

07/27/2004

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

RIGHT NUMBER: 25-4011

NAME AND ADDRESS: CITY OF RIGBY
158 W FREMONT AVE
RIGBY ID 83442

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.450 CFS

The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

The right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

PRIORITY DATE: 12/31/1961

POINT OF DIVERSION:

T04N R39E S18 SWNW Lot 2 Within JEFFERSON County

T04N R39E S18 SESW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

1/01 12/31

2.450 CFS

PLACE OF USE:

Place of use is within the service area of the City of Rigby municipal water supply system as provided for under Idaho Law.

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: Beneficial Use

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 25-10496, 25-4010

SCANNED

JUL 3 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: **A25-04011**
Date Received: 10/20/1988
Receipt No: E003379
Received By: _____

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

1. Name: CITY OF RIGBY
Address: 158 W FREMONT
RIGBY ID 83442
208-745-8111
2. Date of Priority: JUN 1, 1961
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	39E	18	SW	NW		2	JEFFERSON
			NE	SW			JEFFERSON
5. Description of diverting works:
165' X 16" WELL W/ 60 HP PUMP W/ 1100 GPM CAPACITY. CITY DIST.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	2.450		
7. Total Quantity Appropriated is:
2.450 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
M/700 HOMES 75 BUSINESSES. CITY LIMITS OF RIGBY.
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------
11. Place of use in counties:

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

13. Other Water Rights Used:
25-04009, 04010, 10496

14. Remarks:

P/U WITHIN CITY LIMITS OF RIGBY WELL #3.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.80 CFS. COMBINED RIGHT NOS.:
25-04010, 25-10496
TRANSFER 4791

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-04011
Date Received: 10/12/1988
Receipt No: 6003379
Received By: ESV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF RIGBY
Address: 158 W. FREMONT
RIGBY, ID 83442 208-745-8111

2. Date of Priority: JUN 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	39E	18	NE	SW	NW	3	JEFFERSON

5. Description of diverting works:
165' X 16" WELL W/ 60 HP PUMP W/ 1100 GPM CAPACITY. CITY DIST.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	2.450		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/700 HOMES 75 BUSINESSES. CITY LIMITS OF RIGBY.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

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

A25-04011

Page 1

Date: 10/12/88

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A2504011

13. Other Water Rights Used:
25-04009, 04010, 10496

14. Remarks:
P/U WITHIN CITY LIMITS OF RIGBY WELL #3.

15. Basis of Claim: STATUTORY CLAIM

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: 6

For Organizations:

I do solemnly swear or affirm that I am City Clerk of
City of Rigby, that I have signed the foregoing
document in the space below as City Clerk of
City of Rigby and that the statements contained in the
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

City Clerk - City of Rigby
Title and Organization

October 20, 1988
Date

State of Idaho)
County of Bonneville) SS.

