

29-2548

11/19/2003

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

RIGHT NUMBER: 29-525

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE ID 83709-1657

SOURCE: CHANDLER SPRING

TRIBUTARY: SINKS

QUANTITY: 0.130 CFS
8.10 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1910

POINT OF
DIVERSION: T08S R41E S19 SENENW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
1/01 12/31

QUANTITY
0.130 CFS
8.10 AFY

PLACE OF USE: STOCKWATER Within CARIBOU County
T08S R41E S30 NENW

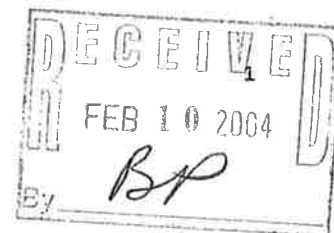
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

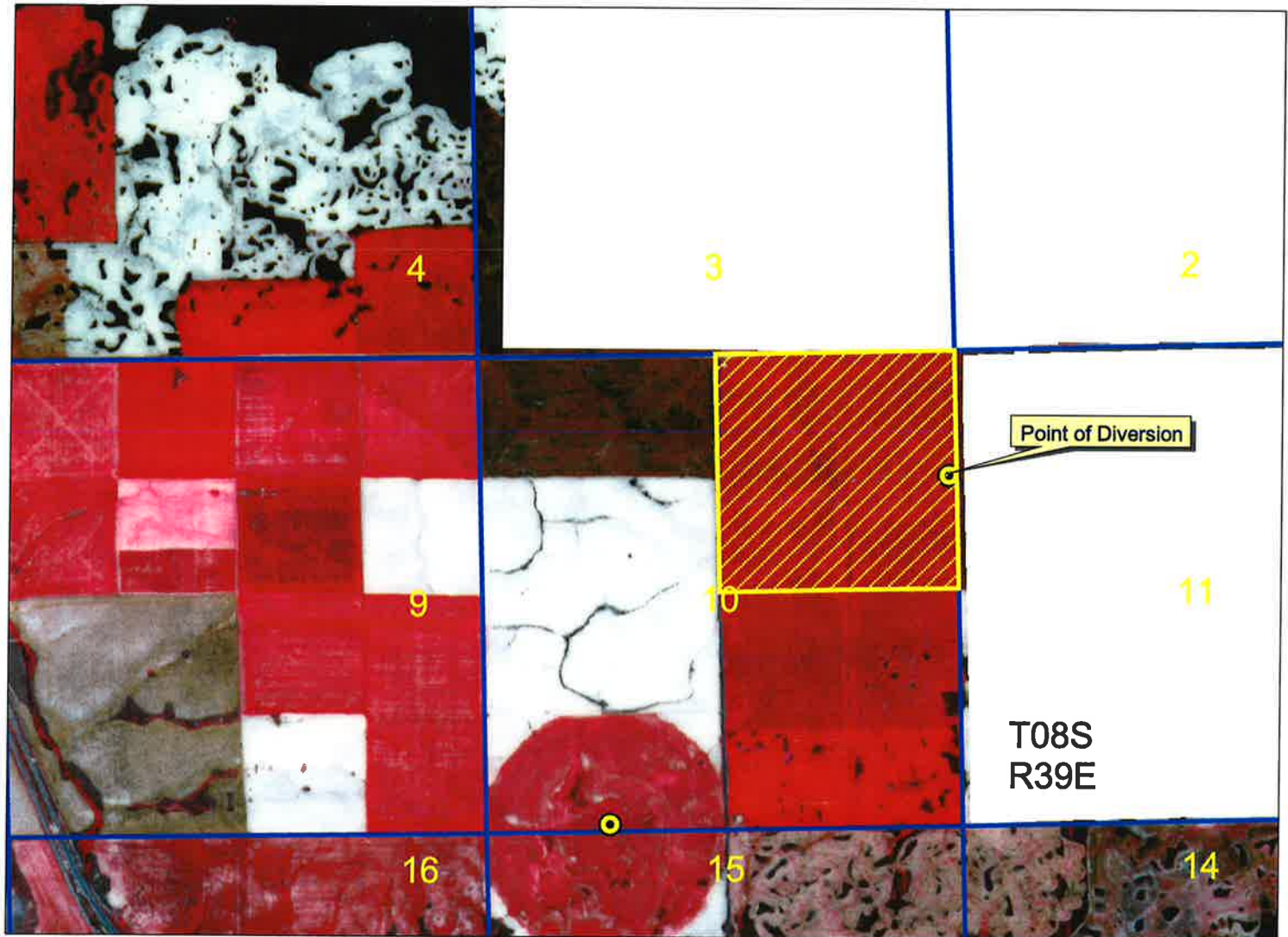
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

PARCEL NO. 1621F STOCKWATER, 650 RANGE CATTLE





State of Idaho
Department of Water Resources
Eastern Region
Claim No.: 29-02548



0.4 0 0.4 0.8 Miles

Irrigated Acres = 156

-  Working place of use.shp
-  Well.shp
-  Sections

PROFILE



SCANNED
FEB 24 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 21, 2003

UNITED STATES OF AMERICA ACTING THROUGH
USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

RE: Notice of Change of Water Right Ownership (NCO) for 29-525 and Notice of
Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On November 7, 2003, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, 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,

Kristen Forsgren
Office Specialist 1

Enclosure

cc: DON C & VIRGINIA RIGBY

PROFILED

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FEB 24 2006

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: 29-525

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: Nov 19, 2003

Ernest Carlson

Signature of IDWR Representative

SCAN

FEB 24 2006

CERTIFICATE OF MAILING

I certify that on November 21, 2003, 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:
DON C & VIRGINIA RIGBY
PO BOX 187
BANCROFT ID 83217

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
UNITED STATES OF AMERICA ACTING THROUGH
USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

4. One copy to:

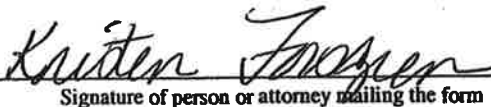
Each party in the subcase, or attorney of record
USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

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

SCAL
FEB 24 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

11-11
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 NOV - 3 2003
 Department of Water Resources

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>29-00525</u>	<u>29-00525</u>	<u> </u>			

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Don C. and Virginia E. Rigby
PO Box 187; Bancroft, ID 83217
4. New Owner/Claimant(s) United States of America acting through USDI BLM
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address Idaho State Office; 1387 S Vinnell Way
- City, State and ZIP Code Boise, ID 83709-1657
- New Telephone Number (208) 373-4000
5. Date you acquired the property 05/05/1989

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Department of Water Resources
 Eastern Region

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NOV 04 2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Fredric W. Price
FREDRIC W. PRICE

WATER RIGHTS SPECIALIST

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____

Date _____

Fee _____

Receipted by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____ Date _____

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NOV 04 2003

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
7250/1230 (933) P

July 27, 2001

EMS

Instruction Memorandum No. ID-2001-063

Expires: 09/30/2002

To: ICT

From: State Director

Subject: Water Rights Delegation of Authority

Idaho State Office 1203 - Delegation of Authority Manual Supplement is amended to add a delegated authority to both the Deputy State Director for Resource Services and the Branch Chief for Lands and Minerals to negotiate and settle Snake River Basin Adjudication (SRBA) water rights issues. The SRBA water rights team leader (Gary Madenford) and senior water rights specialist (Fred Price) will continue to have authority to represent the BLM regarding all water rights issues.

This delegation is effective immediately. The Idaho Delegation of Authority Supplement will be revised to reflect these changes.

Contact Jimmie Buxton if you have comments or questions regarding this issue.

Signed by:	Authenticated by:
Martha G. Hahn	Susanna M. Henry
	Staff Assistant (ID-933)

cc:
ISO Water Rights Team
Larry Brown, DOJ Attorney
Mel Matlock (950)
Bill Ferry, Field Solicitor - Boise

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NOV 04 2003

157987

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IDI-34043

WARRANTY DEED

For the true and actual consideration of \$316,000.00,

BRET V. BURGESS, a single man, dba WEST VIEW LAND COMPANY

hereinafter called Grantor, whether one or more, does hereby grant, bargain, sell, and convey to the UNITED STATES OF AMERICA and its assigns, as authorized by Section 205 of the Federal Land Policy and Management Act of 1976 as amended (90 Stat. 2755; 43 U.S.C. 1715), the following described real property situated in the County of Caribou, State of Idaho, to wit:

All that portion of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, the West Half of the Southwest Quarter of the Northwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, Township 8 South, Range 40 East and property located in the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29, and in lot 1 and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) and the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 30, Township 8 South, Range 41 East, Boise Meridian.

The parcel of land to which the above description applies contains 495.43 acres, more or less.

The acquiring agency is the United States Department of the Interior, Bureau of Land Management.

TO HAVE AND TO HOLD unto the UNITED STATES OF AMERICA and its assigns forever

Grantor covenants and warrants that he is lawfully seized and possessed of the real property aforesaid and has the full right, power and authority to execute this conveyance, and that said real property is free and clear of liens, claims or encumbrances, except as shown of record, and that he will defend the title to the real property conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons.

Dated this 25th day of February, . 2003

WEST VIEW LAND COMPANY.

BRET V. BURGESS

IDI-34043

Page 1 of 2

Acknowledgement on Page 2

STATE OF IDAHO

COUNTY OF CARIBOU

DATE: March 13, 2003

TIME: 2:55 PM

OFFICIAL RECORDS

RECORDER: EDIE BUSH

DEPUTY: Sheri A. Brown

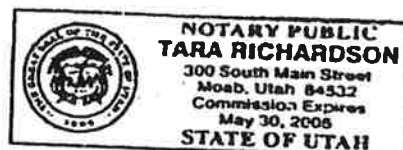
FEE: \$1600.00

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167987

STATE OF UTAH)
 : SS
County of Grand)



On this 25 day of February, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared **Bret V. Burgess**, 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 first above written.

Tara Richardson
Notary Public for UTAH
Residing at: 300 S Main Moab
My Commission Expires: 5/30/06

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NOV 04 2003

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141780

2003 OCT 27 PM 12:45

BUREAU OF LAND MANAGEMENT
POCATELLO FIELD OFFICE
POCATELLO ID

STATE OF IDAHO
County of Caribou
Date: July 19, 1991
Time: 11:45 A.M.
Microfilm Records
Recorder: Rebecca A. Jenkins
Deputy: Ruth Avery
Fee: \$12.00 C1

This Indenture made and executed this 16th day of July, 1991, between the following parties:

GRANTOR: THE DON C. RIGBY FAMILY PARTNERSHIP, a partnership organized under the laws of the State of Idaho.

GRANTEE: BRET V. BURGESS, a single man, doing business as WEST VIEW LAND COMPANY, of Wasatch County, State of Utah, whose mailing address is 2521 South 3000 West, Heber City, Utah 84032.

WITNESSETH:

The Grantor, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is acknowledged, does by these presents grant, bargain, sell and convey unto the Grantee all of that certain parcel of real property situated in Caribou County, State of Idaho, more particularly described as follows:

TOWNSHIP 8 SOUTH, RANGE 41 EAST OF THE BOISE
MERIDIAN:

Section 19: SE1/4 of the SW1/4; NE1/4 of the NW1/4

Section 30: N1/2 of the N1/2

Section 29: NW1/4 of the NW1/4

TOWNSHIP 8 SOUTH, RANGE 40 EAST OF THE BOISE
MERIDIAN:

Section 25: SW1/4 of the NW1/4; N1/2 of the N1/2

Section 24: SE1/4 of the SW1/4; SW1/4 of the SE1/4

Section 26: NE1/4; W1/2 of the SE1/4; N1/2 of the
N1/2 of the SW1/4; SE1/4 of the NE1/4
of the SW1/4; SW1/4 of the SW1/4; E1/2
of the SE1/4 of the SW1/4; SW1/4 of

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NOV 04 2003

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the SE1/4 of the SW1/4; SE1/4 of the
SE1/4; S1/2 of the NW1/4 of the SW1/4;
SW1/4 of the NE1/4 of the SW1/4

Section 36: W1/2 of the SW1/4 of the NW1/4

A tract in the E1/2 of the NW1/4, more particularly
described as follows:

Beginning at a point that is South 0° 22'22" East
1100 feet from the North Quarter Corner of said
Section 26, and running thence South 0° 22'22" East
1542.24 feet to the Center Quarter Corner of said
Section 26; then South 89° 57'13" West 728.70 feet
to an intersection with a fence; thence North 0°
48'54" East 136.60 feet along said fence; thence
North 9° 19'36" East 210 feet along said fence;
thence North 18° 17'44" West 215.49 feet along said
fence; thence North 17° 10'54" West 210.92 feet
along said fence; thence North 17° 51'56" West
489.22 feet along said fence; thence North 25°
45'12" West 363.35 feet along said fence; thence
East 1120.60 feet, to the Point of Beginning.

