

FEB 26 2008

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

RECEIVED

FEB 27 2008

In Re SRBA)

Subcase: 22-13790

Case No. 39576)

ORDER GRANTING MOTION TO FILE DEPARTMENT OF
LATE NOTICE OF CLAIM WATER RESOURCES

On November 29, 2007, the City of Rexburg, by and through counsel, Ray W. Rigby, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on February 19, 2008. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

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

The original Notice 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 claim 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 February 26, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on February 26, 2008, with sufficient first-class postage to the following:

CITY OF REXBURG

Represented by:

RAY W. 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.

2007 NOV 20 10 51
 TWIN FALLS DISTRICT
 FILED

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 22-13790

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) CITY OF REXBURG Phone (208) 359-3020

Mailing Address P.O. BOX 280 REXBURG ID ZIP 83440
Street or Box City State

2. Date of Priority (Only one (1) per claim) SEPT. 1, 1960
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other () (a) _____

which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township 6N, Range 40 E, Section 29,
NW, 1/4 of NW, 1/4 of SW, 1/4 Govt. Lot _____, BM., County of MADISON

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of

_____, 1/4 Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, 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.

Deep Well, Pump and Connecting pipelines into the total city supply system

Last Name City of Rexburg Ident No. _____

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Department of Water Resources

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Municipal purposes from 1-1 to 12-31 amount 4.9 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.90 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Municipal Purposes

9. Description of place of use:

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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6N	40E	29											M						

Total number of acres irrigated _____

10. In which county (ies) are lands listed above as place of use located? Madison

11. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

See Attached List or None ()

13. Remarks: On August 3, 1960 at a regular Council meeting the Mayor and Council of the City of Rexburg accepted the bid of Cope Drilling and Pump Company to drill a well the City uses to divert the above water right. Attached hereto is a "Source Water Assessment Program" form of the Idaho Department of Environmental Quality, dated October 25, 2000 which gives the details on the said well. Attached to that report is the log of the well driller dated October, 1960. That log recited that the well produced "Lots of Water." Said well is a major producer of water for all municipal purposes of the said City of Rexburg.

Last Name City of Rexburg Ident No. _____

14. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐ Decree ☐

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. 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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury 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 under penalty of perjury that I am

Public Works Director of the City of Rexburg
Title Organization

that I have signed the foregoing document in the space below as

Public Works Director of the City of Rexburg
Title Organization

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

Signature of Authorized Agent [Signature] Date 11-7-07

Title and Organization Public Works Dir Rexburg, ID.

