

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

T04N R39E S19

Ryan

03/19/2004

RECEIVED NOTICE OF ERROR  
REPLY

SEP 07 2004

Please type or print clearly, fill out this form completely and mail.

Department of Water Resources  
Eastern District

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:

Water right number: 25-11456

RHONDA T RODRIGUEZ

PO BOX 435

RIGBY ID 83442

Telephone Number: (208)745-7115

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:

8-30-04

SIGNATURE:

Rhonda T. Rodriguez

Please print your name:

Rhonda T. Rodriguez

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

SCANNED

SEP 08 2004

PROFILED

03/19/2004

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

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RIGHT NUMBER: 25-11456

NAME AND ADDRESS: RHONDA T RODRIGUEZ  
PO BOX 435  
RIGBY ID 83442

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.140 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1948

POINT OF DIVERSION:  
T04N R39E S19 SENW Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>       | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------------|----------------------|-----------------|
| DOMESTIC                    | 01/01 12/31          | 0.040 CFS       |
| Domestic use is for 1 home. |                      |                 |

PLACE OF USE: DOMESTIC Within JEFFERSON County  
T04N R39E S19

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SCANNED  
SEP 08 2004  
PROFILED

**Field Exam Summary A25-11456****January 31, 2004**

Bryce Contor

Water Resources Field Services

**General Comments**

I called the owner on the telephone and learned that the land with the apartment building was sold to the city a number of years ago and the land is now a park. The well is still used, but just for a single residence, and the owner has no plans for any other use of the well. Based on this interview I propose recommending this as a de minimus domestic, so I did not drive to Rigby to do a field exam. Since the claimant paid the "large claim" fee and has evidence of priority, I propose the recommendation *not* carry the N11 remark about "not a determination of historical use."

**Ownership**

Correct. The mailing address and telephone number are also correct.

**POD**

The physical location of the well is 355 Centennial Lane in Rigby.

**POU**

The water is used at 355 Centennial Lane in Rigby.

**Overlap**

None noted.

**Conflict**

None noted.

**Priority**

12/31/1948

**Quantity**

I propose 0.04 cfs/13,000 gallons per day/ 1.2 acre feet per year.

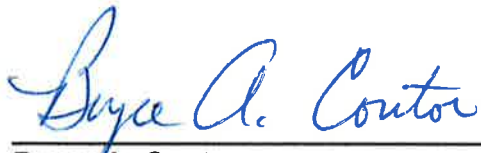
**SCANNED****AUG 18 2004**

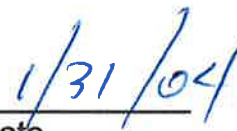
**Water Use**

Domestic

**List of Photos**

None

  
\_\_\_\_\_  
Bryce A. Contor

  
\_\_\_\_\_  
Date

A25-11456 Preview / Contact log

1/19/04 Preview

1) Evidence of probity does not specifically show "Personal knowledge"

2) Rate 5 homes per examiner's handbook 0.11 cfr + lam.  
Vol. 1.2 cfr/gr + lam

1/19/04 745-7115 12:30

Apartments, just home - Apartments gone 15 yrs.  
City bought land. now a park

355 Centennial Lane

Rizby

P.O. Box is correct.

**Water Resources Field Services**  
1571 N. 1100 E.  
Terreton, ID 83450  
208-663-4667

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August 18, 2003

Rhonda T. Rodriguez  
PO Box 435  
Rigby, ID 83442

Re: Water Right Adjudication Claim 25-11456

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

This water-right claim is for one home and four apartments.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evening, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

RECEIVED

SCANNED

AUG 01 2001

25-11456

MAY 16 1991

Department of Water Resources  
Eastern District Office

Idaho Dept of Water Resources.

pertaining to the well located on the  
property of the Vern Cordon family in  
Rigby Idaho. I Marlow Cordon being  
the son of Vern Cordon, do this day  
Verify that my father dug the  
well 30' deep by hand, and then  
he hired a man by the name of  
Guy Hargroves to Drill the well  
to a total depth of 100'. I here  
by Verify this day of 5-16-91 that  
the well on said property  
was dug in 1948.

UT 4  
Marlow Cordon  
MARLOW CORDON

STATE OF IDAHO  
COUNTY OF BONNEVILLE

On this 16<sup>th</sup> day of May, 1991, before me the undersigned  
Notary Public in and for said county and state, personally appeared  
Marlow Cordon, known to me to be the person whose  
name is subscribed to within instrument and acknowledged to me that  
he executed the same.

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

Colleen Wray  
Notary Public

Residing at: Idaho Falls, Id.