Also, the NE1/4 of the NW1/4, excepting therefrom
the following tract:

Beginning at the North 1/4 corner of Section 26,
TOWNSHIP 8 SOUTH, RANGE 40 EAST OF THE BOISE
MERIDIAN, and going thence South 0° 22'22" East
1100 feet; thence West 1120.60 feet to an inter-
section with an existing fence line; thence South
25° 45'12" East 245.16 feet along said fence;
thence South 89° 59'21" West 311.60 feet to the SW
corner of the NW1/4 of the NW1/4 of Section 26;
thence N 0° 19'43" West 1321.44 feet to the NW
corner of the NE1/4 of the NW1/4 of Section 26;
thence South 89° 58'30" East 1326.10 feet along the
Section line to the Point of Beginning.

Section 35: SE1/4 of the NW1/4 of the NW1/4; N1/2
of the NW1/4 of the NW1/4; NE1/4 of
the NW1/4; NW1/4 of the NE1/4; SE1/4
NE1/4; NE1/4 of the NE1/4

Township 9 South Range 41 East of the Boise
Meridian:

Section 6: W1/2 of the SE1/4 of the NW1/4; and
the S1/2 of the SE1/4 of the SE1/4 of
the NW1/4.

Reserving from all of the described real property,

141780

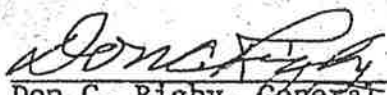
nevertheless, all oil, gas, other mineral and geothermal rights including, but not limited to, such rights relative thereto as may have heretofore been reserved or otherwise severed by separate conveyance.

Subject to all canal and road easements and rights of way.

In addition to the above, Burgess shall retain 138 shares of Farmer's Land and Irrigation Company stock, and shall relinquish to Grantor all of his right, title and interest in and to 100 shares of Farmer's Land and Irrigation stock. Grantee shall also have the sole right to water from two of 17 taps from a spring located in Swensen Valley, Section 25, Township 8 South, Range 40 East of the Boise, Meridian, to have and to hold the said premises, together with their appurtenances unto the Grantee, his heirs and assigns forever. The Grantor hereby covenants to and with said Grantee that it is the owner in fee simple of said premises and that they are free from all encumbrances created by Grantor in any manner. However, Grantor does not covenant nor warrant that the property is free from any and all lawful claims which may have been created by Grantee, nor does the Grantor warrant against right of ways, easements or claims of record, nor claims to possession or use not of record.

DATED this 16th day of July, 1991.

DON C. RIGBY FAMILY PARTNERSHIP


Don C. Rigby, General Partner

141780

STATE OF IDAHO)
COUNTY OF CARIBOU) ss.

On this 16th day of July, 1991, before me, the undersigned notary public, personally appeared Don C. Rigby, General Partner of the Don C. Rigby Family Partnership, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same on behalf of the said partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

A. Bruce Larson
Notary Public
Residing at Soda Springs
My Commission Expires 2-22-94



STATE OF IDAHO }
County of Caribou }

SS

79337

I hereby certify that this instrument was filed
at the request of Caribou Title Co

at 3:07 o'clock P M this 20 day of

March, 19 74 in my office and duly

recorded in Microfilm Records 79337

KENNETH M. FOWLER Myrna Archibald

Ex-Officio Recorder

Deputy

WARRANTY DEED

ROBERT W. HUBBARD and AILEEN A. HUBBARD, husband and wife; MURRIE C. GODFREY and RHEA GODFREY, husband and wife; DALE K. CORBRIDGE and ANNA LEE CORBRIDGE, husband and wife; and DAVID H. CLEGG and SHIRLEY CLEGG, husband and wife, Grantors, of Soda Springs, County of Caribou, State of Idaho, hereby CONVEY and WARRANT to DON C. RIGBY FAMILY PARTNERSHIP, Grantee, of Logan, County of Cache, State of Utah, for the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration the following described tracts of real property in the Counties of Bonneville, Caribou, Bannock and Franklin, State of Idaho:

Bonneville County, Idaho:

1. Township 4 South, Range 42 East of the Boise Meridian:
Section 26: NW1/4SE1/4, W1/2NE1/4, SE1/4SE1/4, NW1/4, N1/2SW1/4
Section 35: Lots 1, 2, 3 and 4
Section 27: E1/2NE1/4

Caribou County, Idaho:

2. Township 8 South, Range 39 East of the Boise Meridian:
Section 10: SE1/4
Section 36: N1/2, NE1/4SW1/4, SE1/4
3. Township 9 South, Range 39 East of the Boise Meridian:
Section 1: Lots 1, 2, 3, 4 and 5, SW1/4NW1/4
Section 2: Lots 6 and 7, SW1/4NE1/4, SE1/4NW1/4, N1/2 SW1/4
4. Township 8 South, Range 40 East of the Boise Meridian:
Section 24: SE1/4SW1/4, SW1/4SE1/4
Section 25: N1/2, NE1/4SW1/4, SE1/4
Section 26: NE1/4, NE1/4NW1/4 SW1/4, W1/2SE1/4, SE1/4SE1/4
Section 29: S1/2S1/2
Section 30: SW1/4SE1/4
Section 31: Lots 2 and 3, NE1/4, E1/2NW1/4, SE1/4
Section 32: All
Section 33: E1/2NE1/4, N1/2SE1/4, and all that portion of the SW1/4SE1/4 lying North of the

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US DEPT OF INTERIOR

2003 OCT 27 PM 12:45

BUREAU OF LAND MGMT.
POCATELLO FIELD OFFICE
POCATELLO ID

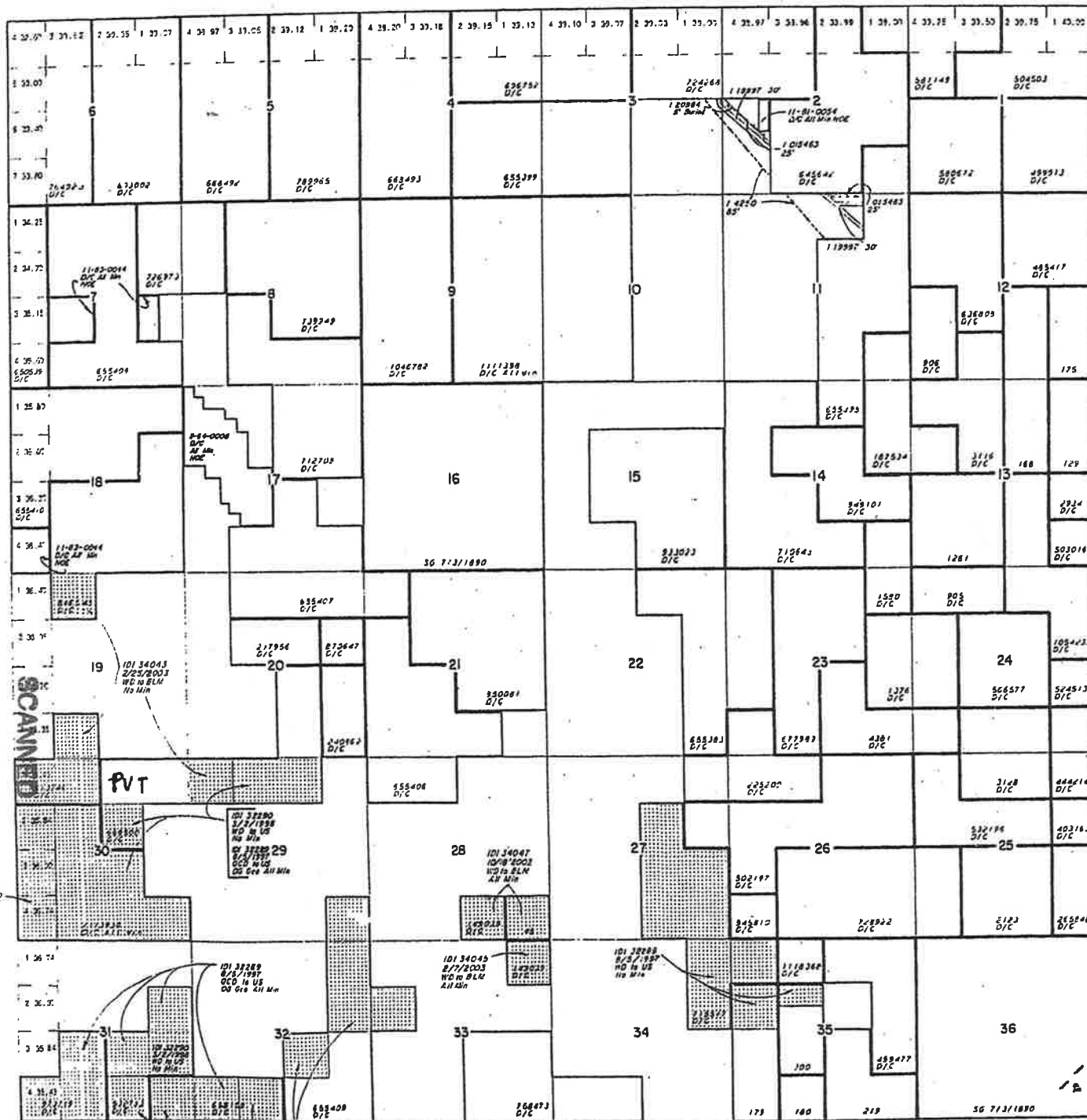


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NOV 14 2003

R. 41 C.

MT PLAT

[illegible]

1 19585 Sites Act 12/5/1961

Sac 2: W⁴SW⁴; less Pol 11-81-0034

Sac 3: SE⁴

Sac 7: E⁴; NE⁴SE⁴

Sac 8: W⁴SW⁴

Sac 10: E⁴

Sac 11: W⁴; NW⁴NE⁴

Sac 15: N⁴NE⁴; S⁴SW⁴; SW⁴NW⁴; NW⁴SW⁴

Sac 17: NE⁴SE⁴; SW⁴SW⁴; N⁴SW⁴ & NW⁴; less
- Pol 11-84-0000

Sac 19: E⁴; W⁴W⁴; SE⁴NW⁴; NE⁴SW⁴

Sac 20: SW⁴; W⁴SW⁴

Sac 21: SE⁴SE⁴

Sac 22: W⁴; W⁴SE⁴; SW⁴NE⁴

Sac 27: W⁴; NW⁴NE⁴

Sac 28: NE⁴SW⁴; NE⁴SE⁴; SW⁴NW⁴

Sac 29: SW⁴; SW⁴NW⁴; NE⁴SE⁴; NE⁴NE⁴

Sac 30: SE⁴NE⁴; NE⁴SE⁴

Sac 31: E⁴NE⁴; E⁴; W⁴NE⁴; NE⁴NE⁴; E⁴NW⁴

Sac 32: NW⁴; W⁴NE⁴; S⁴SW⁴

Sac 33: SW⁴; NW⁴SW⁴; SE⁴NW⁴; W⁴NE⁴; SE⁴NE⁴

Sac 34: NW⁴; SE⁴; W⁴NE⁴; N⁴SW⁴

Sac 35: S⁴NE⁴

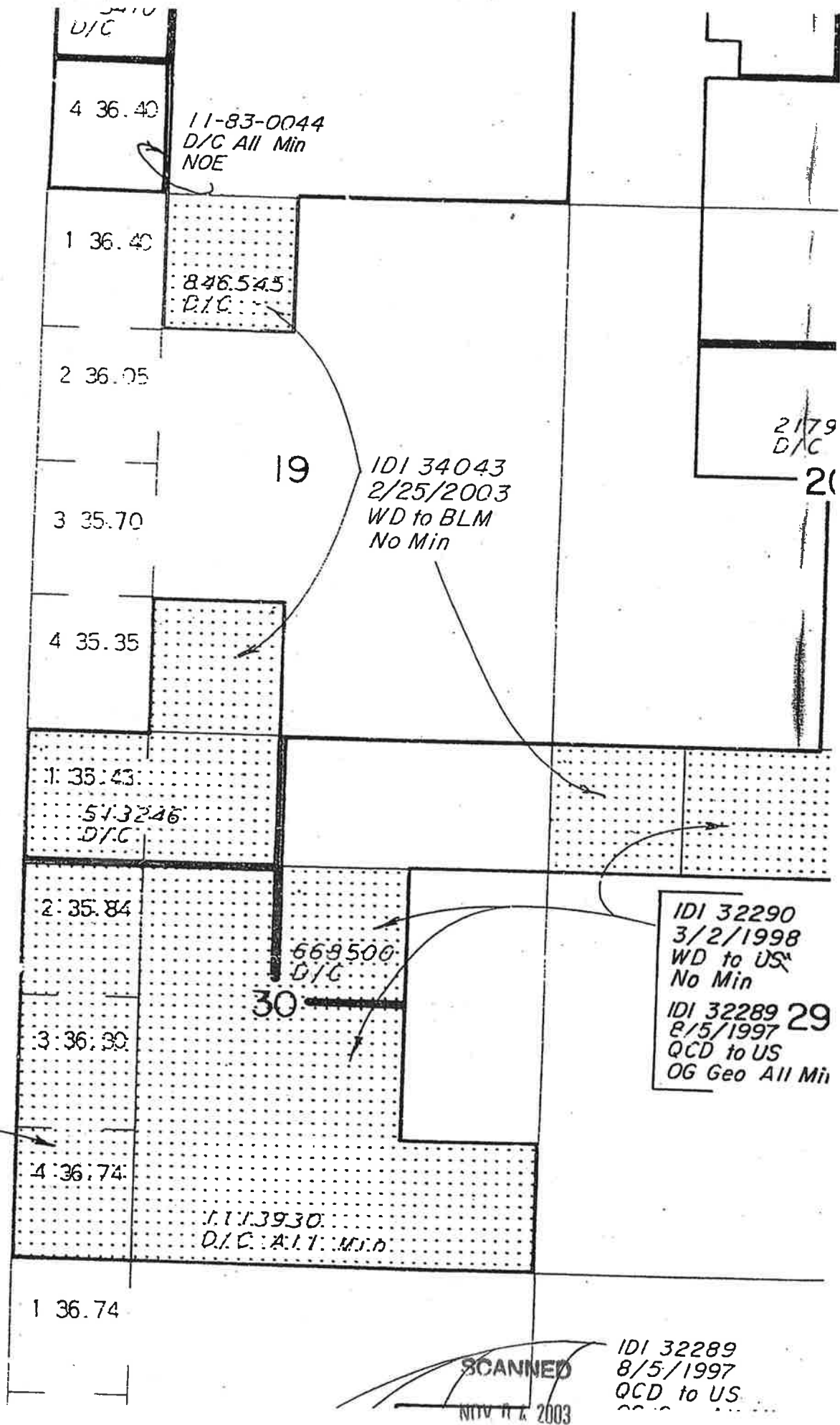
FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
1272	

USE PLATS:

NOV 14 2003

T 8S
R 41E
Boise Meridian



29-2548

- Pond well (120 gpm) not optimum
PCC really high

Early Morning: Observation well.
Central Area recorder.

