

FOR OFFICE USE ONLY
Amt. of Fee \$: 525.00
Receipt No. COL194184
Receipt By: R. Reed
Date Received: 6-14/00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

JUN 14 2000

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 29-07637 Telephone No. (208) 648-7872

2. Name of Permit Holder(s): Don C Rigby

3. Mailing Address: 1226 RIGBY RD

City BANCOAT State ID Zip 83217

4. Source of Water: GROUNDWATER If GROUNDWATER (well), Date Drilled: mo. 08 / yr. 1967

a. Well Driller: IVAN BOETZ Drilling Permit Number:

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock):

Irrigation (No. of acres): 852 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 17.04 cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes X or No
Has the measuring device been installed? Yes X or No

8. Fee Enclosed: \$ 525.00/100 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Don C Rigby (Becca Larsen, atty) Telephone Number: (208) 648-7872
547-2186

Address: SAME AS ABOVE

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Don C Rigby Date: 6-8-00
(include your title, if on behalf of company or organization)

MICROFILMED

JUL 13 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSE EXAMINATION FEE SCHEDULE

(C.F.S. = cubic feet per second AF = acre feet)

<u>CFS</u>	<u>AF</u>	<u>FEE</u>
0 - 0.20	0 - 20	\$50.00*
.21 - 1.00	21 - 100	100.00
1.01 - 2.00	101 - 200	125.00
2.01 - 3.00	201 - 300	150.00
3.01 - 4.00	301 - 400	175.00
4.01 - 5.00	401 - 500	200.00
5.01 - 6.00	501 - 600	225.00
6.01 - 7.00	601 - 700	250.00
7.01 - 8.00	701 - 800	275.00
8.01 - 9.00	801 - 900	300.00
9.01 - 10.00	901 - 1000	325.00
10.01 - 11.00	1001 - 1100	350.00
11.01 - 12.00	1101 - 1200	375.00
12.01 - 13.00	1201 - 1300	400.00
13.01 - 14.00	1301 - 1400	425.00
14.01 - 15.00	1401 - 1500	450.00
15.01 - 16.00	1501 - 1600	475.00
16.01 - 17.00	1601 - 1700	500.00
17.01 - 18.00	1701 - 1800	525.00
18.01 - 19.00	1801 - 1900	550.00
19.01 - 20.00	1901 - 2000	575.00
20.01 - over	2001 - over	600.00

*Checks should be made payable to the
Idaho Department of Water Resources (IDWR.)

MICROFILMED

A license examination fee is not required in connection with JUL 13 2000
permits which use a ground water source AND have a total rate of
diversion of 0.04 cfs or less or where the total volume stored is 4.0 AF per annum or less.

A license exam fee is required for ANY permit which uses surface water

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 29-07637

This is to certify, that DON C RIGBY

1226 RIGBY RD

BANCROFT ID 83217

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 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

GROUNDWATER

Priority: April 19, 1982

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 10/31

17.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 21, Township 08S, Range 40E

SENE , Sec. 29, Township 08S, Range 40E

CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
08S	40E	16	SENE	13.6	NESE	39.7	NWSE	7.6	
			SWSE	2.6	SESE	32.9			96.4
		27	SWNW	39					39
		28	NENE	31.5	NWNE	36.1	SWNE	36.8	
			SENE	39.6	NENW	36.4	NWNW	20.2	
			SWNW	24.8	SESW	36.2	NESW	36.9	
			NWSW	26.4	NESE	39.4	NWSE	35.7	
			SESE	30.4					430.4
		29	SWNE	18.4	SENE	35.4	SESW	6.3	
			NESE	37.7	NWSE	21.1	SWSE	37	
			SESE	29.3					185.2
		32	NENE	35.8	NWNE	39.9	SWNE	9.6	
			SENE	4.9	NENW	10.8			101

Total number of acres irrigated: 852

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 2000.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

MICROFILMED

JUN 14 2000

PERMIT NO. 29-07637

CONDITIONS OF APPROVAL AND REMARKS

4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The owner of this right must pay the cost of monitoring nearby wells during development, as determined by the Department of Water Resources.
7. The owner of this right bears the risk of future departmental regulation of new wells, and possible shut down if interference is found to exist.
8. Regulation of this right and Right 29-07636 may be necessary to protect earlier in time groundwater users, or surface water users of the Portneuf River.

Witness my hand this

4th day of

May, 2000

 Chief, Water Allocation Bureau

MICROFILMED
 JUN 14 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR AMENDMENT OF A PERMIT

Fee \$507.00
Receipt E025777
Received by PEM
Date 4-29-2000

Name of Applicant DON C. RIGBY Phone (208) 648-7872
Mailing address 1226 RIGBY RD., BANCROFT IDAHO 83217

I am the owner and the holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29-07637, and request that the permit and permit map be amended and/or changed as follows:

Purpose of Amendment: _____ Change point of diversion _____ Add point of diversion
X Change place of use _____ Change nature of use _____ Change period of use Eliminate one pd
_____ Other X

1. Point of diversion: _____ $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 8S, Range 40E, B.M.,
County of CARIBOU Other points of diversion SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 29, T8S, R40E

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 17.04 cfs for IRRIGATION purposes from 4-1 to 10-31 (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum) (water use) (Begin Month) (End month)

3. Place of use or lands to be irrigated:

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	40E	16				13.6									39.7	7.6	2.6	32.9	96.4
		27							39										39
		28	31.5	36.1	36.8	39.6	36.4	20.2	24.8	36.2	36.9	26.4			39.4	35.7		30.4	430.4
		29			18.4	35.4								6.3	37.7	21.1	37	29.3	185.2
		32	35.8	39.9	9.6	4.9	10.8												101

Total number of acres to be irrigated 852

4. a. Who owns the property at the point of diversion? APPLICANT
- b. Who owns the land to be irrigated at the place of use? APPLICANT
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

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JUN 14 2000

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APR 24 2000

Department of Water Resources
Eastern Region

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show $\frac{1}{4}$ $\frac{1}{4}$, section, township, range and ditches. (the smallest subdivision represents acres)

Scale: 2 inches equal 1 mile

I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 20th day of April, 2000

Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by _____ Publication prepared by _____ Date _____

Published in _____ Publication dates _____

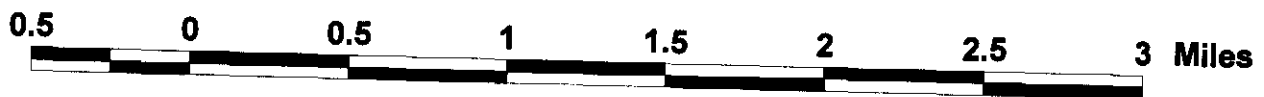
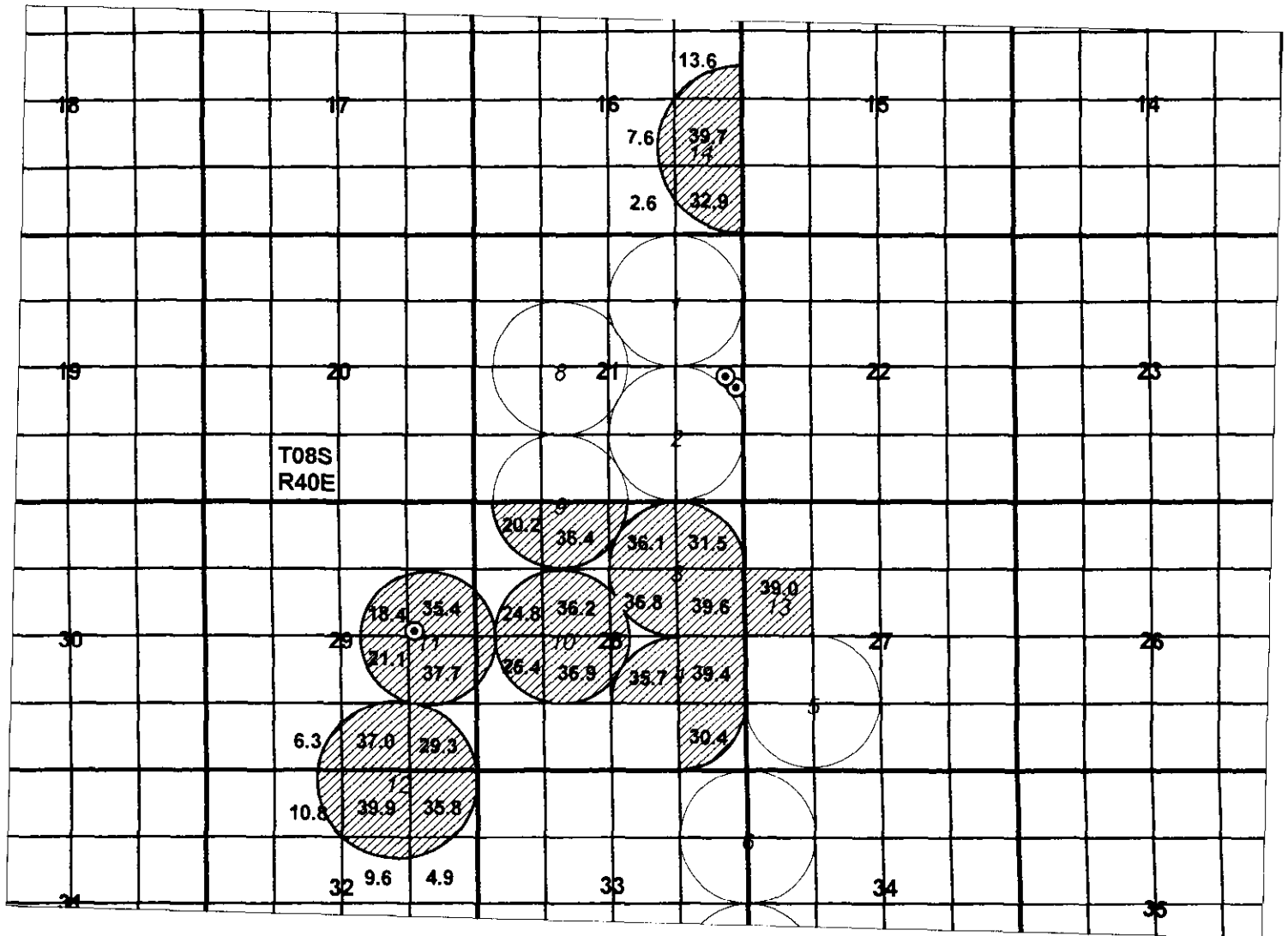
I, _____, of the Department of Water Resources hereby

Witness my hand this _____ day of _____, 20 _____

MICROFILMED

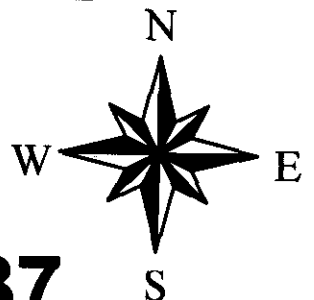
SIGNATURE

JUN 14 2000



- ⊙ Point of diversion
- ▨ Place of use

MICROFILMED
JUN 14 2000



Amendment of Permit 29-07637 Rigby, Don

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF REQUEST FOR)
EXTENSION OF TIME FOR PERMIT)
NOS. 29-07636 AND 29-07637 IN THE) **PRELIMINARY ORDER**
NAME OF DON C. RIGBY)
_____)

This matter having come before the Idaho Department of Water Resources (Department), as a result of requests for extension of time in which to submit proof of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On May 8, 1991, the Department issued Permit nos. 29-07636 and 29-07637 (permits) to Don C. Rigby (permit holder) for irrigation purposes requiring that proof of application of water to beneficial use (proof) be submitted to the Department on or before July 1, 1996.
2. On July 3, 1996, upon request from the permit holder, the Department extended the date for the submittal of proof for the permits to July 1, 1998.
3. On July 1, 1998, the permit holder submitted a second request for extension of time to the August 4, 1998 Department seeking to extend the proof due date to July 1, 2000.

CONCLUSIONS OF LAW

1. Section 42-204(5), Idaho Code, provides as follows:
 5. In all other situations not governed by these provisions the Department may grant one (1) extension of time, not exceeding five (5) years beyond the date originally set for completion of works and application of the water to full beneficial use, upon request for extension received on or before the date set for completion, provided good cause appears therefor.
2. The Department is not authorized to grant a second request for extension of time to the permit holder based on Section 42-204(5), Idaho Code, but is authorized to amend the first request for extension of time granted on July 3, 1996 to extend the proof submittal date to July 1, 2000.

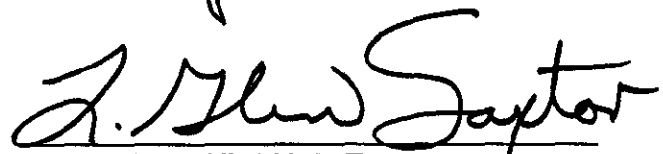
3. The Department should amend its July 3, 1996 extension order with certain conditions and limitations extending the proof due date to July 1, 2000.

