

RECEIVED

MAR 17 1978

Department of Water Resources
Eastern District Office

(u) NOTICE OF CLAIM
TO A WATER RIGHT
NO. 11-4064

Notice is hereby given that Don C. Rigby, Logan, Utah has filed a claim to a water right established by diversion and application to beneficial use of 5.50 cubic feet per second of water from a spring with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 8S, R. 41E, B.M., Caribou County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stock-watering purposes and from Apr. 30 to Oct. 31 for the irrigation of 360 acres with a priority of 1944; the place of use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 35, T. 8S, R. 41E, B.M.

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

C. STEPHEN ALLRED
Director

Published in the Caribou County Sun, Soda Springs, Idaho on March 2 and March 9, 1978.

**Affidavit of
Publication**

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation 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 seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached 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

2nd day of
March, 1978

The date of the last publication

being the 9th day of
March, 1978

Mark Steele

Subscribed and sworn to be-

fore me this 13th day

of March, 1978

Clayton Steele

Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March
1980.

Claim No. **11 4004**

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 Don C. Rigby (name of claimant)
of 210 W. Center St. Logan, Ut. 84321, 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) spring
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|----------------|----|------------------------|
| Amount | <u>5.0 cfs</u> | Use | <u>Irrig.</u> | Period of Use: | From | <u>Apr. 30</u> | To | <u>Oct. 31</u> |
| Amount | <u>.5 cfs</u> | Use | <u>stock watering</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: 5.5 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) 1944

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)
NW ¼ SW ¼, Sec. 35 Twp. 8 S Rge. 41E B.M. County of Caribou
 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. Sprinkler irrigation by means of pipe line. Also an east-west drainage ditch $\frac{1}{4}$ mile long on north side of property.

- (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.

[illegible]

Total No. of acres 360

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: stock watering
- (7) If you are claiming water as a member of an organization, list name of organization: _____

Sec. 33

Sec. 34

Sec. 35

Sec. 36

[illegible]

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.

) 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.

x Donc Rhy (Claimant)

(Claimant)

Notary Public

For Department Use Only

Received by CW Date 2-21-78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by LZ Date 2-21-78 claimant by: _____
\$10.00 fee received by CW Date 2-21-78
Approved for publication by me 3-17-78 # 9838 _____
Published in Carlow (Scientific Series) _____
Dates Mar. 24 9-1978 _____

February 21, 1978

RE: Claim to a Water Right No. 11-4064 RIGBY

Clyde G. Nelson
Attorney at Law
P.O. Box 797
Soda Springs, ID 83276

Dear Mr. Nelson:

Attached herewith is Departmental receipt No. 9838 in the amount of \$10.00 for the above referenced claim in the name of Don C. Rigby.

Very truly yours,

COLLEEN WRAY
Secretary

CW:Cd

cc: Don C. Rigby

Attachment

NOTICE OF CLAIM TO A WATER RIGHT

NO. 11-4064

Notice is hereby given that Don C. Rigby,
Logan, Utah

has filed a claim to a water right established by diversion and application
to beneficial use of 5.50 cubic feet per second ~~XXXXXXX~~ ~~acre feet per annum~~
of water from a spring
with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, T. 8S, R. 41E, B.M.,
Caribou County

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering
purposes and from Apr. 30 to Oct. 31 for the irrigation of 360 acres
with a priority of 1944;
the place of use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec.
35, T. 8S, R. 41E, B.M.

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

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

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on March 2 and March 9, 1978

*me - J.
me - R.*

XXXXXXXXXX

XXXXXXXXXXXXXX

February 24, 1978

RE: Claim to a Water Right No. 11-4064 RIGBY

Caribou County Sun
P.O. Box 815
Soda Springs, ID 83276

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 3-17-78 by CD

RDC:CD

Enclosure: Legal Notice

March 16, 1978

RE: Claim to a Water Right No. 11-4064 DON C. RIGBY

Mr. L. Joseph Banks
President
Farmers Land & Irrigation Company
Bancroft, Idaho 83217

Dear Mr. Banks:

We are returning your letter of protest concerning the above referenced claim to a water right.