Gem Valley farm - Compliance
problems: Glad Hybar

Connected with - transfer denied.
309 area (Ogden test)

10/18/01 Paul Mayra - 9:59 AM

Paul worked on an amendment
of permit to cover the
additional average. He has
an answer project that he
stated that he will ship down
to me early next week.

10-18-01

9:38 AM

Carolee McHugh.
Ben also has 2 permits out
there. 29-7638 1.6 cfs
29-7637 17.0 cfs.

She'll call me tomorrow - pm.

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29-2548

10/17/01

4:24pm Tim Luke

Measured his wells in the
Tallmage Area - G.W.M.A.

4 wells.
System tied together with surface
water.

Problem: G.W. on more area than
you have permits for.
land

5.0' ground water connected.

permit - part due: Post SRBA.

Tim Luke: Began claim on B.N.

29-7061 - 2548
29-7001
29-7037 permit
29-7634 permit
170085
1.6 cfs.

amended a permit
Paul Meyer - ~~transfer~~ to Don Rughy.

Jul 1997 letter from Jim Luke
Apr 1999
Northern area.

FEB 24 2000

REC value late in the fact (wells only) (Completed)

29-2548

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMITS NOS.	)	
13-7427 IN THE NAME OF VON N. SIMONSON; 13-7451	)	
IN THE NAME OF RICHARD OR ILA HOLSTEN; 13-7458	)	
IN THE NAME OF DWAIN K. CHRISTENSEN; 29-7505	)	PROPOSED
IN THE NAME OF M & M CENTRAL DAIRY; 29-7636	)	MEMORANDUM
AND 29-7637 IN THE NAME OF DON C. RIGBY;	)	DECISION AND
29-7618 IN THE NAME OF GOLDEN GRAIN FARMS;	)	ORDER
29-7608 IN THE NAME OF TERRY RINDLISBAKER	)	

This matter having been heard by a hearing officer appointed by the Director of the Department of Water Resources, the following findings of fact, conclusions and order are proposed:

FINDINGS OF FACT

1. The following applications were filed with the Department of Water Resources and protested by the listed parties:

<u>Right No.</u>	<u>Applicant</u>	<u>Priority</u>	<u>Flows Sought</u>	<u>Protestant</u>
13-7427	Von N. Simonson	01/04/1985	2.4 cfs	Last Chance Canal Company Warren P. Lloyd Keith Lloyd George C. Kimball Utah Power & Light (intervenor)

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<u>Right No.</u>	<u>Applicant</u>	<u>Priority</u>	<u>Flows Sought</u>	<u>Protestant</u>
13-7451	Richard & Ila Holsten	02/25/1988	7.0 cfs	Keith Lloyd George C. Kimball Warren Lloyd Utah Power & Light (intervenor)
13-7458	Dwain K. Christensen	11/29/1988	5.0 cfs	Warren Lloyd (protestant) Keith Lloyd, Last Chance Canal Co., Utah Power & Light (intervenor)
29-7505	M & M Central Dairy	08/01/1979	6.4 cfs	Warren Lloyd Kim Welch Everett Smith Keith Lloyd Gem Valley Farm
29-7636	Don C. Rigby	04/13/1982	1.6 cfs	Everett Smith Warren Lloyd Keith Lloyd
29-7637	Don D. Rigby	04/13/1982	17.04 cfs	Warren Lloyd Keith Lloyd Everett Smith
29-7608	Terry Rindlisbaker	08/21/1981	8.0 cfs	Keith Lloyd Eldon Corbridge
29-7618	Golden Grain Farms	10/14/1981	1.36 cfs	Warren Lloyd

2. A hearing regarding the protested water right applications was held on January 17, 18 and 31, 1991, in Soda Springs, Idaho. All of the applicants and protestants, except Eldon Corbridge, appeared at the hearing. Don C. Rigby and Terry Rindlisbaker were represented by A. Bruce Larsen, attorney at law. Dwain Christensen and Von Simonson were represented by Thomas Holmes, attorney at law. Protestants Warren Lloyd, Keith

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Lloyd, George Kimball, Everett Smith, Kim Welch and Gem Valley Farm were represented by Ray Rigby, attorney at law. Last Chance Canal Company was represented by Randall Budge, attorney at law. Utah Power & Light was represented by Jody Williams, attorney at law. Mike Holsten and Mark Holsten, sons of Richard and Ila Holsten appeared as the agents for their parents and as partners in M & M Central Dairy. Finally, Golden Grain Farms was represented by Monte Yost.

3. At the outset of the hearing, Rindlisbaker discovered that the point of diversion proposed by his application was misplaced approximately six miles. He determined that his application would have to be amended, and that subsequent protests could be filed. A hearing regarding the Rindlisbaker application was deferred until the appropriate amendment is filed.

4. Monte Yost represented to the hearing officer that Golden Grain Farms had no desire to pursue development as proposed in application no. 29-7618.

5. Holstens testified that they have no present intention or financial ability to construct the system proposed by applications nos. 29-7505 and 13-7451. The lands proposed as a place of use are currently enrolled in the Conservation Reserve Program (CRP), and will be idle for another 7-8 years.

6. Don C. Rigby established that there is very little drawdown at his existing well. There has been little reduction in static water level since he began pumping.

7. Don Rigby established that he has sufficient finances to construct the project.

8. There are very few wells in close proximity to the wells proposed to be drilled by Mr. Rigby. A well owned by Golden Grain Farms (Yost) is the nearest well and is located approximately one-half mile away.

9. Monte Yost testified that Golden Grain had been unable to operate end guns for three circular pivot systems because of low well water levels in a well located near Mr. Rigby's proposed wells. The hearing officer finds, however, that the Golden Grain well is not deep enough to allow for the necessary drawdown. Mr. Yost testified that the well is 120 feet deep and the pump bowls are located at a depth of 112 feet. The Golden Grain pump would not pump air if the well were deepened and the bowls set sufficiently deep in the well to draw down the well depth, causing greater flow from the surrounding aquifer.

10. Don Rigby established that he would pursue completion of the proposed wells if his applications are approved.

11. Von Simonson established that he has the financial ability to construct his proposed project, and that he intends to pursue its completion if his application is approved.

12. Dwain Christensen established that he has the financial ability to construct his proposed project and that he intends to pursue completion of the project if his application is approved.

13. USGS data for four observation wells, labeled as applicant's exhibit's nos. B, D, E and F, were offered by the attorney for Von Simonson and Dwain Christensen. The records span the years of 1980 through 1990.

14. The data generally shows that static water levels increased from 1980 through 1988, but declined during 1989 and 1990 to approximately the same static water levels recorded in 1980.

15. Water levels in two of the observation wells, the Von Simonson well (exhibit B) and the Paul Christensen well (exhibit F), only draw down approximately one foot while being pumped. These small drawdowns indicate a very permeable water bearing strata.

16. The extent of local well interference depends on the rate of withdrawal permeability and the water storage capacity of the water bearing strata. No evidence was submitted to establish storage capacity of the aquifer material.

17. The other two observation wells, the Marvin Smith well (exhibit D), and the Everett Smith well (exhibit E), both draw down water surface levels approximately 20-25 feet while pumping.

18. A main artery of the Last Chance Canal Company, the West Extension, cuts across the Gem Valley in a westerly direction. It is depicted on Protestant's Exhibit #1.

19. The ground water contours in the area show a ground water divide located approximately along and beneath this canal. The ground water divide is a high point in the ground water level from which some of the ground water flows toward the Bear River, and some of the ground water flows toward the Portneuf River.

20. The close correlation of the ground water divide and the West Extension is more than mere coincidence. Testimony established that significant water loss occurs in the West Extension and helps establish the approximate location of the hydrologic divide.

21. Data from exhibits B and F were retabulated in applicant's exhibits I and J. Exhibits I and J show higher water levels during the pumping season than in the fall. These higher water levels are caused by both seepage from the West Extension Canal and annual recharge during the non-irrigation season.

22. The wells proposed by Simonson and Christensen are located in close proximity to the observation wells identified by exhibit B and exhibit F, and probably would exhibit similar characteristics, including a small drawdown.

23. The wells proposed by Simonson and Christensen are located within a mile of the hydrologic divide on the Portneuf

side. The application filed by Rigby is located approximately six miles north of the ground water divide.

24. The Department ceased approving applications for permit proposing diversion of ground water in approximately 1980 at the time the Bancroft-Lund Adjudication was commenced. Some additional diversions pursuant to existing permits may have been developed after 1980, but in the last decade, the total annual volume of water withdrawn from the aquifer has not changed significantly.

25. The data submitted by the applicants does not reveal the effect of development prior to 1980 when pumping may have lowered ground water levels.

26. Chad Neibaur of Gem Valley Farms testified that static well water levels have declined approximately fifteen feet in wells owned by Warren Lloyd, Keith Lloyd and Gem Valley Farms since the wells were drilled. The measured wells are associated with water rights having dates of priority in the 1950's and 1960's.

27. Recharge contributed by the West Extension and other irrigation raises the static ground water levels during the irrigation season. This artificial recharge probably does not raise water levels to traditional levels because of greater withdrawals from ground water and also because of expansion and more efficient use by the Last Chance Canal as discussed in the next finding.

28. Last Chance Canal Company has attempted to save losses in its canal system, particularly in the West Extension that bisects the Gem Valley. Many of the farmers have converted from gravity to sprinkler irrigation, and the canal company has expanded its irrigated acreage by 3000 acres. The saving of ditch losses, the conversion to sprinkler, and the expansion of additional irrigated acreage resulting from water savings has reduced the amount of water percolating into the ground water aquifer.

29. Protestant's Exhibits #3 and #3A attempt to show a decline in the discharge from Black Canyon Springs by comparing 1956-58 data and 1979-81 data. The accuracy of the information used to plot the graph is suspect because reconstruction of the Grace power plant reduced hydraulic (flow) capacity of the power plant which changed the release pattern into Black Canyon between these two periods of time. Since the amount of water bypassing the Grace power plant diversion is used to determine declines in spring flow, the exhibit is viewed as unreliable information, and will not be considered by the hearing officer.

30. George C. Kimball owns a trout rearing facility in Black Canyon, which relies on spring flows to supply water for the hatchery and raceways. He owns three water rights, 13-7029, 13-7115 and 13-7219. All of these water rights have been licensed. The total diversion authorized by these licenses is 6.08 cfs. Mr. Kimball has also filed application no. 13-7444,

which is currently pending before the Department of Water Resources.

31. License no. 13-7219 was conditioned to limit the use of water under the right to policies set forth in the State of Idaho Water Plan, including policy no. 32F.

32. Policy 32F is the predecessor of the current policy 5G which states:

It is the policy of Idaho that water necessary to process aquaculture products be included as a component of DCMI as provided in policy 5C. The minimum flows established by the Murphy Gauging station should provide an adequate water supply for aquaculture. It must be recognized that while existing water rights are protected, it may be necessary to construct different diversion facilities than presently exist.

Aquaculture can expand when and where water supplies are available and where such uses do not conflict with other beneficial uses. It is recognized, however, that future management and development of the Snake River Plain Aquifer may reduce the present flow of springs tributary to the Snake River, necessitating changes in diversion facilities.

33. The intent of the condition was to notify Kimball that his water right may be subject to depletion by ground water developments located hydrologically upstream. The condition refers only to the Snake River Plain Aquifer, however. Furthermore, the condition does not subject Kimball's rights to depletion by upstream development, but states that different diversion facilities may have to be constructed.

34. Utah Power & Light owns multiple water rights downstream from Black Canyon. It also owns the Grace Power Plant which

diverts water above Black Canyon, and which discharges water back to the Bear River below Black Canyon.

