

RECEIVED

MAY 19 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

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

4th day of May, 1972

and the last publication on the

11th day of May, 1972

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 inch 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, 1972

(SEAL)

R.H. Harnum

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

My commission expires _____, 19____

Publication Fee: \$ 1.48

MY COMMISSION EXPIRES JULY 15, 1973

NOTICE OF CLAIM TO A WATER RIGHT NO. 25-4009

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 5.35 cubic feet per second of water from a ground-water source with point of diversion in the NE 1/4 SW 1/4, Sec. 18, T. 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 February 1947 (2.80 and March, 1958 (2.55 c.f.s.) 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
Director

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

25 4009

Identification No. 25 4009

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 NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 18 Township 4N
Range 39E B.M. located on Ground Water (Well #1)
(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:

<u>February, 1947</u>	amount: <u>2.80</u> c.f.s. or <u>--</u> acre feet
<u>March, 1958</u>	amount: <u>2.55</u> c.f.s. or <u>--</u> acre feet
_____	amount: _____ c.f.s. or _____ acre feet
Total claimed <u>5.35</u> c.f.s. or <u>--</u> 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 196 feet; diameter of well is 16 inches; type of pump is Pomona deep well turbine, 60hp motor
capacity of pump is 1250 g.p.m.; name and address of well driller is Jim Schoonover of Burley,
Idaho. ;

25 4009

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 _____ feet; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ 12 _____ 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 its pumped into city mainline.

d. If water is stored: name of reservoir _____
 tank is 250,000 _____ gal.
 total capacity of reservoir is _____ 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 _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____ A 60,000 gal. tank was used prior to the new tank being installed in _____ 1953.

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

[illegible]

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

[illegible]

County of Jefferson

\$5.

G. K. Madsen, Mayor; City of Rigby

day of April, 1972.
James C. Ririe
Notary Public
Residing at Rigby, Idaho

Received by Bj Date 4-21-72

Forwarded to _____ Date _____
claimant by: _____

Prelim. check by NC Date 4-21-72

Fee received by Bj Date 4-21-72 Fee \$ 10.00 # 7282

Approved for publication by NOY

Published in Right Star Dates 5-4 & 11-72

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 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:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
Total claimed:	1.2 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 it 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, Boise, Idaho, ~~is \$10.00.~~

IDAHO DEPARTMENT OF WATER ADMINISTRATION
DISTRICT OFFICE
250 S. HOLMES
IDAHO FALLS, IDAHO 83401

IN THE MATTER OF:

City of Rigby

State of Idaho

County of Jefferson

AFFIDAVIT

I J. L. Brown

being first duly sworn,

deposes and says: To whom it may concern Re: Wells at Rigby.

I, J. L. Brown came to Rigby in April 1903 with my parents. Have resided here since that time, except the time spent in the Army during W.W.1.

I testify that well #1 was drilled about 50 ft. west of the city hall ^{late 1947} Also in 1920, Well #2 was drilled in the basement just prior to the building of the present City Hall. Not long afterward, I had the privilege of serving on the City Council for two years.

well #3 was drilled in February 1961 on Delbert Call addition.

J. L. Brown
(signature)

Subscribed and sworn to before me this 21st day of April 19 72.

James A. Pirie
(notary public)

Residing at Rigby, Idaho.

My commission expires 10-24-72.

25 4009

IN THE MATTER OF:)
)
)
)
City Of Rigby)
State of Idaho)
County of Jefferson)

AFFIDAVIT

Sheridan S. Evans being first duly sworn,
deposes and says: I Sheridan S. Evans Being 73 years old and a resident
of the city of Rigby since 1917. I have knowledge that the present
City Hall was built in 1921 and well known as no. 2 was drilled prior to the
to that time.
The well west of City Hall known as well no 1 was drilled in 1947.
The well in the north part of the city was drilled in 1961.
As I was the owner and operator of a plumbing business in the city
of Rigby, my association of the water supply of the city was of great
importance to me.

Sheridan S. Evans
(signature)

Subscribed and sworn to before me this 21st day of April 19 72.

James A. Pirie
(notary public)

Residing at Rigby, Idaho.
My commission expires 10-24-72.

IN THE MATTER OF:

CITY OF RIGBY

State of Idaho

County of JEFFERSON

AFFIDAVIT

FRED HUTCHENS

being first duly sworn,

deposes and says: After having searched the records of the City of Rigby, I have found the city Hall was built in 1921. No 2 well is in the basement of City Hall, so had to drill before erection of the building. Through this evidence I put down Jan. 1920 as drilling date.

No. 1 well was drilled in 1947 by Jim Schoonover of Burley, Idaho. I was a city employee at this time.

No. 3 well was drilled by Paul Vollmer & Sons of Aberdeen, Idaho in 1961. I am enclosing a copy of the Log on this well.

I, Fred Hutchens, was the water Supt. at the time this well was drilled and I still hold the same title at this time.

FRED HUTCHENS

CITY SUPT.

CITY OF RIGBY

Fred Hutchens
(signature)

Subscribed and sworn to before me this 21st day of April 1972.

James A. Davis
(notary public)

Residing at Rigby, Idaho.
My commission expires 10-24-72.

25 4009

IN THE MATTER OF:)
)
)
)
City of Rigby)
State of Idaho)
County of Jefferson)

AFFIDAVIT

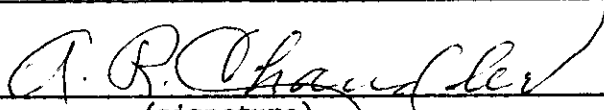
I ARTHUR REUEL CHANDLER being first duly sworn,
deposes and says: I have lived in Rigby Idaho since June

15, 1901 and have watched the place grow from a real small
community to its present size.