ORDER

IT IS THEREFORE, HEREBY ORDERED that proof of beneficial use submittal date for the permits is extended to **July 1, 2000**, subject to the following conditions and limitations:

1. The permit holder shall comply with the original conditions of approval on the permits and with any amendments subsequently approved.
2. The permit holder is not authorized to assign ownership of the permits or parts thereof to another party without prior approval of the Department.
3. Additional extensions of time pursuant to Section 42-204(5), Idaho Code, will not be granted by the Department.

Dated this 4th day of August, 1998.


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

JD1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 01 1998

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF Department of Water Resources
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 29-07637

Name(s) of Permit Holder: Don C. Rigby

Mailing Address: 1226 Rigby Road, Bancroft, ID 83217

Date Proof is Due: July 1, 1998 Telephone No. 648-7472

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

3 wells have been drilled. Center pivot irrigation system has been
installed, elaborate well monitoring plan has been developed.

Costing \$ 750,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

The development of the water is subject to the terms of the memorandum
decision and order entered 5/8/91. The decision allows only 240 acre
tracts to be developed over a 2 year period and required a monitoring plan to
be approved by the DWR. The decision provides that the Department will con-
sider an application for an extension of time for any development not
Permit holder(s) request an extension to July 1, 2000, 19 (continued)

FEE: \$50.00

Don C. Rigby
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED pursuant to the conditions of approval of the Preliminary Order.

MICROFILMED

AUG 06 1998

Signed this day of August, 19 98

A. Glen Sayton
Chief, Water Allocation Bureau

completed

within 5 years. The current development has not used the total amount of water allowed to be developed by the permit. Applicant requires at least 36 months to complete the development of an additional 240 acres.

MICROFILMED

AUG 06 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDMENT OF PERMIT
PERMIT NO. 29-07637

This is to certify, that DON C RIGBY
1226 RIGBY RD
BANCROFT ID 83217

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 42-211, Idaho Code. The approved amendment of permit is described as follows:

SOURCE

GROUNDWATER

Priority: April 19, 1982

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 10/31	17.04 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 16, Township 08S, Range 40E
NESE , Sec. 21, Township 08S, Range 40E
SENE , Sec. 29, Township 08S, Range 40E
CARIBOU County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	40E	28	NWNE 40	SWNE 40	NENW 40	
			NWNW 40	SWNW 40	SENW 40	
			NESW 40	NWSW 40	NWSE 40	360
	29		NENE 40	NWNE 40	SWNE 40	
			SENE 40	SESW 20	NESE 40	
			NWSE 40	SWSE 40	SESE 40	340
	32		NENE 40	NWNE 40	SWNE 15	
			SENE 34	NENW 20	NESE 3	152

Total number of acres irrigated: 852

CONDITIONS OF APPROVAL AND REMARKS

1. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MICROFILMED
JUN 24 1987

PERMIT NO. 29-07637

CONDITIONS OF APPROVAL AND REMARKS

2. The owner of this right must pay the cost of monitoring nearby wells during development, as determined by the Department of Water Resources.
3. The owner of this right bears the risk of future departmental regulation of new wells, and possible shut down if interference is found to exist.
4. Regulation of this right and Right 29-07636 may be necessary to protect earlier in time groundwater users, or surface water users of the Portneuf River.

Witness my hand this 12th day of

June

, 1997.

A. Glen Saylor

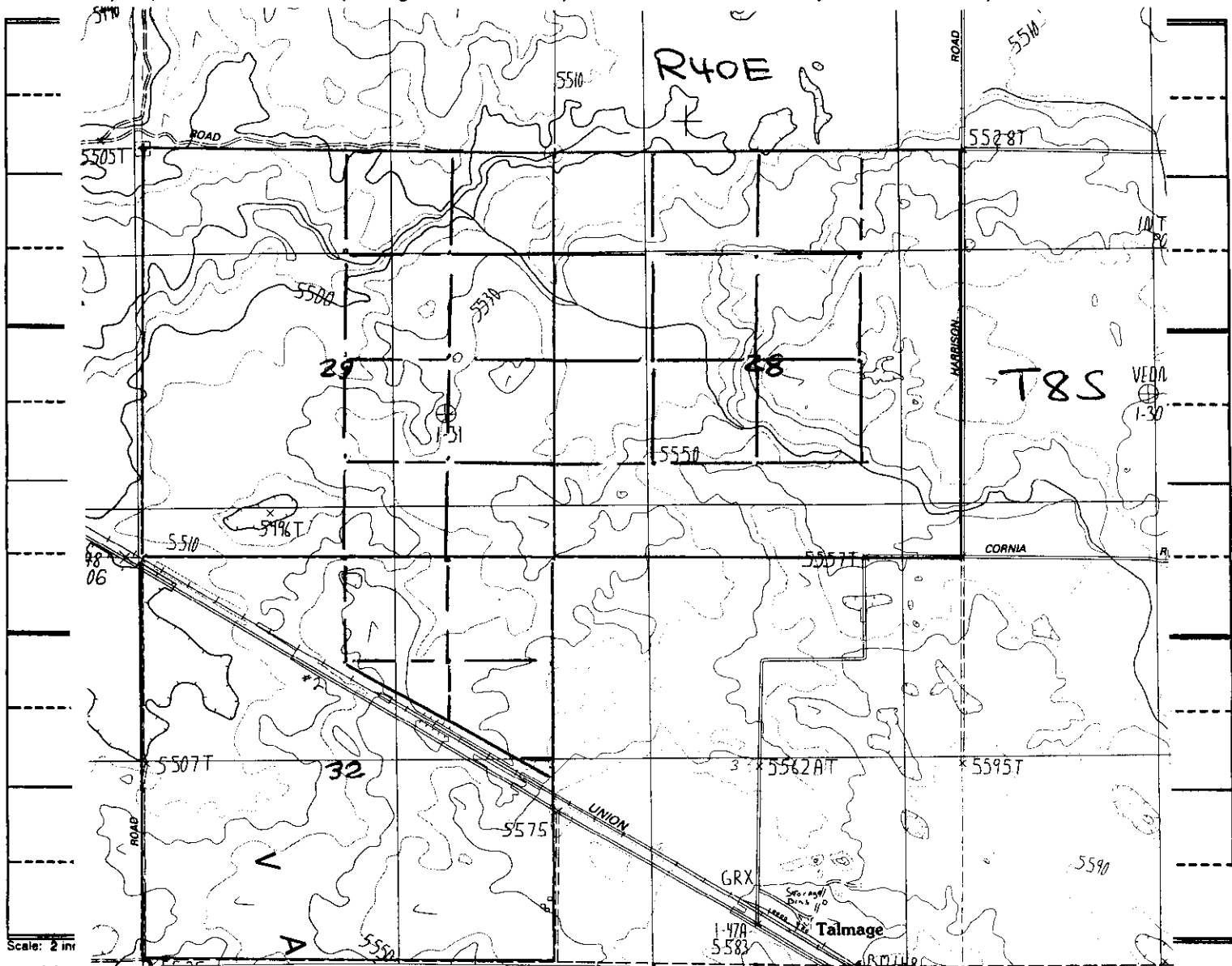
Chief, Water Allocation Bureau

RECORDED
JUN 24 1997

Department of Water Resources

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 1/4 1/4, section, township, range and ditches. (the smallest subdivision represents 40 acres)



I hereby request approval of this change subject to the fact that no one will be injured by the change, and that the change will be made at my own risk.

Signed this 11th day of Feb, 1997. Donkey Family Partnership, By Donkey
Permit Holder

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Preliminary check by KCW Publication prepared by RB Date 5-17-97
Published in Caribou County Sun Publication dates 5-17-24-97

I, _____, of the Department of Water Resources hereby
JUN 24 1997

Witness my hand this _____ day of _____, 19____.

RECEIVED

JUN 27 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

Department of Water Resources

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 29-07637

Name(s) of Permit Holder: Don C. Rigby

Mailing Address: 1226 Rigby Road, Bancroft, Idaho 83217

Date Proof is Due: July 1, 1996 Telephone No. (208) 648-7872

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Three wells have been drilled, center pivot irrigation systems have been
installed, and an elaborate well monitor plan has been developed.

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See attached statement

Permit holder(s) request an extension to July 1, 19 98.

FEE: \$50.00

Don C. Rigby
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

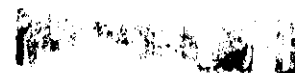
ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and which to submit proof of beneficial use is extended to July 1, 1996

Signed this 3rd day of July, 19 96

J. Glen Saxton
AUG 07 1996
Chief, Water Allocation Bureau

- 1) The well monitoring plan has not accumulated enough data to determine whether or not the current development has influence on other wells;
- 2) The development of the water is subject to the terms of the Memorandum Decision and Order entered 5/8/91. The Decision allows only 240 acre tract to be developed over a 2 year period and required a monitoring plan to be approved by the DWR;
- 3) The Decision provides that the department will consider an application for extention of time for any development not completed within 5 years;
- 4) The current development has used approximately 53% of the amount of water allowed to be developed in the permit or approximately 9 cfs. Applicant needs at least 60 months to complete the development of the remaining water subject to the permit.



AUG 07 1998

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

A Proposed Memorandum Decision and Order in the above-captioned matter has been issued and a copy served on the parties;

WHEREAS, no exception to that Proposed Memorandum Decision and Order has been received;

Dated this 11TH day of June, 1991.

JAN 21 1992

~~R. KEITH HIGGINSON~~
Director

CERTIFICATE OF MAILING

I hereby certify that on this 19th day of June, 1991, I mailed a true and correct copy of the Order Adopting Proposed Memorandum Decision and Order, postage prepaid, to the following individuals:

M & M Central Dairy
Star Rt.
Bancroft, ID 83217

Warren L. Lloyd
HC 72 Box 2300
Bancroft, ID 83217

Kim Welch
Bancroft, ID 83217

Keith Lloyd
Bancroft, ID 83217

Golden Grain Farms
P.O. Box 28
Bancroft, ID 83217

Randall Budge
Last Chance Canal co.
P.O. Box 93
Grace, ID 83241

George C. Kimball
P.O. Box 121
Grace, ID 83241

Dwain Christensen
Rt. 1, Box 43
Grace, ID 83241

Thomas Holmes
Attorney at Law
405 W. Whitman
P.O. Box 967
Pocatello, ID 83201-0967

Jody Williams
Attorney at Law
Utah Power & Light
1407 West North Temple

Eldon Corbridge
264 W. 700 N.
Malad, ID 83252

Don C. Rigby
210 W. Crater
Logan, UT 84321

Terry Rindlisbaker
Bancroft, ID 83217

Everett Smith
Grace, ID 83241

Von N. Simonson
Rt. 1, Box 37
Grace, ID 83241

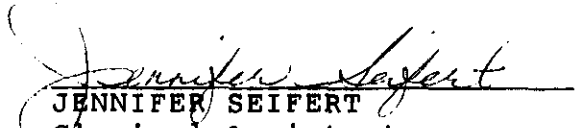
DeAnn Maughn
Last Chance Canal Co.
P.O. Box 93
Grace, ID 83241

Richard and Ila Holsten
HC 72 Box 2310
Bancroft, ID 83217

Ray Rigby
25 N. 2 E. Box 250
Rexburg, ID 83440-0250

A. Bruce Larsen
Attorney at Law
241 S. Main
P.O. Box 608
Soda Springs, ID 83276

Mike Holsten
Bancroft, ID 83217


JENNIFER SEIFERT
Clerical Assistant

RECORDED
JAN 21 1992

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMITS
NOS. 13-7427, 13-7451, 13-7458, 29-7505, 29-7636,
29-7637, 29-7618 AND 29-7608

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

R. Keith Higginson, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by this appointee, Gary Spackman, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

MICROFILMED

JAN 21 1992

III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 8th day of May, 19 91.


R. KEITH HIGGINSON
Director

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JAN 21 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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which is currently pending before the Department of Water Resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORDER

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

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

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

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

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

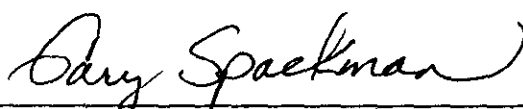
2. The owner of water rights nos. 29-7636 and 29-7637 must pay the cost of monitoring nearby wells during each staged development, as determined by the Department of Water Resources. The purpose of monitoring is to discover the effect of development on these wells. The owner of the rights must submit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

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

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

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

Dated this 8th day of May, 1991.