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

[Signature]
Notary Public

Seal

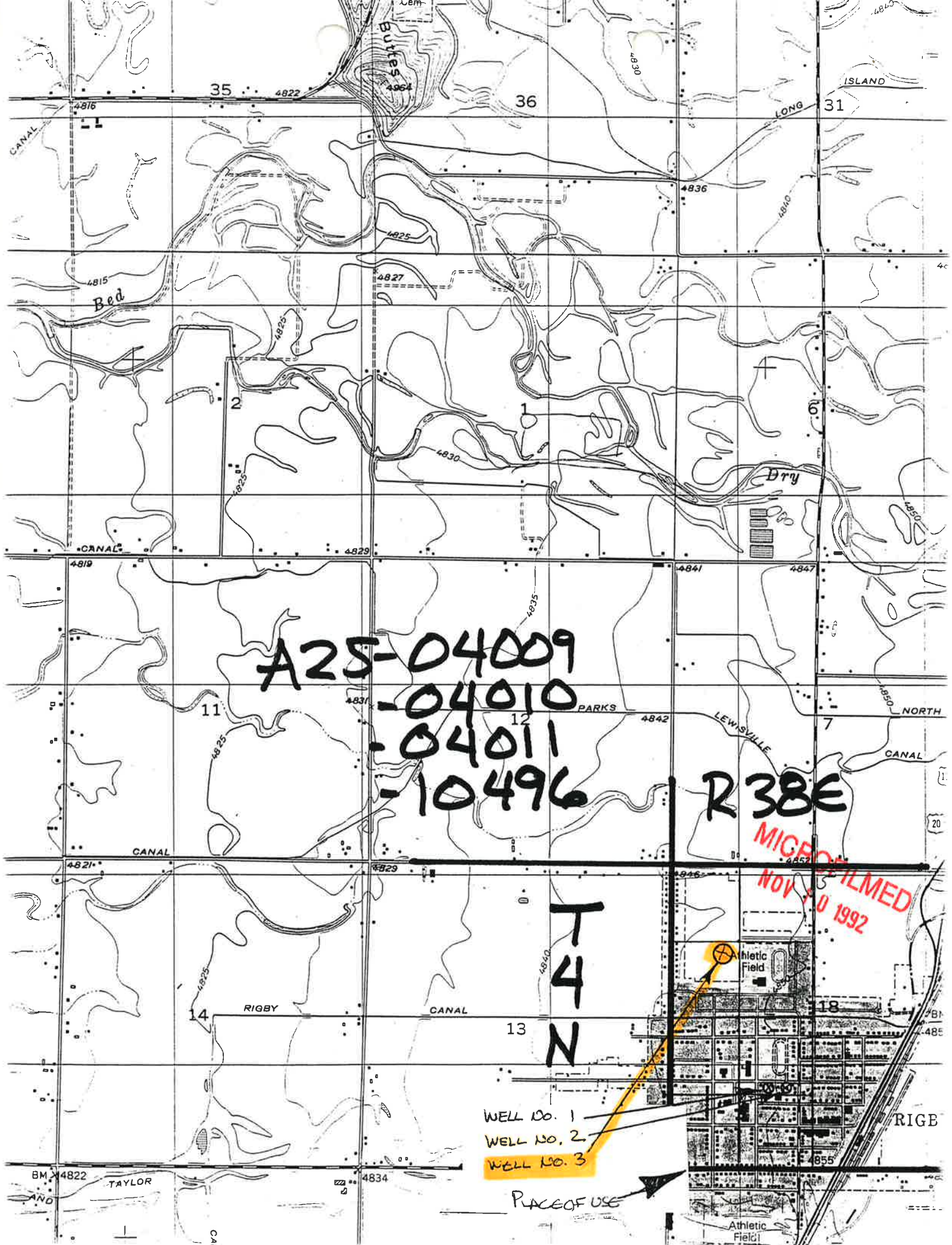
Residing at Idaho Falls, Id

My Commission Expires 22 Aug 1994
2 Date: 10/12/88

A25-04011

Page

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A25-04009
-04010
-04011
-10496

R38E

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WELL NO. 1
WELL NO. 2
WELL NO. 3

PLACE OF USE

**Field Exam Summary - City of Rigby Municipal Wells
Claims A25-04009, A25-04010, A25-04011, A25-10496**

3 March 2004

(Only page 1 is included with paper files A25-04010 through A25-10496; the complete summary is included in paper file A25-04009.)

Bryce Contor
Water Resources Field Services

General Comments

The City of Rigby has four beneficial-use claims for municipal use from wells, and this summary report refers to all four claims. Claims A25-07051, A25-07288 and A25-10688 have separate summary reports in their own files. Except as noted all copies, data, and correspondence are included in paper file A25-04009.

Paper file A25-04009 includes the full site data copied from IDWR Water Measurement Program files, as well as excerpts from a 1995 engineering study by Forsgren Perkins Associates. The engineering study copies were provided by the city.

On 3 March 2004 I met with the Public Works Director Doug Nelson and the City Attorney Steve Clark. I was unsure how the legal principle of water rights for the future needs of "Growing Cities" applies to beneficial use rights, so I have described the history of development of water use and capacity without making specific proposals for water right elements. Currently I have limited data for historical use and capacity but Public Works Director Nelson is looking for more information, which may aid in making a recommendation. Attorney Clark is anticipating that the water-rights review will include consideration of the "growing cities" legal principle.

Ownership

City of Rigby.

POD

Priority 12/31/1961

SCANNED
NOV 30 2004
PROFILED

The attached engineering report documents four original wells under an "old" naming system. These include a well in the basement of the City Hall, a well just west of the City Hall, a well on the north end of town near the Harwood School, and a well on the south side of town near the armory. The first three of these wells appear to be the wells described in the various affidavits supporting the priority dates. Doug Nelson referred to another well since abandoned. This fifth well may have been connected to the city water system at one time, but not

Bac

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4791
WATER RIGHT NO(S). 25-04010/25-04011 &
SRBA CLAIM NO. A25-10496