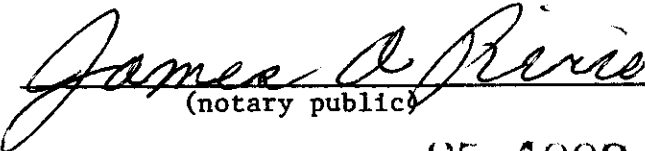
In the year of 1921 I was hired by Ira Mangum to help pour the
foundation for our present City Building. Since the well
which is in the present city building is in the basement
it would have to have been built before that time.

The well taht was drilled approximently 50ft West of
the Rigby City Hall was drilled in the year of 1947.

The well that was drilled on the Delbert Call addition
on the North side of the City of Rigby just North of 3rd
North was drilled in the year of 1961.


(signature)

Subscribed and sworn to before me this 21st day of April 19 72.


(notary public)

Residing at Rigby, Idaho.
My commission expires 10-24-72.

City of Rigby

158 WEST FREMONT

RIGBY, IDAHO 83442

OFFICE OF THE CITY CLERK

PH. 745-7111

Well No. 1	196 feet deep	16 in. casing	drilled 1947
Well No. 2	175 feet deep	14 in. casing	drilled 1920
Well No. 3	165 feet deep	16 in. casing	drilled 1961

City of Rigby

158 WEST FREMONT

RIGBY, IDAHO

OFFICE OF THE CITY CLERK

(COPY)

LOG ON # 3 WELL AS RECEIVED FROM BUREAU OF RECLAMATION

LOG ON NORTH WELL

- 1- 0 ---- 4 ----- Soil
- 2- 4 ----66 ----- Sand & gravel
- 3- 66 ----74 ----- Gravel & 1st water
- 4- 74 ----76 ----- Clay & sand, no water
- 5- 76 ----125 ----- Gravel & water
- 6- 125 ----165 ----- Boulders & water
- 7- 165 ----175 ----- Conglomerate & Water
- 8- Completion of well---Water level at 54 feet and test
of 2,000 gallons per minute for 8 hours of continuous
pumping.

RECEIVED

MAY 19 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 inch 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. Hamme

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. 25-4325

Notice is hereby given that the City of Rigby, 122 West Fremont, Rigby, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 5.35 cubic feet per second of water from a ground-water source with point of diversion in the NE 1/4 SW 1/4, Sec. 18, T. 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 February 1947 (2.80 and March, 1958 (2.55 c.f.s.) 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.

25 4009

ACTION

N OWNER LAST NAME - CITY OF RIGBY
N ADDRESS LINE 1 - 158 W. FREMONT
N CITY - RIGBY STATE - ID ZIP CODE - 83442
N SOURCE - GROUNDWATER
N STAGE - STATUTORY CLAIM PRIORITY - 02-01-1947 COUNTY - JEFFERSON TOTAL DIV. RATE - 5.3500CFS
N DIVERSION POINT - NESW 18 04N 39E
N FROM - 01-01 TO - 12-31 USE - MUNICIPAL USE DIV. RATE - 5.3500CFS
N REMARKS - P/U WITHIN CITY LIMITS OF RIGBY.
N PRIORITY DATE ALSO 3-1-1958 FOR 2.55 CFS.
N NON IRRIG USE - M/700 HOMES & BUSINESSES.

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 25-4009
Old No. New No.

Record

1. Original Owner: City of Rigby

Present Owner: _____

2. Address: 158 W. Fremont3. City: Rigby State: Id Zip: 834424. A. Source of Water: gwr

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: 2-1-1947D. County: 51E. Total Diversion Rate: 5.35

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>NESW</u>	<u>18</u>	<u>4N</u>	<u>39E</u>	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

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

from 1-1 to 12-31 for m purposes. Amount 5.35
(cfs or AC-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 _____

from _____ to _____ for _____ purposes. Amount _____

ch 7-24-79

8. Use Code: m

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. Priority date also 3-1-1958 for 2.55 ggs.
B.
C.
D.
E.

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

7M/700 ^{homes} ~~family~~ & 75 businesses.

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):

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 4009

May 25, 1972

Re: Claims No. ~~25-4009~~
25-4010 - City of Rigby
25-4011

Permit No. 33618/35-2881 - Leon F. Qualman

Rigby Star
P.O. Box 37
Rigby, Idaho 83442

Gentlemen:

We are herewith returning the affidavit of publication for Permit No. 33618/35-2881 and the certified bill submitted in connection with the above referenced items.

Please be advised that Mr. Leon F. Qualman is to pay the publication fee of \$13.94 for Permit No. 33618/35-2881. Please forward the affidavit to Mr. Qualman when he pays the fee.

Please make a corrected certified bill for Claims No. ~~25-4009~~, ~~25-4010~~ & 25-4011 and re-submit it to this office for payment.

If you have any questions regarding this matter, please contact us.

Very truly yours,

Darlene Reich, Secretary to
BOBBY D. FLEENOR
Assistant Director

25 4009

BDF:DR
Enclosures

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
Encls; Legal notices (3)

Bill submitted 6/7/72. cr

25 4009

NOTICE OF CLAIM TO A WATER RIGHT

NO. 25-4009

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 5.35 cubic feet per second ~~acre feet per annum~~
of water from a ground-water source

with point of diversion in the NE 1/4, Sec. 18, T. 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 February, 1947 (2.80 c.f.s.), and March, 1958 (2.55 c.f.s.)

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

Director

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

25 4009

ncx