GARY SPACKMAN, Hearing Officer
Department of Water Resources

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CERTIFICATE OF MAILING

I hereby certify that on the 9th day of May, 1991, I mailed a true and correct copy of the Proposed Memorandum Decision and Order, and the Order Issuing Proposed Memorandum Decision, postage prepaid, to the following individuals:

M & M Central Dairy
Star Rt.
Bancroft, ID 83217

Warren L. Lloyd
HC 72 Box 2300
Bancroft, ID 83217

Kim Welch
Bancroft, ID 83217

Keith Lloyd
Bancroft, ID 83217

Everett Smith
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Randall Budge
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George C. Kimball
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Logan, UT 84321

Terry Rindlisbaker
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DeAnn Maughn
Last Chance Canal Co.
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Grace, ID 83241

Richard and Ila Holsten
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Bancroft, ID 83217

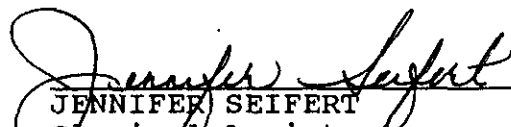
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JENNIFER SEIFERT
Clerical Assistant

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
PERMITS NO. 13-7427 IN THE NAME OF)
VON N. SIMONSON; NO. 13-7451 IN THE)
NAME OF RICHARD OR ILA HOLSTEN; NO.)
13-7458 IN THE NAME OF DWAIN K.)
CHRISTENSEN; NO. 29-7505 IN THE NAME)
OF M & M CENTRAL DAIRY; NOS. 29-7636)
AND 29-7637 IN THE NAME OF DON C.)
RIGBY)

ORDER SETTING DATE
FOR COMPLETION OF
HEARING

Hearings were conducted for the above listed protested applications on January 17 and 18, 1991, in Soda Springs, Idaho. At the close of the day on January 18, the protestants had not submitted their testimony and evidence for the record, and the matter was continued until a later date.

In addition, one of the applicants, Golden Grain Farms, which filed application to appropriate water no. 29-7618, presented testimony that it no longer desired to pursue the application. Finally, another applicant, Terry Rindlisbaker, who filed application to appropriate water no. 29-7608, found that the description of his proposed well and place of use was misplaced by six miles, and that his application would need to be amended and readvertised.

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IT IS HEREBY ORDERED that the continuation of the hearings held January 17 and 18, 1991, is scheduled for January 31, 1991, in the Caribou County Senior Citizen Center, 60 South Main, Soda Springs, Idaho. The hearing will commence at 9:00 a.m., and will continue that day until all testimony has been taken.

Dated this 23rd day of January, 1991.


GARY SPACKMAN, Hearing Officer
Department of Water Resources

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of January, 1991, I mailed a true and correct copy of the Order Setting Date for Completion of Hearing, postage prepaid, to the following individuals:

M & M Central Dairy
Star Rt.
Bancroft, ID 83217

Warren L. Lloyd
HC 72 Box 2300
Bancroft, ID 83217

Kim Welch
Bancroft, ID 83217

Keith Lloyd
Bancroft, ID 83217

Everett Smith
Grace, ID 83241

Randall Budge
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Eldon Corbridge
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Don C. Rigby
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Logan, UT 84321

Terry Rindlisbaker
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Mike Holsten
Bancroft, ID 83217

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Jody Williams
Attorney at Law
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Salt Lake City, UT 84140


BRENDA MILLER
Clerical Specialist

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMITS NO. 29-07505 IN THE)
NAME OF M & M CENTRAL DAIRY,)
NOS. 29-7636 AND 29-7637)
IN THE NAME OF DON C. RIGBY,)
NO. 29-7608 IN THE NAME OF TERRY)
RINDLISBAKER, NO. 29-7618 IN THE)
NAME OF GOLDEN GRAIN FARMS INC.,)
_____)

ORDER GRANTING
CONTINUANCE

Upon motion for continuance by the attorneys for protestants Last Chance Canal Co. and Warren Lloyd, the Department finds that it did not properly notify the attorneys of record.

ORDER

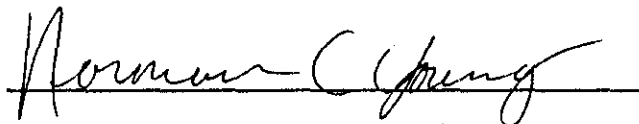
IT IS HEREBY ORDERED that the hearings set for the above listed applications for permit are CONTINUED.

IT IS FURTHER ORDERED that the hearings for the applications listed are rescheduled for Thursday January 17, 1991 at the hour of 10:00 a.m. in the Senior Citizen Center, 60 South Main, Soda Springs, Idaho. The hearing will be conducted in accordance with provisions of Chapter 2, Title 42 of the Idaho Code, the Rules of Practice and Procedure, and the Water Appropriation Rules and Regulations. The burden of coming forward with evidence and burden of proof rests upon the applicant for all the criteria of Idaho Code Section 42-203A, except that a protestant must come forward with evidence of a local public interest matter of which he is most cognizant. Opportunity shall

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be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this _____ day of November, 1990.


Norman C. Young, Administrator

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of November, 1990, I mailed a true and correct copy, by U.S. Mail. postage prepaid, of the Order Granting Continuance to:

M & M Central Dairy
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Bancroft, ID 83217

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Malad, ID 83252

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Don C. Rigby
210 W. Crater
Logan, UT 84321

Kim Welch
Bancroft, ID 83217

Terry Rindlesbaker
Bancroft, ID 83217

Everett Smith
Grace, ID 83241

Golden Grain Farms
P.O. Box 28
Bancroft, ID 83217

Keith Lloyd
Bancroft, ID 83217

Van N. Simonson
Rt. 1 Box 37
Grace, ID 83241

Randall Budge
Last Chance Canal Co.
P.O. Box 93
Grace, ID 83241

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JAN 21 1992

DeAnn Maughn
Last Chance Canal Co.
P.O. Box 93
Grace, ID 83241

Dwain Christensen
Rt. 1 Box 43
Grace, ID 83241

Thomas Holmes, Attorney at Law
Jones, Christensen, Jorgensen,
Robison, Holmes & Robison
Chartered
405 W. Whitman
P.O. Box 967
Pocatello, ID 83204-0967

George Kimball
P.O. Box 121
Grace, ID 83241

Ray Rigby, Attorney at Law
Rigby, Thatcher, Andrus,
Rigby, & Cam Chartered
25 N. 2 E. Box 250
Rexburg, ID 83440-0250

A. Bruce Larsen
Attorney at Law
241 S. Main
P.O. Box 608
Soda Springs, ID 83276


Brenda Miller
Water Rights Processing Clerk

RECEIVED
JAN 21 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMITS NO. 29-07505 IN THE)
NAME OF M & M CENTRAL DAIRY,)
NOS. 29-7636 AND 29-7637)
IN THE NAME OF DON C. RIGBY,)
NO. 29-7608 IN THE NAME OF TERRY)
RINDLISBAKER, NO. 29-7618 IN THE)
NAME OF GOLDEN GRAIN FARMS INC.,)
_____)
)

NOTICE OF COMBINED
HEARINGS

The following applications have been filed to appropriate the public waters of the State of Idaho and have been protested.

No. 29-7505, as amended, by M & M Central Dairy filed on January 16, 1980 and protested on February 7, 1980 by Warren P. Lloyd, Kim Welch, Everett Smith, and Keith Lloyd. Additional protests were received from Eldon Corbridge.

No. 29-7636 and 29-7637, filed on April 19, 1982 by Don C. Rigby. Protests were filed against these applications by Warren Lloyd, Keith Lloyd, and Everett Smith.

No. 29-7608 filed on July 21, 1981 by Terry Rindlisbaker and protested on August 4, 1981 by Warren Lloyd. Additional protests were received from Grant H. Gibson, Keith Lloyd, and Eldon Corbridge.

No. 29-7618 October 14, 1981 filed by Golden Grain Farms Inc. and protested on November 6, 1981 by Warren Lloyd.

These applications are within the boundary of the

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JAN 21 1992

Bancroft-Lund Adjudication area. Because of the similarity of the issues involved, the Department has combined the water rights for hearing.

The Department has scheduled the matter for hearing to be conducted at 10:00 a.m., Thursday, November 8, 1990, in the Senior Citizen Center, 60 South Main, Soda Springs, Idaho. The conference will be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 15th day of October, 1990.


RONALD D. CARLSON
Eastern Regional Manager

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JAN 21 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

00 29 7637

To appropriate the public waters of the State of Idaho

1. Name of applicant Don C. Rigby Phone 801-752-2633
Post office address 210 West Center Logan UT 84321 P.O. Box 187
Bancroft, ID 83217

2. Source of water supply ground water which is a tributary of (208) 648-7872

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29 Township 8 South
Range 40 E B.M. Caribou County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 17.04 for irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 17.04 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, Pump, and Sprinklers

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 180 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year – maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

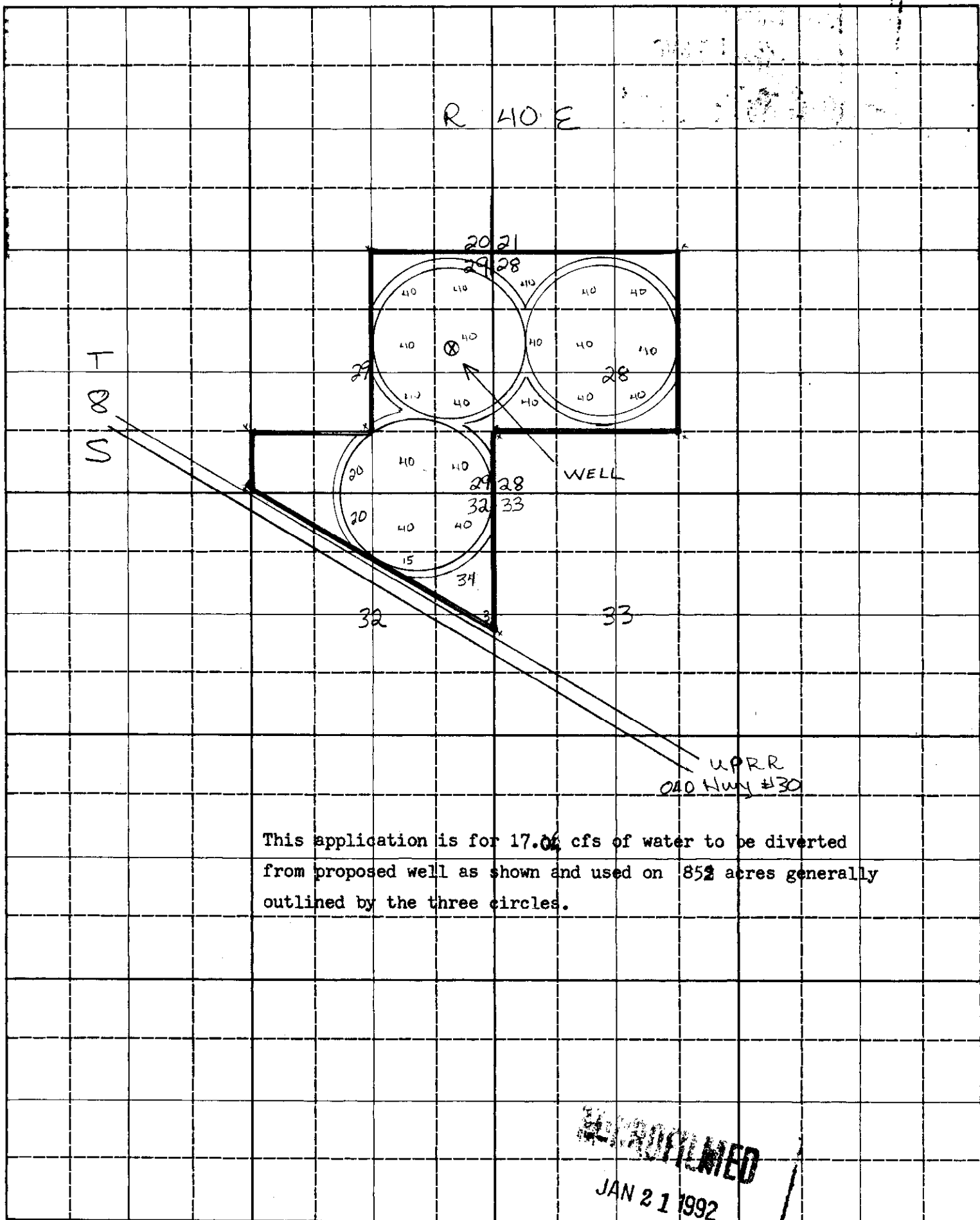
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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JAN 21 1992

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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

Don Light
(Applicant)

Received by CW Date 4-19-82 Time 10:30A
Preliminary check by KCW Fee \$ \$450.00
Receipted by BP Date 4-19-82 # 22215
Publication prepared by BP Date 4-21-82
Published in Caribou County Sun
Publication dates 4-29 - 5-7-82
Publication approved BP Date 5-10-82
Protests filed by: Warren Lloyd, Keith Lloyd, Everett Smith

Copies of protests forwarded by CW
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other:

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JAN 21 1992

Affidavit of Publication

PUBLIC NOTICE

First Time Published

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

29-7637

RIGBY, DON
210 W. CENTER, LOGAN,
UT 84321

Source: GROUNDWATER
Date Filed: 04-19-1982
Amount: 17.04 CFS
Diversion Point: SENE Sec 29
T 08S R 40E, CARIBOU Co.
Use: IRRIGATION (17.04
CFS) from 04-01 to 11-01
Place of Use: NWNW SWNE
NENW NWNW SWNW SENW
NESW NWSW NWSE Sec 28 T
08S R 40E NENE NWNE
SWNE SENE SESW NESE
NWSE SWSE SESE Sec 29 T
08S R 40E NENE NWNE
SWNE SENE NENW NESE Sec
32 T 08S R 40E FOR 852
ACRES

Diversion Means: WELL,
PUMP & SPRINKLERS
29-7636

RIGBY, DON C.
210 W. CENTER, LOGAN,
UT 84321

Source: GROUNDWATER
Date Filed: 04-19-1982
Amount: 1.60 CFS
Diversion Point: NESE Sec 30
T 08S R 40E, CARIBOU Co.
Use: IRRIGATION (1.60
CFS) from 04-01 to 11-01
Place of Use: SWSW SESW
Sec 29 T 08S R 40E NENW
NWNW Sec 32 T 08S R 40E
FOR 80 ACRES

Diversion Means: WELL,
PUMP & SPRINKLERS

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before MAY 17, 1982.