MICROFILMED

NOV 11 1992

April 29, 1991

Rhonda T. Rodriguez  
P.O. Box 435  
Rigby, ID 83442

RE: **Evidence of Priority**

Dear Rhonda T. Rodriguez:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is 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 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 have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

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NOV 11 1992

Rhonda T. Rodriquez

Page 2

Please submit the required evidence supporting the priority date by **May 29, 1991**, referencing all documents with the corresponding Notice number. 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

A25-11456  
RHONDA T RODRIGUEZ  
PO. BOX 435

RIGBY

ID 83442

**MICROFILMED**

**NOV 11 1992**

10/27/1988

## SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

RODRIGUEZ

CLAIM NO. INT. NO.

A25-11456DATE RECEIVED 11-23-88CK # —AMOUNT \$ 60<sup>00</sup>

YES

NO

1. Is the name and address complete with zip code? . . . . .

X—

2. Is a priority date entered? . . . . .

X—

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? . . . . .

X—

(b) Is a tributary to entered? (if required) . . . . .

N/A X—

4. Is the legal description of the p.d. sufficient? . . . . .

X—

5. Is there a description of the diverting works? . . . . .

X—

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. . . . .

X—

Is the period of use included? . . . . .

X—

Is a quantity claimed for each use? . . . . .

X—

7. Is a total quantity claimed entered? . . . . .

X—

8. If required is a consumptive use entered? . . . . .

N/A X—

Is the consumptive use correct? . . . . .

N/A X—

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. . . . .

N/A X—

10. Is (are) the place(s) of use and purpose(s) indicated? . . . . .

X—

11. Is (are) the county(ies) entered? . . . . .

X—

12. Is the ownership of p.u. checked? . . . . .

X—

13. Are other water rights listed or "none" indicated? . . . . .

X—

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) . . . . .

N/A X—

15. Is the basis of the claim indicated? . . . . .

X—

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) . . . . .

X—

Has the claim been signed, sealed, and dated by a notary? . . . . .

X—

Was this claim filed on time, or was an extension granted? . . . . .

X—

Is the fee enclosed correct? . . . . .

Exempt X—

If this claim is based on an existing water right, has the identification number been entered? . . . . .

N/A X—

Should this claim be receipted and data entered? . . . . .

X—Claim checked by: DM

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Comments: \_\_\_\_\_

NOV 11 1988

E004510

SCANNED

AUG 01 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: A25-11456  
Date Received: 11/23/1988  
Receipt No: E004540  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: RHONDA T RODRIGUEZ 208-745-7115  
Address: PO. BOX 435  
RIGBY, ID 83442

2. Date of Priority: APR 01, 1957 *1948 D.E. 5/17/91 SC per evidence*

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

|          |       |         |        |        |     |     |           |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County    |
| 04N      | 39E   | 19      | SE     | NW     |     |     | JEFFERSON |

5. Description of diverting works:  
WELL (100') AND PUMP WITH PIPELINES TO HOME AND APARTMENTS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| COMMERCIAL | 01/01 | 12/31 | 0.100  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.040  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
D/ONE HOME, C/FOUR APARTMENTS (2 BUILDINGS)

10. Place of Use:

|          |       |         |        |     |     |                  |       |
|----------|-------|---------|--------|-----|-----|------------------|-------|
| Township | Range | Section | 1/4 of | 1/4 | Lot | Use              | Acres |
| 04N      | 39E   | 19      | SE     | NW  |     | DOMEST<br>COMMER |       |

A25-11456 Page 1 Date: 12/22/88

MICROFILMED  
NOV 11 1992

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:  
NONE

14. Remarks:  
TWO APARTMENT BUILDINGS, 4 UNITS TOTAL

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 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 A25-11456Date Received 11-23-88Receipt Number E004540

RECEIVED

NOV 23 1988

Department of Water Resources  
Eastern District Office

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) RHONDA T. RODRIGUEZ Phone (208) 745-7115  
Mailing Address P.O. Box 435, Rigby, ID Zip 83442

2. Date of Priority (Only one (1) per claim) 04-01-1957

3. Source of water supply (a) GROUNDWATER  
which is tributary to (b) \_\_\_\_\_

4. a. Location of existing point of diversion is: Township 4N Range 39E Section 19,  
\_\_\_\_\_ 1/4 of SE 1/4 of NW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of JEFFERSON

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 \_\_\_\_\_

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.

WELL (100') AND PUMP WITH PIPELINES TO HOME AND APARTMENTS

A2511456



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NOV 11 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DOMESTIC purposes from 01/01 to 12/31 amount 0.04 or \_\_\_\_\_

For COMMERCIAL purposes from 01/01 to 12/31 amount 0.10 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.14 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) D/ ONE HOME, C/ FOUR APARTMENTS (2 BUILDINGS)

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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 |        |
| 04N | 39E | 19  |        |       |       |       |        |       |       | D/C   |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated \_\_\_\_\_

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

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
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.

or None X

14. Remarks:

TWO APARTMENT BUILDINGS, 4 UNITS TOTAL.