35. The diversion works for the Gentile Valley Canal Company are located between the diversion and the return to the river at the Grace Power Plant. Utah Power & Light is obligated to supply water to the Gentile Valley Canal Company because the Gentile Valley right is earlier in time than the Grace Power Plant right.

36. Withdrawals of water from the ground water hydraulically upstream from Black Canyon Springs causes a reduction in the spring flows. This reduction results from a decrease in the hydraulic gradient which pushes ground water to the springs. Furthermore, according to the testimony of Jack Barnett, an expert witness retained by the protestants, withdrawal of ground water from the Portneuf side of the hydrologic ground water divide will also reduce the flow of Black Canyon Springs because the withdrawal shifts the hydrologic divide away from the location of the withdrawal, but also lowers the elevation of the hydrologic divide, reducing the gradient on the Bear River side, and as a result, reducing the flow of the springs.

37. On some occasions, George Kimball has observed flows from his springs of less than 6.08 cfs. Kimball has observed reductions in spring flow resulting from ground water withdrawals north of Black Canyon.

38. Ground water withdrawals north of Black Canyon deplete flow for springs which discharge into Black Canyon. A depletion

of spring flows reduces the amount of water available to Gentile Valley Irrigation Company. If insufficient water flows from Black Canyon Springs to satisfy the Gentile Valley rights, Utah Power & Light must bypass water down Black Canyon. The bypassed water cannot be diverted to its Grace power plant for power generation.

39. A reduction in Black Canyon springs flow results in a reduction of water flowing in the Bear River.

40. Protestants Warren Lloyd, Keith Lloyd, Everett Smith, Kim Welch, and Gem Valley Farms all own various water rights summarized in Protestant's Exhibit #5 and located on Protestant's Exhibit #1. All of these wells are located within 1-2 miles of the ground water divide shown on Protestant's Exhibit #1.

41. Jack Barnett testified that more water is entering the Gem Valley near Alexander, than is being withdrawn. Even if all of the existing appropriators are diverting at their maximum allowable annual volume, water is available for appropriation.

42. Some of the protestants' wells are located in the center of Gem Valley where the water bearing strata is deeper, and water appears to be plentiful. There is sufficient water for these wells, although some wells may need to be deepened.

43. Of particular concern, however, are some wells located near the west foothills of the Gem Valley. In developing and improving these wells, the applicants have penetrated the entire water bearing strata, and have drilled into "blue clay." There

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is no other water available for appropriation if they drill any deeper.

44. Other wells, such as those owned by Everett Smith, exhibit very little drawdown when water is being drawn from the upper water bearing strata. When well water levels drop below the upper aquifer, however, drawdowns increase, and a deeper "soda water," which is less desirable for irrigation use, is pumped.

45. Wells which cannot intercept a deeper water bearing strata or which intercept water with a chemistry less desirable for irrigation will hereafter be referred to as "problem wells."

46. The developments proposed by Simonson, Christensen, Holsten, and M & M Central Dairy, are located almost directly upstream hydrologically from the problem wells or are located in direct proximity to the problem wells. Development of additional wells will lower the hydraulic gradient and may reduce the flow of water to the water bearing strata which is tapped by the problem wells.

47. Wells located directly east and hydraulically upstream from the problem wells intercept ground water that would have flowed into the limited water bearing strata from which the problem wells divert. As a result of upstream water diversion, water is sometimes not of sufficient depth in the problem wells for full diversion of the authorized flow rate.

48. Ground water north of the ground water divide may be tributary to the Portneuf River, although the relationship is unclear.

49. The wells proposed by Rigby are much more remote than the other wells, located some 8-10 miles northeast of the problem wells. Application no. 29-7635 proposes the diversion of 17.04 cfs of water, however, and this large withdrawal of water may have some effect on surrounding wells, springs, and surface flows.

50. Black Canyon is an important recreational resource. The springs which flow from Black Canyon into the Bear River maintain a popular fishery, and also contribute to the riparian habitat along the riverbed.

CONCLUSIONS OF LAW

1. Idaho Code § 42-203A(5) states in part as follows:

The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purposes for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant does not have sufficient financial resources with which to complete the work involved therein or (e) that it will conflict with the local public interest where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the State of Idaho; the director of the department of water resources may reject such application, refuse issuance of a permit therefor, or may partially

approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Rule 4,4,2,1. of the Water Appropriation Rules and Regulations states that the applicant shall bear the initial burden of coming forward with evidence of the evaluation of criteria (a) through (d) of Idaho Code § 42-203A.

3. Rule 4,4,2,2. of the Water Appropriation Rules and Regulations states that both the applicant and the protestant have the burden of coming forward with evidence regarding local public interest of which they are each most cognizant.

4. The local public interest criterion of Idaho Code § 42-203A(5) is defined by Rule 5,1,5. of the Water Appropriation Rules and Regulations to include, but not to be limited to:

The effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both long and short term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains;

The effect the project will have on recreation, fish and wildlife resources in the local public area affected by the proposed use;

Compliance with applicable air, water, hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

5. Rule 4,4,3. of the Water Appropriation Rules and Regulations states that the applicant has the ultimate burden of persuasion for all of the criteria of Section 42-203A, Idaho Code.

6. Agents for M & M Central Dairy and for Richard and Ila Holsten did not satisfy their burden of proof. The fact that the

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land is now enrolled in the Conservation Reserve Program, and that there is no present intent to develop as requested by the applications makes them speculative in nature. Applications nos. 29-7505 in the name of M & M Central Dairy and 13-7451 in the name of Richard and Ila Holsten should be rejected.

7. The testimony of Monte Yost of Golden Grain Farms, constitutes a withdrawal of application for permit no. 29-7618.

8. Applicants Don Rigby, Von Simonson, and Dwain Christensen established that there is ground water available for appropriation in the Gem Valley.

9. The protestants established, however, at least with respect to water rights located in and around the north extension of the Last Chance Canal Company, that these diversions directly affect flows in the Bear River, and may also affect problem wells owned by Warren Lloyd, Keith Lloyd and Gem Valley Farms on the west side of the valley. Direct reductions in flow to Black Canyon Springs, and a lowering of the water in the problem wells causes injury for which no mitigation by the applicants has been proposed.

10. Applicants Von Simonson and Dwain Christensen did not satisfy their ultimate burden of persuasion that the development proposed by their applications would not reduce the quantity of water under existing water rights.

11. The applications by Don C. Rigby are remote enough in location, that they will not have significant affect upon the

Bear River water rights, Black Canyon Springs, or the problem wells. The large amount of water proposed for diversion may injure other water users, however, particularly nearby well operators.

12. The applications filed by Don C. Rigby can be approved, but Mr. Rigby must pay the cost of monitoring several nearby wells during and after his development is complete.

ORDER

IT IS HEREBY ORDERED that applications for permit no. 29-07505 in the name of M & M Central Dairy, 13-7427 in the name of Von N. Simonson, application no. 13-7451 in the name of Richard and Ila Holsten, and application no. 13-7458 in the name of Dwain K. Christensen are REJECTED and issuance of a permit is REFUSED, without prejudice. If the applicants can propose a plan to compensate other waterusers for injury that will be caused by the proposed development, the Department will consider new applications.

IT IS FURTHER ORDERED that application for permit no. 29-7618 in the name of Golden Grain Farms is considered WITHDRAWN.

IT IS FURTHER ORDERED that applications for permit nos. 29-7636 and 29-7637 in the name of Don C. Rigby are APPROVED subject to the following conditions:

1. The approved irrigated acreage must be developed in two incremental year stages. Not more than 240 acres may be

developed during a particular stage. The Department will consider an application for extension of time for any development not complete within five (5) years.

2. The owner of water rights nos. 29-7636 and 29-7637 must pay the cost of monitoring nearby wells during each staged development, as determined by the Department of Water Resources. The purpose of monitoring is to discover the effect of development on these wells. The owner of the rights must submit a monitoring plan acceptable to the Department prior to commencing construction.

3. The owner of water rights nos. 29-7636 and 29-7637 bears the risk of future Departmental regulation of the new wells, and possible shut down if the interference is found to exist.

4. Regulation of water right nos. 29-7636 and 29-7637 may be necessary to protect earlier in time ground water users, or surface water users in the Portneuf River.

5. Proof of beneficial use must be submitted on or before July 1, 1996.

Dated this 8th day of May, 1991.

Gary Spackman

GARY SPACKMAN, Hearing Officer
Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 26, 1997

Bruce Larson
241 S Main
Soda Springs ID 83276

Re: Don Rigby Water Rights 29-07636, 29-07637, 29-07001

Dear Mr. Larson:

I have recently completed a summary of ground water discharge measurements and volume withdrawal estimates for wells in the Bancroft-Lund area, Water District 13-T. The summary is attached to this letter and was presented at the water district meeting on February 24 in Grace.

Discharge measurements and volume estimates were made for the three wells which have been developed under permits 29-07636 and 29-07637. These three wells are known by Mr. Rigby as # 1 Well, Old Faithful #2, and the Pond Well. Measurements were also made for the well known as Old Faithful, which is the well developed under license 29-07001. Burke Scholer and I conducted the measurements for these wells on September 25, 1996. All four wells are tied together and pump into a common mainline system or manifold. Surface water can also be pumped into the mainline system and commingled with the ground water. Surface water was not pumped or commingled with any ground water during our measurements. It was our understanding that Mr. Rigby operated the system at this time in a way that allowed us to measure the wells at or near their maximum capacities, and that these flows are representative of normal flows.

The total measured discharge from the three wells under permits 29-07636 and 29-07637 was 6.26 cfs. Old Faithful #2 produced most of this flow, or 4.92 cfs (2209 gpm). The # 1 well produced 1.08 cfs (485 gpm), while the Pond well produce only 0.26 cfs (117 gpm). We observed that the Pond well was valved back considerably. The energy to flow ratio for this well was very high, making the well very inefficient in terms of energy use. Maximum discharge measured from Old Faithful was 5.81 cfs (2609 gpm).

Volume estimates were made using discharge measurements, energy demand measurements from the power meters (kw demand), and power records supplied by Utah Power. The total estimated volume for the three wells in 1996 under permits 29-07636 and 29-07637 was 808 acre-feet. These volume estimates may be somewhat inaccurate since we were not able to compare our measured

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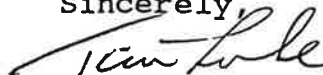
discharge pressures with any measured discharge pressures during the preceding irrigation season. Operating pressures were not tracked by Mr. Rigby or the watermaster during the irrigation season. Operation of the system with surface water may change the pressures and volume estimates. Additionally, we noted that the power meter for the Old Faithful #2 well was changed some time between June 5 and September 25, 1996. This may also affect the estimate of volume from that well.

Conditions of approval under the permits, which were approved in 1991, allow for two year incremental development stages, not to exceed 240 acres per stage. For the six year period from 1991 through 1996, the maximum rate of diversion which could be developed is 14.4 cfs, and 2,160 acre-feet. The rates of diversion developed and volume used as of this time are considerably less than allowed under the permits. However, based on the system Mr. Rigby has developed which commingles ground water with surface water over the same lands, I believe that the permits are being used in part as supplemental ground water rights. The total number of acres being irrigated with ground water under the two permits and license 29-07001 may already exceed the total number of acres authorized by these water rights. Also, the fairly high volume used under license 29-07001 may indicate that this right is also being used in part as a supplemental well.

As outlined in correspondence to you last year, Mr. Rigby should amend his permits to reflect the correct place of use and point of diversion locations. A transfer should also be filed on license 29-07001 to add the wells and any additional acreage under the two permits. As the wells are all tied together, all the rights should identify the same points of diversion and place of use. The permits and license may have to be conditioned to recognize permissible place of use. I encourage you to file the amendments and transfer as soon as possible. Again, the Idaho Falls office can assist you with this effort.

Please call me directly at 327-7864 if you have questions about this matter.

