

Claim No. 11 4054

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

CLAIM TO A WATER RIGHT

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

Notice is hereby given that Truman W. Rigby,
(name of claimant)
of Box 158, Montpelier, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

(1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Red Pine Spring
_____, tributary to, Bear River

(2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>2.00</u>	Use	<u>Irrigation</u>	Period of Use: From	<u>Apr. 1</u>	To	<u>Nov. 1</u>
Amount	<u>0.02</u>	Use	<u>Stockwater</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	_____	Use	_____	Period of Use: From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

(3) Total quantity of water claimed: 2.02 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

(4) Priority claimed: (the date water was first applied to beneficial use) 1946

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

(5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ NW ¼, Sec. 24 Twp. 12S Rge. 43E B. M. County of Bear Lake
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Diversion Dam, ditches, and pipeline

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

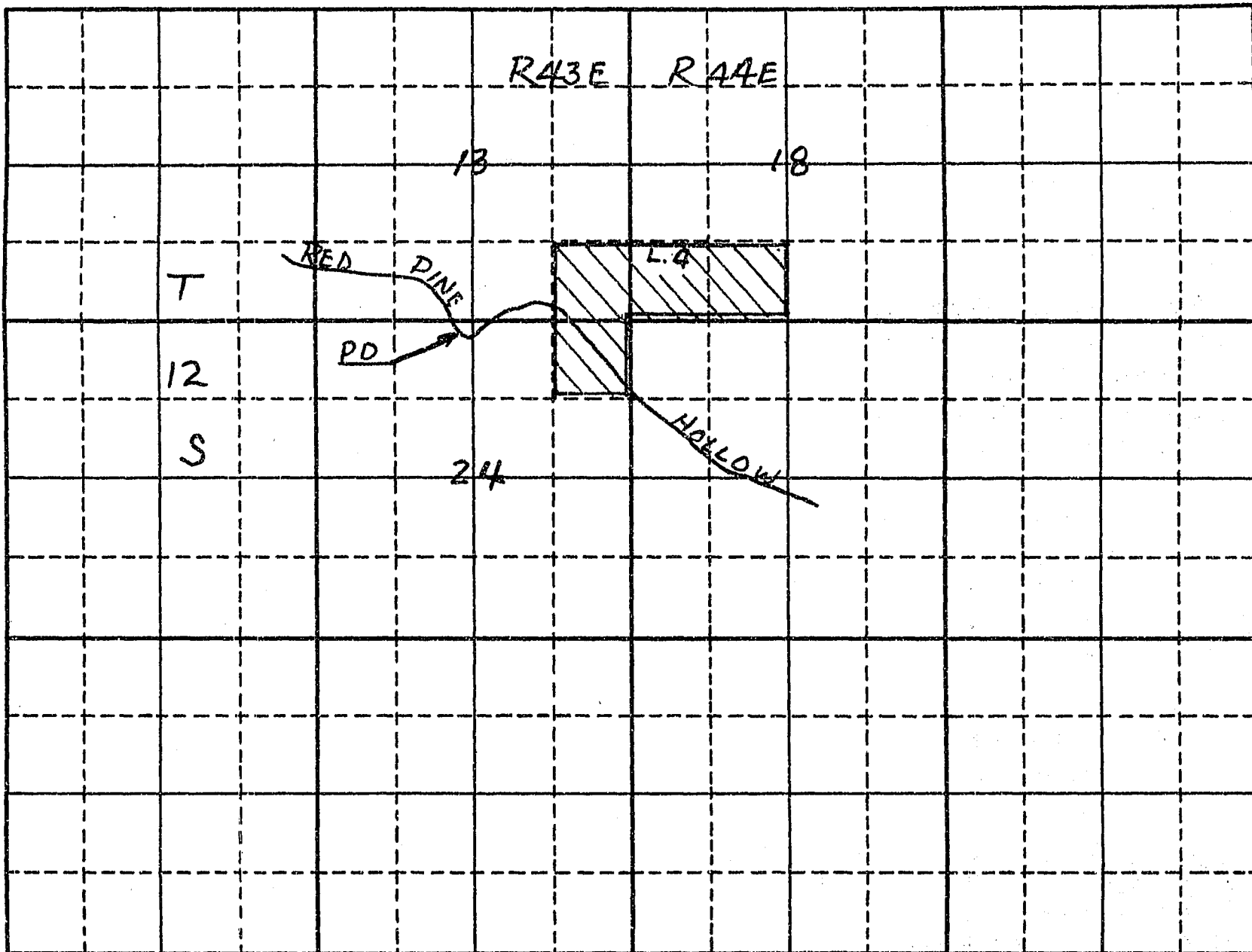
T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	43E	13																40	40
		24	40																40
12S	44E	18											46.	40					86.62
													62						
													(Lot 4)						

Total No. of acres 166.62

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Stockwater for 150 cows with calves

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

(8) Remarks The method of irrigation was changed from gravity flood to gravity sprinkler irrigation in the later years.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Benewah) ss.

