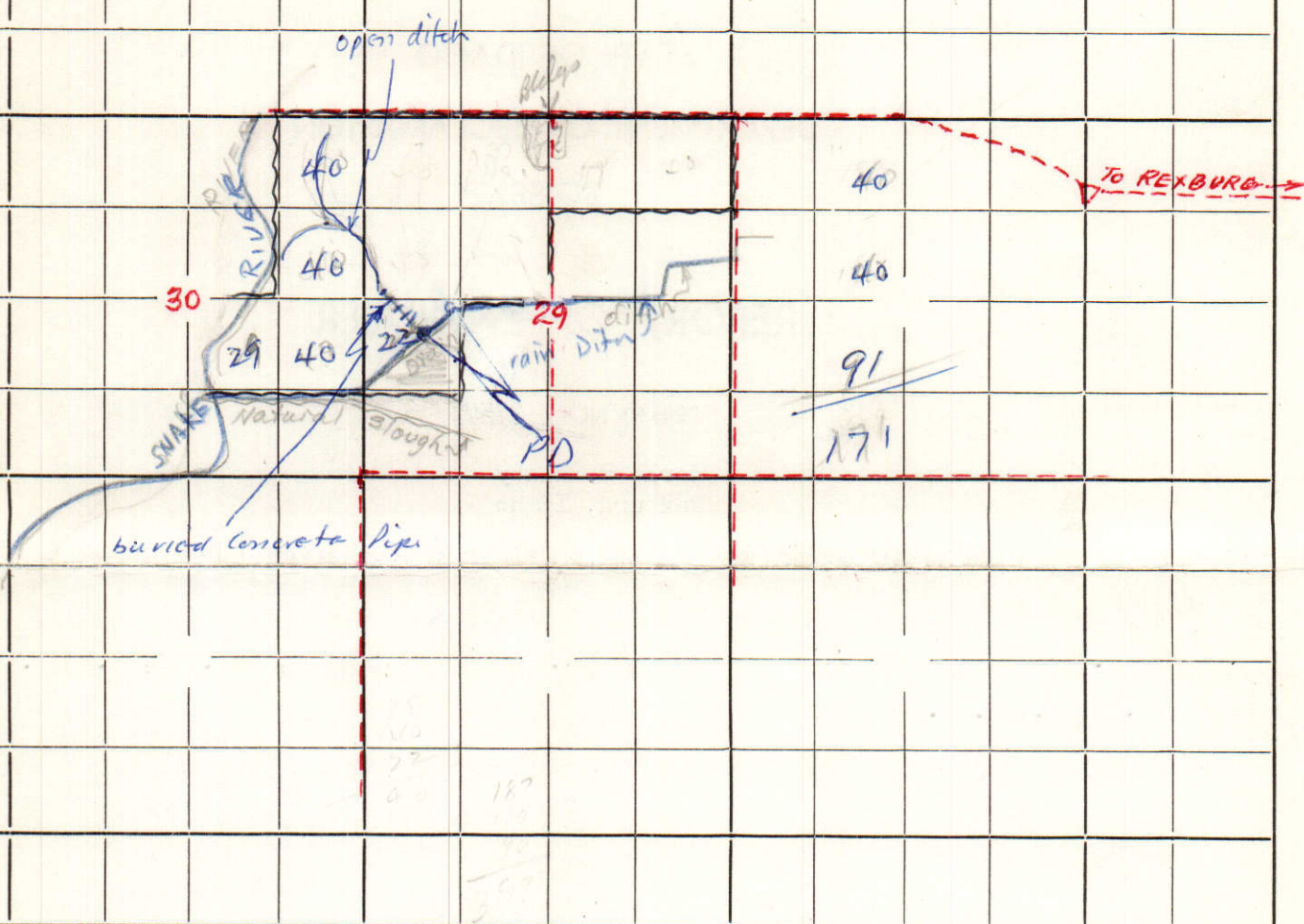


T.
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AREA 171 ACRES

Allow.	Q	3.42 cfs or 171 in ³
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The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, John A. Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG
Standard, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Proof of Completion of
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for four
consecutive issues, the first publication hav-

ing been made on Sept. 6, 1961
and the last publication having been made

on Sept. 26, 1961.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

**NOTICE OF PROOF OF COM-
PLETION OF WORKS AND AP-
PLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at
10 A. M., on this 20th day of
November, 1961, at Rexburg,
County of Madison, State of Ida-
ho, before Ray W. Rigby Notary
Public, at (address) the Madison
County Courthouse, Rexburg,

Idaho, proof will be submitted of
the completion of works for the
diversion of four cubic feet per
second of waste water, and of
the application to beneficial use
of said water, in accordance with
the terms and conditions of Per-
mit No. 27578, heretofore issued
by the Department of Reclama-
tion of the State of Idaho.

1. The name and postoffice ad-
dress of the person holding said
permit is Harlo B. Rigby, Rex-
burg, Idaho.

2. Said works of diversion will
be fully completed on the date
set for such completion, and the
amount of water which said
works are capable of conveying
to the place of use is four cubic
feet per second.

3. The use to which said water
has been applied is irrigation

purposes, and the amount ap-
plied to beneficial use is four
cubic feet per second.

4. The points of diversion of
said water are in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section
29, township 6 North, range 39
E. B. M.

5. The place where said wa-
ter is used is on N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$,
and a portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$ in
Section 29; also on NE $\frac{1}{4}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and a por-
tion of NW $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 30,
all in township 6 North, range
39, E. B. M.