Sincerely,



Tim Luke

cc: Don Rigby
Harold Jones, Eastern Region

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BANCROFT-LUND IRRIGATION WELLS - 1996 ESTIMATES OF VOLUME WITHDRAWALS USING POWER RECORDS

Pre Liminary

NAME	DIVERSION NAME	WATER RIGHT NUMBER	WR STG	DIV. RATE (CFS)	OTHER RIGHTS	TOTAL	TOTAL	96 MAX	96 PCC	96 PCC
						W. RT CFS	W. RT AC. FT.	MEAS CFS	MEAS AC. FT.	AC. FT. QUALIFIER
CHRISTENSEN, BART	LINEAR PIVOT	13-02269	D	4.42		4.42	711.0	1.85	50.0	1
CHRISTENSEN, BART	ANDERSON WELL	13-07099	L	4.79		4.79	918.0	2.21	164.9	2
GEM VALLEY FARMS	PAULS	13-02203	D	3.14		3.14	465.0	1.71	151.1	3
GEM VALLEY FARMS	HANSEN WELL	13-02259	D	2.10	13-07198C	3.76	792.0	1.67	178.9	3
GEM VALLEY FARMS	DEEP WELL	13-07165	L	3.12	13-07261, 13-07198B	5.12	927.0	3.71	278.8	3
GEM VALLEY FARMS	HIGHWAY WELL	29-07070	D	4.68		4.68	918.0	4.57	301.1	3
JORGENSEN, CARL	Jorgensen North Well	13-07161	D	4.54		4.54	690.0	3.50	126.9	1
JORGENSEN, TERRY	Jorgensen South Well	13-02198	D	2.88	13-07005	3.82	1065.0	2.22	64.1	3
MODERSITZKI, DAVID		29-02313	D	2.34	29-00580	4.68	1002.0	1.93	91.5	1
RIGBY, DON C	CHESTERFIELD WELL	29-02548	D	3.12	29-07061	5.86	942.0	5.03	344.0	3
RIGBY, DON C	OLD FAITHFUL	29-07001	D	5.97		5.97	1320.0	5.81	1151.1	3
RIGBY, DON C	OLD FAITHFUL #2	29-07636	P	1.60	29-7637* (PD NOT ON	14.40	2160.0	4.92	655.6	3
RIGBY, DON C	POND WELL	29-07636	P	1.60	29-7637* (PD NOT ON	14.40	2160.0	0.26	6.2	3
RIGBY, DON C	#1	29-07637	P	17.04	29-07636*	14.40	2160.0	1.08	146.4	2
RINDLISBAKER, TERRY G	LLOYD WELL	29-07098	D	4.79		4.79	876.0	3.52	316.8	2
RINDLISBAKER, TERRY G	HANSEN/RUPP	29-07102	D	5.39	29-07264	6.68	1384.0	4.65	370.6	2
RINDLISBAKER, TERRY G	LONGENBOHN WELL	29-07365A	L	2.74		2.74	411.0	2.51	79.9	3
SIMONSON, VON OR ERIC		13-07084	D	4.36	13-07259	4.36	1110.0	4.12	313.0	2
YOST, PHIL	Home Well	13-07097	D	4.46		4.46	930.0	4.12	340.7	2
YOST, PHIL	Kim Welch East	13-07163	D	4.37	13-07225	4.37	1356.0	1.72	136.3	1
YOST, PHIL	Kim Welch West	13-07163	D	4.37	13-07225	4.37	1356.0	2.51	162.5	3

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* Permits 29-7636 & 29-7637 describe three POD's, actual location of two wells do not match permit locations. Permits allow two year incremental development stages, not to exceed 240 acres per stage. Water right cfs and volume limits are limits for 3 stages (1991 thru 1996).



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 23, 1999

Don Rigby
1226 Rigby Rd
Bancroft, ID 83217

Re: Water Rights 29-07636, 29-07637, 29-07001

Dear Mr. Rigby:

On April 9 of this year I made a water level measurement of the abandoned Pond well in the Ivins area southeast of Bancroft. The water level at this site was 70.1 feet below the land surface. While visiting this site, I noticed that you installed a new pivot in the adjacent field, which is just east of the Pond wells. It appeared that this particular field has increased in both the size and the number of irrigable acres. This field is located in the SE quarter of Section 16, T8S, R40E.

I corresponded with you and your attorney, Bruce Larson, on several occasions in 1996 regarding certain discrepancies between your water rights and your actual irrigation practices. I also met with you and Mr. Larson at Mr. Larson's office in Soda Springs. We reviewed and compared water rights points of diversions and places of use with the actual field points of diversions and places of use. During our meeting and through correspondence, I advised you that you would need to amend permits 29-07636 and 29-07637, and file a water right transfer on license 29-07001. You were advised that these amendments and the transfer would need to address changes in both the points of diversion and place of use. You were also advised of concerns that ground water is potentially being used on more land than described under your ground water rights.

Upon further review of the above water rights, I notice that amendments were filed and approved in 1997 for permits 29-07636 and 29-07637. These amendments only sought changes for points of diversion. The water right place of use discrepancies that we discussed in 1996 were not addressed by the amendments. Additionally, a water right transfer was never filed for license 29-07001. Based on my field inspection earlier this month, it appears that the ground water place of use and ground water irrigation infrastructure is much the same as in 1996, except for the possible expansion in Section 16, T8S, R40E.

As part of the water measurement and reporting process in the Bancroft-Lund Water District, the department received a report from Mr. Larson dated December 15, 1998 that summarizes crops grown and the number of acres irrigated under your ground water rights in the Ivins area. The total number of irrigated acres in the Ivins area described in this report is 1,980 acres. The total number of acres authorized by your ground water rights in this same area is only 1,372 acres.

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FEB 24 2006

Moreover, it appears you may be expanding your acres in Section 16, T8S, R40E.

The purpose of this letter is to notify you that you may be irrigating lands without proper authorization or valid ground water rights. You are further notified that you may still need to make certain water rights amendments and/or water right transfers in order to properly match your water rights with your actual irrigation practices. You may also need to limit the amount of land to which your ground water rights are appurtenant.

If you believe my understanding of this matter is incorrect or I have overlooked something, please contact me immediately. If you agree with my assessment of this matter, then you must contact this office by May 10 and advise the department as to what actions you will take to bring your diversions and water use in compliance with your water rights. Failure to timely respond to this inquiry may result in the department taking certain enforcement actions this irrigation season, including the issuance of a notice of violation and cease and desist order.

If you have specific questions regarding this matter, please contact me directly at 208-327-7864.

Sincerely,



Tim Luke

Manager, Water Distribution Section

Cc: Bruce Larson, Attorney
Harold Jones, Eastern Region
Terry Rindlisbaker

C:\DATA\WPDATA\TIM\RIGBY99.LET

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FEB 24 2003

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DEC 7 1998

Meyers, Thomsen & Larson, PLLP
Attorneys at Law

Department of Water Resources

M. Jay Meyers Steven A. Thomsen A. Bruce Larson

Pocatello Office

300 North Seventh Avenue
P.O. Box 4747
Pocatello, ID 83205
Telephone: (208) 233-4121
Facsimile: (208) 233-4174

A. Bruce Larson

December 15, 1998

Soda Springs Office

241 South Main St.
P.O. Box 608
Soda Springs, ID 83276
Telephone: (208) 547-2186
Facsimile: (208) 547-2297

Tim Luke
Idaho Department of Resources
1301 N. Orchard
Boise, ID 83706

RE: Don Rigby

Dear Tim:

I am enclosing some 1998 water measurement annual reports that were sent to Don Rigby. In discussing this matter with Louis Rounds in the Idaho Falls office it became apparent that Mr. Rigby would be unable to comply with all the requests made in your form. I have had Mr. Rigby fill out what he could and by way of this letter I will attempt to explain what crop he is irrigating under the various rights.

As I'm sure you are aware from your familiarity with Mr. Rigby's irrigation system that other than the Chesterfield well his irrigation system is a manifold system which not only uses ground water but surface water rights that Rigby also possesses. From the Pond Well, Well #1, Old Faithful #1 and Old Faithful #2 the following crops are being raised under a pivot irrigation system containing 14 pivots:

<u>Pivot No.</u>	<u>1998 Crop</u>	<u>1999 Crop</u>	<u>Acreage</u>
1	Sod	Sod	160
2	60 acres Sod 60 acres Wheat	60 acres Sod 60 acres Wheat	120
3	80 acres Sod 80 acres Wheat	80 acres Sod 80 acres Wheat	160

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DEC 17 1998

Department of Water Resources

Tim Luke
Idaho Department of Resources
December 15, 1998
Page 2

<u>Pivot No.</u>	<u>1998 Crop</u>	<u>1999 Crop</u>	<u>Acreage</u>
4	20 acres Barley 120 acres Wheat	20 acres Barley 120 acres Wheat	120
5	Wheat/Barley	Wheat/Barley	160
6	Wheat/Barley	Wheat/Barley	160
7	Wheat	Wheat	160
8	Potatoes/Wheat	Wheat	120
9	Alfalfa/Barley	Alfalfa/Barley	160
10	Potatoes/Barley	Wheat/Barley	160
11	Wheat/Barley	Potatoes/Barley	160
12	Wheat/Barley	Wheat/Barley	180
13	Sod	Sod	40
14	Barley	Potatoes	120
Chesterfield Barley			309
Barley			309

1980 acres
total

The areas which show a crop of Wheat/Barley or Potatoes/Barley the corners outside of the pivot are planted into barley. Neither Don nor I had an accurate measure of the number of acres involved in this portion of the irrigated land.

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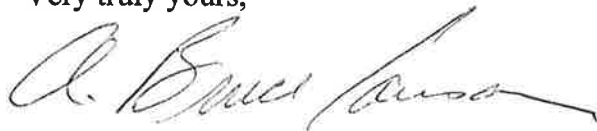
DEC 17 1998

Department of Water Resources

Tim Luke
Idaho Department of Resources
December 15, 1998
Page 3

I have also enclosed the signed contract by Don Rigby for measuring his water use from the electrical records. I hope that this is the information you need. If there is anything else please let me know.

Very truly yours,



A. Bruce Larson

ABL:pc

c: Don Rigby

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FEB 24 2005

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DEC 17 1998

Agreement, p.1
10/21/98

Department of Water Resources

**IDAHO DEPARTMENT OF WATER RESOURCES
AGREEMENT TO ESTIMATE WATER DIVERSION
BASED UPON POWER CONSUMPTION**

This Agreement, entered into between the Idaho Department of Water Resources (Department) and The Don C. Rigby Family Partnership a water user of the public waters of the state of Idaho (Water User), is made in reference to the following facts:

RECITALS

A. Section 42-701, Idaho Code, provides that if the installation and maintenance of a measuring device on the diversion would be burdensome, the Water User may execute an agreement with the Director to submit additional information and technical data about the diversion and the pumping facilities necessary to establish a relationship of power usage to water withdrawal.

B. The Department of Water Resources and the Water User desire to implement the alternative referred to in Recital A. by the execution of this Agreement.

THE PARTIES AGREE AS FOLLOWS:

1. DESIGNATION OF PROJECT COORDINATOR

A. The Director shall designate the Department's representative for the administration of this agreement who shall have full authority to act on behalf of the Department.

B. The Water User's representative is Don C. Rigby, and shall have full authority to act on behalf of the Water User.

2. STATEMENT OF PURPOSE

The purpose of this Agreement is to provide an alternative method to estimate the quantity of water diverted without installing and maintaining measuring devices at the diversion. The Water User agrees to collect and submit the necessary information to allow the Department to estimate the water withdrawals using the power records in lieu of the installation of measuring devices at the diversion.

3. WATER USER RESPONSIBILITIES

The Water User agrees to submit all required information and technical data no later than December 15 immediately following the irrigation season for each year the agreement is in place. Failure to report information or intentionally submitting inaccurate

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FEB 24 2000

5. TERM

This Agreement shall take effect on the date of execution and shall remain in effect for each succeeding year unless terminated earlier in accordance with Section 6 of this Agreement.

6. TERMINATION OF AGREEMENT

A. The Department may terminate this Agreement by written notice if it determines that the information and the technical data are inadequate or unreliable to accurately estimate any water diversion, or if it determines that the record keeping necessary to estimate the diversion is too difficult. After written notice that the Department is unable to accurately estimate water diversion using power records, the Department may then require the Wateruser to install, within a reasonable time, an acceptable type of measuring device.

B. The Wateruser may terminate this agreement by written notice and installing an acceptable measuring device and submitting annual reports as required by the director of the Department of Water Resources.

ADDITIONAL TERMS AND CONDITIONS

A. The Wateruser shall allow access to the Department and its agents, and the water district watermaster, to the Wateruser's points of diversion, places of use and energy delivery systems to perform all tasks associated with this Agreement.

The Wateruser shall provide an acceptable flow measurement location, typically a section of straight, clean, solid pipe at least 10 pipe diameters above and below any valves, bends, contractions, expansions, etc., and at least 15 pipe diameters below any pumps, check valves, or throttling valves in the throttled position. The Wateruser agrees to excavate a portion of the mainline to expose an acceptable location if necessary. The Department intends to use a non-invasive flow measuring device, and holes will not be drilled in the pipe.

B. If an entity other than the Department or the water district watermaster determines the power usage water withdrawal relationship, the Wateruser acknowledges and agrees that it is the responsibility of the Wateruser to verify that the entity is Department approved and that all necessary information is submitted to the Department in a timely manner.

C. The Department may agree to waive a reporting requirement under special circumstances. If the Wateruser seeks a waiver to any reporting requirement, the Wateruser shall submit a written request

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FEB 24 2003

C. A. HUDSON
and
ASSOCIATES

RECEIVED
MAR 05 1997



14166 CLEVELAND RD.
PRESTON, IDAHO 83263
(208) 427-6214

180 EAST 2nd SOUTH
SODA SPRINGS IDAHO 83276
(208) 547-4141

Department of Water Resources

February 28, 1997

Mr. Gary Spackman
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720-9000

RE: Summary of Don Rigby and Monty Yost's "Golden Grain" Well Monitoring during the 1996 Irrigation Season (Water Right Nos. 29-7636 & 29-7637).

In accordance with the approved Well Monitoring Plan, monitoring of the water depth in Monty Yost's "Golden Grain" well and the unused well located approximately 300 feet southeast of the "Pond Place" well began on April 15, 1996. No irrigation was being done by Monty Yost or Don Rigby at this time. The initial water depth in the Golden Grain well was 89.1 feet (this level corresponds with the 89 foot level reported in the well driller's report). The initial water depth in the Pond Place monitoring well was 74.4 feet.