RECEIVED

AUG 22 1996

Department of Water Resources
Eastern Region

This is to certify that: CITY OF RIGBY
158 W FREMONT
RIGBY ID 83442

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 25-04010 : MUNICIPAL Priority: 01/01/1920	01/01 to 12/31	1.45 CFS
Right No. 25-04011 : MUNICIPAL Priority: 06/01/1961	01/01 to 12/31	2.45 CFS
Claim No. A25-10496 : MUNICIPAL Priority: 03/01/1958	01/01 to 12/31	3.90 CFS
TOTAL:		7.80 CFS

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: Lot 2(SWNW), Sec. 18, Township 04N, Range 39E
NESW , Sec. 18, Township 04N, Range 39E
JEFFERSON County

PLACE OF USE: See Remarks *

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of this transfer in no way confirms the right(s) claimed.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Well #1 and new 20" diameter well drilled to 450' deep that will pump to new 1,000,000 gallon reservoir and then pumped to City's distribution system.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N/A

d. Remarks:

None

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

Part 2

WR0749NP
No. 25-04010

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/23/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CITY OF RIGBY	01/01/1920	MUNICIPAL	01-01 12-31	2.800 CFS	
TOTAL DIVERSION:					2.800 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T04N R39E S18

NESW

JEFFERSON County

Pou County:

Remarks: P/U WITHIN CITY LIMITS OF RIGBY WELL #2.
PRIORITY DATE ALSO 3-1-1958 FOR 1.35 CFS.

Dates:	App. Received:	Priority Date:	01/01/1920
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/22/88 CONVERT

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

PART 2

WR0749NP

No. 25-04011

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/23/96

PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CITY OF RIGBY	06/01/1961	MUNICIPAL	01-01 12-31	2.450 CFS	
TOTAL DIVERSION:					2.450 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T04N R39E S18

SWNW

JEFFERSON County

Pou County:

Remarks: P/U WITHIN CITY LIMITS OF RIGBY WELL #3.

Dates: App. Received:

Priority Date: 06/01/1961

Proof Due Date:

Proof Made Date:

Exam Made Date:

Exam Sent to S.O.:

Licensed Date:

Misc:

Water District Number:

Field Exam Fee:

Audit: 05/20/85 05/22/88 CONVERT

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe

PART 2

AJ0749NP
No. A25-10496

IDAHO DEPARTMENT OF WATER RESOURCES ADJUDICATION CLAIM PROFILE REPORT (REGIONAL)

DATE: 02/23/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CITY OF RIGBY	03/01/1958	MUNICIPAL	01-01 12-31	3.90 CFS	
TOTAL DIVERSION:					3.90 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T04N R38E S18 SWNESW SENESW JEFFERSON County

Place of use Legal Description for: MUNICIPAL

NE				NW				SW				SE						
T	R	S	:	NE	NW	SW	SE	:	NE	NW	SW	SE	:	NE	NW	SW	SE	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac
04N	38E	13	:											:				
04N	38E	18	:											:				
04N	38E	19	:											:				
04N	38E	24	:											:				

POU County: JEFFERSON

Non-Irrigation Uses: MUNICIPAL USE W/I CITY LIMITS OF RIGBY.

Other Rights: 25-04009, 04010, 04011

Remarks: THIS RIGHT IS CLAIMED AS EXPANDED USES OF CLAIMS 25-04009 & 04010. IN 1958 BOTH WELLS (1 & 2) RECEIVED NEW, LARGER CAPACITY PUMPS. WELLS 1 CAPACITY INCREASED TO 5.35 CFS AND WELL 2 CAPACITY INCREASED TO 2.80 CFS. THIS CLAIM REFLECTS ADDITIONAL 2.55 CFS CAPACITY IN WELL 1 AND 1.35 CFS ADDITIONAL IN WELL 2.

Dates: Exam Made Date: Verified Date:

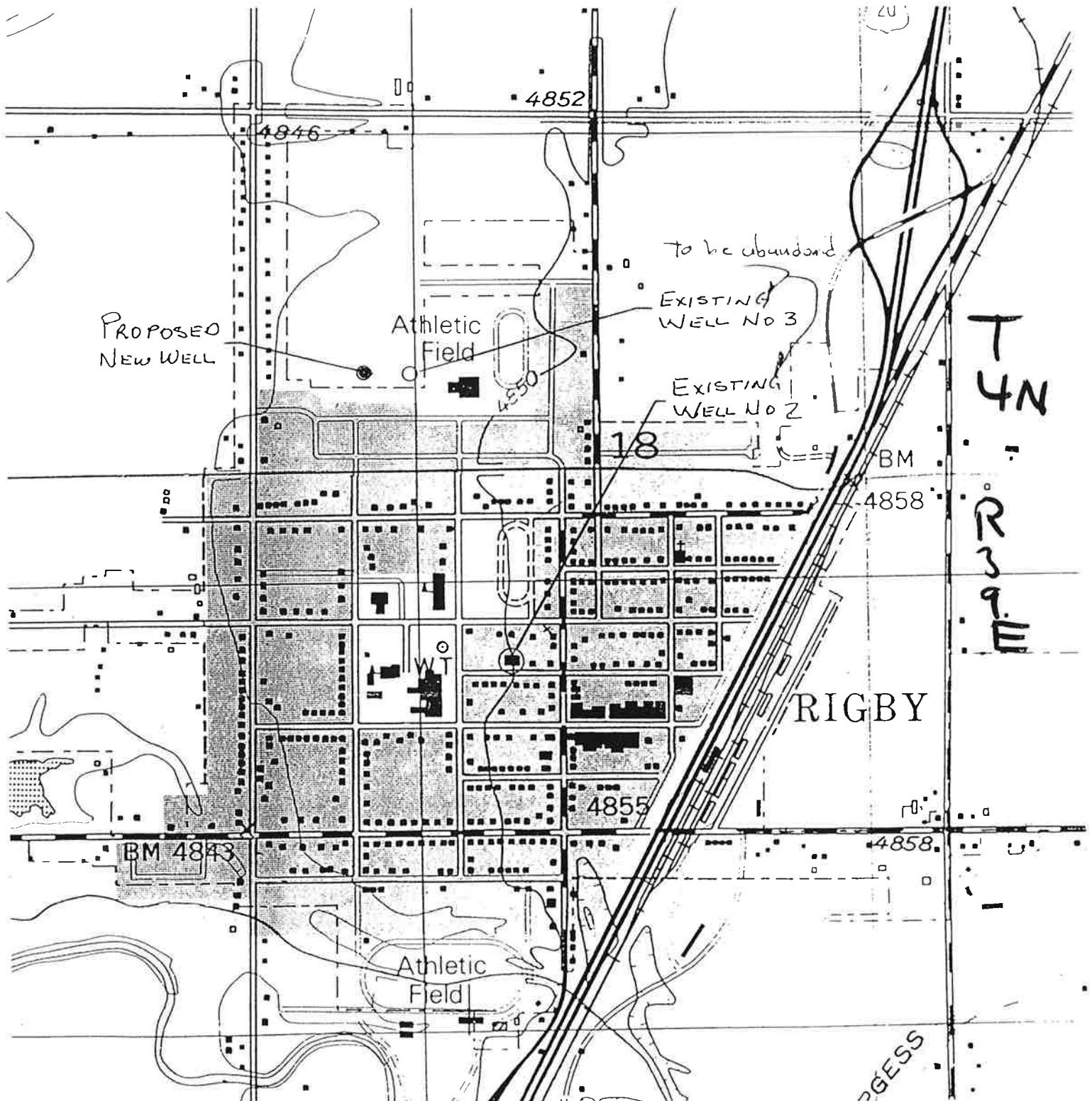
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

MAR 07 1996
Date
Resource
Field Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



April 29, 1991

City of Rigby
158 West Fremont
Rigby, ID 83442

RE: Evidence of Priority

Dear Sirs:

The Notice of Claim(s) identified with the number(s) shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicates the water usage are based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice(s) have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice(s) be decreed by the court if no evidence of a priority date is submitted.

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NOV 10 1992

City of Rigby

Page 2

Please submit the required evidence supporting the priority date(s) by May 29, 1991, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-10688
CITY OF RIGBY
158 W. FREMONT

RIGBY ID 83442

A25-04011
CITY OF RIGBY
158 W. FREMONT

RIGBY ID 83442

A25-10496
CITY OF RIGBY
158 WEST FREMONT

RIGBY ID 83442

A25-04010
CITY OF RIGBY
158 W. FREMONT

RIGBY ID 83442

A25-04009
CITY OF RIGBY
158 W. FREMONT

RIGBY ID 83442

MICROFILMED
NOV 10 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

MAR 1 - 1990

Department of Water Resources
Eastern District Office

February 22, 1990

Rigby Water Dept.
158 West Fremont
Rigby, ID 83442

Gentlemen:

Our records show you have filed your adjudication claim(s) in the Snake River Basin Adjudication. Our records do not, however, include a clear map of your service area. Would it be possible for us to get a map of your customer service area for your municipal water system, both to supplement the record of your claim(s) and for use as described below?

