

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS**

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Ident. Number: 11-4055  
Date Received: 12/15/2023  
Receipt No: *P000689*  
Claim Fee: *198*  
Received By: *MB*

RECEIVED

DEC 14 2023

IDWR/Preston

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

JOY DELLENE RIGBY FAMILY TRUST  
074 WARDBORO CEMETERY RD  
MONTPELIER ID 83254-0357

Phone: (208) 540-0266

2. Date of Priority: 4/27/1897

3. Source:  
RED PINE SPRING

Trib. to:  
BEAR RIVER

4. Point of Diversion:

| Township | Range | Section | $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ | Lot | County    | Type |
|----------|-------|---------|-------------------------------------------------|-----|-----------|------|
| 12S      | 43E   | 13      | SE SW                                           |     | BEAR LAKE |      |

5. Description of diverting works:

The spring runs into a cistern that empties into a ditch which diverts the water from the hills onto the farm fields. Water is also piped to a stock trough. Historically the land was flood irrigated until the 1980s when the ground was put into a CRP program. It hasn't been irrigated since then. We just ended the CRP program and are in the process of getting the system back up and running again.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A |
|------------|-------|-------|--------|------|-------|
| IRRIGATION | 4/01  | 11/01 | 3      |      |       |
| STOCKWATER | 04/01 | 11/15 | 0.02   |      |       |

7. Total Quantity Appropriated is:

3.02 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

30 cow calf pairs

9. Place of use:

IRRIGATION within BEAR LAKE County

| Township | Range | Section | ¼  | of | ¼  | Lot | Acres |
|----------|-------|---------|----|----|----|-----|-------|
| 12S      | 43E   | 13      | SE |    | SE |     | 1.4   |
| 12S      | 43E   | 24      | NE |    | NE |     | 15    |
| 12S      | 43E   | 24      | SE |    | NE |     | 37    |
| 12S      | 44E   | 18      | SW |    | SW | 4   | 2.8   |
| 12S      | 44E   | 19      | NW |    | NW | 1   | 46    |
| 12S      | 44E   | 19      | SW |    | NW | 2   | 43    |

Total Acres = 145.2

STOCKWATER within BEAR LAKE County

| Township | Range | Section | ¼  | of | ¼  | Lot | Acres |
|----------|-------|---------|----|----|----|-----|-------|
| 12S      | 43E   | 13      | SW |    | SE |     |       |

10. Do you own the property listed above as place of use? Yes

If your answer is no, describe in remarks below the authority you have to claim this water right.

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11. Other Water Rights Used:

12. Remarks:

Priority Date Explanation:

This ground was part of a homestead. The land has irrigated since the homestead was established. The property has always been in our family. It is currently in the name of the Trust. Jaren is next in line to inherit the property and the water right with it.

AC. IRR.=132.82.

13. Basis of Claim: Statutory Claim

14. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the BEAR River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: ~~3~~ 4

**For Organizations:**

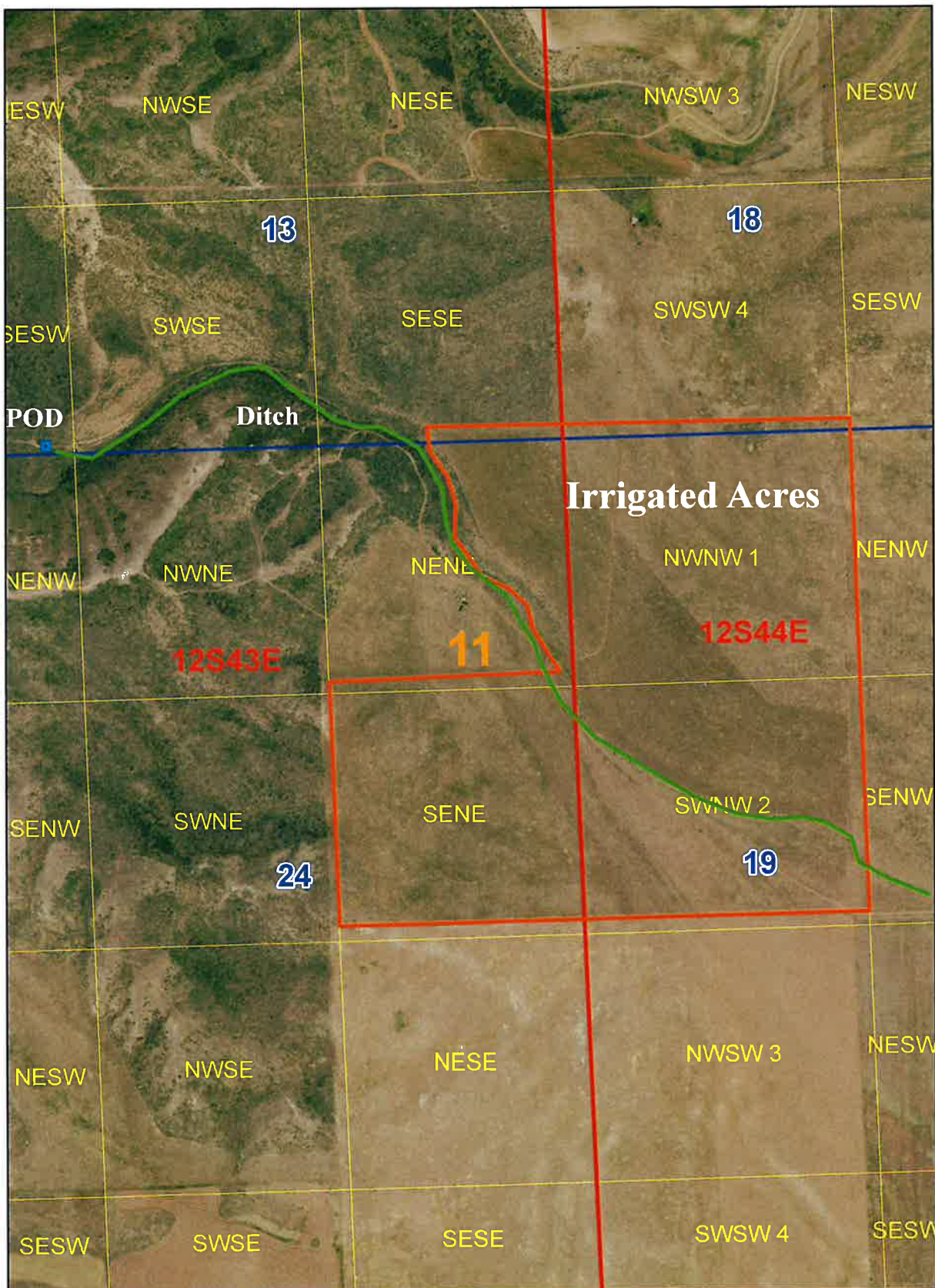
I do solemnly swear or affirm under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