6. The date of priority which
said user is prepared to establish
is September 29, 1958.

GEO. N. CARTER
State Reclamation
Engineer

(Publ. Sept. 5, 12, 19, 26, 1961)

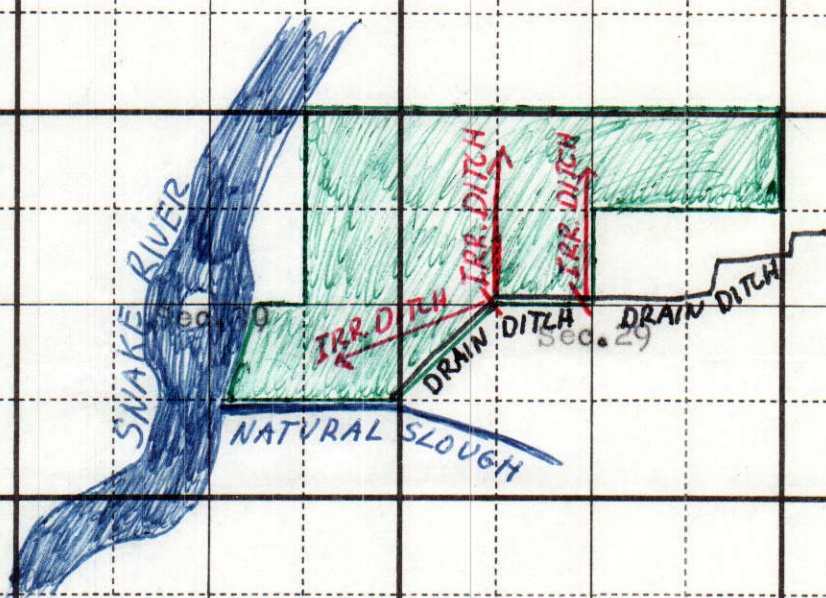
Subscribed to and sworn to before me

this 28th day of Sept., 1961.

(SEAL)

Notary Public.

My commission expires 5-24-64



LEGEND:

1. Proposed irrigation works are shown in red. A check and headgate is at the head of each irrigation ditch marked in red.
2. A newly constructed drain ditch is shown in black.
3. The drain ditch runs into a natural slough, which is shown in blue. Water from Rexburg Irrigation Co. also runs into the natural slough from higher up.
4. Applicant's land is shown in green.
5. Land is in T. 6 N., R. 39 E., Boise Mer.

Permit Map No. 27578
As Approved
OCT 15 1958
GEO. N. CARTER
State Reclamation Engineer

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M., on this 20th day of November 1961, at Rexburg, County of Madison, State of Idaho, before Ray W. Rigby Notary Public, at (address) the Madison County Courthouse, Rexburg,

Idaho, proof will be submitted of the completion of works for the diversion of four cubic feet per second of waste water, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 27578, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person holding said permit is Harlo B. Rigby, Rexburg, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is four cubic feet per second.

3. The use to which said water has been applied is irrigation

purposes, and the amount applied to beneficial use is four cubic feet per second.

4. The points of diversion of said water are in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 29, township 6 North, range 39 E. B. M.

5. The place where said water is used is on N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and a portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 29; also on NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and a portion of NW $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 30, all in township 6 North, range 39, E. B. M.

6. The date of priority which said user is prepared to establish is September 29, 1958.

GEO. N. CARTER

State Reclamation

Engineer 27578

(Publ. Sept. 5, 12, 19, 26, 1961)

State of Idaho
License and Certificate of Water Right

Water License No. 27578

Amount 3.42 c.f.s.

Water District No.

Priority Sept. 29, 1958

THIS IS TO CERTIFY that HARLO B. RIGBY
of Rexburg, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 29, 19 58 ; that Permit No. 27578
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.42 second feet, was issued thereunder on March 19, 19 63, showing that said works
were completed on the 20th day of November, 19 61 ; and that on the 20th
day of November, 19 61 ,

HARLO B. RIGBY

of Rexburg, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of waste water -
drainage ditch, a tributary of Snake River, for the purpose of irrigation
, under Use Permit No. 27578 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7566, on the 19 day of March, 19 63 ;

The right hereby confirmed dates from September 29, 19 58 ;

The Point of Diversion is located

in the NW 1/4 SW 1/4, Sec. 29, Tp. 6 N., R. 39 E., B. M. Madison County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 3.42 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	39 E.	29 30	NW 1/4 SW 1/4	20	22
			NE 1/4 NE 1/4	40	40
			SE 1/4 NE 1/4	40	40
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	18	29
			Total number of acres to be irrigated:		171

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
19th day of March, 19 63.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

Application For Permit To Appropriate the Public Waters of the State of Idaho

33-2170

APPLICATION No. 35513
PERMIT No. 27578
DISTRICT No.

Harlo B. Rigby
Rexburg, Idaho

1. Name of Applicant: HARLO B. RIGBY

Postoffice address: Rexburg

County: Madison

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
(b) Treasury stock:
(c) Bond to be issued:
(d) Other resources:

2. Quantity of water claimed: Four

cubic feet per second.

3. Source of water supply: A waste and drainage ditch which is used to drain surplus irrigation and sub waters from the surrounding farming area and which crosses a portion of the applicant's land and empties into the Snake River, which channel is, then, a tributary of the Snake River

4. Location of point of diversion: ~~Section 29, T. 6 N., R. 39 E., B.M., and is in the SE 1/4 NW 1/4 and NW 1/4 SW 1/4~~ At the SE corner of NW 1/4 and also at a point approximately 5 rods So. of SE corner of W 1/2 NW 1/4, all in

of section 29, T. 6 N., R. 39 E., B. M., County of Madison

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 500.00

8. Kind of works: Checks, headgates and ditches

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width 5 feet; height 3 feet.

11. Ditch: Width at bottom 5 feet; width at water line 6 feet; depth of water 2 1/2 feet;
dimensions of flume: None

Diameter of pipe None inches; length of conduit None miles.

Average grade per mile 2 feet.