A. KENNETH DUNN
Director

Published April 29 and May 6,
1982 in the Caribou County

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

29th day of

April, 1982

The date of the last publication

being the 6th day of

April, 1982

Subscribed and sworn to be-

fore me this 7th day

of April, 1982

Notary Public, residing
at Soda Springs, Idaho

(SEAL)

My Commission expires the

1st day of March

1984

1982
Idaho Department of Water Resources
Eastern District Office

FILED
MAY 21 1982

PUBLIC NOTICE

First Time Published

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

29-7637

RIGBY, DON
210 W. CENTER, LOGAN,
UT 84321

Source: GROUNDWATER

Date Filed: 04-19-1982

Amount: 17.04 CFS

Diversion Point: SENE Sec 29
T 08S R 40E, CARIBOU Co.

Use: IRRIGATION (17.04
CFS) from 04-01 to 11-01

Place of Use: NWNE SWNE
NENW NWNW SWNW SENW
NESW NWSW NWSE Sec 28 T
08S R 40E NENE NWNE
SWNE SENE SESW NESE
NWSE SWSE SESE Sec 29 T
08S R 40E NENE NWNE
SWNE SENE NENW NESE Sec
32 T 08S R 40E FOR 852
ACRES

Diversion Means: WELL,
PUMP & SPRINKLERS



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 16, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DON C RIGBY
1226 RIGBY RD
BANCROFT ID 83217

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NOS. 29-07636 and 29-07637

Dear Permit Holder:

The department acknowledges receipt of the proofs of beneficial use forms submitted for the above referenced permits. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made meets the permitted beneficial use.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the **Eastern** Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

Encl.
c: IDWR - Regional Office

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JUL 13 2000

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 29-07637 Reviewed by D. Ellis Date 6/15/00

GENERAL CONSIDERATIONS

Yes Name same as permit?
Yes Address same as permit?
Yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

Irrigation

Correct Uses? Yes

SOURCE OF WATER

No Surface water source

Yes Ground water source

Yes Drilling permit required?

No Copy in the file? Drilling Permit No. ?

Amount paid for permit Correct?

Yes Well log in the file?

LICENSE EXAMINATION FEE

Yes Required?

525 Amount Submitted

Yes Correct?

MEASURING DEVICE

Yes Required?

Yes Installed?

 Waiver requested?

PRIORITY CALCULATION

Date proof received 6/14/00

Date proof due 7/1/00

No. of days late =

Priority Date +

New Priority Date

DEFICIENCIES OR ACTION ITEMS

Acknowledge proof.

DATA ENTRY

New Address No Proof Made 6/14/00

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

0049484

Date:

Time: 6/14/2000
14:34:50

Received

From: DON C RIGBY FAMILY PARTNE

Type of Payment

Program A cct

Amount

PROOF OF BENEFICIAL USE

56104

229 21 1155

525.00

Total

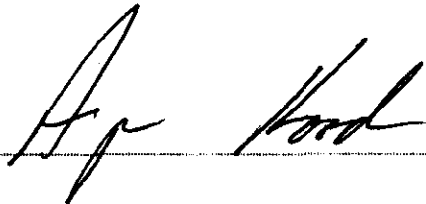
\$

525.00

CHECK

1417

Region: STATE

Signature: 

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JUL 13 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

May 5, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DON C RIGBY
1226 RIGBY RD
BANCROFT ID 83217

RE: Permit 29-07637

Dear Permit Holder(s):

The Department of Water Resources (IDWR) has issued the enclosed Amendment of Permit approving your application to amend the water right referenced above. Please be sure to review every element of the Amendment of Permit, including the conditions of approval and remarks.

The Amendment of Permit is a **preliminary order** issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to 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 or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions regarding this matter, you may call me at 208-327-7940.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

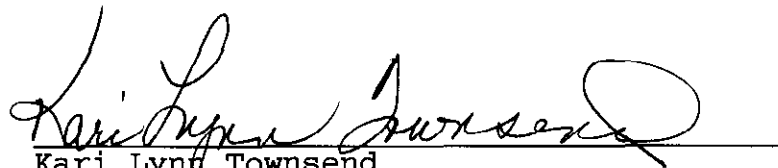
MICROFILMED
JUN 14 2000

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of **May, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Amendment of Permit)** to the person(s) listed below:

RE: PERMIT 29-07637

**DON C RIGBY
1226 RIGBY RD
BANCROFT ID 83217**


Kari Lynn Townsend
Secretary

0000

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JUN 14 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below.**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have fourteen (14) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
(Signature) _____

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JUN 14 2000

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when (a) the petition for reconsideration is disposed of, or (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) the real property or personal property that was the subject of the agency action is located. The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.

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JUN 14 2000

Page 2

AMENDMENT OF PERMIT REVIEW

Review Date 5/2/00

PERMIT NO. 29-07637 NAME Rigby

TYPE: A = AMENDED E = CHANGE N/U I = CHANGE P/D & P/U
B = CHANGE P/D F = CHANGE Per/U J = ADD P/D & CHANGE P/U
C = ADD P/D G = OTHER
D = CHANGE P/U H = CHANGE P/D & + P/D

AREA OF CONCERN: ESPA Mor GWMA Trust/Non-trust

PROOF OF B/U RECEIVED? Yes/No Due < 6 months? Yes/No

GROUNDWATER:

Drilling Permit No. - - - - ;
Drilled

Swan Falls Flag 1

Conditions of Approval: R63-048,049

should have been used on orig. prev. amendment

Remarks/Comments spec. remarks from orig. permit & prev. amendment
still applicable

RECEIVED

APR 28 2000

FORWARD TO Boise

HLF

State of Idaho

Department of Water Resources

Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: *HLF*

Right Number 29-07637

Applicant

Don Rigby

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s).

☐ Increase amount. ☒ Change place of use. ☒ Other ~~Eliminate one~~ point of div.

CHECK:

- ☒ Description of amended point(s) of diversion.
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☒ Right number(s) _____

- ☐ Yes ☒ No Should amendment be advertised? *- Work has been done!*
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received.
- ☐ Amendment published correctly.
- ☐ Protests processed.
- ☒ Approve.
- ☐ Deny.

Conditions _____

By *HLF*

Date

4-25-00

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

Meyers, Thomsen & Larson, PLLP
Attorneys at Law

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

Pocatello Office

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

A. Bruce Larson

April 20, 2000

****Soda Springs Office****

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

Paul Meyer
Senior Resource Agent, Allocations Bureau
Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

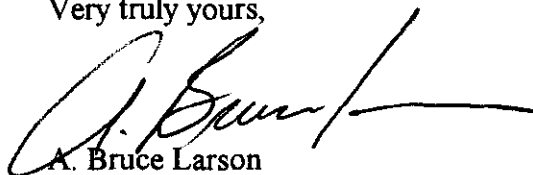
RECEIVED
APR 24 2000
Department of Water Resources
Eastern Region

RE: Amendment of Permit 29-07637 for Don C. Rigby

Dear Paul:

Enclosed with this letter you will find the Application for Amendment of Permit signed by Don Rigby, along with the \$50.00 fee. Sorry about the delay in getting this back to you, I did not receive it until April 10.

Very truly yours,



A. Bruce Larson

:pc

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JUN 14 2000

April 30, 2000

DON C RIGBY
1226 RIGBY RD
BANCROFT ID 83217

PROOF DUE NOTICE

RE: PERMIT NO. 29-07637

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

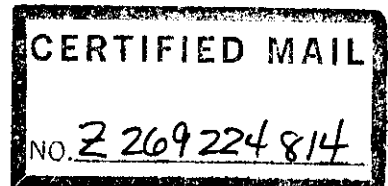
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

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JUN 14 2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 23, 1999

Don Rigby
1226 Rigby Rd
Bancroft, ID 83217

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

Dear Mr. Rigby:

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

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

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

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

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JUN 14 2000

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

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

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

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

Sincerely,



Tim Luke
Manager, Water Distribution Section

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

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

MICROFILMED

JUN 14 2000

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 29-07637 Reviewed by [Signature] Date 7-14-98

BASIC INFORMATION

7-1-98 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

NO Has adequate work been completed to demonstrate due diligence?
_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Recommend denial since the dept. has previously granted an extension for due diligence. permit holder has done NO additional work since last extension.
Approve per. Preliminary order

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X
Change Proof Due Date 8-1-2000
Change Priority Date X



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

August 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Don C Rigby
1226 Rigby Rd
Bancroft ID 83217

✓
RE: Permit Nos. 29-07636 and 29-07637

Dear Permit Holder:

Enclosed is a Preliminary Order and copies of the approved requests for extension of time submitted in connection with the above referenced permits, extending the time within which to submit proof of beneficial use to **July 1, 2000**. Please note that the department has granted the extensions based on **due diligence**. It is important that you work diligently toward the completion of the development during the construction period allowed since the department **will not** grant additional extension requests for these permits. Additionally, please note that the extensions were granted with the condition the permit holder is not authorized to assign ownership of the permit or parts thereof to another party without prior approval of the department.

The accompanying order is a "**preliminary order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law.

Please contact me at (208)327-7953 if you have any questions regarding this matter.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary, Water Allocation Bureau

Enclosures

c: IDWR - Eastern Regional Office

MICROFILMED

AUG 06 1998

April 30, 1998

DON C RIGBY
1226 RIGBY RD
BANCROFT ID 83217

PROOF DUE NOTICE

RE: PERMIT NO. 29-07637

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1998.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

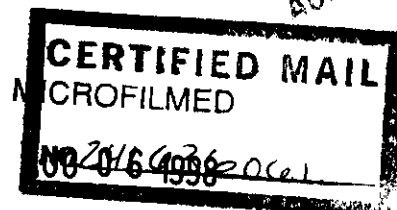
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED
AUG 08 1998





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

June 20, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DON C RIGBY
1226 RIGBY RD
BANCROFT ID 83217

RE: Permit No. 29-07637

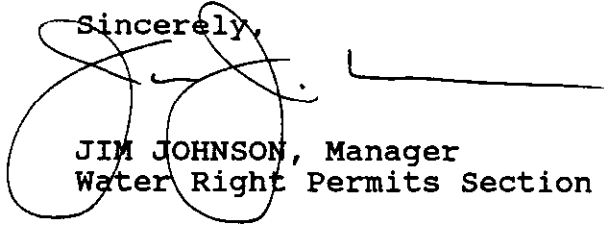
Dear Water Right Holder(s):

Enclosed is a copy of your Amendment of Permit No. 29-07637 changing the point of diversion. If you have any questions concerning this document, please contact me at (208) 327-7946.

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:klt

Enclosure

RECORDED
JUN 24 1997

3-27-97

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

Right Number 29-07637 Applicant Don C Rigby Family Partnership

Purpose of Amendment: ☐ Change point of diversion. ☒ Add diversion point(s).

☐ Increase amount. ☐ Change place of use. ☐ Other _____

CHECK:

- ☒ Description of amended point(s) of diversion. 4/15 ~~10/15~~
- ☒ Amount, nature and period of use. If increased, delay date of priority.
- ☒ Description of amended places of use. If expanded, delay date of priority.
- ☒ Ownership of point of diversion and place of use.
- ☒ Map.
- ☒ Signature (must be permit holder).
- ☒ Fee.
- ☒ Existing water rights from the same source, amended place of use.
- ☒ Right number(s) _____
- ☒ Yes ☐ No Should amendment be advertised?
- ☐ Yes ☒ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☐ Amendment published correctly.
- ☐ Protests processed.
- ☒ Approve.
- ☐ Deny.