Water levels were measured in the Golden Grain well via an existing 100 foot airline which was installed when the well was deepened in 1978. The Pond Place monitoring well water levels were measured directly with an engineering tape using the well casing rim as the reference point.

On May 8th, Don Rigby began irrigating from the "Old Faithful" well (located 5,018 feet from the Pond Place monitoring well and 11,658 feet from the Golden Grain well. During the following 13 days, the water level in the Golden Grain well remained constant at 89.5 feet and the water level in the Pond Place monitoring well rose 4 tenths of a foot.

On May 21st, Don Rigby began irrigating from the Pond Place well and the water level in the Pond Place monitoring well dropped from 74.4 feet to 106 feet (Average). During the next twenty days, the water level in the Pond Place monitoring well varied from 103.0 feet to 109.4 feet. The water level in the Golden Grain well remained constant at 89.6 feet.

On June 12th, Monty Yost began irrigating from the Golden Grain well and the water level dropped below 100 feet, which is the depth of the airline. Monty Yost continued to irrigate until August 15th, when he secured the Golden Grain pump for the season. The water level in the Golden Grain well returned to the pre-irrigation level of

94190.SUM

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FEB 24 2006

89.6 feet.

Don Rigby secured the Pond Place well on July 11th. The water level in the Pond Place monitoring well returned to the pre-irrigation level of 74.4 feet.

CONCLUSION

Based on this first year's monitoring data it appears that Don Rigby's irrigation system had minimal (if any) affect on Monty Yost's Golden Grain well. By utilizing the existing monitoring wells, we could not perform an accurate pump test on each of the wells involved, therefore, the exact zone of influence could not be calculated for each operating well. The rapid (within days) return to pre-irrigation levels for both the Golden Grain well and the Pond Place well, suggest little detriment to the local water source.

RECOMMENDATIONS

I recommend that monitoring continue in accordance with the monitoring plan through the 1997 irrigation season in order to verify previous data.

If you have any questions regarding this information, please feel free to contact me.

Very best regards,



Mark Dietrich
Project Engineer

cc/Don Rigby

94190.SUM

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FEB 24 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 29, 1996

BRUCE LARSON
241 S MAIN
SODA SPRINGS, ID 83217

Re: Don Rigby Water Rights 29-07636, 29-07637, 29-07001

Dear Mr. Larson:

Thank you for visiting with me last week regarding the above water rights and my prior correspondence of August 13. The meeting helped clarify some questions I had about Mr. Rigby's operation and water rights.

I have further discussed this situation with my supervisor Gary Spackman, and Harold Jones, water right supervisor in Idaho Falls. We have concluded that amendments should be filed for permits 29-07636 and 29-07637, and that an application for transfer of water right should be filed for license 29-07001. The amendments and license need to show the correct locations for points of diversion and irrigated place of use. I believe both you and Mr. Rigby also understood that the existing rights do not presently identify the actual points of diversion and place of use. Given the type of system Mr. Rigby has developed, I believe that the rights need to share the same points of diversion and places of use.

Please note that I have enclosed some amendment and transfer applications. Instructions are also included. I also wish to take this opportunity to make some corrections to my letter of August 13. These corrections are as follows:

a) Item 4 of August 13 letter - the windshield pivot located in the NESE Sec. 33, and NWSW Sec. 34, T8S, R40E, does appear to be covered by canal shares. I had incorrectly stated that no valid water rights cover this acreage. The decreed surface water rights do cover lands in sections 33 and 34, but do not provide any further detail or description. Maps at the Department appear to show that this particular acreage has been irrigated for some time. This particular acreage however is not described by your ground water rights and thus should be added to item 5 of the August 13 letter.

b) Item 5 of the August 13 letter omitted irrigated land in the SWNW of Sec. 27, T8S, R40 E. I understood from Mr. Rigby at our meeting that there is a mini-pivot covering this 40 acre parcel. Item 5 also incorrectly described land in the NE1/4 of Sec. 21. The

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FEB 24 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

August 13, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Don Rigby
1226 Rigby Rd.
Bancroft, ID 83217

Re: Water Rights 29-07636, 29-07637, 29-07001

Dear Mr. Rigby:

I have been reviewing the above referenced water rights for the purpose of matching the wells with the proper water rights. This matching process is part of an effort to assist the water district in developing a data base showing water rights and their appropriate points of diversion along with authorized rates of diversion and annual volumes. This process is an extension of the physical well inventory which IDWR staff and the watermaster made earlier this summer. As you know, wells in the Bancroft-Lund water district are being measured this year so that measured rates of diversion and volume can be compared with water right flow rates and volumes.

Upon reviewing the above rights, I have developed a number of questions regarding irrigated place of use and points of diversions. These questions and concerns are identified below.

1) Department records do not list any valid water rights for the well which you have identified as the Pond Well, located in the SE1/4 of Sec. 16, T8S, R40E.

2) Department records also do not list any valid water rights for the well which you have identified as Old Faithful #2, located in either the NESE or SENE of Sec 21, T8S, R40E. The well known as Old Faithful #1 is about 100 ft. southeast of this well and appears to be covered by water right 36-07001.

3) Water right no. 36-07636 identifies two points of diversion, one in the SESE Sec 21, T8S, R40E, and one in the NESE Sec. 30, T8S R40E. It is my understanding that the well in the SESE of Sec. 21 is that well which you identified as Well #2. It is my understanding that this is the capped artesian well which is not being used. I am not aware of any well which you own in the NESE of Sec. 30. Our records and inventory does show that a well is located in the NESE of SEC 30 but is owned and operated by Monte Yost and Milton Gilbert, aka Golden Grain Farms.

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4) The map which you supplied of your systems shows a windshield pivot located in the NESE Sec. 33, T8S R40E, and NWSW Sec 34, T8S R40E. Department records do not list any valid water rights covering this particular acreage. }

5) The map which you supplied also shows pivots which are not fully described as irrigated places of use under your ground water rights but appear to be covered by surface water rights or canal shares. Since your system commingles surface water with ground water whereby all the wells and canal pumps deliver water to a common pipe or manifold system, there is a concern that you are irrigating lands with ground water that are not adequately covered by ground water rights. The lands in question are shown as being irrigated by pivots in your map and are described in more detail as follows:

- W1/2 NE1/4, Sec. 21, T8S, R40E
- E1/2 NE1/4, Sec. 28, T8S, R40E
- E1/2 SE1/4, Sec. 28, T8S, R40E
- SW1/4, Sec. 27, T8S, R40E
- E1/2 NE1/4, Sec. 33, T8S, R40E
- W1/2 NW1/4, Sec. 34, T8S, R40E

(Also SWNW sec 27)

The map produced by A.A. Hudson and Associates dated May 1995, appears to show additional acreage in sections 16, 20, 29, 30, 31 and 32 that may be irrigated by your ground water wells and not described by your ground water rights.

6) The requests for extension of time to file proof of beneficial use which you filed in June of this year for rights 29-07636 and 29-07637 indicate that three wells have been developed and that possibly a fourth well will be developed on the Golden Grain property. The two rights only allow for development of three wells. It does not appear that a fourth well can be developed unless a water right transfer or amendment is approved. The fact that two wells are described under right 29-07636, which has a total diversion rate of only 1.60 cfs, raises some concern about how much total water is being diverted under this right.

The purpose of this letter is to notify you that I have found a number of discrepancies between your water rights and actual developed points of diversion and places of use. I would like to provide you an opportunity to address the above concerns and identify any water rights or factual information which I may have overlooked in my review. I also want to advise you that some of the discrepancies, if accurate, can perhaps be corrected by filing water right transfers and/or amendments. You should also be aware that if land is being irrigated without the benefit of any water right, that the Department will issue a Notice of Violation and Order to Cease and Desist from further diversion of water. Cease and Desist Orders can carry civil penalties of up to \$100 per day for continued violations.

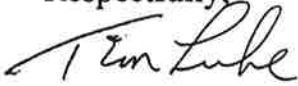
I also wish to notify you that I plan to conduct some field work in the Bancroft area next week. I would like to visit with you at that time to discuss the items raised by this letter.

SCANNED

FEB 24 2006

Please contact me directly at 327-7864 on August 19 to arrange a time and date to review your water rights and irrigation system.

Respectfully,

A handwritten signature in cursive script that reads "Tim Luke".

Tim Luke

cc: Wayne Waddoups, Watermaster
Bruce Larsen
Harold Jones, Eastern Region

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Canal pump

40 253 852

JAN
JUL
AUG
SEP
OCT

14000 / 112 = 125
45680 / 111 = 411
29760 / 111 = 268
11202 / 7160 hrs = 160 / 440 hrs
804 hrs

Canal pump

90103 185

JAN
JUL
AUG
SEP
OCT

28647 / 81 = 353
45461 / 81 = 561
22000 / 81 = 272
1304 / 130 hr/mo = 1186 hrs
486

Assume Pivot operation hrs.

Pond place

Well #1

Pivot

Old Faithful #2

Canal pump

Old Faithful #1

01 499 879
01 576 582
01 823 481
01 498 849
90 103 185
40 253 852
50 881 894

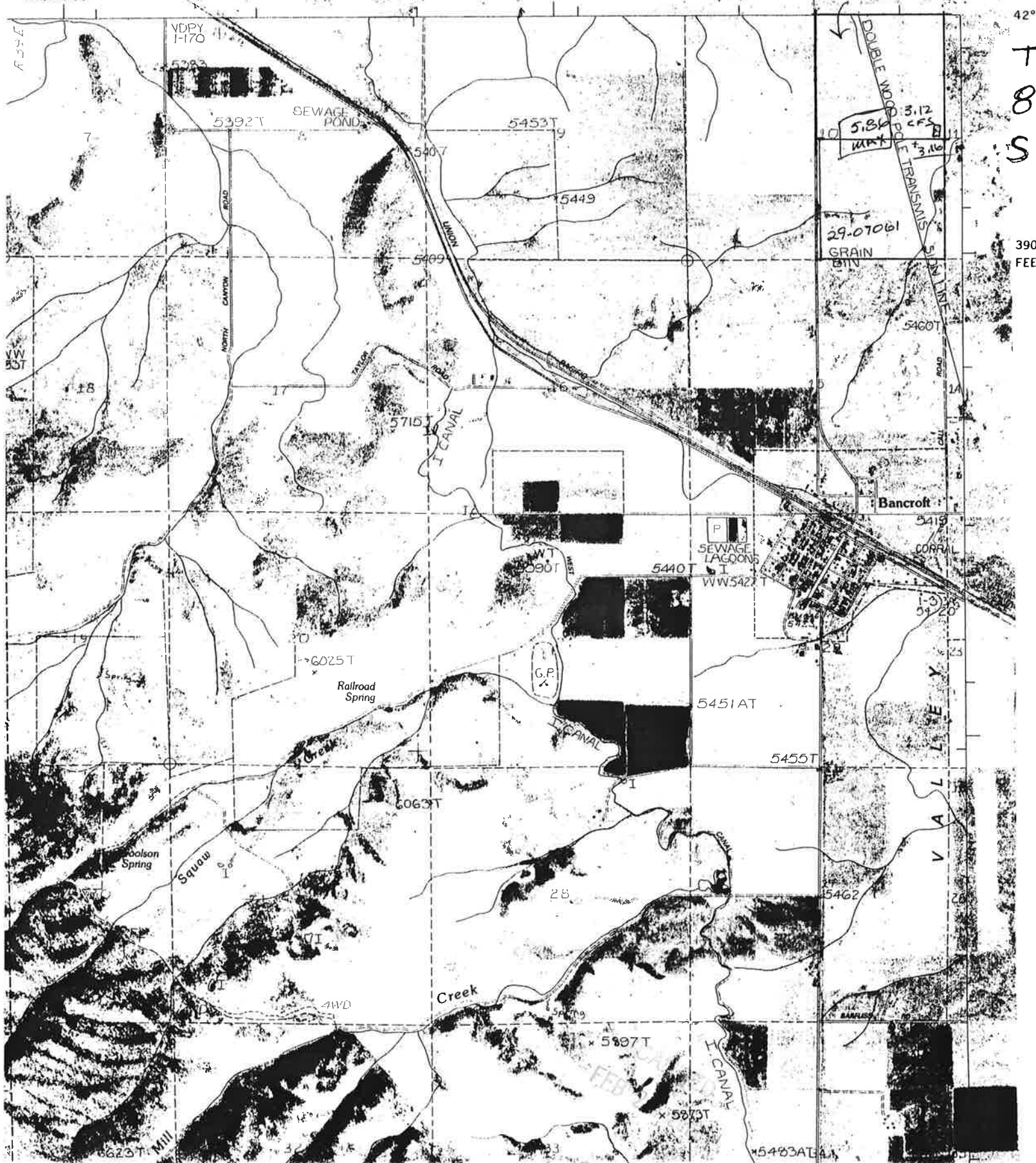
125 HP Pump -
100 HP Pump
30 HP Pivot Syst.
250 HP Pump
100 HP Pump
100 HP Pump

