

R39E

29

29

T5N

29

29

Location of wells (2)
and places of use

Received by mel Date 3/27/78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ny Date 3/27/78 _____
\$10.00 fee received by mel Date 3/27/78 #11213 _____
Approved for publication by me 4-18-78 _____
Published in High Star _____
Dates Printed 6 x 13 1978 _____

Affidavit of Publication

RECEIVED

THE RIGBY STAR

APR 18 1978

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Jefferson

ss

I, Kent Stevens, do solemnly swear that I am the
Editor of THE RIGBY STAR, a weekly
newspaper as defined by Idaho Codes Annotated Section 58-106 as
amended, and that said newspaper is a weekly newspaper, printed and
published at Rigby, Jefferson County, Idaho, having a general circulation in
said county, and that said newspaper has been printed and published as a
weekly newspaper, in said county for more than 78 consecutive weeks prior
to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said
publication as per clipping attached, was published in said newspaper in the
regular and entire issue thereof, and not in any supplement issue thereof,
for 2 consecutive issues thereof; first publication having been made on
the

Sixth day of April, 19 78

and the last publication on the

Thirteenth day of April, 19 78

And affiant further says that at the times herein mentioned said
newspaper was made up of at least four pages of at least five columns each
printed from type matter of at least seventeen and three-fourths inches
depth; and that there are at least two hundred bonafide subscribers in
Jefferson County.

Kent Stevens
Editor

Subscribed in my presence and sworn to before me this Thirteenth
day of April, 19 78.
[SEAL]

Evelyn M. F. [Signature]
Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Non-Exper, 19

Publication Fee: \$ 12.87

**NOTICE OF CLAIM
TO A WATER RIGHT**

NOTICE IS HEREBY GIVEN
that Wayne E. &/or Errol W.
Tibbitts, Rigby, Idaho have filed
a claim to a water right estab-
lished by diversion and applica-
tion to beneficial use of 0.08
cubic feet per second of water
from ground-water sources with
point of diversion in the
SW 1/4 SE 1/4 (2 points), Sec. 29,
T. 5N, R. 39E, B.M. Jefferson
County.

The water is claimed to be
used from Jan. 1 to Dec. 31 for
domestic purposes for one fami-
ly and stockwatering purposes
for 250 head of cattle, with a
priority of Apr. 1, 1900; the
place of use is within the
SW 1/4 SE 1/4, Sec. 29, T. 5N, R.
39E, B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water
Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401.

C. Stephen Allred
Director

Published in the Rigby Star,
Rigby, Idaho on April 6 and
April 13, 1978.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Wayne E. and Errol W. Tibbitts
Lorenzo (name of claimant)
of Rt. Box 212, Rigby, ID 83442, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) groundwater
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|-------------------|-----|----------------------------|---------------------|---------------|----|------------------------|
| Amount | <u>0.04</u> | Use | <u>Domestic</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u>0.04</u> | Use | <u>Stockwater</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | _____ | Use | _____ | Period of Use: From | _____ | To | _____ |
| | (cfs, gpm or a/f) | | (dom., irri., stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: 0.08 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) April 1, 1900

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
(2 pts.) SW ¼ SE ¼, Sec. 29 Twp. 5N Rge. 39E B. M. County of Jefferson
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 2 wells, driven, 25' in depth, 1½ to 2 inch diameter, household and feedlot distribution lines.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5N	39E	29															X		

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic purposes for one household and stockwater for 250 head beef cattle

- (7) If you are claiming water as a member of an organization, list name of organization: NA

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Scale: 2 inches equal 1 mile.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Notary Public
Residing at Boise, IDAHO

For Department Use Only

Received by <u>mlb</u>	Date <u>3-27-78</u>	Exception filed by: _____	Forwarded to _____	Date _____
Prelim. check by <u>mlb</u>	Date <u>3-27-78</u>	claimant by: _____	_____	_____
\$10.00 fee received by <u>mlb</u>	Date <u>3-27-78</u> #11213	_____	_____	_____
Approved for publication by <u>me</u>	<u>4-18-78</u>	_____	_____	_____
Published in <u>Kidder Star</u>	_____	_____	_____	_____
Dates <u>April 6 & 13, 1978</u>	_____	_____	_____	_____

Affidavit of Publication

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THE RIGBY STAR

APR 16 1978

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Jefferson

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I, Kent Stevens, do solemnly swear that I am the Editor of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said publication as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the

Sixth day of April, 19 78

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And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Kent Stevens

Editor

Subscribed in my presence and sworn to before me this Thirteenth day of April, 19 78.