Conditions _____

RECEIVED

MAY 30 1997

Department of Water Resources

By [Signature] Date 5-27-97

STATE OFFICE PROCESSING:

- ☐ Amendment correct and complete. By _____ Date _____
- ☐ Approved copy sent to applicant and to Region. By _____ Date _____

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and not
in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

17th day of
April, 1997

The date of the last publication
being the 24th day of
April, 1997

On this 9th day of May
in the year of 1997 before

me, a Notary Public, personally
appeared

Mark Steele
known or identified to me to be the
person whose name subscribed to
the within instrument, and being
by me first duly sworn, declared
that the statements therein are
true, and acknowledged to me that
he executed the same.

Clayton L. Lute
Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 2000

NOTICE
First Time Published
NOTICE OF PROPOSED
AMENDING OF WATER
Notice is hereby given that
Permit No. 29-07637 in the name of
Don C. Rigby Family Partnership,
1226 Rigby Road, Boncroft, ID,
was issued for the diversion of
17.04 cfs of water from a
groundwater source with the point
of diversion within the SENE SEC
29 T08S R40E CARIBOU
COUNTY, ID to use for irrigation
of 852 acres from 04/01 to 11/01
within the W 1/2 NE NW 1/4 N 1/2
SW NWSE SEC 28 NE SESW SE
SEC 29 NE NWSE SEC 32 T08S
R40E CARIBOU CO.
The permit holder now proposes
to amend Permit No. 29-07637
changing the point of diversion to
the SENE SEC 29 T08S R40E,
NESE SEC 21 NWSE SEC 16
T08S R40E CARIBOU COUNTY.
Any protest to the proposed
amending of the permit must be
filed with the Department of
Water Resources, 860 North Skyline
Drive, Idaho Falls, ID 83402,
together with a protest fee of \$25
on or before May 9, 1997.
Published in the Caribou County
Sun on April 17 and 24, 1997.

RECEIVED
MAY 19 1997

Department of Water Resources
Eastern Region

MICROFILMED

JUN 24 1997

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

17th day of
April, 1997

The date of the last publication
being the 24th day of

April, 1997

On this 9th day of May

in the year of 1997 before

me, a Notary Public, personally
appeared

Mark Steele

known or identified to me to be the
person whose name subscribed to
the within instrument, and being
by me first duly sworn, declared
that the statements therein are
true, and acknowledged to me that
he executed the same.

Mark Steele
Notary Public for Idaho
Residing at Soda Springs, Idaho

My commission expires:

March 15, 2000

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that
Permit No. 29-07637 in the name of
Don C. Rigby Family Partnership,
1226 Rigby Road, Bancroft, ID,
was issued for the diversion of
17.04 cfs of water from a
groundwater source with the point
of diversion within the SENE SEC
29 T08S R40E CARIBOU
COUNTY; to be used for irrigation
of 852 acres from 04/01 to 11/01
within the W 1/2 NE NW 1/4 N 1/2
SW NWSE SEC 28 NE SESW SE
SEC 29 NE NESE SEC 32 T08S
R40E, B.M.

The permit holder now proposes
to amend Permit No. 29-07637
changing the point of diversion to
the SENE SEC 29 T08S R40E,
NESE SEC 21 NWSE SEC 16
T08S R40E, CARIBOU COUNTY.

Any protest to the proposed
amending of the permit must be
filed with the Idaho Department of
Water Resources, 900 North Skyline
Drive, Idaho Falls, ID 83402,
together with a protest fee of \$25
on or before May 5, 1997.

Published in the Caribou County
Sun on April 17 and 24, 1997.

RECEIVED

MAY 19 1997

Department of Water Resources
Eastern Region

NOTICE OF PROPOSED AMENDING OF WATER PERMIT

Notice is hereby given that Permit No. 29-07637 in the name of Don C Rigby Family Partnership, 1226 Rigby Rd, Bancroft, ID, was issued for the diversion of 17.04 cfs of water from a groundwater source with the point of diversion within the SENE SEC 29 T08S R40E CARIBOU COUNTY; to be used for irrigation of 852 acres from 04/01 to 11/01 within the W1/2NE NW1/4 N1/2SW NWSE SEC 28 NE SESW SE SEC 29 NE NESE SEC 32 T08S R40E, B.M.

The permit holder now proposes to amend Permit No. 29-07637 changing the point of diversion to the SENE SEC 29 T08S R40E, NESE SEC 21 NWSE SEC 16 T08S R40E, CARIBOU COUNTY

Any protest to the proposed amending of the permit must be filed with the Idaho Department of Water Resources, 900 N Skyline Dr., Idaho Falls, ID 83402, together with a protest fee of \$25 on or before May 5, 1997.

Published in the Caribou County Sun on April 17 & 24, 1997

RECORDED

JUN 2 1997

A. A. HUDSON
and
ASSOCIATES

RECEIVED

MAR 05 1997

Department of Water Resources



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

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

February 28, 1997

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

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

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

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

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

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

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

COPIES FILED

94190.SUM

JUN 24 1997

89.6 feet.

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

CONCLUSION

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

RECOMMENDATIONS

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

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

Very best regards,



Mark Dietrich
Project Engineer

cc/Don Rigby

94190.SUM

1997 JUN 24 10 37

JUN 24 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 26, 1997

Bruce Larson
241 S Main
Soda Springs ID 83276

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

Dear Mr. Larson:

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

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

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

Volume estimates were made using discharge measurements, energy demand measurements from the power meters (kw demand), and power records supplied by Utah Power. The total estimated volume for the three wells in 1996 under permits 29-07636 and 29-0737 was 808 acre-feet. These volume estimates may be somewhat inaccurate since we were not able to compare our measured

JUN 24 1997

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

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

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

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

Sincerely,


Tim Luke

cc: Don Rigby
Harold Jones, Eastern Region

MICROFILMED
JUN 24 1997

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

Preliminary

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

Handwritten:
BANCROFT-LUND
JAN 28 1997

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 29, 1996

BRUCE LARSON
241 S MAIN
SODA SPRINGS, ID 83217

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

Dear Mr. Larson:

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

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

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

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

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

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JUN 24 1997

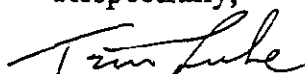
lands under item 5, which are those lands irrigated by commingled ground and surface water sources but not described by any ground water rights, is revised as follows:

- N1/2 NE1/4, Sec. 21, T8S, R40E
- E1/2 NE1/4, Sec. 28, T8S, R40E
- E1/2 SE1/4, Sec. 28, T8S, R40E
- SWNW, Sec. 27 T8S, R40E
- SW1/4, Sec. 27, T8S, R40E
- NESE, Sec. 33, T8S, R40E
- NWSW, Sec 34, T8S, R40E
- E1/2 NE1/4, Sec. 33, T8S, R40E
- W1/2 NW1/4, Sec. 34, T8S, R40E

I also note that there are a number of pivot corners and some square parcels which are not being irrigated but included under the ground water rights. These parcels and corners should be moved to those lands which are irrigated but not included under the ground water rights. I believe we concluded at our meeting that the total acreage under the ground water rights was somewhat less than the actual total irrigated acreage under the combined surface-ground water system. This may limit Mr. Rigby's ability to irrigate some land or develop any additional acreage unless he makes some system changes.

I suggest that you work toward preparing a more detailed map or list of lands which shows the actual irrigated lands by quarter-quarter section. That information will help with preparing the amendments and transfer. Our Idaho Falls office can assist you with preparing the amendments and transfer. If you visit the Idaho Falls office for this purpose, please call them in advance to schedule an appointment. You may call me directly at 327-7864 if you have questions regarding this matter.

Respectfully,



Tim Luke

cc: Don Rigby
Howard Jones, Eastern Region
Wayne Waddoups, Watermaster

RECORDED
JUN 24 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

August 13, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Don Rigby
1226 Rigby Rd.
Bancroft, ID 83217

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

Dear Mr. Rigby:

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

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

- 1) Department records do not list any valid water rights for the well which you have identified as the Pond Well, located in the SE1/4 of Sec. 16, T8S, R40E.
- 2) Department records also do not list any valid water rights for the well which you have identified as Old Faithful #2, located in either the NESE or SENE of Sec 21, T8S, R40E. The well known as Old Faithful #1 is about 100 ft. southeast of this well and appears to be covered by water right 36-07001.
- 3) Water right no. 36-07636 identifies two points of diversion, one in the SESE Sec 21, T8S, R40E, and one in the NESE Sec. 30, T8S R40E. It is my understanding that the well in the SESE of Sec. 21 is that well which you identified as Well #2. It is my understanding that this is the capped artesian well which is not being used. I am not aware of any well which you own in the NESE of Sec. 30. Our records and inventory does show that a well is located in the NESE of SEC 30 but is owned and operated by Monte Yost and Milton Gilbert, aka Golden Grain Farms.

RECORDED
JUN 24 1997

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

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

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

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

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

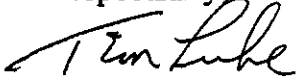
The purpose of this letter is to notify you that I have found a number of discrepancies between your water rights and actual developed points of diversion and places of use. I would like to provide you an opportunity to address the above concerns and identify any water rights or factual information which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

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

RECORDED
JUN 24 1997

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

Respectfully,

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

Tim Luke

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

RECORDED
JUN 24 1967

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 29-07637 Reviewed by [Signature] Date 7-3-96

BASIC INFORMATION

6-27-96 Date stamp received
YES Extension received timely
YES Fee received and receipted
YES Name and signature same as permit
NO Address Change

BASIS FOR EXTENSION REQUEST

YES Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN *Recommend extend to July 1, 1998, on basis of due diligence.*

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X
Change Proof Due Date 7-1-98
Change Priority Date X



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

July 3, 1996

Don C. Rigby
1226 Rigby Rd.
Bancroft, ID 83217

RE: Permit Nos. 29-07636 & 29-07637

Dear Permit Holder:

Enclosed are copies of the approved requests for extension of time submitted in connection with the above referenced permits. The time within which to submit proof of beneficial use is extended to **July 1, 1998**. Please note that the department has granted the extensions based on **due diligence**. It is important that you work diligently toward the completion of development during the construction period allowed since the department **will not** be able to grant additional extensions based on due diligence.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

Please contact me at (208)327-7953 if you have any questions regarding this matter

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

C: IDWR - Regional Office

AUG 07 1996



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

May 13, 1996

Don C. Rigby
1226 Rigby Rd.
Bancroft, ID 83217

RE: Permit No. 29-07637

Dear Permit Holder:

Enclosed are the forms needed to file proof of beneficial use on the above referenced water right. The forms were originally sent by certified mail on April 30, 1996, to the name and address listed on the water right permit, however, they were returned undelivered by the postal service.

Please read the original enclosed letter, complete the necessary forms and return them to this office on or before the proof due date of July 1, 1996.

If you have any questions regarding this matter, please contact me at (208)327-7900.

Sincerely,

A handwritten signature in cursive script that reads "Julie L. Yarbrough".

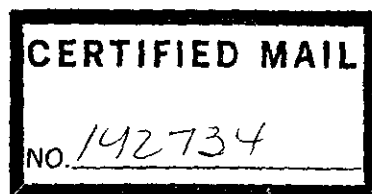
JULIE L. YARBROUGH
Senior Secretary

Enclosures

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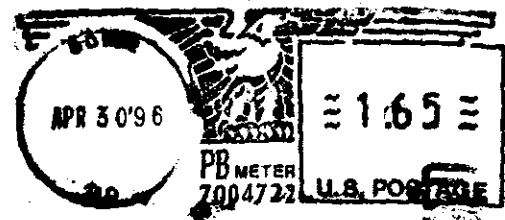
AUG 07 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1221 North Orchard Street
Idaho 83706-2237



RECEIVED
MAY 6 - 1996
Department of Water Resources

1226 Rigby Rd.
Bancroft, ID 83217



☐ NO SUCH NO.
☒ ATTEMPTED NOT KNOWN
☐ FORWARDING ORDER EXPIRED
☐ OTHER
ROUTE # 29
ZIP CODE 83217 DATE 5-29

AUG 07 1996

April 30, 1996

DON RIGBY
210 W CENTER
LOGAN UT 84321

PROOF DUE NOTICE

RE: PERMIT NO. 29-07637

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before July 1, 1996.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

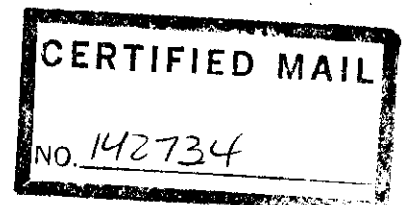
Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

AUG 07 1996

JULIE L. YARBROUGH
Senior Secretary

Enclosures





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

June 21, 1995

PHILIP E. BATT
GOVERNOR

Mitchell Greer
A.A. Hudson & Assoc.
180 E 2nd S
Soda Springs ID 83276

KARL J. DREHER
DIRECTOR

Re: Monitoring Plan for Water Right nos. 29-7636 & 29-7637

Dear Mr. Greer:

Thank you for your letter dated June 9, 1995, and the proposed well monitoring plan. In general, the plan reflects our conversations regarding what might be required.

Before discussing the details of the monitoring plan, I want to discuss the general purpose of the requirement for monitoring. The conditions on the permit required Rigby to monitor possible local detrimental effects on other well caused by the permitted development. As originally approved, Mr. Rigby's development of approximately 18 cfs, perhaps diverted from multiple wells, could affect local groundwater levels. The conditions did not require, however, that Mr. Rigby propose and implement a monitoring study to determine the effects of his wells in combination with all other wells in the basin. While this kind of comprehensive study may be required by the Department, its scope is beyond the vision of the conditions of Mr. Rigby's permits.

We discussed the need to drill a monitoring well within a quarter to half mile of the newest and most productive of the Rigby wells, which you have labeled well #3 (Old Faithful). Based on your representations, the Yost well is the nearest existing well to any of the Rigby wells. You also represented that Yost does not intend to irrigate for approximately one month after Rigby begins diverting his water. The water in the Yost wells can be measured to determine any local drawdowns caused by the Rigby well, at least early in the year.

When I initially reviewed the draft plan, I wondered whether continuous monitoring of the Yost well would be productive. I believe the continuous monitoring you have proposed will be beneficial because the dynamic water levels in the Yost well may reveal what effect additional water withdrawals in the area may have on the aquifer. Not knowing the conditions of underlying aquifers and strata's, there is always the possibility that early in the season, water is withdrawn from highly productive water layers with very little draw down. If water levels in the area decline during the irrigation season, it may be that the more productive aquifer may be depleted, and the significant draw downs may be required to bring water to the Yost well.

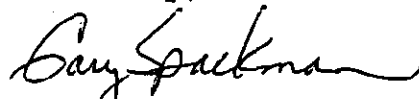
AUG 07 1996

If the dynamic water levels in the Yost well remain fairly constant over the season for a period of three years, further monitoring probably will not be required. During the monitoring period, if the Yost well draws down significantly more later in the season than in the early season, perhaps further monitoring, including the construction of a monitoring well, will be required.

The proposed monitoring plan is approved for the wells and capacities now in existence, with a caveat that after reviewing data from the Yost well, more strict monitoring could be required if there is a showing of possible local interference. Furthermore, if Rigby increases the capacity of any of the existing wells, enlarges the number of acres currently being irrigated by groundwater, or decides to drill a new well, the Department will reopen the monitoring issue and a new plan for testing must be proposed and approved by the Department of Water Resources.

Thank you again for your professional attention to this matter.

Sincerely,


Gary Spackman

cc: Bruce Larsen
Don Rigby

AUG 07 1996



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 5, 1994

A. Bruce Larsen
Attorney at Law
241 South Main St
P.O. Box 608
Soda Springs, ID 83276

RE: PERMITS 29-07636 AND 29-08637 - DON C. RIGBY

Dear Mr. Larsen:

I have reviewed your letter dated June 22, 1994 in which you advise that Don Rigby has contacted an engineering firm to develop a monitoring plan as provided in the conditions of approval for the above referenced permits.

Also enclosed is a copy of a letter the department received from Monte Yost. The letter suggests that Mr. Rigby has not complied with the conditions of permit approval either in the staged development or in the development of a monitoring plan "prior to commencing construction". I don't know whether Mr. Rigby has been diverting water under the permits, but if so, he has not complied with the conditions of permit approval and needs to expedite submittal of the proposed monitoring plan.

If you have questions, please contact the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - E. Region

132-9470

AUG 07 1996



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 6, 1994

Monte Yost
P.O. Box 171
Bancroft, ID 83217

RE: PERMITS 29-07636 AND 29-08637 - DON C. RIGBY

Dear Mr. Yost:

I have reviewed your letter dated June 25, 1994 in connection with the above referenced permits.

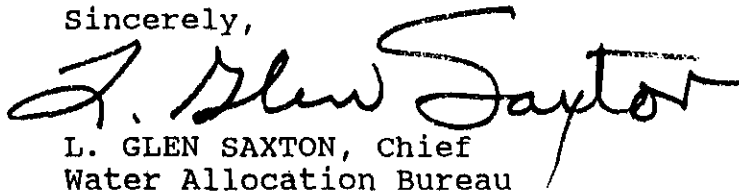
Consistent with your letter, Mr. Don Rigby has advised the department that he has contacted an engineering firm to develop a proposed monitoring plan. Until the department reviews the plan, however, it is premature for the department to comment on its sufficiency.

You state in your letter that you need to find more water and would like to drill your well deeper. You also seem to suggest that the monitoring plan of Mr. Rigby will somehow provide more water for you. It appears you need to deepen your 120' well to develop a more reliable supply of water, since in its written decision, the department found that the well owned by Golden Grain Farms (Yost) "would not suck air if the well were deepened and the bowls set sufficiently deep in the well to draw down the well depth, causing greater flow from the surrounding aquifer."

You can apply to deepen your well by submitting an Application for Drilling Permit to the department. Enclosed is an application form and instructions for your consideration and use.

Please feel free to contact the department if you have additional questions.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 2

c: IDWR - E. Region

AUG 07 1994

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JUL 05 1994

Department of Water Resources

Monte Yost

Box 171

Bancroft, ID 83217

208 648-7704

June 25, 1994

Glen Saxton
Bureau Chief
1301 North Orchid
Boise, ID 83720

Dear Mr. Saxton,

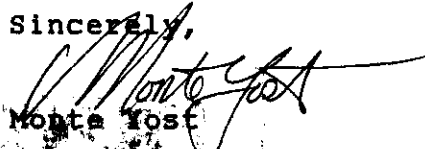
I am writing to make the department aware of the complaints I have concerning Mr. Don Rigby and his application for permit #29-7636, and #29-7637.

At the time of the court hearing in Soda Springs a couple of years ago, I testified that I was concerned for my well, #29-7324. Anyway, the court decreed that Mr. Rigby would need to monitor the existing wells in the area. He has not done a single thing for two years now about monitoring my well. He also developed everything within one year, whereas he was ordered to do it in two developmental stages. He keeps approaching me about signing a waiver, so he wouldn't need to go to the expense of monitoring wells. Finally, this past week when my pump started to draw down and suck air, as I talked to him about the possibility he was causing my problem, he said he was in contact with a firm from Soda Springs, Hudson & Assoc., that was going to be doing the well monitoring.

But, here is my problem. He is not going to monitor my well, but rather two or three culinary wells, which are in the opposite direction from my well. My well is the only one to the west, and apparently the only one having trouble. His attorney, Bruce Larsen, says, that my well wasn't specified in the court order.

I would appreciate the department being able to help me have Mr. Rigby monitor my well. I sure need to find more water and would like to drill deeper or find more somehow, and this waiting for help from Mr. Rigby is getting old. You see what I'm saying. If I go ahead and find more water and it cures my problem then Mr. Rigby has waited me out by his stalling on having my well monitored.

Sincerely,


Monte Yost

AUG 07 1994

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JUN 27 1994

Department of Water Resources

A. Bruce Larson

Attorney at Law

241 South Main Street
P.O. Box 608
Soda Springs, Idaho 83276



Phone: (208) 547-2186
FAX (208) 547-2241

June 22, 1994

Idaho Department of Water Resources
Statehouse Mail
1303 N. Orchard St. - P.O. Box 83720
Boise, ID 83720-00198
ATTN: Glenn Saxton

RE: **Don C. Rigby Family Partnership**
Permits No. 29-07636 and 29-08637

Dear Mr. Saxton:

I am sending you this letter to confirm our telephone conversation of June 21, 1994. I advised you that Mr. Rigby had contacted an engineering firm to develop a plan for monitoring of the well levels in the general vicinity of the area from which the permitted water is being pumped.

I will have the engineering firm contact your office directly with the proposed monitoring plan.

Yours very truly,

A. Bruce Larson

ABL:pc
cc: Don Rigby



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 6, 1994

A. Bruce Larson
Attorney at Law
P.O. Box 608
Soda Springs, ID 83276

RE: MONITORING PLAN FOR PERMITS 29-07636 AND 29-07637 IN THE NAME
OF DON C. RIGBY

Dear Mr. Larson:

Enclosed is a copy of Gary Spackman's July 15, 1993 letter to
you to which you have not responded.

Condition of Approval No. 2 for the above referenced permits
provides the following:

The owner of water right nos. 29-07636 and 29-07637 must pay
the cost of monitoring nearby wells during each staged
development as determined by the department of Water
Resources. The purpose of monitoring is to discover the
effect of development on these wells. **The owner of the rights
must submit a monitoring plan acceptable to the Department
prior to commencing construction. (Emphasis added).**

To date the permit holder has not submitted an acceptable
monitoring plan to the department or in the alternative obtained a
disclaimer from the Yost (Golden Grain) well. Section 42-311,
Idaho Code, provides that the director of the department may cancel
a permit for failure to comply with the conditions of a permit.

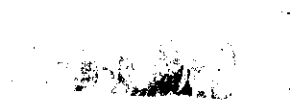
If Mr. Rigby is still interested in developing water rights
under the two (2) permits, please call this matter to his attention
so he can take action to comply with the permit conditions and can
develop water rights.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: Don C. Rigby
IDWR - S. Region



JUN 7 1994



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 15, 1993

A. Bruce Larson
Attorney at Law
PO Box 608
Soda Springs, ID 83276

Re: Monitoring Plan for wells related to permits to appropriate water no. 29-07636 and 29-07637 in the name of Don C. Rigby

Dear Bruce:

I acknowledge receiving your letter dated June 28, 1993, and appreciate your prompt response.

If Rigby cannot obtain a written statement from Yost that wells drilled pursuant to permit nos. 29-07636 and 29-07637 are not affecting Yost, Rigby should monitor a nearby well or wells. You suggested installation of a measuring device in the Yost well. I cannot determine whether measurement of water levels in the Yost well would adequately show the effects of pumping. When you refer to "the large well he has been irrigating out of for several years," I don't know whether you are referring to a new well drilled by Rigby, or another well which existed prior to the approval of the permits. I'm sure you understand the purpose of the condition was to monitor the effects of pumping the new wells authorized by the permits.

Monitoring of Yost's well may not be possible, if Yost is pumping from the well. The effects of Rigbys pumping would be masked by drawdowns caused by Yost pumping. A better place for installation of a measuring device would be in a domestic well, or a well that is not pumping.

In your prior correspondence, you mentioned that the second well being drilled by Rigby was located near some domestic wells. These domestic wells might be a good source of information.

There are other details regarding the proper method of monitoring which are not set forth in your proposed plan. For instance, the plan of testing must include a time frame for monitoring, and a relationship developed between pumping in one well and the measured effect in the dormant well. These tests need not be conducted over an entire irrigation but can be

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AUG 07 1996

completed in a few days.

I suggest Mr. Rigby contact a competent engineering or hydrogeologic expert who is well versed in conducting these tests.

I will wait for submittal of more detail. I appreciate your help and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

C: IDWR - Regional Office


AUG 07 1996

A. Bruce Larson

Attorney at Law

241 South Main Street
P.O. Box 608
Soda Springs, Idaho 83276



Phone: (208) 547-2186
FAX (208) 547-2241

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JUL 01 1993

Department of Water Resources

June 28, 1993

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise ID 83720-9000

ATTN: Gary Spackman, Manager
Water Right Permits Section

RE: DON RIGBY-IRRIGATION PROJECT

Dear Gary:

Enclosed with this letter you will find copies of the well log on the completion of the last well drilled by Don Rigby. Mr. Rigby in talking with Monte Yost of Golden Grain Farms was informed he would not sign any type of document regarding the water even though he had noticed no changes as a result of Mr. Rigby's pumping. In light of that position Mr. Rigby proposes that a monitoring device be placed in the Golden Grain's well, also on the large well he has been irrigating out of for several years. The large well is located fairly close to the new well and should be a good indication of any excessive draw down by the Rigby irrigation system.

Mr. Rigby has also installed the pivots in accordance with the directors findings and order.

If you need further information or believe a better plan can be fashioned, please let me know.

Yours very truly,

A handwritten signature in cursive script that reads "A. Bruce Larson".

A. Bruce Larson

ABL:ck
cc: Don Rigby

RECORDED

AUG 07 1996

STATEMENT

Intermountain Drilling LTD.

Box 328
Lava Hot Springs, Idaho 83246
Phone: 776-5378

DATE 1-28-93

NAME

Don Rink

ADDRESS

Bancroft Idaho
Well No #3

	DESCRIPTION	Unit Price	Amount
~~202'~~	Drilling - 20" at 45. ⁰⁰ per foot		\$9090. ⁰⁰
	Drilling - at per foot		
116	Casing - 20" at 40. ⁰⁰ per foot		\$4640. ⁰⁰
146	Casing - 16" at 30. ⁰⁰ per foot		\$4380. ⁰⁰
203	Casing - 14" at 28. ⁰⁰ per foot		\$5684. ⁰⁰
	1 - Drive Shoe 20"		\$ 950. ⁰⁰
	1 - Drive Shoe 16"		\$ 650. ⁰⁰
	1 - Drive Shoe 14"		\$ 600. ⁰⁰
	Dynamite 7- Shots at \$100. ⁰⁰ per shot		\$ 700. ⁰⁰
	Vent Pip		
	Cement		
	Perforating Machine perforation \$1200. ⁰⁰		\$ 1200. ⁰⁰
	Well Seal Torch perforation 80' at 3. ⁰⁰ per ft		\$ 240. ⁰⁰
			\$28134. ⁰⁰
	Bal from last billing statement	+	\$ 482. ⁰⁰
			\$28616. ⁰⁰
	Paid on acct 11-19-92 \$8000. ⁰⁰		\$15000. ⁰⁰
	Paid on acct 12-2-92 \$7000. ⁰⁰		\$13616. ⁰⁰
	Paid on acct about 1-28-93 3000. ⁰⁰		\$ 3000. ⁰⁰
	Paid on acct 3-2-93 - 3000. ⁰⁰		\$10616. ⁰⁰
3-24-93	Paid on acct \$2000. ⁰⁰		\$ 3000. ⁰⁰
4-7-93	Paid on acct \$2000. ⁰⁰		\$ 7616. ⁰⁰
	Paid on acct 3000. ⁰⁰		\$ 5000. ⁰⁰
Received By	TOTAL BALANCE		\$7616. ⁰⁰

If said payments are not made promptly as stipulated to pay the reasonable expense of collection, including attorney's fees and finance charge at the rate of one and one-half (1 1/2%) per month upon the amount in default until paid.

AUG 07 1996

Signed

Paid in full

5-6-93

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name DON Rigby

Address 1226 Rigby Rd. BANCROFT WA

Drill Permit No. 2992 E 88

Owner's Permit No. 2992-E07637

2. NATURE OF WORK

- ☒ New well ☐ Deepened ☐ Replacement
☐ Well diameter increase
☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

- ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other (specify type)

4. METHOD DRILLED

- ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other

Thickness	Diameter	From	To
250 inches	20" inches	1 feet	115 feet
250 inches	16" inches	1 feet	145 feet
250 inches	14" inches	1 feet	202 feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☐ No

How perforated? ☐ Factory ☒ Knife ☒ Torch ☐ Gun

Size of perforation	Number	From	To
16" inches	89	115 feet	135 feet
14" inches	120	122 feet	196 feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 21 Material used for seal: ☐ Cement grout

☐ Bentonite ☒ Pudding clay ☐ _____

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing

☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

☐ Cemented between strata

Describe access port 2'

7. WATER LEVEL

Static water level 83' feet below land surface.

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature 64 OF. Quality _____

Describe artesian or temperature zones below.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Air ☐ Other

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
12"	0	19	BROWN CLAY		X
11"	19	24	BROWN GRAY LAVA		X
11"	24	37	HARD GRAY LAVA		X
20"	37	48	Red CLAY + SAND		X
	48	55	Red SAND		X
	55	62	Red CLAY SAND		X
	62	71	Red CLAY LARGE GRAVEL		X
	71	75	Red CLAY SAND		X
	75	96	Red BROWN SAND		X
	96	102	BROWN CLAY HOT WATER		X
	102	107	LOOSE GRAY LAVA		X
	107	110	GRAVEL SAND LOOSE LAVA		X
	110	120	LOOSE LAVA BROWN SAND		X
18"	120	127	HARD BLACK LAVA		X
	127	130	LOOSE Red GRAY LAVA		X
	130	135	HARD GRAY BASALT		X
	135	137	LOOSE BLACK GRAY LAVA - LUMPY		X
	137	139	BLACK LAVA + BLACK SAND		X
	139	146	VERY HARD BLACK LAVA		X
	146	152	GRAY LAVA		X
	152	160	BROWN CLAY		X
	160	166	WHITE CLAY		X
	166	171	BROWN CLAY LITTLE GRAVEL		X
	171	190	BROWN CLAY 1/2" GRAVEL		X
	190	202	Med. 1/2" GRAVEL 10"		X

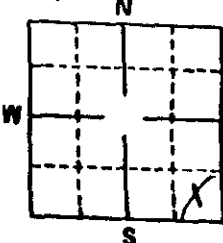
AUG 07 1996

10.

Work started 9-30-92 finished 1-28-93

LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County CARIBOU

1/4 SE 1/4 Sec. 21 T. 8 N. R. 140 E. W. 1

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Charles M. Tuley Firm No. 106

Address LAVA HOT SPRINGS WA Date _____

Signed by (Firm Official) Charles M. Tuley

and

(Operator) Charles M. Tuley



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 15, 1993

A. Bruce Larson
Attorney at Law
241 South Main
Soda Springs, ID 83276

Re: Monitoring Plan for Wells Related to Permits to
Appropriate Water Nos. 29-07636 and 29-07637 in the name
of Don C. Rigby

Dear Bruce:

In January, 1993, I wrote you a letter regarding monitoring required by the approval of water right permits nos. 29-07636 and 29-07637. I have not yet received a written statement from Yost indicating that Rigby's well has not caused a decline in the Yost well. I have also not received a report about the production capacity of the second well Rigby was drilling. Please update me regarding Mr. Rigby's activities.

Sincerely,

Gary Spackman

C: IDWR - Regional Office

RECEIVED

AUG 07 1996

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

MAR 01 1993

1. WELL OWNER

Name DON Rigby
Address 1226 Rigby Rd. BANCROFT WA
Owner's Permit No. 29-02E-088
29-92E-043

7. WATER LEVEL

Department of Water Resources
Eastern District Office

Static water level 83' feet below land surface.

Flowing? ☐ Yes ☒ No G.P.M. flow

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature 60.4 °F. Quality _____

Describe artesian or temperature zones below

2. NATURE OF WORK

WR # 29-07637

☒ New well ☐ Deepened ☐ Replacement

☐ Well diameter increase

☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other _____ (specify type)

4. METHOD DRILLED

☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary
☒ Cable ☐ Dug ☐ Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>250</u> inches	<u>20"</u> inches	<u>1</u> feet	<u>115</u> feet
<u>250</u> inches	<u>16"</u> inches	<u>1</u> feet	<u>145</u> feet
<u>250</u> inches	<u>14"</u> inches	<u>1</u> feet	<u>202</u> feet

Was casing drive shoe used? ☒ Yes ☐ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☒ Yes ☐ No

How perforated? ☐ Factory ☒ Knife ☒ Torch ☐ Gun

Size of perforation 1/8" inches by 2" inches

Number 89 perforations 115 feet 135 feet

14" 120 perforations 122 feet 196 feet

perforations _____ feet _____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal depth 21' Material used in seal: ☐ Cement grout

☐ Bentonite ☒ Puddling clay ☐ _____

Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing

☒ Overbore to seal depth

Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld

☐ Cemented between strata

Describe access port 1"

8. WELL TEST DATA

☐ Pump ☐ Bailor ☐ Air ☐ Other

Discharge G.P.M.

Pumping Level

Hours Pumped

9. LITHOLOGIC LOG

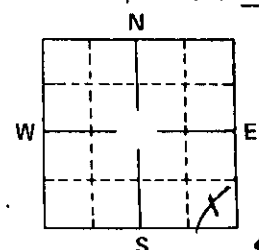
Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
22"	0	19	BROWN CLAY		X
11	19	24	BROWN GRAY LAVA		X
11	24	37	HARD GRAY LAVA		X
20	37	48	RED CLAY + SAND		X
	48	55	RED SAND		X
	55	62	RED CLAY SAND		X
	62	71	RED CLAY LARGE GRAVEL		X
	71	75	RED CLAY SAND		X
	75	96	RED BROWN SAND		X
	96	102	BROWN CLAY HIT WATER		X
	102	107	LOOSE GRAY LAVA	X	
	107	110	GRAY SAND LOOSE LAVA	X	
	110	120	LOOSE LAVA BROWN SAND	X	
18"	120	127	HARD BLACK LAVA		X
	127	130	LOOSE RED + GRAY LAVA	X	
	130	135	HARD GRAY BASALT		X
	135	137	LOOSE BLACK + GRAY LAVA - LIME	X	
	137	139	BLACK LAVA + BLACK SAND	X	
	139	146	VERY HARD BLACK LAVA	X	
	146	152	GRAY LAVA	X	
	152	160	BROWN CLAY	X	
	160	166	WHITE CLAY		X
	166	171	BROWN CLAY LITTLE GRAVEL	X	
	171	190	BROWN CLAY 20% GRAVEL	X	
	190	202	MED. 2" 4" GRAVEL 90%	X	

10.

Work started 9-30-92 finished 1-28-93

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. _____ Block No. _____

County CARIBOU

SE 1/4 SE 1/4 Sec. 21 T. 8 N. 40 E. 40 W.

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Chas. M. Tull Firm No. 106

Address LAVA HOT SPRINGS WA Date _____

Signed by (Firm Official) Charles Tull

and
(Operator) Charles Tull



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

January 4, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

A. Bruce Larson
Attorney at Law
241 S. Main
Soda Springs, ID 83276

RE: Monitoring Plan for Wells Related to Permits to Appropriate
Water Nos. 29-7636 and 29-7637

Dear Bruce:

This letter is a follow up to our telephone conversation on December 28, 1992. We discussed my prior letter to Don Rigby, carbon copied to you, which inquired about a plan of mitigation.

After conversing with you, I understand Don Rigby drilled one well within approximately one mile of the Yost (Golden Grain) well, which produces approximately 1.0 cfs. You also stated Yost feels the use of the new well has not caused a significant decline in his well. Finally, you stated no other wells are located in close proximity to Rigby's well. If you can supply a written statement from Yost indicating that Rigby's well has not caused a decline in the Yost well, the monitoring requirement for the first well will be waived.

You also stated that Rigby drilled a second well which produced very little water. You stated he is now drilling a well approximately three to four miles away from the Yost (Golden Grain) well, but which may be within two miles of some domestic wells. We agreed that, upon completion of the well, and pump testing, you will report the production capacity of the well, and we will formulate a plan for monitoring after we know the capacity of the well. I understand the well will be tested in January.

Please respond if my letter does not accurately represent our conversation.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Eastern Region

AUG 07 1996



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 14, 1992

Don C. Rigby
210 W. Crater
Logan, UT 84321

RE: Permits to Appropriate Water Nos. 29-7636 and 29-7637

Dear Mr. Rigby:

In the spring of 1991, the Department of Water Resources approved permits to appropriate water nos. 29-7636 and 29-7637. Development of the irrigation works was limited to 240 acres every two years. The approval also stated that "the owner of the rights must submit a monitoring plan acceptable to the Department prior to commencing construction." The cost of monitoring nearby wells during each staged development was to be born by the permit holder.

To date, the Department has not received a monitoring plan. The Department has received information that wells have been constructed, and that some of the land has been developed. If so, the development is a violation of the conditions of the permit.

This letter is a request for submittal of the monitoring plan required by the approval. Any irrigation during the 1993 season without a monitoring plan in place is a violation of the conditions of the permit, and may be subject to a possible cease and desist order, civil penalties and revocation.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: A. Bruce Larsen
Eastern Region



AUG 07 1996



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 19, 1991

<name>

RE: Applications for Permits Nos. 13-7427, 13-7451, 13-7458,
29-7505, 29-7636, 29-7637, 29-7618 and 29-7608

Dear <sal>:

Please find enclosed a copy of the Order Adopting Proposed Memorandum Decision and Order on the above referenced permits.

Any party who disagrees with the decision of the Director may request a rehearing before the Director within twenty (20) days or may appeal to the district court within thirty (30) days from the date this decision is mailed.

Sincerely,

Gary Spackman
GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JAN 21 1992

MICROFILMED

JAN 2

CERTIFICATE OF MAILING

I hereby certify that on this 19th day of June, 1991, I mailed a true and correct copy of the Order Adopting Proposed Memorandum Decision and Order, postage prepaid, to the following individuals:

M & M Central Dairy
Star Rt.
Bancroft, ID 83217

Eldon Corbridge
264 W. 700 N.
Malad, ID 83252

Warren L. Lloyd
HC 72 Box 2300
Bancroft, ID 83217

Don C. Rigby
210 W. Crater
Logan, UT 84321

Kim Welch
Bancroft, ID 83217

Terry Rindlisbaker
Bancroft, ID 83217

Keith Lloyd
Bancroft, ID 83217

Everett Smith
Grace, ID 83241

Golden Grain Farms
P.O. Box 28
Bancroft, ID 83217

Von N. Simonson
Rt. 1, Box 37
Grace, ID 83241

Randall Budge
Last Chance Canal co.
P.O. Box 93
Grace, ID 83241

DeAnn Maughn
Last Chance Canal Co.
P.O. Box 93
Grace, ID 83241

George C. Kimball
P.O. Box 121
Grace, ID 83241

Richard and Ila Holsten
HC 72 Box 2310
Bancroft, ID 83217

Dwain Christensen
Rt. 1, Box 43
Grace, ID 83241

Ray Rigby
25 N. 2 E. Box 250
Rexburg, ID 83440-0250

Thomas Holmes
Attorney at Law
405 W. Whitman
P.O. Box 967
Pocatello, ID 83204-0967

A. Bruce Larsen
Attorney at Law
241 S. Main
P.O. Box 608
Soda Springs, ID 83276

Jody Williams
Attorney at Law
Utah Power & Light
1407 West North Temple

Mike Holsten
Bancroft, ID 83217

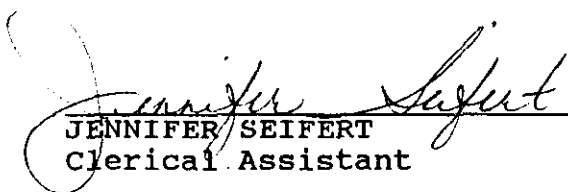
RECEIVED
JUN 21 1991

JAN 21 1992


JENNIFER SEIFERT
Clerical Assistant

CERTIFICATE OF MAILING

I hereby certify that on the 19th day of June, 1991, I mailed a true and correct copy of the following letter, and the Order Adopting Proposed Memorandum Decision and Order, to the individuals listed on the attached certificate of mailing.