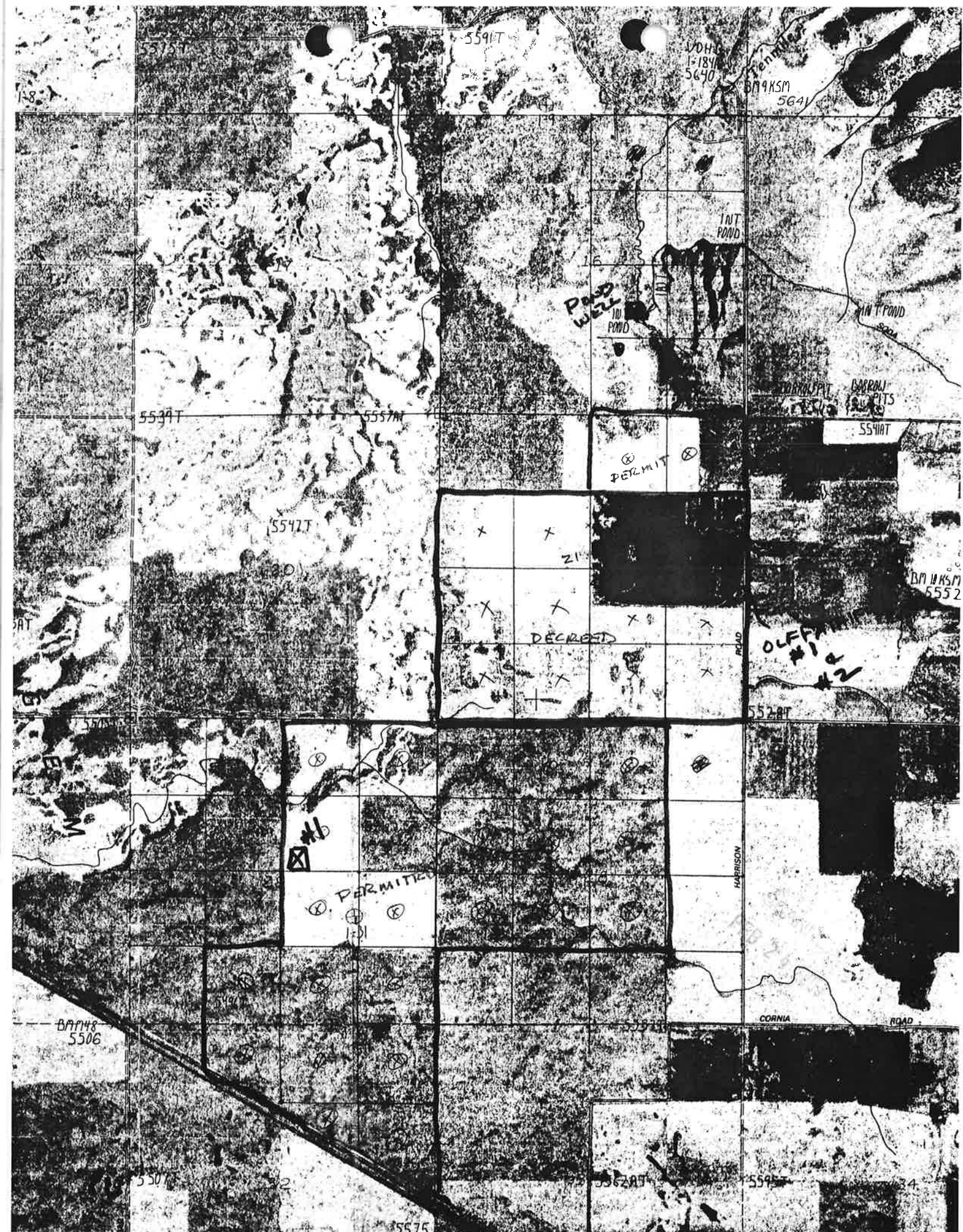
125 HP TOTAL
130 " "
30 " "
250 '181840' / 18' = 1004
100 '97898' -
100 379520 / 216 = 1757
250

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FEB 24 2006

570 000 FEET

DON RIGBY 111°52'30"
29-02548





IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2548 V1

WATER RIGHT NUMBER: 29-2548 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DON C RIGBY PO BOX 187 BANCROFT, ID 83217 (208)648-7872
Current Owner	VIRGINIA E RIGBY PO BOX 187 BANCROFT, ID 83217 (208)648-7872

Priority Date: 02/13/1967

Basis: Decreed

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	3.120 CFS	468.00 AF
	<u>Total Diversion:</u>	3.120 CFS	468.00 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NE1/4

Sec. 10, Twp 08S, Rge 39E, B.M.

CARIBOU County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	39E	10	39.0	38.0	39.0	40.0													156.0

Total Acres: 156

Conditions of Approval:

1. C18 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.

Remarks:

1. General THE MAXIMUM COMBINED RATE OF DIVERSION UNDER THIS RIGHT AND RIGHT 29-07061 SHALL NOT EXCEED 5.86 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2548 V1

2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag: NONE RECEIVED
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/2/2003 4:27:35 PM	rwarner			Active
Priority Date	1/2/2003 4:28:13 PM	rwarner			Active
POD	1/2/2003 4:28:40 PM	rwarner			Active
Source	1/2/2003 4:29:04 PM	rwarner			Active
POU	1/2/2003 4:30:17 PM	rwarner			Active
Use	1/2/2003 4:30:31 PM	rwarner			Active
Season	1/2/2003 4:32:12 PM	rwarner			Active
Quantity	1/2/2003 4:33:49 PM	rwarner			Active
Summary			01/02/2003	rwarner	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	1/2/2003 4:27:35 PM	rwarner	(No) 1. Do you want to schedule an appointment?

Comment for 1: desktop review

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2548 V1

POD	1/2/2003 4:28:41 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	1/2/2003 4:29:04 PM	rwarnar	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	1/2/2003 4:30:31 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POU	1/2/2003 4:39:44 PM	rwarnar	Edited shape boundary
POD	1/2/2003 4:40:33 PM	rwarnar	Edited point location
Priority Date	1/2/2003 4:28:13 PM	rwarnar	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POU	1/2/2003 4:30:17 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? Description for Question 13 - Bancroft-Lund Decree

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2548 V1

Season	1/2/2003 4:32:13 PM	rwarnar	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (No) 5. Can the claimed Period of Use be verified using the water right file? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?
Quantity	1/2/2003 4:33:50 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 7. Is a flow measurement required? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Bancroft-Lund Decreed Description for Question 10 - B-L Decreed
Summary	1/2/2003 4:35:35 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-12-1991
PAGE: A-46

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: GROUNDWATER						
29-02540	DATE G. YOST HC 72 BOX 2070 BANCROFT ID 83217	10/19/1966	IRRIGATION	04-15 10-15	3.14 471.0	CFS AFY LICENSE
				TOTAL QUANTITY:	3.14 471.0	CFS AFY
				CONSUMPTIVE USE:	392.5	AFY
	POINT OF DIVERSION: T08S R39E S34		NESE			
	PLACE OF USE: IRRIGATION					
	T08S R39E S34	SENE 38.0	NESE 39.0			
	S35	SWNW 40.0	SENE 40.0			
	157.0 ACRES TOTAL					
29-02562	ELIASON AND SONS, INC. P.O. BOX 67 BANCROFT ID 83217	12/19/1966	DOMESTIC	01-01 12-31	.02 .73	CFS AFY LICENSE
				TOTAL QUANTITY:	.02 .73	CFS AFY
	NON-IRRIGATION-USES: DOMESTIC, 1 HOME					
	POINT OF DIVERSION: T08S R39E S08		SWNW			
	PLACE OF USE: DOMESTIC					
	T08S R39E S08		SWNW			
29-02548	DON C. RIGBY P.O. BOX 187 BANCROFT ID 83217	02/13/1967	IRRIGATION	04-15 10-15	3.12 468.0	CFS AFY LICENSE
				TOTAL QUANTITY:	3.12 468.0	CFS AFY
				CONSUMPTIVE USE:	390.0	AFY
	POINT OF DIVERSION: T08S R39E S10		SENE			
	PLACE OF USE: IRRIGATION					
	T08S R39E S10	NENE 39.0	NWNE 38.0	SWNE 39.0	SENE 40.0	
	156.0 ACRES TOTAL					
	REMARKS: THE MAXIMUM COMBINED RATE OF DIVERSION UNDER THIS RIGHT AND RIGHT 29-07061 SHALL NOT EXCEED 5.86 CFS.					

change - claimed 4/1 to 10/30

increased to 3.18

157.5

+ 151.5

309.0 AC

29-2548

29-7061

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

07/23/01 08:32:41

Page 1

Water Right Number - 29-02548

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

RIGBY

DON C

1 - PO BOX 187

2 -

3 -

City- BANCROFT

State- ID Zip- 83217

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
02/13/1967 15 EASTERN D - DECREED

+ - - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

08S 39E 10 SE NE (29) CARIBOU

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/15 10/15 3.120 468.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
3.120 468.00 0.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

| | | | | | | | |
|-----|-----|----|-------|------|----|------------|--------------|
| 08S | 39E | 10 | NE NE | 39.0 | 01 | IRRIGATION | (29) CARIBOU |
| 08S | 39E | 10 | NW NE | 38.0 | 01 | IRRIGATION | (29) CARIBOU |
| 08S | 39E | 10 | SW NE | 39.0 | 01 | IRRIGATION | (29) CARIBOU |
| 08S | 39E | 10 | SE NE | 40.0 | 01 | IRRIGATION | (29) CARIBOU |

Total Acres: 156.0

+ - - Diversion Means - WELL, PUMP & SPRINKLER SYSTEM.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - - - - - Remarks - - - - - +

GEN THE MAXIMUM COMBINED RATE OF DIVERSION UNDER THIS RIGHT AND RIGHT
29-07061 SHALL NOT EXCEED 5.86 CFS.

+ - - - - - - - - - - - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

07/23/01 08:32:41
Page 2

Water right number - 29-02548

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

STATE OF IDAHO

GERALD J. ACKERMAN, ET AL

07/28/1992

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 03/12/85 05/22/88 CONVERT 03/12/96 PRODMGR

+ - - - - Water Rights Dates and Flags Area - - - - -

| | | | | | |
|-------------------|--------------|-----------------|--------------|--------------------|-----|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Exam to S.O. Date | - 00/00/0000 | Verified Date | - 00/00/0000 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - X999999 | Water District | - |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Presumption Flag | - | Name Connector | - | POU Ownership Flag | - Y |
| SRBA Decreed Flag | - | | | | |

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-2548

WATER RIGHT NUMBER: 29-2548

| | |
|-------------------|---|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner | DON C RIGBY
PO BOX 187
BANCROFT, ID 83217 |

Priority Date: 02/13/1967

Basis: Decreed

Status: Active

| | |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|

GROUND WATER

| | | | |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION | 4/15 to 10/15 | 3.120 CFS | 468.00 AF |
| | <u>Total Diversion:</u> | 3.120 CFS | 468.00 AF |

Location of Point(s) of Diversion

| | | |
|----------------|------------|---------------------------------|
| GROUND WATER | SE1/4NE1/4 | Sec. 10, Twp 08S, Rge 39E, B.M. |
| CARIBOU County | | |

Place of UseIRRIGATION Within CARIBOU County

| | | | | | |
|------------------|------|------|---------------|------|------|
| T08S R39E S10 | NENE | 39.0 | T08S R39E S10 | NWNE | 38.0 |
| T08S R39E S10 | SWNE | 39.0 | T08S R39E S10 | SENE | 40.0 |
| Total Acres: 156 | | | | | |

Conditions of Approval:Remarks:

1. General THE MAXIMUM COMBINED RATE OF DIVERSION UNDER THIS RIGHT AND RIGHT 29-07061 SHALL NOT EXCEED 5.86 CFS.^^

Comments:Dates and Other Information:

State of Idaho

THIS IS TO CERTIFY, That

TCBY

123

the State of Idaho, dated February 13, 1967, that Permit C-39453 was issued pursuant

with a storage or carrying capacity of 3,51 c.f.s. sold work consisting of

477

[illegible]

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

and the use of

Small Engineer and entered in the records of the Idaho Department of Reclamation the point of diversion as

