



State of Idaho

DEPARTMENT OF WATER RESOURCES

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August 29, 1996

BRUCE LARSON
241 S MAIN
SODA SPRINGS, ID 83217

RECEIVED

SEP 03 1996

Department of Water Resources
Eastern Region

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

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: Howard Jones, Eastern Region
Wayne Waddoups, Watermaster