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

Sworn to before me this 14th day of August, 1976

Notary Public

Residing at Montpelier, Idaho

My commission expires 9-6-76

For Department Use Only

Received by <u>me</u>	Date <u>9/10/76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>280</u>	Date <u>8-10-76</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>8-10-76</u>			
Approved for publication by <u>me</u>	Date <u>9/10/76</u>			
Published in <u>Idaho State Gazette</u>				
Dates <u>Aug. 1976, 1976</u>				

Nº 445

AFFIDAVIT OF PUBLICATION

SEP 7 1976

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Bear Lake

ss.

Loren W. Thompson
being duly sworn,

deposes and says:

That he is the publisher of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for seven consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 19 1976, and ending

with the issue of August 26 1976.

Loren W. Thompson
Fees, 15.35

Subscribed and sworn to before me this 2nd day

of September 1976
Donald Thompson

Notary Public, Residing at Montpelier, Idaho

My Commission Expires March 13 1979

NOTICE OF CLAIM TO A WATER RIGHT NO. 11-4054

Notice is hereby given that Truman W. Rigby, Montpelier, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 2.02 cubic feet per second of water from Red Pine Spring tributary to Bear River with point of diversion in the NE 1/4 NW 1/4, Sec. 24, T. 12S, R. 43E, B.M., Bear Lake County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes for 150 cows with calves, and from Apr. 1 to Nov. 1 for the irrigation of 166.62 acres with a priority of 1946 the place of use is within the SE 1/4 SE 1/4, Sec. 13, NE 1/4 NE 1/4, Sec. 24, T. 12S, R. 43E, S 1/2 SW 1/4, Sec. 18, T. 12S, R. 44E, B.M.

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

R. KEITH HIGGINSON
Director

Published in the News-Examiner, Montpelier, Idaho on August 19 and August 26, 1976.

ME 19-26

August 2, 1976

Mr. Truman W. Rigby
Box 158
Montpelier, Idaho 83254

Dear Mr. Rigby:

Reviewing your claim to a water right, we are of the opinion you will need two applications. One to record the posted notice claim confirmed by the attached copy of the notice as it is very well described. The other claim will be for the additional land not shown on the posted notice if the water and lands has a priority prior to May 20, 1971.

We have returned your check No. 92-112 in the amount of \$10.00 with retyped claim forms. The claim confirmed by the posted notice is completed, but the claim showing the lands not on the posted notice will need more information pertaining to the following items:

Item 2, we will need the amount for irrigation and the amount for stockwater. Usually, 0.02 cfs is sufficient for stockwater as this amount is equal to 13,000 gallons per day.

Item 3, Total amount to be claimed.

Item 4, the date of the priority the water was first applied to the additional land.

Item 5, the point of diversion if different than on the posted notice.

Item 5(B), how many head and what kind of livestock.

If you would list the answers to the above items on a separate sheet of paper we will be happy to complete the claim form for you. Please sign each claim form before a notary public and return with the statutory filing fee of \$10.00 for each claim. The enclosed map shows the land description for each claim.

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

Very truly yours,

LOY H. JOHNSON
Senior Water Resource Agent

LHJ:CW
Attachment
Enclosures

RECEIVED

AUG 6 1976

Department of Water Resources
Eastern District Office

Box 154

Montpelier, Idaho

Aug. 6, 1976

Dept. of Water Resources,

1515 Lincoln Road

Idaho Falls, Idaho 83401

Attn: Ley Johnson

Dear Mr. Johnson,

I appreciate your help and consideration in helping us to process the application forms. Also we appreciate you typing them for us.

The additional information that you requested is as follows:

#2, Irrigation - 2.0 CFS.

Stock Water - .02 CFS.

#3, 2.02 CFS for This Form

OR 5.02 CFS For Both Forms.

#4 There has been no specific use made except each year we let the spring run-off go onto the land for the past 30 yrs.

(over)

#5 - other points of diversion will be:

1 NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sect 15 T. 12S. R. 43E (Spring origin)

NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sect 14 T. 12S. R. 43E (Spring origin)

#6B - stock will be range cows ^{+ calves} for 100 - 150 head.

We again appreciate your help and assistance

Sincerely

Kene K. Rigby

Didn't add the above points of diversions
because the flow from springs will come
down Red Pine Hollow and be diverted
as described. 8/10/76 JHJ.

August 10, 1976

RE: Claim to a Water Right No. 11-4054 and 11-4055

Mr. Truman W. Rigby
Box 158
Montpelier, Idaho 83254

Dear Mr. Rigby:

Attached herewith is departmental receipt No. 2508 in the amount of \$20.00 for the above referenced claims.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4054

Notice is hereby given that Truman W. Rigby,

Montpelier, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 2.02 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~

of water from Red Pine Spring tributary to Bear River

with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, T. 12S, R. 43E, B.M.,

Bear Lake County

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering
purposes for 150 cows with calves, and from Apr. 1 to Nov. 1 for the irrigation
of 166.62 acres
with a priority of 1946;

the place of use is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T. 12S, R. 43E,
S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 18, T. 12S, R. 44E, B.M.