12. The time required for the completion of such work is five years.

13. The time required for the complete application of the water to the proposed use is None additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 15 shares of the capital stock of the Rexburg Irrigation Company representing 75 miners inches, which is used principally on N 1/2 NE 1/4 of Section 29, Twp. 6 No., Rge. 39 E.B.M. Some is used on rest of above described premises.

16. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

/s/ Harlo B. Rigby *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. September 29, 1958

Returned to applicant for correction: September 29, 1958

Corrected application received: October 3, 1958

Approval of State Reclamation Engineer

The number of this permit is 27578
Recorded in Book 97 Page 27578 Approved October 15, 1958
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and
hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before December 15, 1958 and to continue diligently and uninterruptedly to completion,
unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before April 15, 1961
The whole of said work to be completed on or before October 15, 1963
Beneficial use of water appropriated in accordance herewith, to be made on or before October 15, 1963

WITNESS My hand this 15th day of October, 1958

/s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLLIE, Governor of the State of Idaho,
and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 15th
day of October, 1958.
STATE OF IDAHO

(SEAL) By /s/ JAS. H. YOUNG
Secretary of State.

By /s/ ROBERT E. SMYLLIE
Governor.

REMARKS: (See Below)

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
6 N.	39E	29	40	40			40	40	40	40		20						260	
6 N.	39 E	30	40			40								40	18.	31		138.31	
Total number of acres to be irrigated - - - -																		398.31	
<u>REMARKS:</u>			While completion of works can be accepted in order to keep permit in good standing, license cannot be issued until determination is made that the water claimed is public water. The applicant is a part owner of the drainage channel from which the water is to be diverted. After the drainage water enters the premises of the applicant, it has been abandoned by all upstream users and could not be used by any other person on the drain. The applicant's premises borders the Snake River into which the drainage water goes. Furthermore, the elevation of the drain is such that when the water reaches the premises of the applicant, it is so low that it could not be taken back up on the premises of the other owners of the drain. The abandonment, therefore, of that drainage water after it enters the applicant's premises makes it public water, and no consent is necessary from the other owners of the drain.																

Permit No. 27578
 CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that HARLO B. RIGBY of Rexburg, County of Madison, and State of Idaho, the holder of Permit No. 27578, issued upon Application No. 35513, bearing date of priority of September 29, 1958, authorizing the diversion of 4.0 second feet of waters of waste and drainage ditch, County of Madison, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 3.42 second feet of the waters of a waste and drainage ditch, tributary of Snake River; that the point of diversion of said waters NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 6 N., R. 39 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

171 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29; E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, T. 6 N., R. 39 E., B. M.

Witness my hand this 19th day of March A. D., 1963.

s/ RALPH W. THOMAS
 Deputy State Reclamation Engineer

Proof of Completion of Works Made: November 20, 1961

LICENSE ISSUED FOR 3.42 SEC. FT.
Page 7566

WATER RIGHT NUMBER 22-2170 ✓

OWNER LAST NAME - RIGBY ✓

FIRST NAME - HARLO B. ✓

ORIG OWNER - ✓

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - REXBURG ✓

STATE - ID ✓ ZIP CODE - 0

83440 ✓

SOURCE - WASTE WATER ✓

TRIBUTARY OF - SNAKE RIVER ✓

STAGE - LICENSE ✓

STATUS - ✓

PRIORITY - 09-29-1958 ✓

COUNTY - MADISON ✓

TOTAL DIV. RATE -

3.4200 ✓ CFS

TOTAL DIV. VOLUME -

.00 ✓ AFA TRFR/AMEND - ✓

WATER DIST. - ✓

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWSW 29 06N 39E LOT

REDIV -

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

FROM - - - TO - - -

USE - IRRIGATION ✓

USE DIV. RATE -

3.4200 ✓ CFS

USE DIV. VOLUME -

.00 ✓ AFA

USE - IRRIGATION ✓

PLACE OF USE - TWN 06N RNG 39E SEC 30

TRACT NENE LOT

AC 40

TRACT SENE LOT

AC 40

USE - IRRIGATION ✓

PLACE OF USE - TWN 06N RNG 39E SEC 29

TRACT NENE LOT

AC 40

TRACT NWSE LOT

AC 29

DECREE NAME -

DATE -

TOTAL ACRES

171 ✓

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 27578 ✓

PROOF MADE -

FLO EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 27578 1 22-2170
 Old No. New No.

Record

1. Original Owner: Harlo B. Rigby

Present Owner: _____

2. Address:

3. City: Reensburg State: ID Zip: _____

4. A. Source of Water: waste water

B. Tributary of: Snake River

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 9-29-1958

D. County: 65

E. Total Diversion Rate: 3.42

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NW SW</u>	<u>29</u>	<u>6N</u>	<u>39E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for A purposes. Amount 3.42
 (cfs or ~~AF~~ ft/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

Pf 11 21 79

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 27578

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

March 19, 1963

Re: Permit No. 27578

Harlo B. Rigby
Rexburg, Idaho

Dear Mr. Rigby:

Enclosed are Certificate of Completion of Works
and License and Certificate of Water Right issued on
Permit No. 27578.

Also enclosed is departmental receipt No. 31480
in the amount of \$15.00 covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificates
receipt

27578

RIGBY & THATCHER
ATTORNEYS AT LAW
16 SOUTH FIRST EAST
P. O. BOX 362
REXBURG, IDAHO

RAY W. RIGBY
COUNTY COURT HOUSE
TEL. 356-6701

March 16, 1963

GORDON S. THATCHER
16 SOUTH FIRST EAST
TEL. 356-3238

RECEIVED

Department of Reclamation

Mr. George N. Carter
State Reclamation Engineer
107 State House
Boise, Idaho

Re: Permit No. 27578
Harlo B. Rigby

Dear Mr. Carter:

Pursuant to your letter of March 15, 1963, I enclose herewith our check in the sum of \$5.00 to cover the Certificate of Completion of Works concerning Permit No. 27578.

Yours very truly,

RIGBY & THATCHER

By

Ray W. Rigby
Ray W. Rigby

ss
Enclosure

27578

March 15, 1963

Re: Permit No. 27578
Harlo B. Rigby

Rigby & Thatcher
Attorneys at Law
Box 362, Rexburg, Idaho

Attn: Ray W. Rigby

Dear Mr. Rigby:

We received the affidavit of permission to issue license to water right from the drain shown in noted permit with \$10.00 check attached.

The fees, as shown in my letter of July 27, 1962, are \$5.00 for the Certificate of Completion of Works and \$10.00 for the license.

We have no record that the \$5.00 fee has been paid.

Kindly remit the \$5.00 fee or the receipt for the payment of the fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

RIGBY & THATCHER
ATTORNEYS AT LAW
16 SOUTH FIRST EAST
P. O. BOX 362
REXBURG, IDAHO

RAY W. RIGBY
COUNTY COURT HOUSE
TEL. 356.6701

March 14, 1963

GORDON S. THATCHER
16 SOUTH FIRST EAST
TEL. 356.8238

Mr. George N. Carter
State Reclamation Engineer
107 State House
Boise, Idaho

Re: Permit No. 27578

Dear Mr. Carter:

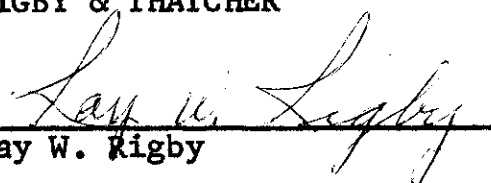
Pursuant to the request of your letter of July 27, 1962, addressed to Harlo B. Rigby, Rexburg, Idaho, I enclose herewith our check in the sum of \$10.00 to cover statutory fee and written permission from all the owners of the drain upon which this water filing was made, which said permission is in the form of an affidavit, alleging the exclusive ownership and permission, and requests that you issue the license and certificate of water right.

If there is any further information needed, please advise.

Yours very truly,

RIGBY & THATCHER

By


Ray W. Rigby

ss
Enclosures

27578

E. coli O157:H7 was isolated from ground beef samples collected from retail outlets in the United States during the summer of 2000.

[illegible]

E. coli O157:H7 was isolated from ground beef samples collected from retail outlets in the United States during the outbreak period.

[illegible]

E. coli O157:H7 was isolated from ground beef samples collected from retail outlets in the United States during the outbreak period.

[illegible][illegible]

full right and privilege to divert, for beneficial purposes, all or any part of the drainage water that comes down said drainage channel along the course above described within the said Rigbys' property, understanding that by this consent it shall not be interpreted to mean that your affiants shall guarantee any water or any particular quantity of water coming down said channel, and your affiants do hereby join in the petition of the said Harlo B. Rigby for a permit and license from the State of Idaho, Department of Reclamation to appropriate said drainage water for beneficial use upon the land owned by the said Rigbys.

Heber M. Jensen
Robert A. Jensen
Irvin Simpson
Jack H. Smith
W. M. B. Clark
Masayoshi Fujimoto

Subscribed and sworn to before me this 1st day of
October, 1962.

Lay W. Lisby
Notary Public for Idaho
Residing at Rexburg, Idaho

My commission expires:
January 26, 1963.

July 27, 1962

Re: Permit No. 27578

Harlo B. Rigby
Rexburg, Idaho

Dear Mr. Rigby:

We have the report of the Examiner on your works of diversion and use of water from a waste and drainage ditch. The report shows your works are capable of diverting 171 miners inches, or 3.42 cubic feet per second from a point in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, to irrigate 171 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, T. 6 N., R. 39 E., with priority of September 29, 1958. The Certificate of Completion of Works can be issued upon receipt of the statutory fee of \$5.00.

It is the opinion of this office that the water is private water until the water leaves the drain and enters the slough, which is a natural waterway.

The license and certificate of water right can be issued upon receipt of the statutory fee of \$10.00 for land situated in five 40-acre subdivisions with written permission from the other owners of the drain. The permission should show that all of the other owners have signed, or a separate affidavit could accompany the permission.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

67.
27578

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 27578

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Harlo B. Rigby, Rexburg, Idaho
2. Source of water supply: waste water from drainage & waste ditch
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29
T. 6 N. R. 39 E. County of Madison
4. Describe works as they exist, giving dimensions and capacities of same: Concrete Block Check Control 4'x4'x4' - 500'x16" buried concrete Pipe to open ditch. water is diverted by adding flash boards to raise the water level and increase pressure head
5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
398.31 acres in N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29; E $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, T. 6 N., R. 39 E., B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snake River

Remarks: Doctor Harlo Rigby along

Dr. Rigby says he has letter authorizing the diversion of water. is supposed to send copy for file. Drain ditch crosses Dr. Rigby's land from P.D. to River.
Only one P.D. Used.

This examination was made on the 6th day of July, 1962

(Signed)

Loren Johnson

Examiner.

27578

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
JUL 24 1962

Department of Reclamation

352-6687

Harlo B. Rigby
Rexburg, Idaho

Permit No. 27578

Examination for Completion of Works and
Beneficial Use

County Madison

Sec. 29 T. 6 N. R. 39 E

Quantity: 4.0 c.f.s.

