

Ruberry, Allen

From: Jerry Rigby [jrigby@rigby-thatcher.com]
Sent: Friday, January 13, 2006 7:45 AM
To: Al Ruberry
Subject: Madison School District 321

Al,

Madison School District has brought their documents in on the following individual school rights: Hibbard: 22-7324; Burton 22-7323; Lyman 22-7322; and Madison High School 22-7106. All rights, except for the high school lack the actual number of acres which have been and are being watered. Because of the request to reply today, I have told them to reply to the preliminary recommendations with their determination of acreage on each of the rights. You should be receiving them shortly (they may have been put in the mail last night or first thing this morning. Obviously, we will need to discuss this to see if we can get you what you need to increase the individual acreage limitations you have placed on the individual schools. This may also require an increase in individual cfs. I am having them determine the actual pumping capacity of each of the pumps at their schools.

One additional item which I need to work on. The elementary school out in Archer apparently only has a domestic water right. However, it has been using the well to irrigate the lawns and playgrounds around the school. As you will see from the affidavit accompanying the rights described above, the well has been used for irrigation for many years (82). However, it is clear that the well was not used for irrigation before 63 and therefore we need to work something out. The school does have shares in the local canal company. What are your thoughts on working something out for Archer? Obviously, one method would be to get the canal company to mitigate for the consumptive use of the pumped water (as was done for the Ashton High School). Anyway, I would appreciate any input you might have.

Thanks

Jerry R. Rigby

Rigby, Thatcher, Andrus, Rigby & Moeller, Chartered

P.O. Box 250

Rexburg, Idaho 83440

Telephone: (208) 356-3633 Fax: (208) 356-0768

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I talked with Jerry
 Rigby on 1-31-06.
 He will file an enlargement
 claim.

Jeff

ENLARGING CLAIMS
 Coming from Jerry
 Rigby? See Shup

I talked with Sam [unclear] about
 applic. with mitigation - low priority
 Success

Use surface water first!

1/23/2006