**MICROFILMED**

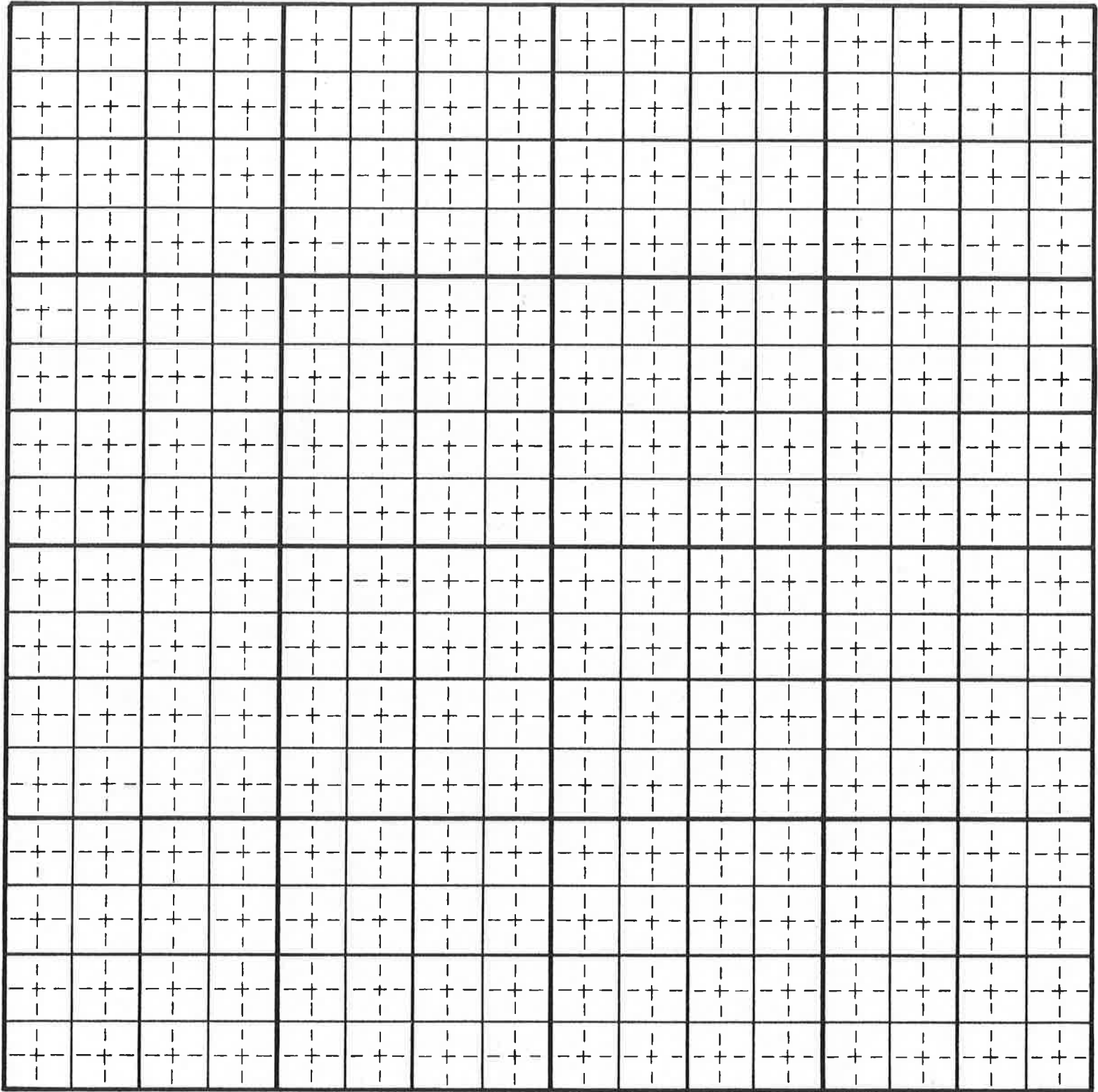
**NOV 11 1992**

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_

Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number \_\_\_\_\_

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 ☒ 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) Rhonda Z. Rodriguez Date Nov. 22 - 88

Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_

Title \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing

Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_

Title

Organization

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

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )

County of Jefferson ) SS.

Subscribed and sworn (or affirmed) before me this 22<sup>nd</sup> day of November 19 88

SEAL

Notary Public Linda Grover

Residing at Biglby, Idaho

My Commission Expires 9/29/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ 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 \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

**MICROFILMED**

**NOV 11 1992**

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

T4N  
R39E

P/O 1  
P/O



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451 17 BONNEVILLE CO