secretary, Canyon Creek Lateral Ditch Association Date 07/26/07

State of Idaho/or _____)
County of Madison) ss.

Subscribed and sworn (or affirmed) before me this _____ 26th _____ day of _____ July _____ 20 _____ 07



Notary Public Jerry R. Rigby

Residing at Rexburg

My Commission Expires 11/09/11

Please Print Name

17. Notice of Appearance.

Notice is hereby given that I, Jerry R. Rigby will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below

Signature Jerry R. Rigby

Address P.O. Box 250, Rexburg, Idaho 83440

Date July 26, 2007

Last Name Canyon Creek Lateral Ditch Assn Ident. Number _____

SCANNED
JUL 30 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 10, 2007

JERRY R RIGBY
PO BOX 250
REXBURG ID 83440

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #22-13738 and 22-13739
Your Client: Canyon Creek Lateral Ditch Assn.

Dear Mr. Rigby:

Thank you for paying the additional fees on your client's late Notices of Claim so promptly. I have enclosed receipt #C085478 which you may retain for your records.

Your client's Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4922 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Receipt Referenced Above

SCANNED

DEC 10 2007

RECEIVED

DEC 06 2007

DEPARTMENT OF
WATER RESOURCES

Law Offices

RIGBY, ANDRUS & MOELLER
Chartered

*Ray W. Rigby
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768*

December 4, 2007

Craig L. Saxton
Water Rights Supervisor
P.O. Box 83720
Boise, ID 83720

**Re: Canyon Creek Lateral
Water Rights 22-13738 and 22-13739**

Dear Craig:

Per your instruction I am enclosing a check in the amount of \$200.00 to cover the late fees for the above referenced water rights.

If you have any questions, please give our office a call. Thanks.

Sincerely yours,



Mandy Davis
Assistant to Jerry R. Rigby

/md
Enclosure

F:\WP6\SB\CANYONCR.LTR

SCANNED
DEC 10 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 29, 2007

JERRY R RIGBY
PO BOX 250
REXBURG ID 83440

RECEIVED
DEC 06 2007
DEPARTMENT OF
WATER RESOURCES

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #22-13738 and 22-13739
Your Client: Canyon Creek Lateral Ditch Assn.

Dear Mr. Rigby:

Due to an oversight, we did not notice late fees in the amount of \$100.00 per claim are due on your client's claims referenced above.

You paid claim filing fees of \$100.00 on receipt #C085379 for claim #22-13738 and \$100.00 on receipt #C085380 for claim #22-13739, but no late fee. According to SRBA Court Administrative Order 1, Rules of Procedure, (Page 3 of the Standard Form 4 you filed), "A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed."

Upon receipt of the balance of the filing fees (\$200.00) your client's Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report.

Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region

SCANNED
DEC 10 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 29, 2007

JERRY R RIGBY
PO BOX 250
REXBURG ID 83440

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #22-13738 and 22-13739
Your Client: Canyon Creek Lateral Ditch Assn.

Dear Mr. Rigby:

Due to an oversight, we did not notice late fees in the amount of \$100.00 per claim are due on your client's claims referenced above.

You paid claim filing fees of \$100.00 on receipt #C085379 for claim #22-13738 and \$100.00 on receipt #C085380 for claim #22-13739, but no late fee. According to SRBA Court Administrative Order 1, Rules of Procedure, (Page 3 of the Standard Form 4 you filed), "A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed."

Upon receipt of the balance of the filing fees (\$200.00) your client's Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report.

Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region

SCANNED

NOV 30 2007

Total Records Found: 227

<u>Receipt Payer</u>	<u>Date Received</u>	<u>Amount</u>	<u>Status</u>	<u>Comments</u>
Select C085380 RIGBY, THATCHER, ANDRUS, RIGBY & MOELLER	11/23/2007 12:08:53 PM	\$100.00		22-13739
Select C085379 RIGBY, THATCHER, ANDRUS, RIGBY & MOELLER	11/23/2007 12:06:45 PM	\$100.00		22-13738
Select C085277 RIGBY THATCHER ANDRUS RIGBY AND MOELLER CHARTERED	11/7/2007 12:12:47 PM	\$100.00		27-13739
Select C085180 RIGBY THATCHER ANDRUS RIGBY AND MOELLER CHARTERED	10/23/2007 1:21:18 PM	\$200.00		27-13739
Select E033419 RIGBY, THATCHER, ANDRUS, RIGBY & MOELLER	9/24/2007 3:50:25 PM	\$75.00		22-13689, 22-13690 & 22-13691
Select E033416 RIGBY, THATCHER, ANDRUS, RIGBY & MOELLER	9/24/2007 3:46:39 PM	\$75.00		22-13689, 22-13690 & 22-13691
Select C084965 RIGBY THATCHER ANDRUS RIGBY MOELLER CHARTERED	9/21/2007 11:38:12 AM	\$100.00		22-13505
Select E033141 KENNETH H RIGBY	7/23/2007 4:30:36 PM	\$75.00		D0048703 Driller - 495
Select E033064 RIGBY, STEVEN & ANN	7/3/2007 11:58:12 AM	\$25.00		43-4106A
Select C084193 RIGBY THATCHER ANDRUS RIGBY AND MOELLER	5/25/2007 11:19:53 AM	\$252.00		22-00628A filing fee
1 2 3 4 5 6 7 8 9 10 ...				

DO NOT SCAN





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 27, 2007

JERRY R RIGBY
PO BOX 250
REXBURG ID 83440

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #22-13738 and 22-13739
Your Client: Canyon Creek Lateral Ditch Assn.

Dear Mr. Rigby:

The Notices of Claim to a Water Right you filed for your client referenced above were received from the SRBA Court recently. I have enclosed receipts #C085379 and C085380 for the filing fees your firm paid.

Your client's Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water rights.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region
Enclosures:

Receipts Referenced Above

SCANNED
NOV 28 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

RECEIVED

MAY 14 2008

Department of Water Resources
Snake River Region

Ident. Number
22-13738

Date Received:
7/3/2007
Receipt Nos:
C085478 & C085379
Received By: MWH

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

1. Name of Claimant(s)

CANYON CREEK LATERAL DITCH ASSN Phone: (208)458-4269
12241 E 3749 N
NEWDALE ID USA 83436

2. Date of Priority: 07/29/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
07N	42E	30	NE	SE	NE	MADISON	

5. Description of diverting works:

PUMPING PLANT WITH SIX PUMPS TOTALING 1650 HP, AS RE-DIVERTED THROUGH A
SYSTEM OF DITCHES TO THE ENLARGED ACREAGE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	14	5109.5

7. Total Quantity Appropriated is:
14 C.F.S. and/or 5109.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township Acres	Range	Section	1/4 of 1/4	Lot	Use	
07N	41E	26	NE	SW	IRRIGATION	
39			NW	SW	IRRIGATION	
13			SW	SW	IRRIGATION	
35			SE	SW	IRRIGATION	
39						
						Section Acres 126
07N	41E	27	SE	SE	IRRIGATION	
5						
						Section Acres 5
07N	41E	35	NE	NE	IRRIGATION	
39			NW	NE	IRRIGATION	
39			SW	NE	IRRIGATION	
40			SE	NE	IRRIGATION	
40			NE	NW	IRRIGATION	
39			NW	NW	IRRIGATION	
39			SW	NW	IRRIGATION	
40			SE	NW	IRRIGATION	
40			NE	SE	IRRIGATION	
40			NW	SE	IRRIGATION	
40			SW	SE	IRRIGATION	
33						

37			SE	SE		IRRIGATION	
						Section Acres	466
07N	42E	30	SW	SW	4	IRRIGATION	
17						Section Acres	17
						Total Acres	614

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Description of Diversion works: Pumping plant with six pumps totaling 1650 HP, as re-diverted through a system of ditches to the enlarged acreage.

This land is owned by Helen Little and Little Farms, who are a members of Canyon Creek Lateral Ditch Assn. This is an enlargement claim to enlarge the acres allowed by water right #22-07253. The lands have been watered by said water right since its beginning on 07/29/1977.