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

R. KEITH HIGGINSON

Director

Published in the News Examiner, Montpelier, Idaho

on August 19 and August 26, 1976

me-
A
me-
A

August 12, 1976

RE: Claim to a Water Right No. 11-4055 & 11-4054 RIGBY

The News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

Gentlemen:

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

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

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted

9-07-76

by

RL

RDC:CW

Enc: Legal Notice (2)

Notice

Is hereby given that the undersigned Gottlieb Dubach does hereby claim and appropriate all the water of what is known as Red Pine Spring in Bear Lake County, Idaho Territory, and all the streams and springs flowing into said spring or creek along and above the ditch of said Gottlieb Dubach as hereinafter mentioned.

1st The said Gottlieb Dubach does hereby claim and appropriate all the water of said Red Pine Spring and all the springs and springs flowing into said Spring along and above the ditch of said Gottlieb Dubach, or so much thereof as will flow through a ditch two feet wide at the top, one and a half feet wide at the bottom and fourteen inches deep, with a fall of three inches to the rod. Said waters to be taken out at a point three hundred and fifty yards South-west of the North-west corner of the South-west quarter of Section 19, Township No. 12 South of Range No. 44 East, Boise Meridian, it being the point where this notice is posted.

2nd The purpose for which said water is claimed and appropriated is for the irrigation of the following described land, to wit: the East half of the North-east quarter and the East half of the South-east quarter of Section No. 19, Township No. 12 South of Range No. 44 East, Boise Meridian, said land being in Bear Lake County, Idaho Territory.

3rd The means by which the said Gottlieb Dubach intends to divert all of the water of the said Red Pine Spring and conduct the same to the said land is a ditch two feet wide at the top, one and a half feet wide at the bottom and fourteen inches deep, with a fall of three inches to the rod.

Dated this 7th day of May A. D. 1886

Gottlieb Dubach

Territory of Idaho
County of Bear Lake

I John Sneller hereby certify that a notice of which the foregoing is a true and correct copy was posted up by me at a point where Gottlieb Dubach intends tapping the water of Red Pine Spring, 350 yards South-west of the N. W. corner of the S. W. 1/4 of Section 19, Township 12 South of Range 44 East Boise Meridian on this 7th day of May A. D. 1886

John Sneller

Subscribed and sworn to before me this 7th day of May A. D. 1886

J. H. Hays

Clerk of District Court 3^d Judicial District, Idaho

By W. N. B. Shephard Deputy

Recorded at the request of Gottlieb Dubach May 8th A. D. 1886 at 4 P. M.

C. J. Shephard Co. Recorder

STATE OF IDAHO

COUNTY OF BEAR LAKE

I, Betty Wallentine, Clerk, Auditor and Recorder of Bear Lake County, Idaho, do hereby certify that the within and foregoing is a full, true and correct copy of the original Deed as the same appears on

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of this office at Paris, Idaho, this 20th day of August, 1976

Betty Wallentine
Clerk, Auditor & Recorder, Bear Lake County, Idaho
Jeannine Parker Deputy

RECEIVED

Bern, Idaho
August 23, 1976

AUG 23 1976

Department of Water Resources
Eastern District Office

R. Keith Higginson
Dept. of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Higginson:

I want to file a protest to a water right claim
of Truman W. Rigby, Montpelier, Idaho. The claim
numbers are 11-4054 and 11-4055.

Enclosed is a copy of my water right with a
priority date of May 7, 1886.

Please advise me of your action on this matter.

Sincerely Yours,

Larry G. Alleman

Larry G. Alleman
Bern, Idaho 83220

August 25, 1976

RE: Claim to a Water Right No. 11-4054 and 11-4055

Mr. Larry G. Alleman
Bern,
Idaho 83220

Dear Mr. Alleman:

This office is in receipt of your letter of August 20, 1976, noting your protest to the above referenced claims to a water right. A claim to a water right is filed by a water user that is developing a right by diversion and beneficial use under the constitutional method. Thus, the documents filed by Truman W. Rigby merely indicate that they claim to have used the water in the manner as advertised since the date listed. They are not applying for an application for permit and will not receive a recorded water right from this Department as a result of their filing the claims. Thus the Department of Water Resources does not hold a hearing when an exception is filed on a claim to a water right. The exception is merely included in the same file with the claimants documents for consideration during any future court determination. It is unlikely that the court would consider your letter of protest unless it is filed in affidavit form with your signature notarized. Although your letter will be included in the file in its present form, I would recommend that you follow the procedures as set forth in Section 42-225 of the Idaho Code and file your exception in affidavit form and have your signature notarized. We have enclosed a form for your use.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region

RDC: CW

Enclosure

September 8, 1976

RE: Claim to a Water Right No. 11-4054

Mr. Truman W. Rigby
Box 158
Montpelier, Idaho 83254

Dear Mr. Rigby:

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

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

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

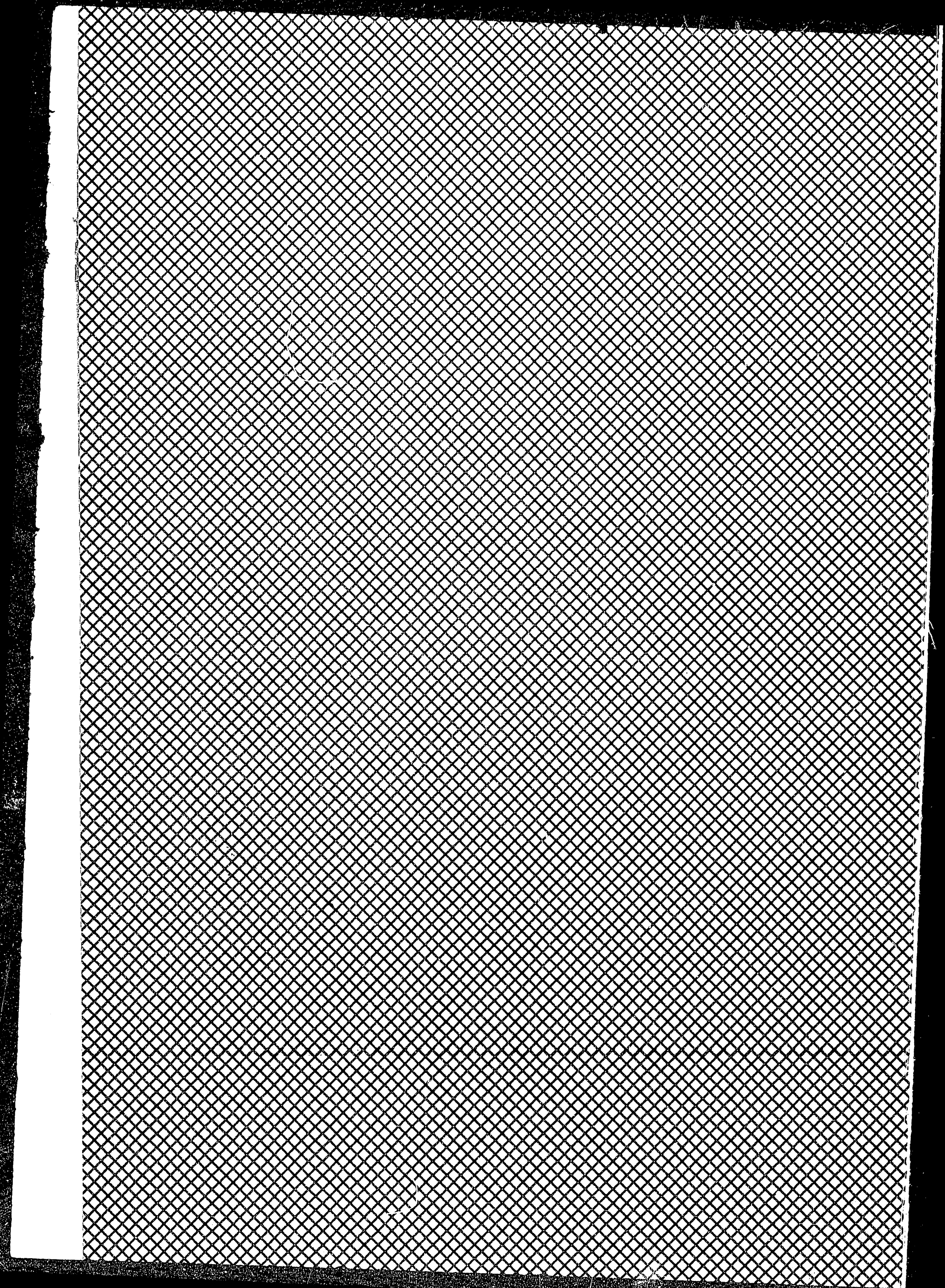
We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CH

Enc: Copy of Claim



IN THE OFFICE OF THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE APPLICATION;
OF TRUMAN W. RIGBY TO DIVERT AND
APPROPRIATE 2.02 CUBIC FEET PER ;
SECOND OF WATER FROM RED PINE
SPRING TRIBUTARY TO BEAR RIVER. :

PROTEST OF

UTAH POWER & LIGHT COMPANY

APPLICATION NO. 11-4054. :

COMES NOW the protestant UTAH POWER & LIGHT COMPANY (Utah Power) and protests Truman W. Rigby's Application and alleges as follows:

1. Utah Power holds Water Rights Nos. 22060, 2424, 17378, 9073 and 9441.

2. Truman W. Rigby has filed an Application with the Idaho Department of Water Resources numbered 11-4054 seeking to appropriate 2.02 cubic feet per second of water at points of diversion specified in said Application.

3. The granting of the Application of Truman W. Rigby for the appropriation of 2.02 cubic feet per second of water would adversely affect the aforementioned water rights of Utah Power & Light Company.

WHEREFORE, protestant prays that the Application of Truman W. Rigby be denied or alternatively that said Application be set for hearing in order that the matters contained therein as they affect protestant's hereinabove described water rights may be fully explored.

DATED this 15th day of October, 1976.

SIDNEY G. BAUCOM
THOMAS W. FORSGREN

BY

Thomas W. Forsgren
Attorneys for Protestant
Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84116

UTAH POWER & LIGHT COMPANY

P. O. BOX 899

SALT LAKE CITY, UTAH 84110

RECEIVED

OCT 20 1976

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

Department of Water Resources

October 18, 1976.

