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SEP 21 2006

DEPARTMENT OF  
WATER RESOURCES

|                                                                                         |              |
|-----------------------------------------------------------------------------------------|--------------|
| DISTRICT COURT-SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |              |
| SEP 21 2006                                                                             |              |
| By _____                                                                                | Clerk        |
| _____                                                                                   | Deputy Clerk |

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

In Re SRBA

Case No. 39576

) Subcases: See Attached Exhibit A  
)  
)  
)  
)  
)

ORDER GRANTING MOTIONS TO FILE  
LATE NOTICES OF CLAIM

On June 29, 2006, the Fremont-Madison Irrigation District, by and through counsel, Jerry R. Rigby, filed a *Motion to File Late Notice of Claim* for each of the above-captioned water rights. Hearing was held on the *Motions* on September 19, 2006. These *Motions* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights is **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated September 20, 2006.

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

FREMONT-MADISON LATE CLAIMS

Subcase Nos:

21-00024A  
21-00026A  
21-00027A  
21-00120A  
21-00121A  
21-00122A  
21-00123A  
21-00124A  
21-00125A  
21-00126A  
21-04155A  
21-13040  
21-13041

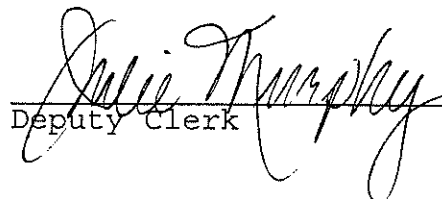
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING  
MOTIONS TO FILE LATE NOTICES OF CLAIM was mailed on September  
21, 2006, with sufficient first-class postage to the following:

FREMONT-MADISON IRRIGATION

Represented by:  
JERRY R. RIGBY  
25 N 2ND E  
PO BOX 250  
REXBURG, ID 83440-0250  
Phone: 208-356-3633

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is fluid and stylized, with the first name "Julie" being more prominent than the last name "Murphy".

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 21-121A

Date Received 9-26-06

Receipt Number 6082255

RECEIVED

SEP 22 2006

DEPARTMENT OF  
WATER RESOURCES

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

2006 JUN 29 AM 10:52  
FILED  
TWIN FALLS, IDAHO

Please type or print clearly

1. Name of Claimant (a) Fremont-Madison Irrigation District Phone (208) 624-3381  
Mailing Address P.O. Box 15, St. Anthony, Idaho 83445 Zip 83445
2. Date of Priority ( Only one (1) per claim) June 1, 1893
3. Source of water supply (a) Sheridan Creek, Henry's Fork  
which is tributary to (b) Snake River, Columbia River
4. a. Location of existing point of diversion is : Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_,  
\_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of \_\_\_\_\_  
Additional Points of diversion if any: Canals within Fremont-Madison Irrigation District  
b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_  
ending point is : Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
5. Description of existing diversion works ( Dam, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc).  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed  
and as enlarged and the depth of each well. Canal headgates and diversion structures at various locations  
within Fremont-Madison Irrigation District

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 1.00 or \_\_\_\_\_

For Irrigation Storage purposes from 01/01 to 12/31 amount \_\_\_\_\_ or 3618

For Irrigation From Storage purposes from 04/01 to 11/01 amount \_\_\_\_\_ or 3618

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.00 (cfs) and/or (b) 3618 (acre feet)

8. Total consumptive use claimed is \_\_\_\_\_ acre feet per annum.

9. Non-irrigation uses; uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock etc.) \_\_\_\_\_

10. Description of place of use: See Attachment

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example D for Domestic)

In the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE1/4 |     |     |     | NW1/4 |     |     |     | SW1/4 |     |     |     | SE1/4 |     |     |     | Totals |
|-----|-----|-----|-------|-----|-----|-----|-------|-----|-----|-----|-------|-----|-----|-----|-------|-----|-----|-----|--------|
|     |     |     | NE¼   | NW¼ | SW¼ | SE¼ | NE¼   | NW¼ | SW¼ | SE¼ | NE¼   | NW¼ | SW¼ | SE¼ | NE¼   | NW¼ | SW¼ | SE¼ |        |
|     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |        |
|     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |        |
|     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |        |
|     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |        |
|     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |        |
|     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |        |
|     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |       |     |     |     |        |

Total number of acres irrigated See remarks below

11. In which county (ies) are lands listed above as place of use located? Fremont, Madison, Teton

12. Do you own the property listed above as place of use? Yes \_\_\_\_\_ No X

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

21-24, 21-26, 21-27, 21-120, 21-121, 21-122, 21-123, 21-124, 21-125, and 21-126, in combination do not exceed 3618 acre feet. Various water users have natural flow or groundwater rights on these same lands. Or None( )

14. Remarks:

This water right was transferred and the Snake River Watermaster consistently delivered these natural flow rights as storage from 1942 through 1977 as described in this note from the 1943 Watermaster's Report: "The Sheridan Creek decree is a natural flow right that was originally appurtenant to lands now flooded by Island Park Reservoir. It was transferred to the lands within the Fremont-Madison Irrigation District but it is more convenient to include it as a storage right rather than to make some arbitrary distribution of it as a natural flow right among the District canals." This water should be recognized as an accomplished transfer of natural flow to the canal companies within Fremont-Madison or as an accomplished transfer of storage to Fremont-Madison.

Place of use is the lands of Fremont-Madison Irrigation District

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree X

If applicable provides IDWR Water right Number 21-121

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_

Plaintiff vs Defendant \_\_\_\_\_

16. 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 Snake River Basin Adjudication." (b) I/We do \_\_\_\_\_ do not X  
Which to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments \_\_\_\_\_

**For Individuals:** I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am Chairman

Title

of Fremont-Madison Irrigation District, that I have signed the foregoing

Organization

document in the space below as Chairman of Fremont-Madison Irrigation District

Title

Organization

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

Signature of Authorized Agent [Signature]

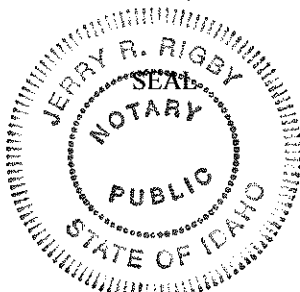
Title and Organization Chairman, Fremont-Madison Irrigation District Date JUNE 27, 2006

State of Idaho/or \_\_\_\_\_ )

) SS.

County of Fremont )

Subscribed and sworn ( or affirmed) before me this 27th day of JUNE 2006



Notary Public [Signature]

Residing at Rigby, Idaho

My Commission Expires 6-1-2011 11-09-11

17. Notice of Appearance:

Notice is hereby given that I, Jerry R. Rigby will be acting as attorney at law on behalf of the claimant signing above, and that notices required by law to be mailed by the director to the claimant signing above should be mailed to be at the address listed below.

Signature [Signature]

Address : P.O. Box 250, Rexburg, Idaho 83440

Date: JUNE 27, 2006

Last Name: \_\_\_\_\_ Ident Number \_\_\_\_\_