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 Organizations:

I do solemnly swear or affirm that I am the attorney for Canyon Creek Lateral Ditch Assn., that I have signed the foregoing document in the space below as attorney for Canyon Creek Lateral Ditch Assn., and that the statements contained in the foregoing document are true and correct.

DATED this 12th day of May, 2008.



Jerry R. Rigby

STATE OF IDAHO,)
 ss.
County of Madison.)

On this 12th day of May, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared **Jerry R. Rigby**, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.





Notary Public for Idaho
Residing at: St. Anthony, ID
My Commission Expires: 6/24/2011

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 22-13738-39576
Ident. Number

Date Received 11/23/07

Receipt Number C085379

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Canyon Creek Lateral Ditch Assn. C/O Stan Schwendiman Phone (208) 458-9807

Mailing Address 12241 E 3749 N Newdale, ID Zip 83436

2. Date of Priority (Only one (1) per claim) 07/29/1977

3. Source of water supply (a) Groundwater

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 07N Range R42E Section 30

NE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Madison

Additional points of diversion If any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____ 1/4 Of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Pumping plant with six pumps totaling 1650 HP, as re-diverted through a system of ditches to the enlarged acreage.

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NOV 28 2007

6. Water is claimed for the following purposes-

(both dates are inclusive)

(Cfs)

(acre feet)

For Irrigation purposes from 04/15 to 10/15 amount 14 or 5109.5
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 14 (cfs) and/or (b) 5109.5 (acre feet)

8. Total consumptive use claimed is 5109.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation Wow.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
07N	41E	26									39	13	35	39					126
07N	41E	27																5	5
07N	41E	35	39	39	40	40	39	39	40	40					40	40	33	37	466

Total number of acres irrigated 597

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

12. Do you own the property listed above as place of use? Yes _____ No X
 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.
22-2150, 22-7204, 22-12786 or None ()

14. Remarks: This land is owned by Little Farms, who is a member of Canyon Creek Lateral Canal Company. This is an
enlargement claim to enlarge the acres allowed by water right # 22-07253. These lands have been watered by said water
right since its beginning on 07/29/1977.

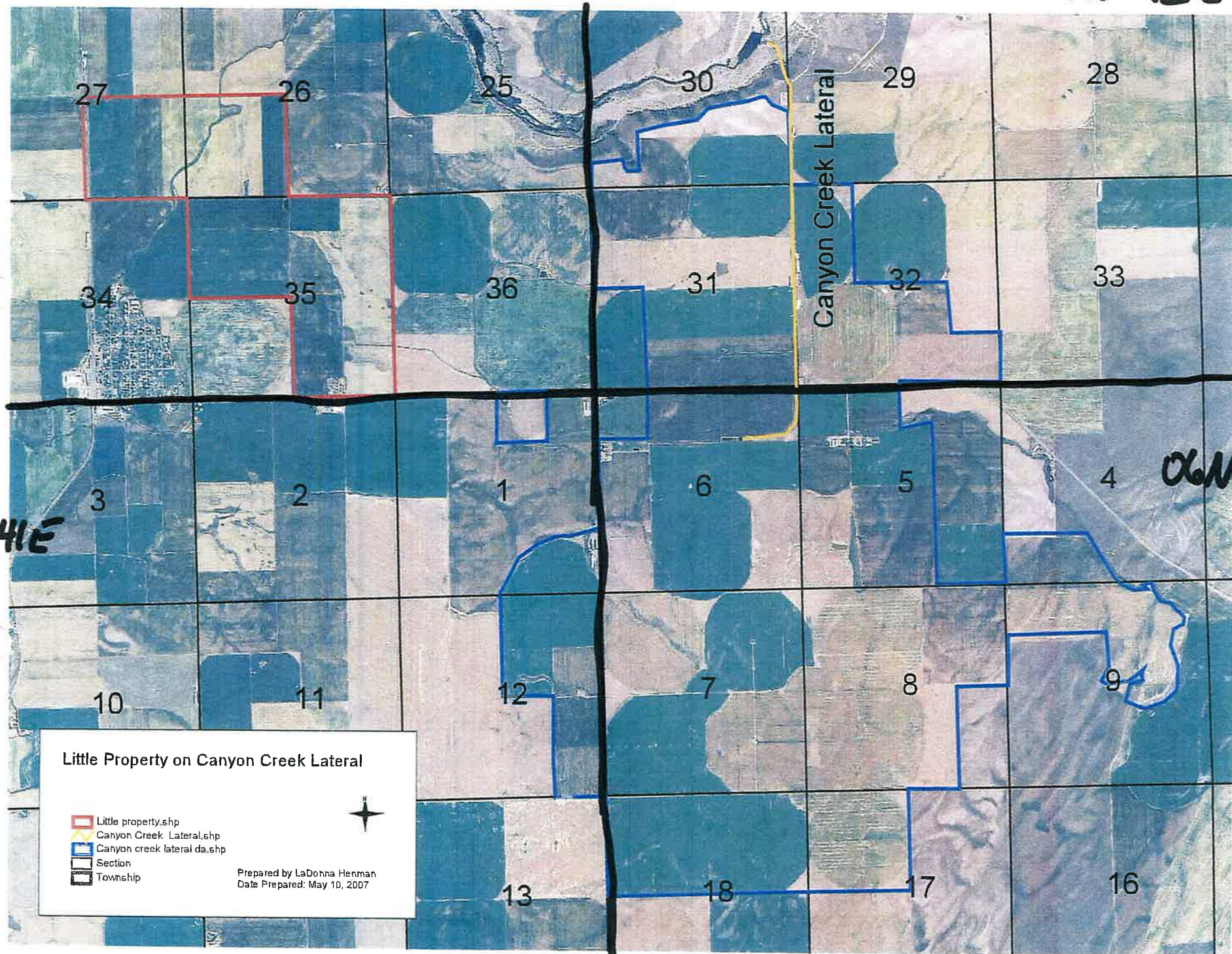
Last Name Canyon Creek Lateral Ditch Assn Ident No. _____