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3850

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3798

DIRECTOR	
PLANNING	
WATER PLAN	
TECH. STUDIES	
OPERATIONS	
ENGINEERING	
WATER RIGHTS	DF
INTERSTATE	
LEGAL	
FISCAL	
BOARD	
FILES	
Eastern	

State Office
Idaho Department of Water Resources
373 W. Franklin
Boise, Idaho

Gentlemen:

Re: Application No. 11-4054
filed by Truman W. Rigby
to Divert 2.02 Cubic Feet
Per Second of Water and
Application No. 11-4055
filed by Truman W. Rigby
to Divert 3.00 Cubic Feet
Per Second of Water (both
from Red Pine Spring Trib-
utary to Bear River)

Enclosed please find Protests of Utah Power & Light Company, both
in duplicate, with respect to the above Applications.

Yours truly,

Thomas W. Forsgren
THOMAS W. FORSGREN

TWF:LK
ENC.



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

October 25, 1976

Re: Claim No's. 11-4054 & 11-4055

Utah Power & Light company
Attn: Thomas W. Forsgren
Box 899
Salt Lake City, Utah 84110

Dear Mr. Forsgren:

We have received the protests against Claims to a Water Right No. 11-4054 and 11-4055.

The following is a portion of Section 42-225b, Idaho Code, related to the filing of a Claim to a Water Right:

"At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

Only the above action has been contemplated by the Idaho Legislature. Consequently, this Department is not authorized to hold hearings or evaluate for consumation, or final censorship of the described claim.

Enclosed are copies of Mr. Rigby's Claims to a Water Right. Please notice that he is claiming a priority on Claim No. 11-4054 of 1946, and on Claim No. 11-4055 of April 27, 1897. Please notice that these claims do not seek to appropriate additional water for use by Mr. Rigby. If you wish to file an exception of these claims, please state the reasons you feel they are not valid and have the exceptions

2
an Power & Light Co.
Claim No's. 11-4054 & 11-4055
October 25, 1976

notarized and return them to us so that information can be preserved for later use. If you have any questions, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

IN THE MATTER OF:

Claim to a water
right no. 11-4054 & 11-4055

State of Idaho

County of Bear Lake

RECEIVED

OCT 26 1976

AFFIDAVIT

Department of Water Resources
Eastern District Office

Larry G. Alleman being first duly sworn,

deposes and says:

he protests a water right
Claim of Truman W. Rigby The claim
numbers are 11-4054 and 11-4055.
I have a water right with a
priority date of May 7, 1886 Mr.
Rigby is attempting to claim all the
water from this source; of which I
have the priority right.

Larry G. Alleman
(signature)

Subscribed and sworn to before me this 22 day of October 19 76.

Norma Lee Nelson
(notary public)

Residing at

Montpelier Idaho

My commission expires

12-23-76



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

November 2, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

RE: Claim to a Water Right No. 11-4054 and 11-4055

Mr. Truman W. Rigby
Box 158
Montpelier, Idaho 83254

Dear Mr. Rigby:

Enclosed please find a copy of the exception filed by Larry G. Alleman in connection with your claim No. 11-4054 and 11-4055. The following is a quote from the provisions of the Idaho Code under which the claims have been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

November 2, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

R. Keith Higginson
Director

RE: Claim to a Water Right No. 11-4054 and 11-4055 TRUMAN W. RIGBY

RECEIVED

Mr. Larry G. Alleman
Bern,
Idaho 83220

NOV 3 1976

Department of Water Resources

Dear Mr. Allenman:

We have received the exception dated October 22, 1976, filed against the above referenced claims to a water right. The following is a quote from the provisions of the Idaho Code under which these claims have been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

