

RECEIVED

MAY 10 1972

Department of Water Administration
Eastern District Office

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO
County of Jefferson

ss.

I, Hope B. Jones, do solemnly swear that I am the printer 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 said attached notice, advertisement or 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

Two Consecutive issues thereof; first publication having been made on the

4th day of *May*, 19*72*
and the last publication on the

11th day of *May*, 19*72*

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 bona fide subscribers in Jefferson County.

Hope B. Jones

Subscribed in my presence and sworn to before me this *18th*

day of *May*, 19*72*
(SEAL)

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

My commission expires _____, 19____

Publication Fee: \$ *11.48*

MY COMMISSION EXPIRES JULY 15, 1973

**NOTICE OF CLAIM
TO A WATER RIGHT
NO. 25-4011**

Notice is hereby given that the City of Rigby, 158 West Fremont, Rigby, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.45 cubic feet per second of water from a ground-water source with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 18, 4N R. 39E, B.M., Jefferson County.

The water is claimed to be used from Jan. 1 to Dec. 31 for municipal purposes for the City of Rigby with a priority of June, 1961.

The place of use is within the corporate city limits of Rigby.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Idaho on May 4 and 11, 1972.

Director
Publish in The Rigby Star, Rigby,

25 4011

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

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

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

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

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

SOURCE

GROUNDWATER

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

PLACE OF USE: See Remarks *

CONDITIONS OF APPROVAL AND REMARKS

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

SEP 11 1996

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

CONDITIONS OF APPROVAL AND REMARKS

3. The total instantaneous diversion of water from all points of diversion under Transfer No. 4791 shall not exceed 7.80 cfs.
4. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
5. The well(s) previously used under these rights shall be abandoned in a manner which complies with Department well abandonment rules.
6. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
8. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
9. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

- * 10. Place of use is located within the City of Rigby.

Dated this 16th day of August, 1996.

J. Glen Saylor
Chief, Water Alloc. Bureau

RECEIVED
SEP 11 1996

Identification No. 25 4011
Claim No. _____
Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant CITY of RIGBY
post office address 158 West Fremont, Rigby, Idaho 83442
2. The point of diversion is in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 18 Township 4N
Range 39E B.M. located on Ground Water (Well #3)
(name of source)
tributary to ----- in Jefferson County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:
June, 1961 amount: 2.45 c.f.s. or -- acre feet
amount: ----- c.f.s. or ----- acre feet
amount: ----- c.f.s. or ----- acre feet
Total claimed 2.45 c.f.s. or -- acre feet.
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use Municipal period of use from Jan. 1 to Dec. 31 (both dates inclusive)
use ----- period of use from ----- to ----- (both dates inclusive)
use ----- period of use from ----- to ----- (both dates inclusive)
use ----- period of use from ----- to ----- (both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of -----
-----; length is ----- feet; height is ----- feet;
width at bottom is ----- feet; width at top is ----- feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known -----

 - b. Underground water diverting works: is well flowing or pumped PUMPED; depth of well is 165 feet; diameter of well is 16 inches; type of pump is 60hp F-M Pomona Pump
capacity of pump is 1100 g.p.m.; name and address of well driller is Paul Vollmer & Sons,
Aberdeen, Idaho

attach well logs if available; has there been any change in pump or motor since well was first completed
NO; if so, give dates and explain _____

- c. Conveying works: length of ditch to place of use is N.A. feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is 8 inches; type of pipe Cast Iron; grade of pipe per 1000 feet is _____.
- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible 250,000 gal. storage tank on 100 ft. legs; well is pumped into city mainline.

- d. If water is stored: name of reservoir ---; total capacity of reservoir is 250,000 gal. acre feet; active capacity of reservoir is --- acre feet; year construction commenced 1953; year completed 1953; date first used 1953; period of storage is from Jan. 1 to Dec. 31; is reservoir drained each year NO; is reservoir on or off stream --- explain ---

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built NO, if so, give dates and describe _____

5. a. Where water is used for ^{Municipal}irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

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	
4N	38E	13	X			X							X				X	X	
		24	X	X															
4N	39E	18					X	X	X	X	X	X	X	X			X	X	
		19	X	X			x	x											
		20	X	X															
		17											X	X					
							WITHIN THE CORPORATE CITY LIMITS OF RIGBY												

Total number of acres to be irrigated ---

Explain any significant increase in area irrigated since first use, give dates and acreages if known ---

b. Do you get water through a ditch owned by several users? N.A. If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered N.A.