If you do not agree with the information that is contained in the above referenced claim to a water right, then you should file an exception, which must be in affidavit form, indicating why the right claimed is incorrectly represented. There is no time limitation for filing an exception to a claim, however, we request that if you choose to file an exception you submit it as soon as possible to assist us in rapid processing. For your convenience, we have enclosed an affidavit form.

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

Very truly yours,

ERNEST M. CARLSEN
Water Resource Agent

EMC: CW

Enclosure



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

March 20, 1978

RE: Claim to a Water Right No. 11-4064

Mr. Don C. Rigby
210 W. Center St.
Logan, Utah 84321

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:CD

Enclosure

John V. Evans
Governor

April 18, 1978

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

Stephen Allred
Director

RE: Claim to a Water Right No. 11-4064

Don C. Rigby
210 W. Center St.
Logan, Utah 84321

Dear Mr. Rigby:

Enclosed please find a copy of the exception filed by Wallace M Transtrum, Attorney, in behalf of L. Joseph Banks, President of Farmer's Land & Irrigation Company in connection with your Claim No. 11-4064. The following is a quote from the provisions of the Idaho Code under which this claim has 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:CS
Enclosure

John V. Evans
Governor

C. Stephen Allred
Director

April 18, 1978

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

RE: Claim to a Water Right No. 11-4064 RIGBY

Wallace M. Transtrum, Attorney
Transtrum & Budge, Chartered
240 So Main, Suite A.
P.O. Box 833
Soda Springs, Idaho 83276

Dear Mr. Transtrum:

We have received the exception dated April 14, 1978, filed in behalf of the President of Farmers Land & Irrigation Company, L. Joseph Banks against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has 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:CS

cc: L. Joseph Banks

IN THE MATTER OF:)

NOTICE OF CLAIM TO A)
WATER RIGHT NO. 11-)
4064 FILED BY)
DON C. RIGBY)

State of Idaho)
County of Caribou)

AFFIDAVIT

RECEIVED

APR 17 1978

Department of Water Resources
Eastern District Office

L. Joseph Banks

being first duly sworn,

deposes and says: He is the President of Farmers Land & Irrigation
Company of Bancroft, Idaho, and makes this affidavit on behalf
of said corporation.

That all of the water from the spring in the NW⁴ SW⁴ of
Section 35, T85, R41E B.M., has since 1944 and does now flow
into the distribution system of said corporation and from there
distributed to and used by the stockholders of said corporation.
Said waters are therefore owned by said corporation and not by
the said claimant.

The waters of said creek have been owned and used by said
corporation as follows:

From January 1 to December 1 each year for stock watering
purposes.

From April 30 to October 31 each year for irrigation purposes.

That said waters have been so used since 1944.

L. Joseph Banks
(Signature) L. JOSEPH BANKS

Subscribed and sworn to before me this day of April, 1978.

Wallace M. Tamm
(Notary Public)

Residing at Soda Springs, Idaho
My Commission Expires Unexpiring

Transtrum & Budge, Chartered

A Professional Corporation

Attorneys at Law

WALLACE M. TRANSTRUM

RANDALL C. BUDGE

A. BRUCE LARSON

240 So. Main - Suite A - Telephone 208-547-3944
P.O. Box 833 - Soda Springs, Idaho 83276

April 14, 1978

*Please file
in 11-4064*

RECEIVED

APR 17 1978

State of Idaho
Department of Water Resources
Eastern Region
1515 Lincoln Road
Idaho Falls, Idaho 83401

Department of Water Resources
Eastern District Office

RE: CLAIM TO A WATER RIGHT # 11-4064 DON C. RIGBY

I enclose herewith an Affidavit in duplicate from the President of Farmer's Land & Irrigation Company in objection and protest to the claim of water right filed by Don C. Rigby as 11-4064. Would you please cause this to be filed in the required manner.

Thank you for your cooperation.

Wallace M. Transtrum

Wallace M. Transtrum

WMT/mb

cc: Joe Banks