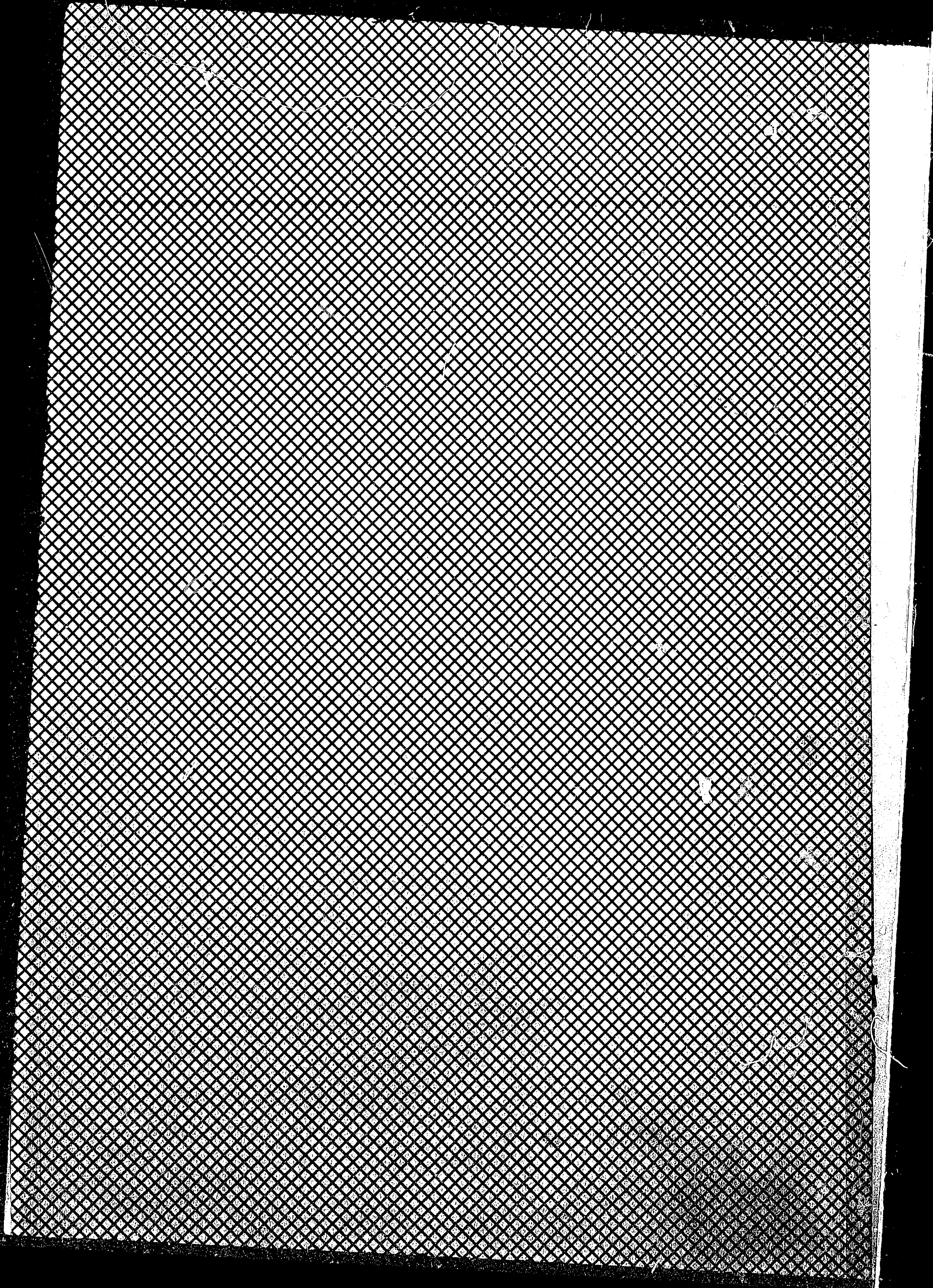
If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

CLAIM TO A WATER RIGHT

AMENDED

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Keene K. Rigby

(Name of Claimant)

Box 158Montpelier, ID83254

Telephone No. _____

(Mailing Address)

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 27, 1897

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

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Red Pine Spring & Red Pine Hollow tributary to Bear River

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>2.00cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity	<u>.02cfs</u>	Use <u>Stockwater</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 2.02cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NW 1/4, Sec. 24 Twp. 12S Rge. 43E B.M., County of Bear Lake

Additional points of diversion: SE 1/4 SW 1/4, Sec. 13, T. 12S, R. 43E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion dam, ditches and pipeline

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

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	43E	13																40	40
		24	40										(Lot 4)						40
12S	44E	19											(46.62)	40					86.62