JENNIFER SEIFERT
Clerical Assistant

RECORDED

JAN 21 1992



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

May 9, 1991

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

<name>

Dear <sal>:

Please find enclosed a copy of the Proposed Memorandum Decision and Order and Order Issuing Proposed Memorandum Decision for Applications to Appropriate Water Nos. 13-7427, 13-7451, 13-7458, 29-7505, 29-7636, 29-7637, 29-7618 and 29-7608.

Any party who disagrees with the Proposed Decision may file exceptions to the decision within fifteen (15) days of service of the Proposed Decision.

Respectfully,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

MICROFILMED

JAN 21 1992

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of May, 1991, I mailed a true and correct copy of the Proposed Memorandum Decision and Order, and the Order Issuing Proposed Memorandum Decision, postage prepaid, to the following individuals:

M & M Central Dairy
Star Rt.
Bancroft, ID 83217

Warren L. Lloyd
HC 72 Box 2300
Bancroft, ID 83217

Kim Welch
Bancroft, ID 83217

Keith Lloyd
Bancroft, ID 83217

Everett Smith
Grace, ID 83241

Randall Budge
Last Chance Canal Co.
P.O. Box 93
Grace, ID 83241

George C. Kimball
P.O. Box 121
Grace, ID 83241

Dwain Christensen
Rt. 1, Box 43
Grace, ID 83241

Thomas Holmes, Attorney at Law
Jones, Christensen, Jorgensen
Robison, Holmes & Robinson
Chartered
405 W. Whitman
P.O. Box 967
Pocatello, ID 83204-0967

Eldon Corbridge
264 W. 700 N.
Malad, ID 83252

Don C. Rigby
210 W. Crater
Logan, UT 84321

Terry Rindlisbaker
Bancroft, ID 83217

Golden Grain Farms
P.O. Box 28
Bancroft, ID 83217

Von N. Simonson
Rt. 1, Box 37
Grace, ID 83241

DeAnn Maughn
Last Chance Canal Co.
P.O. Box 83241
Grace, ID 83241

Richard and Ila Holsten
HC 72 Box 2310
Bancroft, ID 83217

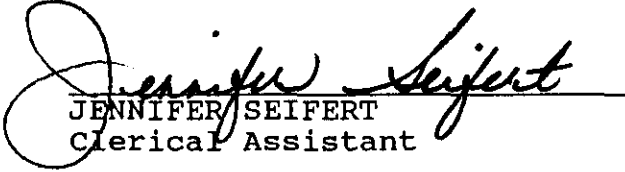
Ray Rigby, Attorney at Law
Rigby, Thatcher, Andrus
Rigby, & Cam Chartered
25 N. 2 E. Box 250
Rexburg, ID 83440-0250

A. Bruce Larsen
Attorney at Law
241 S. Main
P.O. Box 608
Soda Springs, ID 83276

MICROFILMED
JAN 21 1992

Mike Holsten
Bancroft, ID 83217

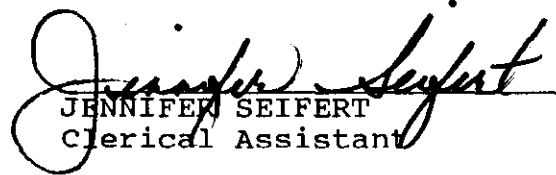
Jody Williams
Attorney at Law
Utah Power & Light
1407 West North Temple
Salt Lake City, UT 84140


JENNIFER SEIFERT
Clerical Assistant

RECEIVED
JAN 21 1992

CERTIFICATE OF MAILING

I hereby certify that on the 9th day of May, 1991, I mailed a true and correct copy of the following letter, Proposed Memorandum Decision and Order, and the Order Issuing Proposed Memorandum Decision, postage prepaid, to the following individuals:


JENNIFER SEIFERT
Clerical Assistant

RECORDED
JUN 1 1992

INTER-DEPARTMENT MEMO

TO: File # 29-7637

SUBJECT: _____

FROM: J. J.

DATE: 5/7/91

Please refer to file # 13-7427 for all of the exhibits regarding Bunchcraft - head.

MICROFILMED
JAN 21 1992

() For your information

() Response required

J. Seibert
signature

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHCUP AVE. #15
IDAHO FALLS, IDAHO 83402

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☒ Certified ☐ Express Mail

Check appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
0496	M & M Central Mining, St Rt. Bancroft	.25	.85					.90				29-7505
0497	Edward P. Lloyd, St Rt. Bancroft	.75	.85					.90	29-7608			29-7637-7618
0498	Kim Wilch, Bancroft	.25	.85					.90	29-7636			29-7505/13-7427
0499	Civett Smith, Grace	.75	.85					.90				29-7505
0500	Keith Lloyd, Bancroft	.45	.85					.90	29-7637			29-7637
0501	Edgar Carbridge, 2646 200N, Malad	.45	.85					.90	29-7636			29-7505
0502	John K. Looney, PO Box 207, Pocatello	.25	.85					.90	29-7608			29-7637/13-7427
0503	Dore C. Rigby, 210 W. Center, Pocatello	.45	.85					.90	29-7636			29-7505/13-7427
0504	Larry Lindquist, Bancroft, Id.	.25	.85					.90				29-7608
0505	Mrs. Grant Nelson Rt 1 Box 56 Grace	.25	.85					.90				29-7608
0506	Golden Grain Farms, PO Box 28 Bancroft	.25	.85					.90				29-7618
0507	Don N. Simonson Rt 1 Box 37 Grace	.25	.85					.90				13-7427
0508	Randall Bridge, PO Box 1391 Pocatello	.25	.85					.90				13-7427
0509	East Chapel Canal, Pocatello	.25	.85					.90				13-7427
0510	George Limball, PO Box 121 Grace	.45	.85					.90				13-7451

Total Number of Pieces
Listed by Sender

15

Total Number of Pieces
Received at Post Office

15

POSTMASTER, PER (Name of receiving employee)

R. Lindsey

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

May 19, 1982

Don C. Rigby
210 West Center
Logan, UT 84321

Dear Mr. Rigby:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 29-7636 and 29-7637. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

RECEIVED

MAY 21 1982

Department of Water Resources

JAN 21 1982

May 19, 1982

RE: Application for Permit NO. 29-7637 & 29-7636 RIGBY

Keith Lloyd
Bancroft,
Idaho 83217

Dear Mr. Lloyd:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

MICROFILMED
JAN 21 1992

May 19, 1982

RE: Application for Permit NO. 29-7637 & 29-7636 RIGBY

Warren Lloyd
Star Route
Bancroft, ID 83217

Dear Mr. Lloyd:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

MICROFILMED

JAN 21 1992

May 19, 1982

RE: Application for Permit NO. 29-7637 & 29-7636 RIGBY

Everett Smith
Rt. #1, Box 62
Grace, Idaho 83241

Dear Mr. Smith:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

RECEIVED

JAN 21 1992

Grice, Idaho

May 14, 1982

Idaho Falls Dept. of Water Resources
Eastern District Office
150 Shoup
Idaho Falls, Idaho 83401

Attention: Ronald D. Carlson
Eastern Regional Supervisor

Dear Mr. Carlson,

I would like to enter formal protest to applications for
diversion^{of} underground water as applied for by Mr. Don Rigby.
Represented by permit no. 29-7637 of 17.04 second ft. of
water and permit number 29-7636, representing 1.06 second ft.
of water as perpetuating existing problems of adjacent areas
with in the Grace, Bancroft, Lund and Turner areas.

Sincerely yours,

Robert Smith
Rt. 11, Box 123

MICROFILMED

JAN 21 1992

RECEIVED

MAY 17 1982

Department of Water
Eastern District Office

May 11, 1982

Director
Idaho Dept Of Water Resources
150 Shoup Ave.
Idaho Falls 83402

Dear Sir:

I am writing to protest the following applications for water rights:

Permit No. 297637 to water 852 acres, Don C. Rigby
Permit No. 297636 to water 80 acres, Don C. Rigby

The reasons for this protest are that the above propped appropriation of water will:

1. Severely reduce the quantity of water which is necessary to satisfy prior existing water rights.
2. Conflict with the local public interest.

Sincerely,

Keith Lloyd

~~Keith Lloyd~~

Bancroft, Idaho

RECEIVED

JAN 21 1992

RECEIVED

MAY 13 1982

Department of Water Resources
Eastern District Office

RECEIVED

MAY 11 1982

Department of Water Resources
Eastern District Office

May 8, 1982
Star Route
Bancroft, ID 83217

Water Resource Board
150 Shoup Avenue
Idaho Falls, ID 83402

Gentlemen:

Subject: Protest of Permit Nos. 29-7637 and 29-7636

I protest the issuing of Permit Nos. 29-7637 and 29-7636 claimed by Don Rigby.

The protest stands of the grounds of further depleting the already over depleted groundwater in our area and until the State can satisfy the water already claimed by the first water users.

Thank you,

Warren P. Lloyd

Warren
Lloyd

MICROFILMED

JAN 21 1992

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: R.C. Wilson

APPLICATION NUMBER: 0 29 7837

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
☒ Yes ☐ No Final date for protests: March 13, 1980
☒ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5-7-80
☒ Application published correctly. If not, record action taken: _____
☐ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☐ Recommendation & initial, recorded on application.
☐ Yes ☐ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
Date of priority recommended. _____
Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____ Date: _____

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 150 Shoup Ave., Idaho Falls, Idaho 83402 on or before MAY 17, 1982.

A. KENNETH DUNN

Director

Published 4/29 & 5/7/82.

MICROFILMED

JAN 21 1992

29-2637-

RIGBY, DON

210 W. CENTER, LOGAN, UT 84321

Source: GROUNDWATER

Date Filed: 04/19/1982

Amount: 17.04 CFS

Diversion Point: SENE Sec 29 T 08S R 40E, CARIBOU Co.

Use: IRRIGATION (17.04 CFS) from 04/01 to 11/01

Place of Use: N4NE S4NE N4NW N4NW S4NW S4NW N4SW N4SW N4SE Sec 28 T 08S R 40E
N4NE N4NE S4NE S4NE S4SW N4SE N4SE S4SE S4SE Sec 29 T 08S R 40E
N4NE N4NE S4NE S4NE N4NW N4SE Sec 32 T 08S R 40E
FOR 852 ACRES

Diversion Means: WELL, PUMP & SPRINKLERS

RECORDED

JAN 21 1992

April 14, 1982

Don C. Rigby
P.O. Box 187
Bancroft, ID 83217

Dear Mr. Rigby:

Enclosed are the two applications for permit and check #97-23/1243 in the amount of \$430.00, that you submitted to this department. The current filing fee for 17.04 cfs is \$385.00 and \$65.00 for 1.6 cfs, giving a total filing fee of \$450.00.

Deletion in item 6c and item 9c (answers refer to item 9a) were noted on the application for 1.6 cfs. Upon receipt of the completed applications with the appropriate filing fee, processing will begin. Processing from application to permit takes approximately 8 weeks, starting when we receive the application and depending if there are any protests to the applications.

Please feel free to contact this office for any additions that may be needed.

Sincerely,

Keith C. Wilson
Sr. Resource Agent

KCW:bp

Enclosures

RECEIVED

JAN 21 1992

Bancroft, Idaho
April 10, 1982

RECEIVED

APR 19 1982

Department of Water Resources
Eastern District Office

State of Idaho
Dept of Water Resources
150 Shoup
Idaho Falls, Idaho 83402

Dear Sirs:

I am inclosing my personal check for
\$4500.00 430.00 and also two "Applications for Permits"
to appropriate the public waters of the State of Idaho.

I am anxious to start drilling as soon as
possible this spring in order to be ready to
irrigate this year's crop.

Please let me know at your earliest convenience
when I can start on the well.

Sincerely,

Don Righy
P.O. Box 157
Bancroft, Idaho
83217

MICROFILMED

JAN 21 1992

RECEIVED

APR 13 1982

Department of Water Resources
Eastern District Office