Additional points in the County of

...and which is hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially

| Description and location of place of use | Date | Time | Observer | Weather | Wind | Temperature | Humidity | Pressure | Direction | Speed | Height | Depth | Length | Width | Area | Volume | Weight | Mass | Density | Specific Gravity | Viscosity | Surface Tension | Capillary Action | Electrical Conductivity | pH | Oxygen Content | Nitrogen Content | Carbon Content | Sulfur Content | Phosphorus Content | Potassium Content | Sodium Content | Calcium Content | Magnesium Content | Iron Content | Copper Content | Zinc Content | Manganese Content | Nickel Content | Cobalt Content | Silver Content | Gold Content | Platinum Content | Iridium Content | Rhodium Content | Ruthenium Content | Palladium Content | Osmium Content | Arsenic Content | Selenium Content | Tellurium Content | Antimony Content | Bismuth Content | Lead Content | Tin Content | Zinc Content | Cadmium Content | Mercury Content | Silver Content | Gold Content | Platinum Content | Iridium Content | Rhodium Content | Ruthenium Content | Palladium Content | Osmium Content | Arsenic Content | Selenium Content | Tellurium Content | Antimony Content | Bismuth Content | Lead Content | Tin Content | Zinc Content | Cadmium Content | Mercury Content | Silver Content | Gold Content | Platinum Content | Iridium Content | Rhodium Content | Ruthenium Content | Palladium Content | Osmium Content | Arsenic Content | Selenium Content | Tellurium Content | Antimony Content | Bismuth Content | Lead Content | Tin Content | Zinc Content | Cadmium Content | Mercury Content | Silver Content | Gold Content | Platinum Content | Iridium Content | Rhodium Content | Ruthenium Content | Palladium Content | Osmium Content | Arsenic Content | Selenium Content | Tellurium Content | Antimony Content | Bismuth Content | Lead Content | Tin Content | Zinc Content | Cadmium Content | Mercury Content | Silver Content | Gold Content | Platinum Content | Iridium Content | Rhodium Content | Ruthenium Content | Palladium Content | Osmium Content | Arsenic Content | Selenium Content | Tellurium Content | Antimony Content | Bismuth Content | Lead Content | Tin Content | Zinc Content | Cadmium Content | Mercury Content | Silver Content | Gold Content | Platinum Content | I |
|--|------|------|----------|---------|------|-------------|----------|----------|-----------|-------|--------|-------|--------|-------|------|--------|--------|------|---------|------------------|-----------|-----------------|------------------|-------------------------|----|----------------|------------------|----------------|----------------|--------------------|-------------------|----------------|-----------------|-------------------|--------------|----------------|--------------|-------------------|----------------|----------------|----------------|--------------|------------------|-----------------|-----------------|-------------------|-------------------|----------------|-----------------|------------------|-------------------|------------------|-----------------|--------------|-------------|--------------|-----------------|-----------------|----------------|--------------|------------------|-----------------|-----------------|-------------------|-------------------|----------------|-----------------|------------------|-------------------|------------------|-----------------|--------------|-------------|--------------|-----------------|-----------------|----------------|--------------|------------------|-----------------|-----------------|-------------------|-------------------|----------------|-----------------|------------------|-------------------|------------------|-----------------|--------------|-------------|--------------|-----------------|-----------------|----------------|--------------|------------------|-----------------|-----------------|-------------------|-------------------|----------------|-----------------|------------------|-------------------|------------------|-----------------|--------------|-------------|--------------|-----------------|-----------------|----------------|--------------|------------------|-----------------|-----------------|-------------------|-------------------|----------------|-----------------|------------------|-------------------|------------------|-----------------|--------------|-------------|--------------|-----------------|-----------------|----------------|--------------|------------------|---|
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|--------|
| 1950 | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | 2035 | 2036 | 2037 | 2038 | 2039 | 2040 | 2041 | 2042 | 2043 | 2044 | 2045 | 2046 | 2047 | 2048 | 2049 | 2050 | 2051 | 2052 | 2053 | 2054 | 2055 | 2056 | 2057 | 2058 | 2059 | 2060 | 2061 | 2062 | 2063 | 2064 | 2065 | 2066 | 2067 | 2068 | 2069 | 2070 | 2071 | 2072 | 2073 | 2074 | 2075 | 2076 | 2077 | 2078 | 2079 | 2080 | 2081 | 2082 | 2083 | 2084 | 2085 | 2086 | 2087 | 2088 | 2089 | 2090 | 2091 | 2092 | 2093 | 2094 | 2095 | 2096 | 2097 | 2098 | 2099 | 2100 | 2101 | 2102 | 2103 | 2104 | 2105 | 2106 | 2107 | 2108 | 2109 | 2110 | 2111 | 2112 | 2113 | 2114 | 2115 | 2116 | 2117 | 2118 | 2119 | 2120 | 2121 | 2122 | 2123 | 2124 | 2125 | 2126 | 2127 | 2128 | 2129 | 2130 | 2131 | 2132 | 2133 | 2134 | 2135 | 2136 | 2137 | 2138 | 2139 | 2140 | 2141 | 2142 | 2143 | 2144 | 2145 | 2146 | 2147 | 2148 | 2149 | 2150 | 2151 | 2152 | 2153 | 2154 | 2155 | 2156 | 2157 | 2158 | 2159 | 2160 | 2161 | 2162 | 2163 | 2164 | 2165 | 2166 | 2167 | 2168 | 2169 | 2170 | 2171 | 2172 | 2173 | 2174 | 2175 | 2176 | 2177 | 2178 | 2179 | 2180 | 2181 | 2182 | 2183 | 2184 | 2185 | 2186 | 2187 | 2188 | 2189 | 2190 | 2191 | 2192 | 2193 | 2194 | 2195 | 2196 | 2197 | 2198 | 2199 | 2200 | 2201 | 2202 | 2203 | 2204 | 2205 | 2206 | 2207 | 2208 | 2209 | 2210 | 2211 | 2212 | 2213 | 2214 | 2215 | 2216 | 2217 | 2218 | 2219 | 2220 | 2221 | 2222 | 2223 | 2224 | 2225 | 2226 | 2227 | 2228 | 2229 | 2230 | 2231 | 2232 | 2233 | 2234 | 2235 | 2236 | 2237 | 2238 | 2239 | 2240 | 2241 | 2242 | 2243 | 2244 | 2245 | 2246 | 2247 | 2248 | 2249 | 2250 | 2251 | 2252 | 2253 | 2254 | 2255 | 2256 | 2257 | 2258 | 2259 | 2260 | 2261 | 2262 | 2263 | 2264 | 2265 | 2266 | 2267 | 2268 | 2269 | 2270 | 2271 | 2272 | 2273 | 2274 | 2275 | 2276 | 2277 | 2278 | 2279 | 2280 | 2281 | 2282 | 2283 | 2284 | 2285 | 2286 | 2287 | 2288 | 2289 | 2290 | 2291 | 2292 | 2293 | 2294 | 2295 | 2296 | 2297 | 2298 | 2299 | 2300 | 2301 | 2302 | 2303 | 2304 | 2305 | 2306 | 2307 | 2308 | 2309 | 2310 | 2311 | 2312 | 2313 | 2314 | 2315 | 2316 | 2317 | 2318 | 2319 | 2320 | 2321 | 2322 | 2323 | 2324 | 2325 | 2326 | 2327 | 2328 | 2329 | 2330 | 2331 | 2332 | 2333 | 2334 | 2335 | 2336 | 2337 | 2338 | 2339 | 2340 | 2341 | 2342 | 2343 | 2344 | 2345 | 2346 | 2347 | 2348 | 2349 | 2350 | 2351 | 2352 | 2353 | 2354 | 2355 | 2356 | 2357 | 2358</ |
|--------|

[illegible][illegible]

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|-----|-----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 | 101 | 102 | 103 | 104 | 105 | 106 | 107 | 108 | 109 | 110 | 111 | 112 | 113 | 114 | 115 | 116 | 117 | 118 | 119 | 120 | 121 | 122 | 123 | 124 | 125 | 126 | 127 | 128 | 129 | 130 | 131 | 132 | 133 | 134 | 135 | 136 | 137 | 138 | 139 | 140 | 141 | 142 | 143 | 144 | 145 | 146 | 147 | 148 | 149 | 150 | 151 | 152 | 153 | 154 | 155 | 156 | 157 | 158 | 159 | 160 | 161 | 162 | 163 | 164 | 165 | 166 | 167 | 168 | 169 | 170 | 171 | 172 | 173 | 174 | 175 | 176 | 177 | 178 | 179 | 180 | 181 | 182 | 183 | 184 | 185 | 186 | 187 | 188 | 189 | 190 | 191 | 192 | 193 | 194 | 195 | 196 | 197 | 198 | 199 | 200 | 201 | 202 | 203 | 204 | 205 | 206 | 207 | 208 | 209 | 210 | 211 | 212 | 213 | 214 | 215 | 216 | 217 | 218 | 219 | 220 | 221 | 222 | 223 | 224 | 225 | 226 | 227 | 228 | 229 | 230 | 231 | 232 | 233 | 234 | 235 | 236 | 237 | 238 | 239 | 240 | 241 | 242 | 243 | 244 | 245 | 246 | 247 | 248 | 249 | 250 | 251 | 252 | 253 | 254 | 255 | 256 | 257 | 258 | 259 | 260 | 261 | 262 | 263 | 264 | 265 | 266 | 267 | 268 | 269 | 270 | 271 | 272 | 273 | 274 | 275 | 276 | 277 | 278 | 279 | 280 | 281 | 282 | 283 | 284 | 285 | 286 | 287 | 288 | 289 | 290 | 291 | 292 | 293 | 294 | 295 | 296 | 297 | 298 | 299 | 300 | 301 | 302 | 303 | 304 | 305 | 306 | 307 | 308 | 309 | 310 | 311 | 312 | 313 | 314 | 315 | 316 | 317 | 318 | 319 | 320 | 321 | 322 | 323 | 324 | 325 | 326 | 327 | 328 | 329 | 330 | 331 | 332 | 333 | 334 | 335 | 336 | 337 | 338 | 339 | 340 | 341 | 342 | 343 | 344 | 345 | 346 | 347 | 348 | 349 | 350 | 351 | 352 | 353 | 354 | 355 | 356 | 357 | 358 | 359 | 360 | 361 | 362 | 363 | 364 | 365 | 366 | 367 | 368 | 369 | 370 | 371 | 372 | 373 | 374 | 375 | 376 | 377 | 378 | 379 | 380 | 381 | 382 | 383 | 384 | 385 | 386 | 387 | 388 | 389 | 390 | 391 | 392 | 393 | 394 | 395 | 396 | 397 | 398 | 399 | 400 | 401 | 402 | 403 | 404 | 405 | 406 | 407 | 408 | 409 | 410 | 411 | 412 | 413 | 414 | 415 | 416 | 417 | 418 | 419 | 420 | 421 | 422 | 423 | 424 | 425 | 426 | 427 | 428 | 429 | 430 | 431 | 432 | 433 | 434 | 435 | 436 | 437 | 438 | 439 | 440 | 441 | 442 | 443 | 444 | 445 | 446 | 447 | 448 | 449 | 450 | 451 | 452 | 453 | 454 | 455 | 456 | 457 | 458 | 459 | 460 | 461 | 462 | 463 | 464 | 465 | 466 |
|---|---|---|---|---|---|---|---|---|-----|-----|

the right to the use of the water hereby confirmed is restricted to the lands or place of use herein described

Witness the seal and signature of the State Reclamation Engineer, Office at Boise, Idaho.

[Faint handwritten text at the bottom of the page]

10/1/78

8557 72

MAY 1 2001

X

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: A29-02548

Date Received: 1-17-90

Receipt No: mg05544

Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON C. RIGBY 208-648-7872
Address: P.O. BOX 187
BANCROFT, ID 83217

AND/OR

Name: VIRGINIA E. RIGBY 208-648-7872
Address: P.O. BOX 187
BANCROFT, ID 83217

A2902548



2. Date of Priority: FEB 13, 1967

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 08S | 39E | 10 | NE | SE | NE | | CARIBOU |

5. Description of diverting works:
WELL 200 HP PUMP AND SPRINKLERS

6. Water is used for the following purposes: 10/15 3.12

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/30 | 3.180 | | |

7. Total Quantity Appropriated is:
3.180 C.F.S. (and/or) 477.00 A.F.A.

8. Total consumptive use is 618.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-02548

Page 1

Date: 01/17/90

MICROFILMED

NOV 13 1992

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|-----|----|-----|-----|-----|-----------|
| 08S | 39E | 10 | NE | | NE | | IRR | 39.5 39.0 |
| | | | NW | | NE | | IRR | 38.5 38.0 |
| | | | SW | | NE | | IRR | 39.5 39.0 |
| | | | SE | | NE | | IRR | 40.0 39.0 |
| | | | NE | | SE | | IRR | 37.6 |
| | | | NW | | SE | | IRR | 39.5 |
| | | | SW | | SE | | IRR | 37.0 |
| | | | SE | | SE | | IRR | 37.4 |

Section Acres 309.0

Total Acres 309.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
A29-07061

14. Remarks:

THE WATER CLAIMED WILL BE APPLIED TO 159 ACRES WITHIN THE LISTED PLACE OF USE IN ITEM #10.

THE WELL FOR THIS RIGHT SUPPLIES WATER FOR BOTH LICENCED RIGHTS 29-07061 AND 29-02548 UTILIZING A MAINLINE SYSTEM AND THEREFORE THE WATERS ARE COMINGLED.

15. Basis of Claim: LICENSE
Water Right Number: 33455

max 5.86 cfs.

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 Individuals:

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

Signature of Claimant(s): X *Donna Rigby* Date: 1-17-90
_____ Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of January 19 90

Seal

Anna Baunhoff
Notary Public

Residing at Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires My Commission Expires December 7, 1994

A29-02548

BB

BANCROFT NW ORTHOPHOTOQUAD
IDAHO

111°52'30"

42°45'

390 000
FEET

309 ACRES TOTAL

T 8 S

570 000 FEET

MICROFILMED

NOV 13 1992

R39

VDPY
H-170

5323

5392T

SEWAGE
POND

5453T

38.5

39.5

39.5

40.0

39.5

37.6

37.0

37.4

GRAIN
BIN

POD

ROAD