No. of acres 166.62

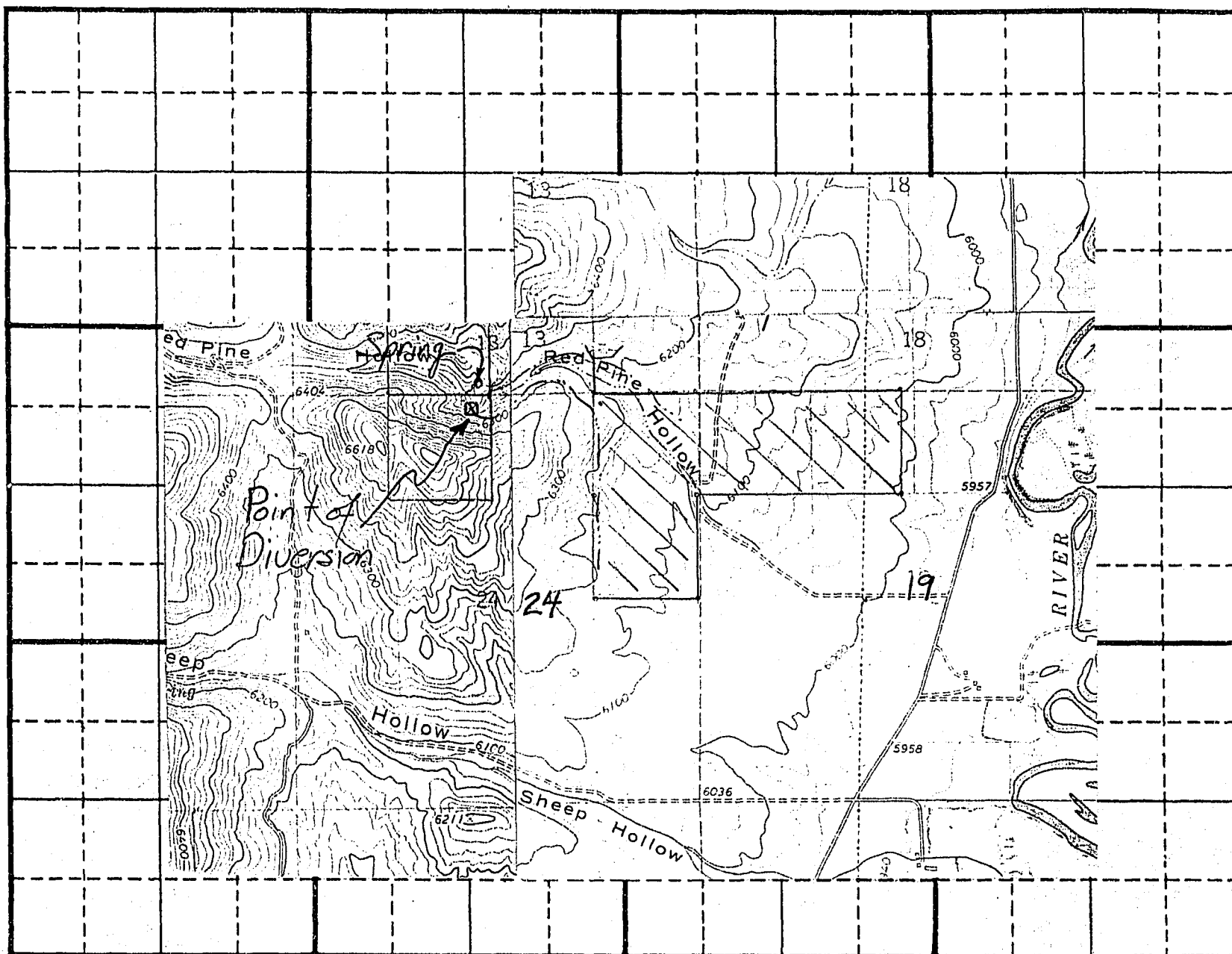
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Stockwater for 150 cows with calves.

NOTE: Include here the type and number of stock watered:

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

(8) Remarks The method of irrigation was changed from gravity flood to gravity sprinkler irrigation in the later years.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

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

Sworn to before me this 29th day of Dec, 1983.
X Kene K. Bugh
(Claimant)

Callen Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by <u>EMC</u>	Date <u>12/29/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by	Date		claimant by:	
\$30.00 fee received by <u>N.A.</u>	Date <u>12-29-83</u>			
Published in <u>News Examiner</u>				
Dates <u>1/12 - 1/19/84</u>				

State of Idaho
County of Bear Lake } ss.

I, all concerned:

Notice is hereby given:

1st That John P. Ripley of Bern, Bear Lake County, State of Idaho, hereby claims the use of the waters of Red Pine Springs to the extent of 3 cubic feet per second.

2nd. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows:

On the N.E. 4 1/4 Sec 24, T. 12 N. R. 43 E.

3rd. The purpose for which said water is intended to be used is irrigation and domestic purposes.

The place of intended use is Sub 1 and 2, Sec 19, T. 12 N. R. 44 E. N.E. 1/4 Sec 24, T. 12 N. R. 43 E.

4th. It is intended to divert said water by means of a dam and two ditches, 2 feet wide and 1 foot deep. The general course of the proposed canal is about East. The length of proposed canal is 3/4 mile.

The place of intended wells No 1 and 2, Dec 19, P. 12 & P. 446. Vol 18th ME^r Dec 24, P. 12 & P. 436.

4th. It is intended to divert said water by means of a dam and two ditches, 2 feet wide and 1 foot deep. The general course of the proposed canal is South Easterly. The length of the proposed canal is $\frac{3}{4}$ mile.

It is intended to use said water for irrigating the following described land: Feb 1 and 2 Dec 19, P. 12 & P. 446 & Vol 18th ME^r Dec 24, P. 12 & P. 436.

5th. It is intended to have the works for diversion and use of the water as aforesaid completed within 3 years. Witness my hand at Paris, Idaho, this 27 day of Apr. 1894.

John D. Rigby
Governor
State of Idaho
County of Blaine } ss

John D. Rigby being first duly sworn, deposes and says that he is of lawful age and the claimant of the Water Right mentioned in the foregoing

notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended division on the 28th day of April 1894, at 11 o'clock A.M.

John P. Rigby

Subscribed and sworn to before me this 28 day of Apr. 1894.

< Seal >

Elmore Long

County Recorder

This for record at request of John P. Rigby Apr. 28th 1894, at 5 o'clock p.m.

Elmore Long

County Recorder

Notice of Water Right

State of Idaho

County of Bear Lake } ss

All concerned:

Notice of Water Right.

State of Idaho
County of Bear Lake } ss.

We all concerned:

Notice is hereby given:
1st That George W. Horner of Myrtle Bear Lake
County, State of Idaho, hereby claims the use of the
waters of Taylor Canon Creek to the extent of 4
cubic feet per second.