7. Where water is used for domestic or municipal purposes give number of families served Approx. 700 families.
name of town supplied City of Rigby

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities 75 businesses and industries

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Land indicated in place of use designates present day city limits.

State of Idaho

County of Jefferson } ss.

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.

G. K. Madsen, Mayor; City of Rigby

G. K. Madsen
Claimant

Sworn to before me this 21st day of April, 1972.

James A. Pirrie
Notary Public
Residing at Rigby, Idaho

My commission expires 10-24-72

For Department Use Only

Received by <u>Bj</u>	Date <u>4-21-72</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>NCY</u>	Date <u>4/21/72</u>			
Fee received by <u>Bj</u>	Date <u>4-21-72</u>	Fee \$ <u>10.00</u> # <u>7282</u>		
Approved for publication by <u>NCY</u>				
Published in <u>Rigby Star</u>	Dates <u>5-1-72</u>			

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8</u> c.f.s. or	_____	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4</u> c.f.s. or	_____	acre feet
		Total claimed:	<u>1.2</u> c.f.s. or	_____	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

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Department of Water Administration
Eastern District Office

Affidavit of Publication

THE RIGBY STAR

STATE OF IDAHO }
County of Jefferson } ss.

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Two Consecutive issues thereof; first publication having been made on the

4th day of *May*, 19*72*

and the last publication on the

11th day of *May*, 19*72*

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Hope B. Jones
184

Subscribed in my presence and sworn to before me this

day of *May*, 19*72*
(SEAL)

R. H. Higginson

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

My commission expires _____, 19____

Publication Fee: \$ *11.48*

MY COMMISSION EXPIRES JULY 15, 1973

TO A WATER RIGHT
NO. 25-4011

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The water is claimed to be used from Jan. 1 to Dec. 31 for municipal purposes for the City of Rigby with a priority of June, 1961.

The place of use is within the corporate city limits of Rigby.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, 240 South Holmes, Idaho Falls, Idaho, 83401.

R. KETH HIGGINSON
Idaho on May 4 and 11, 1972.

25 4011



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 19, 1996

CITY OF RIGBY
158 W FREMONT
RIGBY ID 83442

RE: Transfer of Water Right Nos. 25-04010/~~25~~-04011
and SRBA Claim No. A 25-10496

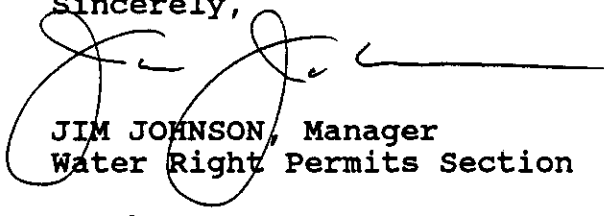
Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer No. 4791). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR to July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

Enclosure


SEP 11 1996

MEMORANDUM

TO: FILE 25-04011

FROM: PAM SKAGGS

RE: TRANSFER # 4791

DATE: 5/21/96

Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
file # 25-04010.

RECEIVED
SEP 11 1996

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

June 5, 1972

Re: Claim to a Water Right No. 25-4009
" " " " " 25-4010 - City of Rigby
" " " " " 25-4011

City of Rigby
158 West Fremont
Rigby, Idaho 83442

Gentlemen:

The Department of Water Administration has completed the processing of your claims to a water right, and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claims 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 claims does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claims.

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 files, you may have that information or evidence added at any time. Please refer to your claim numbers when corresponding with this office.

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

Very truly yours,

Donald W. McEldowney
Water Rights Supervisor
State Office

DWM:CR

Enc: Copies of Claims

bcc: Eastern District Office

25-4011

April 28, 1972

Re: Application No. 25-4009 - City of Rigby

25-4010 - " " "

25-4011 - " " "

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 ample time for you to submit us a galley proof for our 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 date. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Norman C. Young
District Engineer

NCY:BJ
Encs; Legal notices (3)

Bill submitted 6/7/72. d

25 4011

NOTICE OF CLAIM TO A WATER RIGHT

NO. 25-4011

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of water from a ground-water source

with point of diversion in the SW 1/4, Sec. 18, T. 4N, R. 39E, B.M., Jefferson
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The water is claimed to be used from Jan. 1 to Dec. 31 for municipal purposes
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The place of use is within the corporate city limits of Rigby

Any exception to this claim of water right may be filed with the Idaho
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R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho
on May 4 and 11, 1972

25-4011

1011