Source: Waste and drainage ditch

SE, NW, }
P.D.: NW, SW } Sec. 29, T. 6 N. R. 39 E

Use: Irrigation

Filed: Sept. 29, 1958

Due: Oct. 15, 1963

Extension:

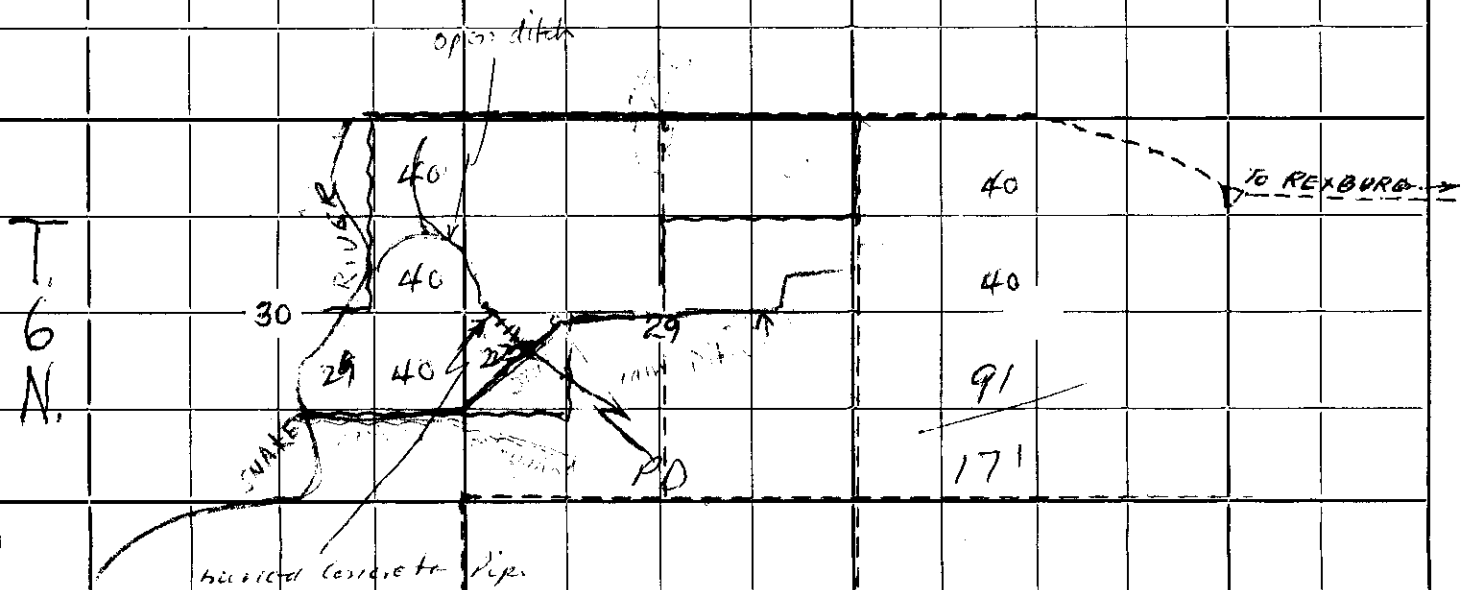
Completion of Works: none

Other Rights: 75' in Rexburg
Irrigation Co.

Concrete block check
across drain ditch
4' x 4' with check bars
16" x 500' buried
concrete tile

27578

R-39E.



Subdivisions 5

Area 171 acres

Allow. G 3.42 cfs or 171 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 27578

Harlo B. Rigby
Rexburg, Idaho

REPORT ON PROOF OF Completion of Works & Beneficial Use

December 27, 1961

Re: Permit No. 27578

Harlo B. Rigby
Rexburg, Idaho

Dear Mr. Rigby:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Rexburg Standard, all submitted in proof of completion of works and beneficial use on Permit No.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

cc: Ray W. Rigby
Attorney at Law
Box 362
Rexburg, Idaho

27578

RIGBY & THATCHER
ATTORNEYS AT LAW
16 SOUTH FIRST EAST
P. O. BOX 862
REXBURG, IDAHO

RAY W. RIGBY
COUNTY COURT HOUSE
ELMWOOD 6.6701

December 21, 1961

GORDON S. THATCHER
16 SOUTH FIRST EAST
ELMWOOD 6.8238

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. 27578
Harlo B. Rigby

Gentlemen:

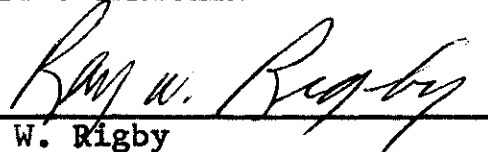
Enclosed herewith are Proof of Application completed by applicant and two Witnesses concerning the above numbered Permit, together with the affidavit of publication required in this matter.

If you desire any further information in this matter, please advise.

Yours very truly,

RIGBY & THATCHER

By


Ray W. Rigby

ss
Enclosures

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 27578

Proof of Application of Water to Beneficial Use

and Completion of Works Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Harold B. Rigley, Livestock & Ranching, Replung, Id.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Number 27578, dated September 29, 1958, ^{Oct. 15, 1958} I wish to establish September 29, 1958, as the date of priority.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Water supply is a waste and drainage ditch. Points of diversion are located at the SE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 29, and at a point approximately 5 rods SW of the NE corner of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 29, all in Twp. 6 N., R. 39, EBM.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Works are checks, headgates and ditches, capable of carrying at least 4 cubic feet per second. Ditches were especially constructed for this water by me, and they have no name.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation on Twp. 6 N., R. 39, E.B.M. - Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$. Twp. 6 N., R. 39, E.B.M. - Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$. Twp. 6 N., R. 39, E.B.M. - Sec. 30, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ (18.3) acres. All 40 acres, except as indicated. This is natural meadow land, but value of which has been greatly enhanced by this water. We intend to cultivate it at some time in the future.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. No well.

27578

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Not for other than irrigation.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 4 cubic feet per second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Commencing with the date of the permit, the ditches were constructed, and the water was diverted into the ditches, and has been used to irrigate the above described pasture lands since then.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. The only other water on the property is 15 shares of the capital stock of the Rexburg Irrigation Company, representing 75 miner's inches, which is used principally on N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 29, Twp. 6 N., R. 39, E.B.M. Some is used on the remainder of the above described premises.