And it is intended to divert said water at or near the
point where a copy of this notice is posted, and more
definitely described as follows:

in S. 34th & E. 4th Dec. 14, T. 15 S. R. 45 E

3rd. The purpose for which said water is intended to
be used is irrigation and domestic purposes

The place of intended use is S. 34th N. 4th E. 14
T. 15 S. R. 45 E.

4th. It is intended to divert said water by means of one

ditch 3 feet wide & 6 feet deep

Nº 2500

815

JAN 26 1984

AFFIDAVIT OF PUBLICATION

RECEIVED

FEB 3 1984

Department of Water Resources
Eastern District Office

STATE OF IDAHO,

County of Bear Lake

ss.

Marie B. Nye

being duly sworn,

deposes and says:

That he is the *Publisher* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *2* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

January 12, 19*84*, and ending with the issue of *January 19*, 19*84*.

Fees, *\$22.50*

Subscribed and sworn to before me this *21st* day of *January*, 19*84*.

Denise Green

Notary Public, Residing at Montpelier, Idaho

My Commission Expires *Lifetime*, 19.....

LEGAL NO. 2500

NOTICE OF AMENDED CLAIM TO

A WATER RIGHT

NO. 11-4054

Notice is hereby given that Claim to a Water Right No. 11-4054 in the name of Truman W. Rigby, Montpelier, Idaho, was filed with a priority date of 1946 for the diversion and application to beneficial use of 2.02 cfs of water from Red Pine Spring tributary to Bear River with the point of diversion within NE 1/4 NW 1/4 Sec. 24, T. 12S, R. 43E, B.M. Bear Lake County; the water is claimed to be used from 4-1 to 11-1 for the irrigation of 166.62 acres within the SE 1/4 SE 1/4 Sec. 13, NE 1/4 NE 1/4 Sec. 24, T. 12S, R. 43E, Lot 4 SW 1/4 SW 1/4, SE 1/4 SW 1/4 Sec. 18, T. 12S, R. 44E, B.M.

The claimant, Keene K. Rigby, now proposes to amend Claim No. 11-4054 amending the source to Red Pine Spring & Red Pine Hollow tributary to Bear River, the priority date to April 27, 1897, the point of diversion to within the NE 1/4 NW 1/4 Sec. 24, SE 1/4 SW 1/4 Sec. 13, T. 12S, R. 43E, B.M. Bear Lake County and the place of use to within the SE 1/4 SE 1/4 Sec. 13, NE 1/4 NE 1/4 Sec. 24, T. 12S, R. 43E, Lot 4 SW 1/4 SW 1/4, SE 1/4 SW 1/4 Sec. 19, T. 12S, R. 44E, B.M. Any exception to any claim of water right may be filed with the Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401.

A. KENNETH DUNN

Director

11-12, 1-19-84
36 LINES

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

G. F. RAMSEY

INITIAL REVIEW BY: JAN 3 1984

Right Number _____ Applicant KEENE K. RIGBY

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature notarization/fee.

1/30/84

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Ernest Carlson Date Feb 9 1984

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 2/15/84

RECEIVED
FEB 15 1984

Department of Water Resources

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 11-4054

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Any exception to any claim of water right may be filed with the Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401.

A. KENNETH DUNN

Director

Published in the News Examiner on 1/12 & 1/19/84.

January 4, 1984

RE: Amended Claim to a Water Right No. 11-4054 RIGBY

Russell Stoker, Watermaster
Water District No. 11
279 East Third North
Soda Springs, ID 83276

Dear Mr. Stoker:

Enclosed, for your information only, is a copy of the above referenced claim to a water right filed within your district. If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

February 3, 1984

RE: Amended Claim to a Water Right No. 11-4054 KEENE R. RIGBY

News Examiner
P.O. Box 278
Montpelier, ID 83254

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on January 12 and 19, 1984.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

February 9, 1984

RE: Amended Claim to a Water Right No. 11-4054

Keene K. Rigby
Box 158
Montpelier, ID 83254

Dear Mr. Rigby:

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

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

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

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

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

Enclosure

LEGAL NO. 2500
NOTICE OF AMENDED CLAIM TO
A WATER RIGHT
NO. 11-4054

Notice is hereby given that Claim to a Water Right No. 11-4054 in the name of Truman W. Rigby, Montpelier, Idaho was filed with a priority date of 1946 for the diversion and application to beneficial use of 2.02 cfs of water from Red Pine Spring tributary to Bear River with the point of diversion within NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, T. 12S, R. 43E, B.M. Bear Lake County; the water is claimed to be used from 4-1 to 11-1 for the irrigation of 166.62 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24, T. 12S, R. 43E, Lot 4 SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 18, T. 12S, R. 44E, B.M.

The claimant, Keene K. Rigby, now proposes to amend Claim No. 11-4054 amending the source to Red Pine Spring & Red Pine Hollow tributary to Bear River, the priority date to April 27, 1897, the point of diversion to within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 24, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, T. 12S, R. 43E, B.M. Bear Lake County and the place of use to within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24, T. 12S, R. 43E, Lot 4 SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19, T. 12S, R. 44E, B.M.

Any exception to any claim of water right may be filed with the Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401.

A. KENNETH DUNN
Director

1-12, 1-19-84
36 LINES

Amended 11-4054