In our review and investigation phase of the Snake River Basin Adjudication, the map would be helpful for us to have this information in verifying individual claims to water rights for domestic purposes. We will be happy to discuss with you the most convenient way for you to provide this information to us. I can be reached at 327-7931 or you may contact my assistant, Anita Warntjes at 327-7986.

Your assistance in this matter is greatly appreciated.

Sincerely,

DAVID B. SHAW
Adjudication Bureau Chief

DBS:alw

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NOV 10 1992

A25-C403
C403
0725
07009
07010
07011
10996
10608

City of Rigby

158 WEST FREMONT

RIGBY, IDAHO 83442

OFFICE OF THE CITY CLERK
PH. 745-7111

Well No. 1	196 feet deep	16 in. casing	drilled 1947
Well No. 2	175 feet deep	14 in. casing	drilled 1920
Well No. 3	165 feet deep	16 in. casing	drilled 1961

MICROFILMED
NOV 10 1992

IN THE MATTER OF:

City of Rigby

AFFIDAVIT

State of Idaho

County of Jefferson

I ARTHUR RUEL CHANDLER

being first duly sworn,

deposes and says: I have lived in Rigby Idaho since June

15, 1901 and have watched the place grow from a real small community to its present size.

In the year of 1921 I was hired by Ira Mangum to help pour the foundation for our present City Building. Since the well which is in the present city building is in the basement it would have to have been built before that time.

The well that was drilled approximately 50ft West of the Rigby City Hall was drilled in the year of 1947.

The well that was drilled on the Delbert Call addition on the North side of the City of Rigby just North of 3rd North was drilled in the year of 1961.

A. R. Chandler
(signature)

Subscribed and sworn to before me this 21st day of April 1972.

James A. Peris
(notary public)

Residing at Rigby, Idaho

My commission expires 10-24-72

CITY OF RIGBY
State of Idaho
County of JEFFERSON

FRED HUTCHENS

being first duly sworn,

deposes and says: After having searched the records of the City of
Rigby, I have found the city Hall was built in 1921. No 2 well is
in the basement of City Hall, so had to drill before erection of
the building. Through this evidence I put down Jan. 1920 as drilling
date.

No. 1 well was drilled in 1947 by Jim Schoonover of Burley, Idaho.
I was a city employee at this time.

No. 3 well was drilled by Paul Vollmer & Sons of Aberdeen, Idaho in 1961. I am enclosing a copy of the Log on this well.

I, Fred Hutchens, was the water Supt. at the time this well was drilled and I still hold the same title at this time.

FRED HUTCHENS

CITY SUPT.

CITY OF RICHBY

Fred Hutchens
(signature)

Subscribed and sworn to before me this 21st day of April 1972

James A. Rivie
(notary public)

Residing at Rigby, Idaho
My commission expires 10-24-72

IN THE MATTER OF:

City Of Rigby
State of Idaho
County of Jefferson

AFFIDAVIT

Sheridan S. Evans being first duly sworn,
deposes and says: I Sheridan S. Evans Being 73 years old and a resident
of the city of Rigby since 1917. I have knowledge that the present
City Hall was built in 1921 and well known as no. 2 was drilled prior to
to that time.

The well west of City Hall known as well no 1 was drilled in 1947.
The well in the north part of the city was drilled in 1961.

As I was the owner and operator of a plumbing business in the city
of Rigby, my association of the water supply of the city was of great
importance to me.

Sheridan S. Evans
(signature)

Subscribed and sworn to before me this 21st day of April 19 72.

James A. Pirie
(notary public)

Residing at Rigby, Idaho
My commission expires 10-24-72

IN THE MATTER OF:

City of Rigby

State of Idaho

County of Jefferson

AFFIDAVIT

I J. L. Brown

being first duly sworn,

deposes and says: To whom it may concern Re: Wells at Rigby.

I J. L. Brown came to Rigby in April 1903 with my parents. Have resided here since that time, except the time spent in the Army during W.W.I.

I testify that well #1 was drilled about 50 ft. west of the city hall ^{about 1947} Also

in 1920, Well #2 was drilled in the basement just prior to the building of the present City Hall. Not long afterward, I had the privilege of serving on the City Council for two years.

well #3 was drilled in February 1961 on Delbert Call addition.

J. L. Brown
(signature)

Subscribed and sworn to before me this 21st day of April 19 72.

James A. Pirie
(notary public)

Residing at Rigby, Idaho.

My commission expires 10-24-72.