(Sign)

Harold B. Rigby

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Rexburg, County of Madison,

State of Idaho, on this 20th day of November, A. D. 1961,

Ray W. Rigby

My commission expires January 26, 1963.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 27578

Proof of Application of Water to Beneficial Use
Deposition of Witness
and Completion of Works

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. L. R. Barrick, age 60, Rexburg, Idaho, owner, Lobnitz Bros.
Construction Company, Rexburg, Idaho.

Ques. 2. Are you acquainted with Harlo B. Rigby, the holder of Permit No. 27578? How long have you known him and where does he reside?

Ans. Yes, I know Harlo B. Rigby. I've known him 20 years, and he
resides at Rexburg, Idaho.

Ques. 3. Have you read or heard read said Permit No. 27578, and are you familiar with its provisions and conditions?

Ans. Yes, I've heard it, and am familiar with its provisions and conditions.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Its a waste and drainage ditch. The points of diversion are located
at the SE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 29, and at a point approximately 5
rods SW of the NE corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 29, Twp. 6 N., R. 39, E.B.M.
The works for conveying water from point of diversion to place of use are
a ditch with 12" concrete tile across a hay field, and the balance is an
open ditch.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 4 cubic feet per second.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water used for irrigation on the following: Twp. 6 N., R. 39, E.B.M.-
Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$. Tw. 6 N.,
R. 39, E.B.M., Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$. Twp. 6 N., R. 39, E.B.M., - Sec.
30, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ (18.3 acres) . All 40 acres, except as indicated.
The land is natural meadow land, and the only improvement made as a direct
result of the said use of the water is that it has improved the pasture.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. No other purposes.

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Land is meadow land, which hasn't been cultivated yet, but holder intends to cultivate the land.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. This spring our company did all the work on the ditches, and then saw the water go through the ditches.

(Signed)

L. R. Barnett

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Rexburg, County of Madison, State of Idaho, on this 20th day of November, A. D. 19 61.

Ray W. Rigby
Notary Public.

My commission expires January 26, 1963.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 27578

**Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Witness**

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Vern S. Davidson, 48, Rexburg, Idaho, mechanic and foreman,
Lobnitz Bros. Construction Company, Rt. 2, Rexburg, Idaho.

Ques. 2. Are you acquainted with Harlo B. Rigby, the
holder of Permit No. 27578? How long have you known him and where does
he reside?

Ans. Yes, I know Harlo B. Rigby. I've known him 35 years, and
he resides at Rexburg, Idaho.

Ques. 3. Have you read or heard read said Permit No. 27578, and are you
familiar with its provisions and conditions?

Ans. Yes, I've read it and am familiar with its provisions
and conditions.

Ques. 4. State source of water supply, place of diversion, and describe works for
conveying water from point of diversion to place of use.

Ans. A waste and drainage ditch. Places of diversion are located at
the SE corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 29, Twp. 6 N., R. 39, E.B.M.
of the NE corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 29, Twp. 6 N., R. 39, E.B.M.
Dug a ditch and laid tile 12" concrete across hay field, and the balance
is an open ditch.

Ques. 5. How many second feet of water do you estimate said works will safely
conduct to place of use, and how much water have you seen being so conveyed?

Ans. 4 cubic feet per second.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation,
give each subdivision in which water has been used and number of acres irrigated in
each subdivision.) State whether cultivated or natural meadow land and the nature
of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation. Twp. 6 N., R. 39, E.B.M. - Sec. 29,
NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$. Twp. 6 N., R. 39,
E.B.M. - Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$. Twp. 6 N., R. 39, E.B.M. - Sec.
30, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ (18.3 acres) All 40 acres, except as indicated.
Natural meadow land. Land has been made into better pasture.

27578

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. No other purposes.

Ques. 8. If for irrigation, state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Meadow land, which hasn't been cultivated yet, but holder intends to cultivate the land.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. This spring we did all the work on the ditches, and then saw the water go through the ditches.

(Signed)

Van S. [Signature]

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Rexburg, County of Madison, State of Idaho, on this 20th day of November, A. D. 1961.

Ray W. [Signature]

Notary Public.

My commission expires January 26, 1963.

**The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO**

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, John A. Porter,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Standard, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

notice of proof of completion of
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for four
consecutive issues, the first publication hav-