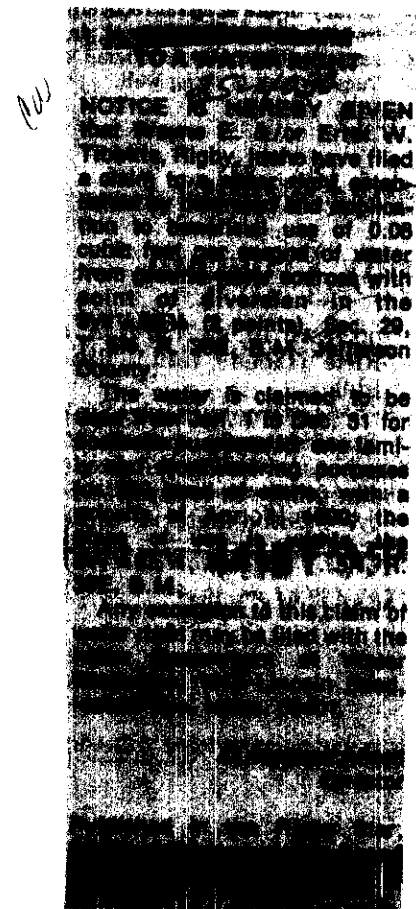
[SEAL]

Evelyn M. Flegler

Notary Public for the State of Idaho
Residence and P. O. Address, Rigby, Idaho.

My commission expires Non-Expir, 19

Publication Fee: \$ 12.87



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ACT
ION

N	OWNER LAST NAME - TIBBITTS	FIRST NAME - WAYNE E.
N	OWNER LAST NAME - TIBBITTS	FIRST NAME - ERROL W.
N	ADDRESS LINE 1 - LORENZO RT. BOX 212	
N		
N	SOURCE - GROUNDWATER	CITY - RIGBY
N	STAGE - STATUTORY CLAIM	STATE - ID
N	DIVERSION POINT - SWSE 29 05N 39E	ZIP CODE - 83442
N	FROM - 01-01 TO - 12-31 USE - STOCKWATER	PRIORITY - 04-01-1900
N	FROM - 01-01 TO - 12-01 USE - DOMESTIC	COUNTY - JEFFERSON
N	USE - STOCKWATER	TOTAL DIV. RATE - .0800CFS
N	REMARKS - 2 P/D IN SWSE, S29, T5N, R39E.	USE DIV. RATE - .0400CFS
N	NON IRRIG USE - S/250 D/1 HOME.	USE DIV. RATE - .0400CFS

PLACE OF USE - TWN 05N RNG 39E SEC 29 TRACT SWSE

- DATA ENTRY -

Record

1. Original Owner: Wayne E. & Errol W. Tibbitts

Present Owner: _____

2. Address: ~~St~~ Lorenzo Rt. Box 212

3. City: Bigby State: ID Zip: 83442

4. A. Source of Water: *gr*

B. Tributary of:

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

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

C. Priority Date: 4-1-1900

D. County: 51

E. Total Diversion Rate: .08

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):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SWSE</u>	<u>29</u>	<u>5N</u>	<u>39E</u>		

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

from 1-1 to 12-31 for 2 purposes. Amount 64
(cfs or AC-FT/yr)

from 1-1 to 12-31 for D purposes. Amount .04

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

972479

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. 2 P/D in SWSE, S 29, T 5N, R 39E.
B.
C.
D.
E.

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

5/250 head D/1 home

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:

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

Dr. Stephen A. Allen
Director

April 24, 1978

RE: Claim to a Water Right No. 25-4030

Wayne E. and/or Errol W. Tibbitts
Lorenzo Rt., Box 212
Rigby, ID 83442

Dear Mr. Tibbitts:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Western Region

RD:CS

Enclosure

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March 31, 1978

RE: Claim to a Water Right No. 25-4029 TIBBITTS
25-4030 "
Application for Permit No. 35-7796 ZIRKER

The Rigby Star
P.O. Box 37
Rigby, ID 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

Bill submitted 4-18-78 by CCW

RDC:CD

Enc: Legal Notices (3)

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NOTICE OF CLAIM TO A WATER RIGHT

NO. 25-4030

Notice is hereby given that Wayne E. &/or Errol W. Tibbitts,
Rigby, Idaho

have ~~had~~ filed a claim to a water right established by diversion and application
to beneficial use of 0.08 cubic feet per second ~~XXXXXX feet per second XXXX~~
of water from ground-water sources
with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ (2 points), Sec. 29, T. 5N, R. 39E, B.M.,
Jefferson County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes
for one family and stockwatering purposes for 250 head of cattle,
with a priority of Apr. 1, 1900;
the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29, T. 5N, R. 39E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~
R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho
on April 6 and April 13, 1978

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me. f.
the. d.