Trustee. of Joy Dellene Rigby Family Trust  
Agents Title (please print) Name of Organization (please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Joy Dellene G. Rigby Date Dec. 15, 2023  
Printed Name of Authorized Agent Joy Dellene G. Rigby

# Claim 11-4055



0 0.075 0.15 0.3 Miles

# THE UNITED STATES OF AMERICA



To all to whom these Presents shall come, GREETING:

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Blackfoot, Idaho

whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of John J. Rigby

has been established and duly consummated, in conformity to law, for the Lot numbered one of section nineteen, in Township twelve South of Range forty-four East, and the East half of the North East quarter of section twenty-four, in Township twelve South of Range forty-three East of Boise Meridian in Idaho, containing one hundred and thirty-two acres and eighty-two hundredths of an acre.

according to the official plat of the survey of said land, returned to the General Land Office by the Surveyor General.

Now Know ye that there is, therefore, granted by the United States unto the said John J. Rigby

the tract of land above described: To have and to hold the said tract of land, with the appurtenances thereof, unto the said John J. Rigby and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof, I, Theodore Roosevelt, PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the city of Washington, the first day of December, in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty-ninth

By the President:

T. Roosevelt

By H. M. McLean

Secretary.

C. H. Brush

Recorder of the General Land Office.

Claim 11-4055

Aerial Imagery June 2, 1970



State of Idaho  
County of Bear Lake } ss.

To all concerned:

Notice is hereby given:

1st, That John T. Rigby 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:

In the NE<sup>4</sup> NW<sup>4</sup> Sec 24, Tp 12 S. 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 Lots 1 and 2, Sec 19, Tp 12 S. R. 44 E. & SE<sup>4</sup> NE<sup>4</sup> Sec 24, Tp 12 S. 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 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: Lots 1 and 2 Sec 19, Tp 12 S. R. 44 E. & SE<sup>4</sup> NE<sup>4</sup> Sec 24, Tp 12 S. R 43 E.

5th. It is intended to have the works for diversion and use of the water as aforesaid completed within 2 years. Witness my hand at Paris, Idaho, this 27 day of Apr. 1894.

John T. Rigby  
Claimant

State of Idaho  
County of Bear Lake } ss.

John T. 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 diversion on the 28<sup>th</sup> 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 >

Elprougberg

Auditor & Recorder

Filed for record at request of John P. Rigby Apr. 28<sup>th</sup> 1894, at 5 o'clock p.m.

Elprougberg

Co-Recorder

### Notice of Water Right.

State of Idaho

County of Bear Lake } ss.

To all concerned.

Notice is hereby given:

1<sup>st</sup>, That George H. Hornace of Nupher Bear Lake County, State of Idaho, hereby claim the use of the waters of Taylor Canon Creek to the extent of 4 cubic feet per second.

2<sup>nd</sup>. 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.W.<sup>4</sup> S.E.<sup>4</sup> Sec 14, T<sup>16</sup> S. R. 45 E

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

The place of intended use is N.E.<sup>4</sup> N.W.<sup>4</sup>, N.E.<sup>4</sup> S.W.<sup>4</sup> Sec 14 T<sup>16</sup> S. R. 45 E.

4<sup>th</sup>. It is intended to divert said water by means of one