ing been made on Sept. 6, 1921
and the last publication having been made

on Sept. 26, 1921.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

John A. Porter

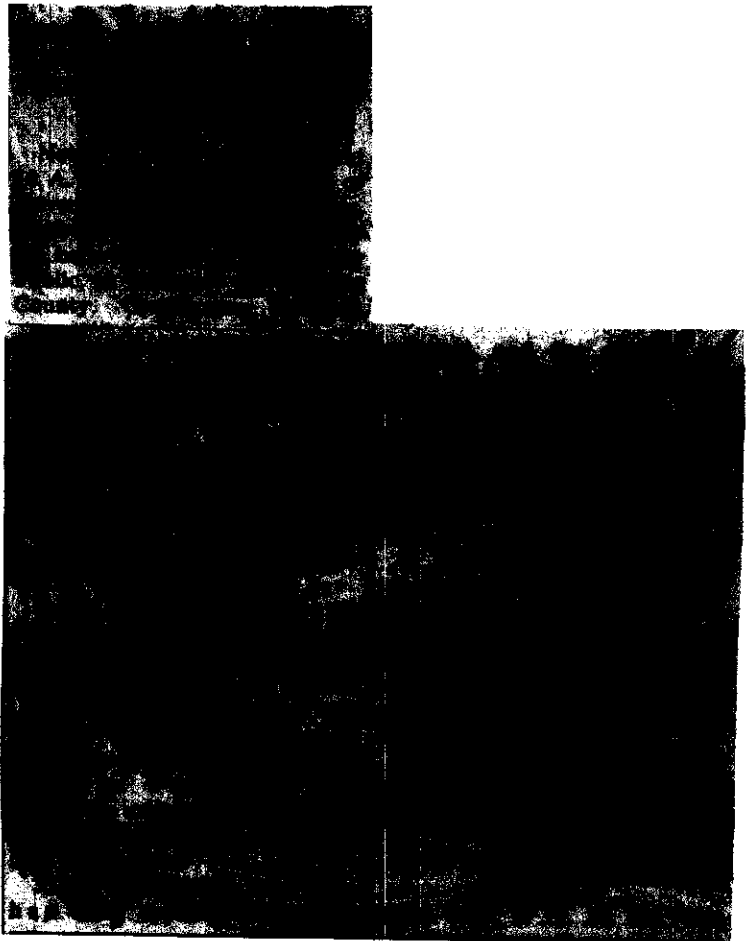


Subscribed to and sworn to before me

this 28th day of Sept., 1921.

John A. Porter
Notary Public.
(SEAL)

My commission expires Sept. 1, 1922



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

August 31, 1961

Re: Permit No. 27578

Mr. Harlo B. Rigby,
Rexburg, Idaho.

Dear Mr. Rigby:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 27578. The proofs are to be made at 10:00 o'clock A.M., on the 20th day of November, 1961, ~~1959~~, before Ray W. Rigby, County Courthouse, Rexburg, Idaho, Notary Public.

As of this date we have mailed the Notice to the Rexburg Standard with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Rule

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.

EPR: ~~pink~~

cc: Notary

27578

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 27578
Harle B. Rigby

Date: August 31, 1961

Rexburg Standard,
Rexburg, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **November 20, 1961** the date set for proof; the expense of the publication is to be paid by the applicant

Harle B. Rigby

of **Rexburg, Idaho**

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,


GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

27578

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation
NOV 31 1961
Rexburg, Idaho

Notice is hereby given that at 10 A. M., on the 20th day of November 1961, at Rexburg, County of Madison, State of Idaho, before Ray W. Rigby, Notary Public, at (address) the Madison County Courthouse, Rexburg, Idaho, proof will be submitted of the completion of works for the diversion of four cubic feet per second of ~~waste~~ ~~surface~~ ~~water~~ ~~from a well~~, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 27578, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person ~~xxxxxxx~~ holding said permit is Harlo B. Rigby, Rexburg, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is four cubic feet per second.

3. The use to which said water has been applied is irrigation ~~for agricultural~~ purposes, and the amount applied to beneficial use is four cubic feet per second.

4. The points of diversion of said water ~~is~~ are in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 29, township 6 North, range 39 E.B.M.

5. The place where said water is used is on N $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and a portion of NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 29; also on NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and a portion of NW $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 30, all in township 6 North, range 39, E.B.M.

6. The date of priority which said user is prepared to establish is September 26, 1958.

State Reclamation Engineer

27578
R1

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

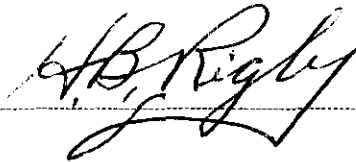
(Date) August 30, 1961
(P. O.) Rexburg, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Rexburg Standard of Rexburg, Idaho published in
the county in which the works are situated.



(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

RIGBY & THATCHER
ATTORNEYS AT LAW
16 SOUTH FIRST EAST
P. O. BOX 862
REXBURG, IDAHO

RAY W. RIGBY
COUNTY COURT HOUSE
ELMWOOD 6.6701

August 3, 1961

GORDON S. THATCHER
16 SOUTH FIRST EAST
ELMWOOD 6.6238

Re: G-27578

State of Idaho
Department of Reclamation
Boise, Idaho

Department of Reclamation

Gentlemen:

Mr. Harlo B. Rigby of Rexburg, Idaho has completed all the diversionary works and applied to beneficial use water as shown in his application for permit filed in October of 1958.

Would you please send the necessary papers to submit the final proofs.

Yours very truly,

RIGBY & THATCHER

By

Ray W. Rigby
Ray W. Rigby

RWR:sn

G-27578

Mailed 8-4-61

27578

November 3, 1958

Re: Permit No. 27578

Mr. Harlo B. Rigby
Rexburg, Idaho

Dear Mr. Rigby:

We enclose Permit No. 27578, in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 29306, which was issued covering payment in the amount of \$5.75, for the filing fee of the above mentioned permit.

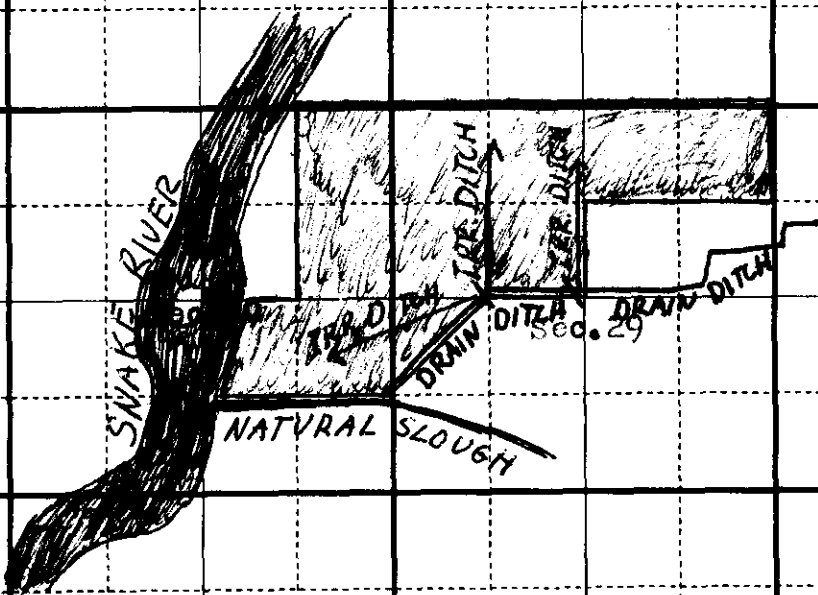
Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (2)

27578



- LEGEND:
- 1. Proposed irrigation works are shown in red.
A check-and-headgate is at the head of each irrigation ditch marked in red.
 - 2. A newly constructed drain ditch is shown in black.
 - 3. The drain ditch runs into a natural slough, which is shown in blue. Water from Rexburg Irrigation Co. also runs into the natural slough from higher up.
 - 4. Applicant's land is shown in green.
 - 5. Land is in T. 6 N., R. 39 E., Boise Mer.

Permit Map No. 27578
As Approved
OCT 15 1958
E. M. CARTER
Reclamation Engineer

October 3, 1958

Mr. Ray W. Rigby
Attorney at Law
Rexburg, Idaho

Dear Mr. Rigby:

We acknowledge receipt of your letter of October 2, 1958, returning the application of Harle B. Rigby for permit to appropriate four second feet of water from a waste and drainage ditch, accompanied by his check for the \$5.75 filing fee.

This application has been given the ~~original~~ priority of the date when it was first received in this department, which is September 29, 1958, and permit will be processed and sent you in regular course.

For your information will state that there have been other inquiries regarding what appears to be this same source, but no formal application has been filed.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

A

Chief Clerk

rigina

27578

RAY W. RIGBY

ATTORNEY-AT-LAW
REXBURG, IDAHO

October 2, 1958

Mr. George N. Carter
State Reclamation Engineer
State of Idaho
Boise, Idaho

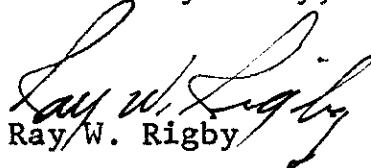
Dear Mr. Carter:

Enclosed herewith is Application for Permit to appropriate the Public Water of the State of Idaho for Harlo B. Rigby of Rexburg, Idaho. His original application was submitted to you on the 26th day of September, 1958, and was returned by you on September 26, 1958, to have it transcribed to the standard form. Since we had submitted applications in this manner in the past and they have been accepted, and feeling that it had covered the material required and was a copy of your form, it was hoped that it could be accepted, especially in light of the fact that it is very possible that others have filed upon this water in the meantime.

Therefore, we are hoping that the application as originally submitted would give the date of priority of this applicant. Permission was not obtained from the other owners of the drainage channel because the applicant is the last man on the drain. His premises border the river into which the water goes. The fall of the drain is such that the water could not be taken back upon the premises of others, but can only be used upon the low lands of the applicant next to the river. The water is dumped and abandoned. Any other applicants for this water would have to take it out farther up the channel. Therefore, any water that gets down to the applicant's premises could only be appropriated to a beneficial use by the applicant.

The applicant's check in the sum of \$5.75 as per your request is also enclosed.

Yours very truly,


Ray W. RigbySS
Enclosures 2

27578

RAY W. RIGBY

ATTORNEY-AT-LAW

REXBURG, IDAHO

September 26, 1958

RECEIVED
SEP 29 1958
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

Enclosed for filing, and for consideration of and approval by the State Reclamation Engineer, is an application of Harlo B. Rigby to appropriate the public waters of the State of Idaho.

We were not familiar with the required filing fee, so we have enclosed a check with the amount left blank. We would appreciate it if you would complete the check as to the proper amount.

Thank you for your consideration of this matter.

Yours very truly,

Ray W. Rigby
Ray W. Rigby

Enclosures: 2

27578

application for Permit

Mr. Harlo B. Rigby
Rexburg, Idaho
Dear Mr. Rigby:

258. 1. 1. 105. 02

105. 1. 1. 11. 15

(and attached)
blank check

We are returning your application⁽⁻⁾ for
Permit to be transferred to the standard
blank form attached. The fee for 200 inches will be
\$5.75.

Under No. 4. Point of Diversion show the
"40" acre tract in which said diversion is to be
according to the map. Information in regard
to the ditch could be added under Remarks
on page 3.

Water flowing in drainage ditches is generally
belongs to the owners of the ditch until it enters
a public stream. Permission for your diversion
should be obtained, ^{to be} submitted with your
returned application. Under remarks we have
typed in the policy of this office in regard to
drainage water.

1000 ft. of ...

50 rods E = 825'
2 1/4" S = 360'

1000 ft. of ...
1000 ft. of ...
1000 ft. of ...

(...)

we are returning your application to
be transferred to the ...
... the ...
... Point of ...
... "A" ...
... according to the map. Information ...
to the ... could be ...

on page 3.

... in ...
... to the ...
... for your ...
... to be ...
... with your ...
... application. Under ...
... of the ...
... in the ...



September 26, 1958

Re: Application for Permit

Mr. Harlo B. Rigby
Rexburg, Idaho

Dear Mr. Rigby:

We are returning your application and attached blank check, for permit to be transferred to the standard blank form attached. The fee for 200 inches will be \$5.75.

Under No. 4 - Point of Diversion - show the "40" acre tract in which said diversion is to be according to the map. Information in regard to the ditch could be added under "Remarks" on Page 3.

Water flowing in drainage ditches generally belongs to the owners of the ditch until it enters a public stream. Permission for your diversions should be obtained, to be submitted with your returned application. Under "Remarks" we have typed in the policy of this office in regard to drainage water.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:lw
Enclosure - Application for Permit
Check Attached

27578