SCANNED

NOV 26 2007

07N 41E

07N 42E



SCANNED
NOV 23 2007

06N 42E

06N 41E

15. Basis of Claim (check one) Beneficial Use, X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 22-13738, enlarged from 22-07253
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

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

of Canyon Creek Lateral Ditch Association _____, that I have signed the foregoing
Organization
document in the space below as _____ Secretary _____ of Canyon Creek Lateral Ditch Association _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Jean Schreindorfer
Title and Organization Secretary, Canyon Creek Lateral Ditch Association Date 07/26/07

State of Idaho/or _____)
County of Madison) ss.

Subscribed and sworn (or affirmed) before me this _____ 26th _____ day of _____ July _____ 20 07



Notary Public Jerry R. Rigby
Residing at Rexburg
My Commission Expires 11/09/11

Please Print Name

17. Notice of Appearance.
Notice is hereby given that I, Jerry R. Rigby will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below

Signature Jerry R. Rigby
Address P.O. Box 250, Rexburg, Idaho 83440
Date July 26, 2007

Last Name Canyon Creek Lateral Ditch Assn Ident. Number _____

SCANNED
NOV 26 2007

RECEIVED
NOV 23 2007
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 21 2007	
By _____	Clerk
_____	Deputy Clerk

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

Subcases: 22-13738 & 22-13739

Case No. 39576

ORDER GRANTING MOTIONS TO FILE
LATE NOTICES OF CLAIM

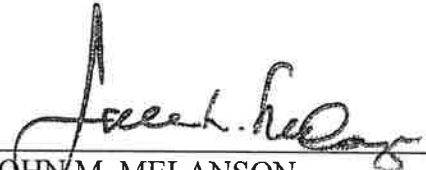
On July 30, 2007, Canyon Creek Lateral Ditch Association filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on November 20, 2007. These *Motions* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated November 21, 2007.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on November
21, 2007, with sufficient first-class postage to the following:

CANYON CREEK LATERAL
DITCH ASSN
C/O STAN SCHWENDIMAN
12241 E 3749 N
NEWDALE, ID 83436
Phone: 208-458-9807

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 11/21/07

FILE COPY FOR 00636

Deputy Clerk

Julia Murphy

SCANNED

NOV 24 2007