Please Print Name

16. Notice of Appearance:

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

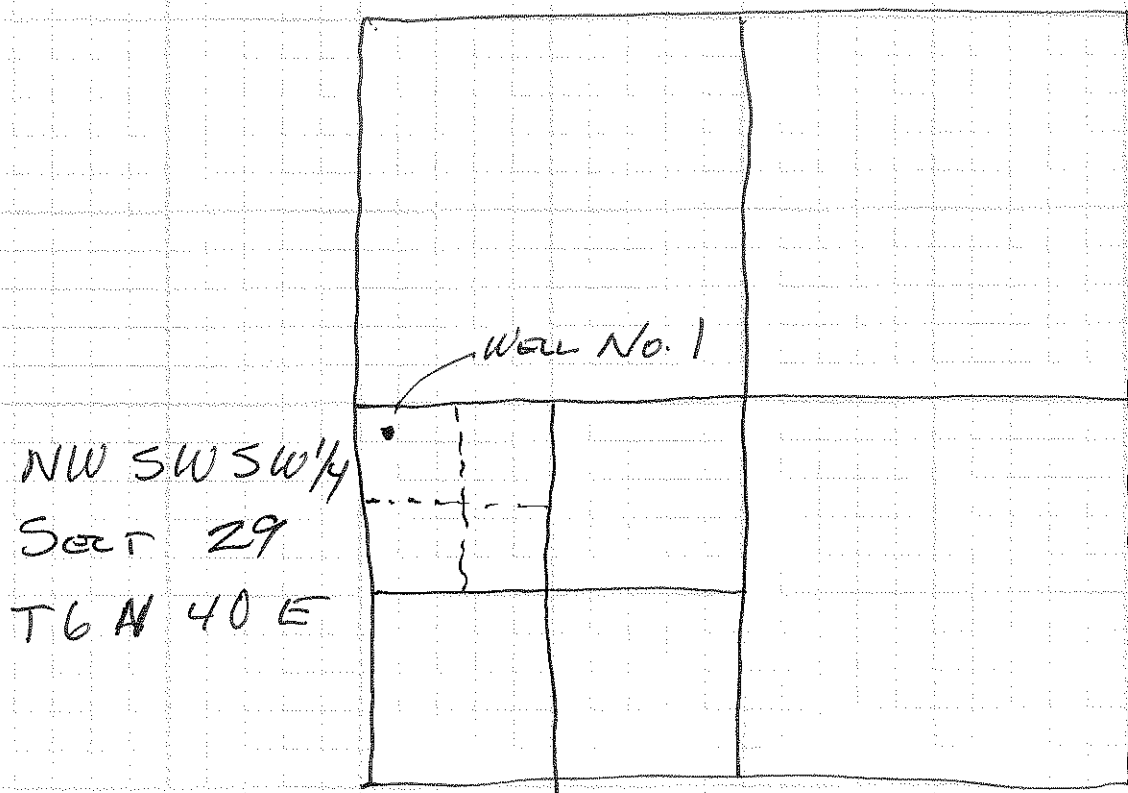
Signature Ray W. Rigby

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

Date November 7, 2007

Last Name City of Rexburg Ident No. _____

REXBURG WELL No. 1



FLOW 2200 GPM
OR 4.90 CFS

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

☒ All SRBA & Water Rights	
SRBA ☐ Claims ☐ Recommendations ☐ Both	Water Rights ☐ Applications ☐ Permits ☐ Decrees, Licenses and Statutory Claims ☐ Transfers ☐ All of the above

Basin

Who

What

When

Where

Clear

Search

Help

Query parameters:

OrganizationName = City of Rexburg

Search for: active Records

Information for type: Claim

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diver: Rat
Details									
Related Documents	1	22	203			Decreed	Active	1898-04-01	33
General Provision									
Details									
Related Documents	2	22	204	C		Decreed	Active	1883-06-10	27
General Provision									
Details									
Related Documents	3	22	7074			License	Active	1973-06-19	1.57
General Provision									
Details									
Related Documents	4	22	7175			License	Active	1976-02-04	5.61
General Provision									

Details									
Related Documents	5	22	7176			License	Active	1976-02-04	4.68
General Provision									
Details									
Related Documents	6	22	7386			License	Active	1981-12-17	0.02
General Provision									
Details									
Related Documents	7	22	7617			License	Active	1978-06-01	2.2
General Provision									
Details									
Related Documents	8	22	13020			Beneficial Use	Active	1981-12-17	0.02
General Provision									
Details									
Related Documents	9	22	13021			Beneficial Use	Active	1963-08-01	0.02
General Provision									
Details									
Related Documents	10	22	13022			Beneficial Use	Active	1989-04-01	0.02
General Provision									
Details									
Related Documents	11	22	13023			Beneficial Use	Active	1960-05-01	0.02
General Provision									
Details									
Related Documents	12	22	13130			Beneficial Use	Active	1961-06-01	0.5
General Provision									
Details									
Related Documents	13	22	13131			Beneficial Use	Active	1959-06-01	1.8
General Provision									

Information for type: Recommendation

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diver: Rat
Details	14	22	203		1	Decreed	Active	1898-04-01	33
Related Documents									

CITY OF REXBURG, REXBURG, ID 83440

pamw

Vendor:

3667 IDAHO DEPT OF WATER RESOURCES CHECK NO:

13393

DATE: 11/27/2007

INVOICE DATE	INVOICE NO.	AMOUNT	INVOICE DATE	INVOICE NO.	AMOUNT
11/27/07	LATE FEE	100.00	11/27/07	WATER ADJUDICATION	980.00

CITY OF REXBURG, REXBURG, ID 83440

pamw

Vendor :

3667 IDAHO DEPT OF WATER RESOURCES CHECK NO:

13099

DATE: 11/07/2007

INVOICE DATE	INVOICE NO.	AMOUNT	INVOICE DATE	INVOICE NO.	AMOUNT
11/07/07	WATER RIGHT FILING	100.00			



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DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations.