

SUPPLEMENT TO NOTICES OF CLAIMS TO WATER RIGHTS FOR ALL PURPOSES INCLUDING FUTURE NEEDS

Claimant: City of Rexburg, by Ray W. Rigby of RIGBY, THATCHER, ANDRUS, RIGBY & MOELLER, Chartered; Attorneys at Law; of 25 North 2nd East, Rexburg, ID 83440; Telephone-(208) 356-3633

Claim Numbers: 22-7074, 22-7175, 22-7386, 22-13022, 22-13023, 22-7617, 22-7618, 22-7619, 22-1018, 22-_____, 22-00203, 22-00204, 22-7571, 22-7650, 22-7754, 22-07176, 22-07106, 22-11189

ATTENTION: Ernie Carlson and Claim investigatory team

1. The City of Rexburg has filed in the Snake River Basin Adjudication Case the above numbered claims to water rights, with the help of Ernie Carlson, and the City has paid the requested filing fees. Please review the records of the IDWR and the SRBA for any other claims we may have overlooked in the summary listed above.
2. At the last meeting held with Mr. Carlson, when the several claims were placed on SRBA forms by Mr. Carlson, Ray W. Rigby, Attorney, and Portia Jenkins, Legal Intern in Mr. Rigby's office, requested that the cities claims reflect that all of the water claimed by the city has been held and shall be held as a municipal provider to meet reasonably anticipated present and future needs and therefore the entire water right claimed constitutes beneficial uses, and such rights have not and should not be lost or forfeited for nonuse and all of the same, including those granted by "The Rexburg Decree" are still fully needed to meet the reasonable anticipated present and future needs of the said City of Rexburg. (Idaho Code Sec. 42-222(2)). See copy of AFFIDAVIT OF RAY W. RIGBY attached hereto as **Exhibit A**. Also see copy of page 221 of the Rexburg Decree from the files of said case in the official records in Fremont County Idaho (**Exhibit B**).
3. Exhibit A also explains why the cities right in "The Rexburg Decree" improperly designated the cities water right to include "power purposes", and the city did not acquire it for that purpose, nor did it ever use it for that purpose. It was the Rexburg Milling Company that used power at its mill located on the Easterly side of the city of Rexburg.
4. Said Exhibit A also explains the relationship between the three canals and how they used the same water for all purposes for all three canals. See **Exhibit C** attached hereto. It shows the location of the three canals and the land elevations. It also shows the land presently irrigated within and outside the city limits. Water diverted down the mill ditch (now known as Woodmansee Johnson Ditch) would be used by some farms upstream and the mill itself. The surplus water would flow downhill and be picked up by the city ditch and would be used for the irrigation of farms and also city purposes. Surplus waters from that system would flow downhill and be picked up by the Rexburg Canal (now known as Rexburg Irrigation Company).

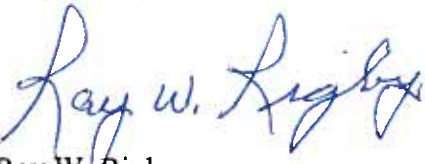
5. Exhibit A also recites some testimony given in the Rexburg Irrigation Company Case by City Councilman J.L. Jacobs and Henry Flamm, Mayor of the City of Rexburg, who testified that 432-440 acres within the city and 425 acres outside the city were irrigated by the Rexburg City water rights. (This testimony should suffice for IDWR to the fact that city irrigated approximately 1065 acres of land with its water right and they used it for all the other city purposes. Further "The Rexburg Decree", based on that evidence and finding, granted the City of Rexburg the 1,650 inches of water with the priority date of April 1, 1898 from the Teton River and 1,350 inches of water with a priority date of June 10, 1883 from the Teton River. See claims numbered 22-00203 and 22-00204.)
6. The pleadings file in the Rexburg Irrigation Company case by the City of Rexburg indicates that the City of Rexburg purchased 4000 miners inches from the Rexburg Irrigation Canal Company. (A copy of page 9 of that pleading, found in the case, is included herewith as **Exhibit D**.)
7. To aid the examiners, there is submitted herewith **Exhibit E** showing the location of the wells serving the city property.
8. To give the examiners data indicating the present and potential expanded uses of Rexburg's water rights, there is included the following:
 - A. **Exhibit F** is a report of the City of Rexburg's Annexation by year and by acreage, indicated that since 1991 to May 20, 2003 there have been annexed to the city 1245.4 acres. An update would indicate several more acres.
 - B. **Exhibit G** is map showing the platted subdivisions in the city as of May 2003. The color code indicated how recent those subdivision have been filed.
 - C. **Exhibit H** is a map showing the Rexburg Annexations and color coded to show the year of each annexation
 - D. **Exhibit I** is a map showing in yellow the present annexations in progress after May 2003, and an update would show several additional proposals for annexation.
 - E. **Exhibit J** is a chart showing the populations of the counties of the state of Idaho and the 17 largest cities. Rexburg is listed as number 12, with a population of 17,558. With the announcement by the LDS Church that Ricks college would become a Four Year School instead of a Junior College and would anticipate a growth of 11,600 FTE students (see **Exhibit K**, a newspaper report, and a second newspaper report dated August 6, 2003 reporting that Rexburg will grow by 700 acres by an annexation proposal on that date, **Exhibit L**). Also a demographic of projected population growth of the city of Rexburg as **Exhibit M**.
9. Miscellaneous- The city presently has three city parks, which includes ball diamonds and

playgrounds, all requiring water. The council is now considering the location of a third golf course which will require water. It also anticipates the expansion of the airport and an acquisition of many other city properties. Also attached is a map of the cemetery and sewage disposal system (**Exhibit N**).

Conclusion: The city will need to use all of its existing water rights and will have to acquire additional rights to serve the needs of the many different expansions going on at this time and anticipated for the future. It is submitted that every water right the city has, including any applications for permits which have been stalled by the court ordered moratorium, should be granted.

The undersigned, attorney representing the city in processing its water rights cases in the SRBA, as well as any other city officials needed stand ready to assist the investigators, the IDWR, and the court in perfecting these water rights.

Respectfully Submitted,



Ray W. Rigby

A

Attorney: Ray W. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY, KAM & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633

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

Subcase Nos. _____

**AFFIDAVIT OF
RAY W. RIGBY**

STATE OF IDAHO,)
County of Madison. ss.
)

RAY W. RIGBY, being first duly sworn, deposes and says:

1. That he is licensed to practice law in all courts in the State of Idaho.

2. That he is associated with the law firm of Rigby, Thatcher, Andrus, Rigby,

Kam & Moeller, P.A., which maintains its office at 25 N. 2nd E., Rexburg, ID 83440, and which firm receives its mail at P.O. Box 250, Rexburg, ID 83440.

3. That he has been retained as an attorney by the City of Rexburg, Madison

County, Idaho, to file and process said City's claims to water rights in the Snake River Basin Adjudication (hereinafter "SRBA").

4. Mary Smith, who is now, for all intents and purposes, retired from the practice of law, and unable to handle said claims, has been the regular retained attorney for said City for approximately 50 years.

5. Mary Smith, within the time allowed by the Court for the filing of claims for the particular basin, prepared and delivered to the Eastern District office of the State of Idaho, claims to the water rights for said City of Rexburg.

6. Mary Smith was told the fee for filing the claims, and when Mary Smith was astounded at the size of the fee, she was told that it was based upon claims for the use of water for "power purposes" because the so-called "Rexburg Decree" has so listed it. A copy of the pertinent provisions of the Rexburg Decree is attached hereto as Exhibit "A" and by reference made a part hereof.

7. Because Mary Smith maintained said City's water rights were irrigation rights and not power rights, neither she nor anyone in behalf of the City paid the filing fee, based on power rights or otherwise; the claims were not filed in the SRBA proceedings and have not been filed at any time thereafter, and Mary Smith has never filed with said Department of Water Administration any documentation supporting her claim that the City's water rights were irrigation rights and not power rights.

8. Thereafter, the City of Rexburg had a change of mayors and Mary Smith has had no further association with the City's water claims.

9. When asked by the City to file and process its water claims, your affiant has gathered the following information:

a. The City of Rexburg acquired its water rights and a canal system from the Rexburg Irrigation Company. One record indicates that the acquisition was made on the 13th day of April, 1896, and another record indicates that the acquisition was made on the 11th day of February, 1897. In an action filed in the Fifth Judicial District Court in and for Fremont County, Idaho, entitled Rexburg Irrigation Company, a corporation, the City of Rexburg, in Fremont County, Idaho, and T. L. Nave v. Teton Irrigation Canal Company, et al. (numerous defendants), the said City of Rexburg alleged that:

The Rexburg Irrigation Canal Company, sold and conveyed to the Plaintiff, the City of Rexburg, a certain canal together with all the laterals connected therewith, theretofore constructed and then owned by it and Four Thousand (4,000) miners inches measured under a Four (4) inch pressure of the waters of Teton River by it appropriated, as heretofore alleged, on the ____ day of April, 1885. That since said date the Plaintiff, the City of Rexburg, has continuously each and every year, diverted the said Four Thousand (4,000) inches of water from said Teton River and distributed the same to the said original stockholders in the Rexburg Irrigation Company, according to the stock and credit held by each, for the purpose of irrigating the lands in the City of Rexburg and adjacent thereto occupied, used and owned by such stockholder, and for culinary [sic] and other useful purposes. And has used said water for City purposes.

The whole of said Four Thousand (4,000) inches of water is necessary for the use of said Plaintiff for City purposes and for distribution to said original stockholders under the agreement and obligation entered into and undertaken by said Plaintiff when said canal and water was conveyed to it.

The Court dismissed the City of Rexburg as a Plaintiff in said case and required it to appear as a party defendant. Consequently, on August 20, 1903, it filed, in said case, the "Answer and Cross-Complaint of The City (Formerly Village) or [sic] Rexburg, and its Mayor and Councilmen (Formerly Trustees)." A copy of same is labeled Exhibit "B" and is attached hereto and by reference made a part hereof.

b. Rexburg Canal Company acquired its water right by diversion and appropriation to a beneficial use pursuant to a notice of claim filed in the County records, which claim stated that it was for agricultural, mining, milling, and mechanical purposes. A copy of said claim is labeled Exhibit "C" and is attached hereto and by reference made a part hereof.

c. The City of Rexburg water right was diverted from the Teton River, a tributary of the North Fork of the Snake River at a point a short distance west of the City of Teton, Idaho, and was delivered through a channel that came to be known as "The City Ditch."

d. The City Ditch was known as the "Upper Ditch" used to distribute water to the farmers entitled to water therefrom for irrigation, domestic and stock watering uses in an area between the point of diversion for said City Ditch and the City of Rexburg, and approximately 425 acres south of said City. The water for the City and for other farmers flowed on down the channel to the City's diversions used to distribute water to the people of the City for irrigation, domestic use, stock watering, and City uses, and then to the farmers entitled to water therefrom south of said City, for irrigation, domestic and stock watering uses, with any surplus water or unused water being emptied into the canal of the Rexburg Irrigation Company, pursuant again to an agreement between the City and said canal company.

e. The Rexburg Irrigation Company also diverted its water from the said Teton River into its canal, known as the lower ditch, which followed a semi-circle course around the northerly and westerly side of the City of Rexburg for delivery of water to its stockholders west and southwest of said City.

f. The Rexburg Milling Company also acquired a water right which it diverted from said Teton River and delivered it through what is now known as the Woodmansee-Johnson

ditch or canal to a "flouring mill . . . situated near the Town of Rexburg, for use in generating power to operate said mill . . . and after using said water for said purpose has permitted the same to flow on down for the use and benefit of other parties to this suit and especially of the Rexburg Irrigation Company." (From the Cross-Complaint of Charles H. Woodmansee, James Johnson, Hugh St. Clair Johnson, and the Rexburg Milling Company, a corporation.)

g. In the case of Rexburg Irrigation Company, et al. vs. Teton Irrigation Canal Company, et al., filed on or about July 30, 1901, many claimants to the use of the waters of the Snake River and its tributaries filed cross-claims to put in issue their claims to water rights. The City of Rexburg filed its Cross-Complaint as stated above, and a copy of said Cross-Complaint labeled "Exhibit "B" is attached hereto and by reference made a part hereof.

h. Henry Flamm, Mayor of the City of Rexburg at the time, and J. L. Jacobs, a Rexburg City Councilman, testified in said case in behalf of the claims of the City of Rexburg. A copy of the pertinent parts of their recorded testimony is labeled "Exhibit "D" and is attached hereto and by reference made a part hereof. The following points were made by them:

- i. The City's water rights were for irrigation, stock watering and domestic purposes for lands within the City and farmers' lands on the east side of the City and on the south side of the City.
- ii. The City irrigated approximately two-thirds (2/3) or 432-440 acres of the approximate 640 acres within the townsite and subdivisions thereto. The farmers outside of the City limits irrigated approximately 425 acres.
- iii. Other witnesses testified substantially, as Mayor Flamm did, and supported the City's claims to the use of its water rights for irrigation purposes principally.

10. The City of Rexburg is the owner of the following water rights:

- 1,650 inches, Apr. 1, 1898, Teton River (from Rexburg Decree)
- 1,350 inches, June 10, 1883, Teton River (from Rexburg Decree)

11. Those rights were for irrigation, stock watering and domestic purposes for lands within the City and farmers' lands on the east side of the City and on the south side of the City. The City Ditch is situate upon a course that has very porous soils and therefore the transportation losses are great, necessitating the diversion of substantially greater quantities of water than are actually used for irrigation and City purposes. However, the course of the canal parallels generally the course of the Teton River at a higher elevation and the water lost in transportation from the diversion point to the places of use is, to a great extent, a part of the recharge of said river.

12. The City of Rexburg had works for the diversion of irrigation water throughout and upon a major part of the flat lands within the City limits and many of those diversionary works still exist. However, as the use of surface waters declined within the City and the lands adjoining thereto, the surplus water of the City was emptied into the channel of the Rexburg Irrigation Canal Company canal to supplement the waters of that canal company for use on its stockholders' lands. However, a portion of its surplus water has been leased to the Canyon Creek Canal Company as supplemental water for irrigation of its stockholders' lands. All of the water claimed by the City has been held and shall be held as a municipal provider to meet reasonably anticipated present and future needs and therefore the entire water right claimed constitutes beneficial uses, and such rights have not and should not be lost or forfeited for nonuse and all of the same, as granted by "The Rexburg Decree" is still fully needed to meet the reasonably anticipated present and future needs of the said City of Rexburg. (Idaho Code Sec. 42-222(2)). Therefore, none of the City's water rights have been forfeited or abandoned, and

continue to be used for beneficial purposes, since decreed to it in 1910 by "The Rexburg Decree."

13. The Decree in the said Rexburg case erred in listing "power use" as the purpose for which the City water was decreed and said water rights have never been used by the City of Rexburg for power purposes and it is reasonable to assume that the error was made by the scriveners in assembling the rights of the parties and used the Rexburg Milling Company power use rights right as the purpose of the Rexburg City water rights.

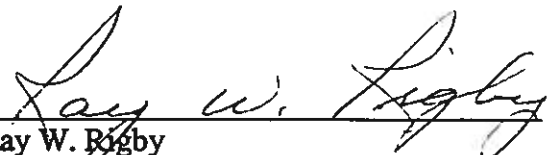
14. The City has acted in good faith, has gathered substantial data documenting its rights and nature of use of water and the ends of justice should entitle said City to file late claims in the SRBA in behalf of itself and the water users who derived their rights from said City.

15. Your affiant, in behalf of the City of Rexburg, has reviewed all portions of the proceedings in the Rexburg Decree, as well as minutes of the Rexburg City Council, including the early minutes, dealing with the City's water rights, hiring of water masters, installing of diversionary works, and the irrigation of the lands of the City and its relationship with the Rexburg Milling Company and the Rexburg Irrigation Company, and your Affiant has also interviewed many people, including, but not limited to, former Mayor John Porter, who is over 80 years of age, and who has lived in the City of Rexburg all of his life; Robert Erikson, who is over 90 years of age, served on the City Council for several years, and has lived in Rexburg all of his life; Gene Palmer, whose father and grandparents have been on the so-called Upper Ditch and know its history and how the water was used for all of the flat lands of the City of Rexburg; and particularly the conversations with former water masters to the effect that both

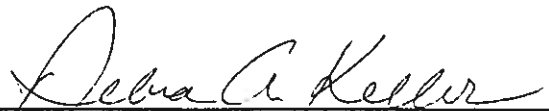
of the water rights of the City from the Rexburg Decree (4-1-1898 and 6-10-1883) were fully used over the years.

16. Your affiant has also lived in and near the City of Rexburg throughout his lifetime, and knows of his own knowledge that the site and diversionary works of the Rexburg Milling Company, the diversions of the Rexburg Irrigation Company and the City Ditch, and has observed the irrigation of portions of the City of Rexburg in earlier years, and has observed the location of the canals and ditches running through the City, including diversionary works that still exist on the corner of your affiant's law office; that by your own affiant's knowledge and from the information obtained from the records and the witnesses the City historically watered through its system yards, gardens and even farm land within the City limits, took a great portion of its decreed water from the canals and ditches into tanker trucks to suppress fires, to water lawns, trees and shrubs and flush streets and sewers as well as irrigating several additional acres of farm land, both on the easterly side of the City and on the Southwesterly side of the City that are now used as home sites; that water distributed to the Rexburg Milling Company was emptied into the City Ditch and the City waste water went into the Rexburg Irrigation Company Canal, and exact records were not kept as to which decree any particular water came from, but the consensus of the records and the opinions of the witnesses that the water from the City's junior decree, being more or less a "high water" right, was not only measured, but was nevertheless delivered to the citizens of the City of Rexburg for irrigation of their lands, domestic purposes, and city purposes as described above, as was the waters from the City's early decree.

DATED This 28th day of April, 1997.


Ray W. Rigby
Attorney for City of Rexburg

SUBSCRIBED AND SWORN to before me a notary public in and for the State of
Idaho this 28th day of April, 1997.


Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 11-15-99

78 10 51	City of Idaho Falls	2,400 inches.	Oct. 22, 1904.	Snake River. (For Power and municipal purposes.)
50 05	City of Rexburg	1,650 inches. (For municipal and power purposes.)	Apr. 1, 1898.	Teton River.
50 205	City of Rexburg	1,350 inches. (For municipal and power purposes.)	June 10, 1883.	Teton River.
102	Clark & Edwards Irrigating Company, Limited	3,500 inches.	Feb. 27, 1885.	South Fork of Snake River
70	Clark & Houghton	160 inches.	June 1, 1891.	Teton River.
70	Clark & Houghton	200 inches.	Apr. 1, 1898.	Teton River.
43 116 125	Clark, H. J.	160 inches.	May 15, 1898.	Teton River.
44 125	Clark, J. P. L.			Good Luck Canal Company and Pioneer Ditch Company.
227	Clawson, B. W.	500 inches.	Jan. 18, 1905.	North Leigh or Spring Creek.
222- 227	Clawson, Spencer	150 inches.	Jan. 18, 1905.	North Leigh or Spring Creek.
222- 227 249	Clawson, Spencer, Adm. Estate of	500 inches.	Jan. 18, 1905.	North Leigh or Spring Creek.
71	Clay, S. C.			The Sunny Dell Irrigation Canal Company.
71	Clay, E. T.			The Sunny Dell Irrigation Canal Company.
	Clegg, William			The Farmers' Friend Canal Company.
	Cleverly, George F.			Enterprise Canal Company.
	Cleverly, Herbert			The Farmers' Friend Canal Company.
	Cleverly, Jesse and Mary Ann			The Farmers' Friend Canal Company.
	Cleverly, John H.			The Farmers' Friend Canal Company.
	Cleverly, William			The Farmers' Friend Canal Company.
227 249	Cluff, Charles	10 inches.	June 1, 1897.	Fox Creek.
	(Findings.)		221.	

The foregoing report and recommendation as to findings of fact and conclusions of law are approved and adopted as the findings of fact and conclusions of law of the Court in the above entitled action.

Judgment to be entered in accordance therewith.

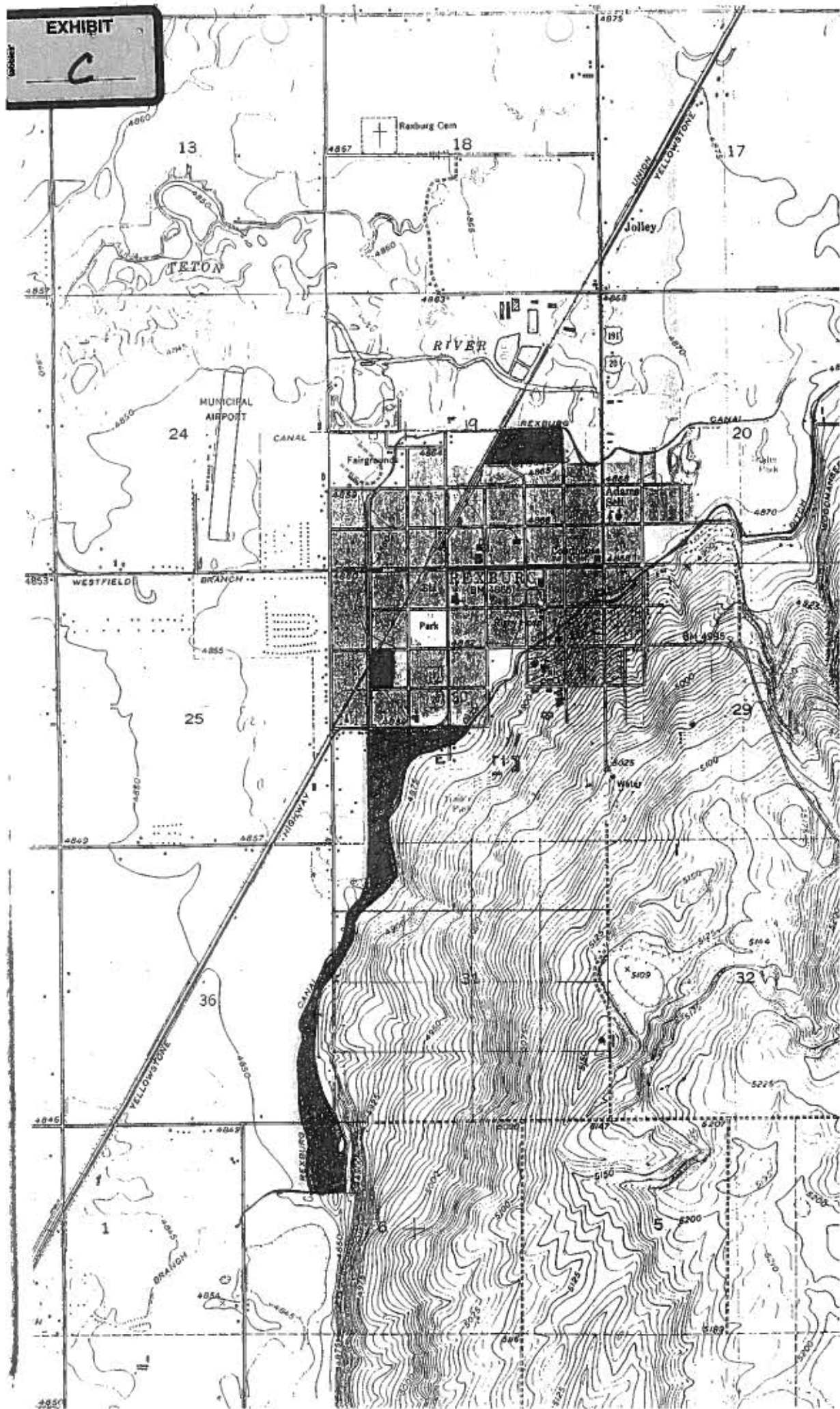
.....
Jm Stearns.....
Judge

Done in open Court the 16th day of December, 1910.

.....
Judge.

EXHIBIT

C



EXHIBIT

D

(9)

The plaintiff the City of Rexburg, for cause of action alleged.

-1-

That it hereby adopts paragraphs one (1), two (2), three (3), four (4) and five (5), of the complaint set out by the Rexburg Irrigation Company and hereby makes them apart of the complaint as to its cause of action.

-2-

That on the 11th day of February, 1897, by and with the consent of the stock-holders in the Rexburg Irrigation Company, entitled, by reason of their interest and stock, to take water from a certain canal, the Rexburg Irrigation Canal Company, sold and conveyed to the plaintiff the City of Rexburg, a certain canal together with all the laterals connected therewith, theretofore constructed and then owned by it and four thousand (4000) miners inches measured under a four (4) inch pressure of the waters of Teton River by it appropriated, as heretofore alleged, on the ____ day of April, 1883. That since said date the plaintiff the City of Rexburg, has continuously each and every year, diverted the said four thousand (4000) inches of water from said Teton River and distributed the same to the said original stockholders in the Rexburg Irrigation Company, according to the stock and credit held by each, for the purpose of irrigating the lands in the City of Rexburg and adjacent thereto occupied, used and owned by such stockholder, and for culinary and other useful purposes. And has used said water for City purposes.

That the whole of said four thousand (4000) inches of water is necessary for the use of said plaintiff for City purposes and for distribution to said original stockholders under the agreement and obligation entered into and undertaken by said plaintiff when said canal and water was conveyed to it.

1650 LARSEN - POSSIBLE JUNE 1961
BEEN FILED ON CITY COURSE NOT TETON LARSEN

07754 (07741)

22-07571

B/U

TETON LARSEN CAMP HOUSE WELL (MADISON COUNTY)

CHLORINATING
PUMP WELL
22-07386

AIRPORT
WELL
B/U

GOLF COURSE
REINSTATE WELLS?

11 GATION

REINSTATE WELLS?

GOLF COURSE
CLUB HOUSE
WELL
22-07619

22-07618

SEWER
PUMP STATION WELL

R39E

NO RIGHT
DAVIS
WELL

22-07619

R40E

22-07176
WELL No. 5

WELL No. 6
WELL No. 1
22-07175

POCKET PARK WELL
22-07617

07074
SMITH PARK WELL
SMITH PARK
IRRIGATION WELL
NONE

CITY OF
REXBURG
MADISON COUNTY, IDAHO

FORSEY & PERKINS
ENGINEERS, P.A.

CITY WELLS

NOTE:
ALL TRENCHES AND
PIPING SHALL BE
AS SHOWN ON THIS
DRAWING
DATE: 11-1-75
DRAWN BY: WJL

22-07106 Madison
School Dist



City of Rexburg - Annexation Acreage Report



City of Rexburg / Madison County
Geographic Information Systems

Tuesday, May 20, 2003

<u>Ordinance</u>	<u>Year</u>	<u>Acreage</u>	
726	1991	21.33	= 21.33
729	1992	17.76	= 17.76
758	1994	8.55	= 8.55
763	1994	9.58	= 9.58
767	1994	40.07	= 40.07
768	1995	21.05	= 21.05
780	1995	17.54	
780	1995	51.13	
780	1995	87.94	
780	1995	2.57	
780	1995	3.33	
780	1995	6.08	
780	1995	1.00	
780	1995	3.64	= 173.24
786	1996	1.49	
786	1996	4.68	= 6.17
790	1996	32.92	
790	1996	1.68	= 34.59
791	1996	1.78	= 1.78
795	1997	11.71	
795	1997	10.63	= 22.34
798	1997	1.61	
798	1997	1.61	
798	1997	1.61	= 4.82
811	1998	10.84	= 10.84
812	1998	5.48	= 5.48
814	1998	2.21	= 2.21
831	2000	0.66	= 0.66

<u>Ordinance</u>	<u>Year</u>	<u>Acreage</u>	
835	2000	12.10	
			= 12.10
838	2000	3.75	
			= 3.75
839	2000	8.58	
839	2000	8.18	
			= 16.76
845	2001	0.96	
845	2001	5.77	
845	2001	3.43	
			= 10.16
846	2001	7.50	
			= 7.50
847	2001	0.84	
847	2001	9.40	
847	2001	2.90	
847	2001	9.20	
847	2001	9.46	
847	2001	9.26	
847	2001	18.77	
847	2001	0.41	
847	2001	6.94	
847	2001	2.21	
			= 69.38
847, 868	2001	3.07	
			= 3.07
848	2001	4.53	
			= 4.53
849	2001	1.02	
			= 1.02
862	2001	13.93	
862	2001	50.62	
862	2001	3.11	
862	2001	21.47	
862	2001	54.00	
			= 143.13
865	2002	1.16	
			= 1.16
869	2002	2.68	
869	2002	9.31	
869	2002	25.01	
869	2002	17.97	
			= 54.97
878	2002	9.83	
			= 9.83
881	2002	4.95	
881	2002	1.38	

<u>Ordinance</u>	<u>Year</u>	<u>Acreage</u>
881	2002	5.03
881	2002	7.22
881	2002	25.65
881	2002	7.92
881	2002	20.64
881	2002	7.65
881	2002	50.23
881	2002	55.90
881	2002	4.74
		= 191.31
887	2003	26.99
887	2003	20.74
887	2003	29.91
887	2003	0.01
887	2003	17.30
887	2003	15.87
887	2003	13.99
887	2003	37.95
887	2003	5.52
887	2003	5.14
887	2003	37.95
887	2003	124.95
		= 336.31
Grand Total:		1,245.44

May 2003

By Year 1992 1995 1997 2000 2002 Impact Area

 1991 1994 1996 1998 2001 2003

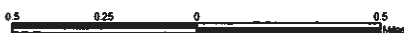
City of Rexburg / Madison County
Geographic Information System

May 2003

[illegible]

By Year 1992 1995 1997 2000 2002 Impact Area

 1991 1994 1996 1998 2001 2003

City of Rexburg / Madison County
Geographic Information System



City
off by a
minimum of 1500

Table 4. Idaho Incorporated Places with Population over 10,000, Ranked by July 1, 2002 Population: April 1, 2000 to July 1, 2002

State Rank	Place	State	July 1, 2002 Population	July 1, 2001 Population	July 1, 2000 Population	April 1, 2000 Population Estimates Base	Census 2000 Population
1	Boise City city	Idaho	189,847	188,190	186,331	185,898	185,787
2	Nampa city	Idaho	60,259	56,802	53,363	52,431	51,867
3	Pocatello city	Idaho	51,242	51,406	51,431	51,466	51,466
4	Idaho Falls city	Idaho	51,096	51,023	50,894	50,784	50,730
5	Meridian city	Idaho	39,067	37,266	35,387	34,919	34,919
6	Coeur d'Alene city	Idaho	36,259	35,510	34,802	34,527	34,514
7	Twin Falls city	Idaho	35,633	34,973	34,751	34,692	34,469
8	Lewiston city	Idaho	30,487	30,463	30,855	30,904	30,904
9	Caldwell city	Idaho	29,466	28,149	26,932	26,588	25,967
10	Moscow city	Idaho	21,674	21,597	21,314	21,331	21,291
11	Post Falls city	Idaho	18,738	18,142	17,535	17,333	17,247
12	Rexburg city	Idaho	17,558	17,204	17,269	17,298	17,257
13	Eagle city	Idaho	13,659	12,891	11,464	11,107	11,085
14	Mountain Home city	Idaho	11,531	11,402	11,168	11,143	11,143
15	Garden City city	Idaho	10,985	10,870	10,681	10,637	10,624
16	Blackfoot city	Idaho	10,552	10,509	10,432	10,419	10,419
17	Chubbuck city	Idaho	10,002	9,860	9,727	9,700	9,700

Note: The April 1, 2000 Population Estimates Base reflects modifications to the Census 2000 population as documented in the Court Question Resolution program, updates from the Boundary and Annexation Survey, and geographic program revisions. An "X" in the Census 2000 field indicates a locality that was formed or incorporated after Census 2000 or was erroneously omitted from Census 2000. Additional information on these localities can be found in the Geographic Change Notes (see "boundary changes" under the Geographic Topics section of the Estimates page).

Suggested Citation:

Table SUB-EST2002-04-16-Idaho Incorporated Places with Population over 10,000, Ranked by July 1, 2002 Population: April 1, 2000 to July 1, 2002

Source: Population Division, U.S. Census Bureau

Release Date: July 10, 2003

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MID-WEEK
EDITION
AUG. 6, 2003

Getting

Juvenile probation
tries to show
errors of their ways

Janice Ab...

EXHIBIT

CHRISTINE SCOTT
writer

his work.
He's excited
to be able to
help juvenile
offenders
get back on
the right
track. Staff
photo by
Christine
Scott.

Rexburg grows by 700 acres in annexation

By EMILY MILLER
Staff writer

REXBURG — The Rexburg City Council voted Wednesday to approve an annexation proposal that increased the city's area by more than 700 acres.

Four areas were included in the annexation which included a mix of Low Density Residential, Medium Density Residential and Highway Business District zoning.

One area included two adjoining parcels at the corner of Main Street and Twelfth West.

Both parcels were petitioned for and the zoning is HBD.

Another included all parcels north of Seventh North and east of North Yellowstone Highway which were not already annexed.

The northern line is in the area of the Teton-Vu Drive In and the eastern boundary is the section line east of the drive in theater.

In this area, 12 of the 20 parcels included were petitioned for annexation and the zoning is a mix of HBD, MDR and LDR.

Another area included all parcels east of Mill Hollow Road to the section line.

The area's southern border meets Seventh South and the northern border is along the Woodmansee ditch. Of the nine parcels in the area, eight were peti-

tioned for and the zoning is LDR.

The final area included what is referred to as the Cook Farm, east of Second East and south of 11th South. Most of the property was petitioned for annexation and the zoning is LDR.

*"I stand
ready and
willing to solve
this Mill
Hollow issue."*

RICHARD SMITH
Rexburg

There was little opposition to the annexation at the public hearing, but some residents were concerned about what developments would come to those areas.

In the Mill Hollow area, nearby residents were worried about the increased traffic that any development would bring to Mill Hollow Road. They said the road is already unsafe because drivers often reach very high speeds and the road is too narrow.

Richard Smith, who is planning a residential development on the property, said the subdivision would be planned to alleviate existing traffic on Mill Hollow Road.

"I stand ready and willing to solve this Mill Hollow issue," he said. "Something needs to be done, but not the halt of development."

In the Cook Farm area, neighbors to the property were concerned about commercial and higher density residential developments. Most voiced support for the annexation, but asked the city to limit the zoning to Low Density Residential, and the council agreed.

BYU-I nears maximum enrollment

EXHIBIT

K

By BRIAN DAVIDSON
Post Register

REXBURG — Brigham Young University-Idaho, now within 1,000 students of its enrollment goal of 11,600 full-time equivalent students, promises it won't breach that threshold — by much.

"In all the discussions we've had with the president's council and in our planning groups, we're maintaining that 11,600 FTE target," said Jim Gee, the university's vice president of academic administration.

Most universities use a full-time equivalent enrollment number rather than head count because it is based on credit hours taken. Since some students attend part-time, the FTE also helps them track how many credit hours their teachers and buildings can handle.

But even though the university's stated goal has been 11,600 FTE students, doubt has swirled for years about whether the administration would stick to that target. Many estimated the Rexburg campus could have 28,000 students within five years.

Sharon Tuckett, the university's housing director, has heard a variety of numbers — including the 28,000 figure — from developers hoping to get into the housing market.

Some officials say they understand why the large numbers have been bandied about, even though the university has said it will cap enrollment at 11,600 FTE.

"If some say they don't believe us, I guess I don't blame them," Gee said. "Over the years, we were not able to control that enrollment 'creep.'"

Throughout the late 1980s and '90s, Ricks College, BYU-Idaho's predecessor, set — and consistently broke — enrollment limits.

In 1997, Ricks set an enrollment cap of 8,600 full-time equivalent students. By 1998, enrollment was at 8,628 — an acceptable overage, and one BYU-Idaho may also tolerate. In 1999, though, enrollment had crept to 8,840 full-time equivalent students.



The City Of Rexburg



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Area Information

Demographics

Population (April 2000)
17, 257

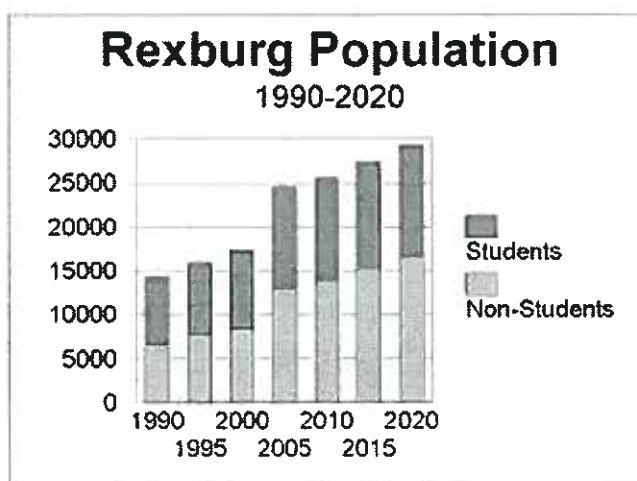
Incorporated
1883

Area
5.3 square miles

Government
Mayor/Council form of government
Six member city council, staggered four year terms

Added Benefit
No city sales tax
Low city property tax
No city income tax

Schools &
Colleges
Business
Madison
Memorial
Hospital
Local
Government
Agencies
State
Government
Agencies
Federal
Government
Agencies



Projected Population Growth

City of Rexburg Population Projections							
Population	1990	1995	2000	2005	2010	2015	2020
Rexburg Non-Student	6503	6503	7844	8308	9208	10208	11408
Add Normal Growth	included	1341	464	900	1000	1200	1300
New Businesses			0	1600	1600	1600	1600

Ricks Faculty & Staff			included	800	800	900	900
Ricks Student Spouses			included	1361	1361	1361	1361
Added Spin-off Jobs			?	?	?	?	?
Total Non-Students	6503	7844	8308	12969	13969	15269	16569
Ricks Students	7795	7956	8949	11600	11600	11600	12100
Add Normal Growth						500	600
Total Students	7795	7956	8949	11600	11600	12100	12700
Total Population	14298	15800	17257	24569	25569	27369	29269
Total Population Growth		1502	1457	7312	1000	1800	1900
Housing	1990	1995	2000	2005	2010	2015	2020
Single Homes & Trailers			1810	2529	2747	3030	3313
Non-Student per Home			4.59				
Apartments			2329	3019	3019	3149	3305
Students per Apartment			3.84				
Total Living Units			4139	5548	5766	6179	6618
Total Living Units Growth		285	285	1409	218	413	439

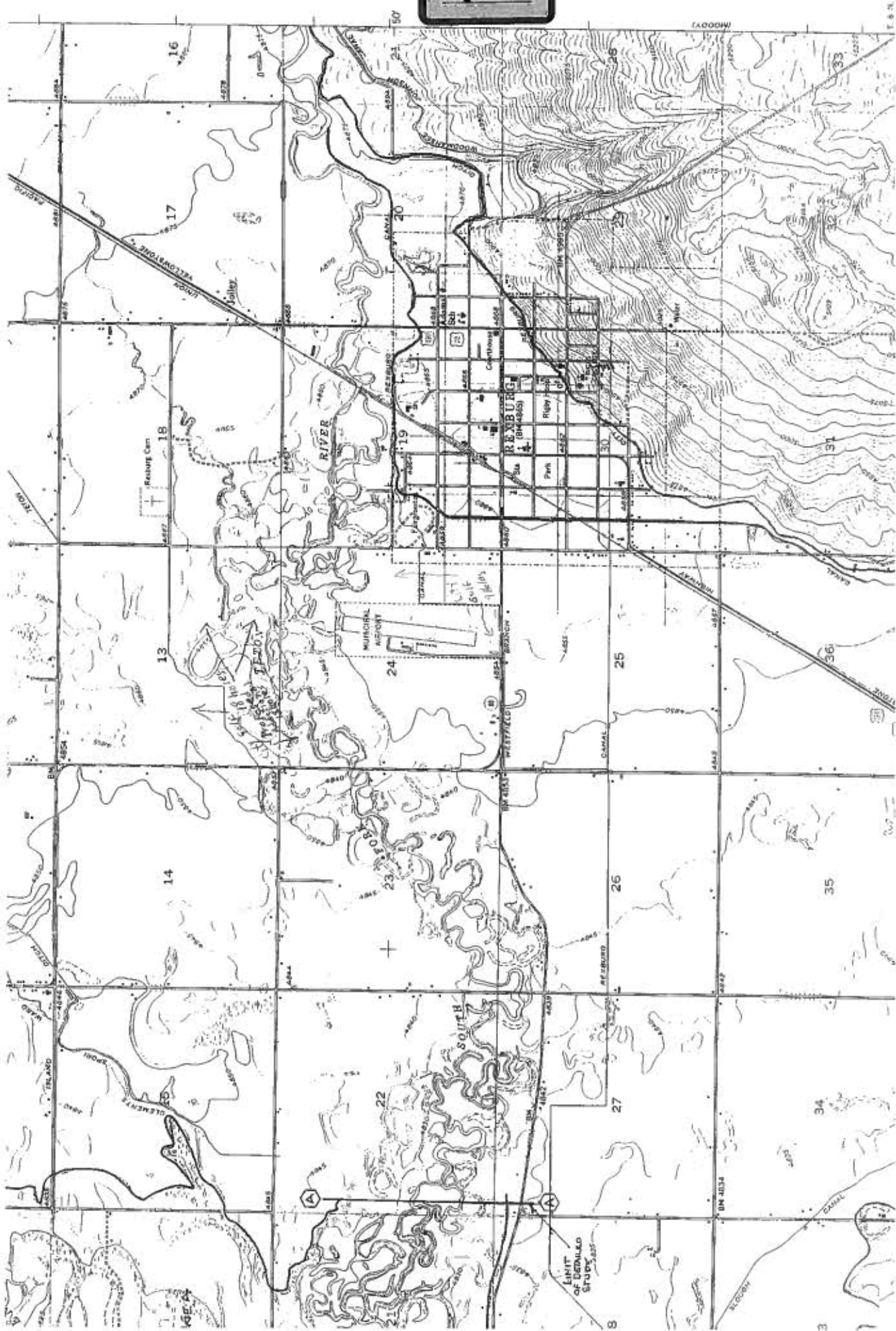
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For more information:

City of Rexburg
12 North Center
PO Box 280
Rexburg, ID 83440 US
Email: webmaster@ci.rexburg.id.us



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County Census

U.S. Census Bureau

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county table

Idaho County Population Estimates and Population Change: April 1, 2000 to July 1, 2002								
County	State	July 1, 2002 Population	July 1, 2002 Population State Rank	April 1, 2000 Population Estimates Base	April 1, 2000 Population State Rank	Numerical Population Change	Numerical Population Change State Rank	Perce Populal Chang
	Idaho	1,341,131	(X)	1,293,953	(X)	47,178	(X)	
Ada	Idaho	319,687	1	300,904	1	18,783	1	
Adams	Idaho	3,448	41	3,476	41	-28	32	
Bannock	Idaho	75,804	5	75,565	5	239	19	
Bear Lake	Idaho	6,360	36	6,411	35	-51	33	
Benewah	Idaho	8,993	28	9,171	28	-178	39	
Bingham	Idaho	42,458	7	41,735	7	723	9	
Blaine	Idaho	20,378	15	18,991	17	1,387	5	
Boise	Idaho	7,067	34	6,670	34	397	12	
Bonner	Idaho	38,205	8	36,835	9	1,370	6	
Bonneville	Idaho	85,180	4	82,522	4	2,658	4	
Boundary	Idaho	10,085	26	9,871	27	214	22	
Butte	Idaho	2,890	42	2,899	42	-9	29	
Camas	Idaho	1,037	43	991	44	46	25	
Canyon	Idaho	144,983	2	131,441	2	13,542	2	
Caribou	Idaho	7,319	33	7,304	33	15	27	
Cassia	Idaho	21,720	13	21,416	13	304	17	
Clark	Idaho	997	44	1,022	43	-25	30	
Clearwater	Idaho	8,446	29	8,930	29	-484	42	
Custer	Idaho	4,185	38	4,342	37	-157	36	
Elmore	Idaho	29,481	11	29,130	11	351	15	
Franklin	Idaho	11,699	24	11,329	24	370	13	
Fremont	Idaho	11,859	23	11,819	23	40	26	
Gem	Idaho	15,495	19	15,181	20	314	16	
Gooding	Idaho	14,307	21	14,155	21	152	24	
Idaho	Idaho	15,308	20	15,511	19	-203	40	
Jefferson	Idaho	19,781	16	19,155	16	626	10	
Jerome	Idaho	18,703	18	18,342	18	361	14	
Kootenai	Idaho	113,954	3	108,685	3	5,269	3	
Latah	Idaho	35,218	10	34,935	10	283	18	
Lemhi	Idaho	7,649	30	7,806	30	-157	36	
Lewis	Idaho	3,721	40	3,747	40	-26	31	
Lincoln	Idaho	4,207	37	4,044	39	163	23	
Madison	Idaho	27,686	12	27,467	12	219	20	
Minidoka	Idaho	19,465	17	20,174	15	-709	44	

Nez Perce	Idaho	37,106	9	37,410	8	-304	41
Oneida	Idaho	4,131	39	4,125	38	6	28
Owyhee	Idaho	10,862	25	10,644	25	218	21
Payette	Idaho	21,007	14	20,578	14	429	11
Power	Idaho	7,379	32	7,538	32	-159	38
Shoshone	Idaho	13,090	22	13,771	22	-681	43
Teton	Idaho	6,859	35	5,999	36	860	8
Twin Falls	Idaho	65,472	6	64,284	6	1,188	7
Valley	Idaho	7,526	31	7,651	31	-125	35
Washington	Idaho	9,924	27	9,977	26	-53	34

Note: Population Change represents the April 1, 2000 to the July 1, 2002 time period. The April 1, 2000 Population Estimate represents the Census 2000 Population as documented in the Count Question Resolution program, updates from the Annexation Survey, and geographic program revisions. (X) Not Applicable. Dash (-) represents zero or rounds to zero.

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Direct content questions to:
Population Division
Statistical Information Staff
pop@census.gov
telephone: (301) 763-2422

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Helping You Make Informed Decisions



Idaho Department of Water Resources

SRBA Recommendation:

Service Area for City of Rexburg

(Municipal)

Legend

● Point of Diversion



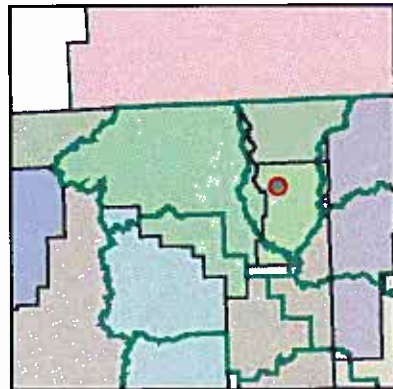
Place of Use



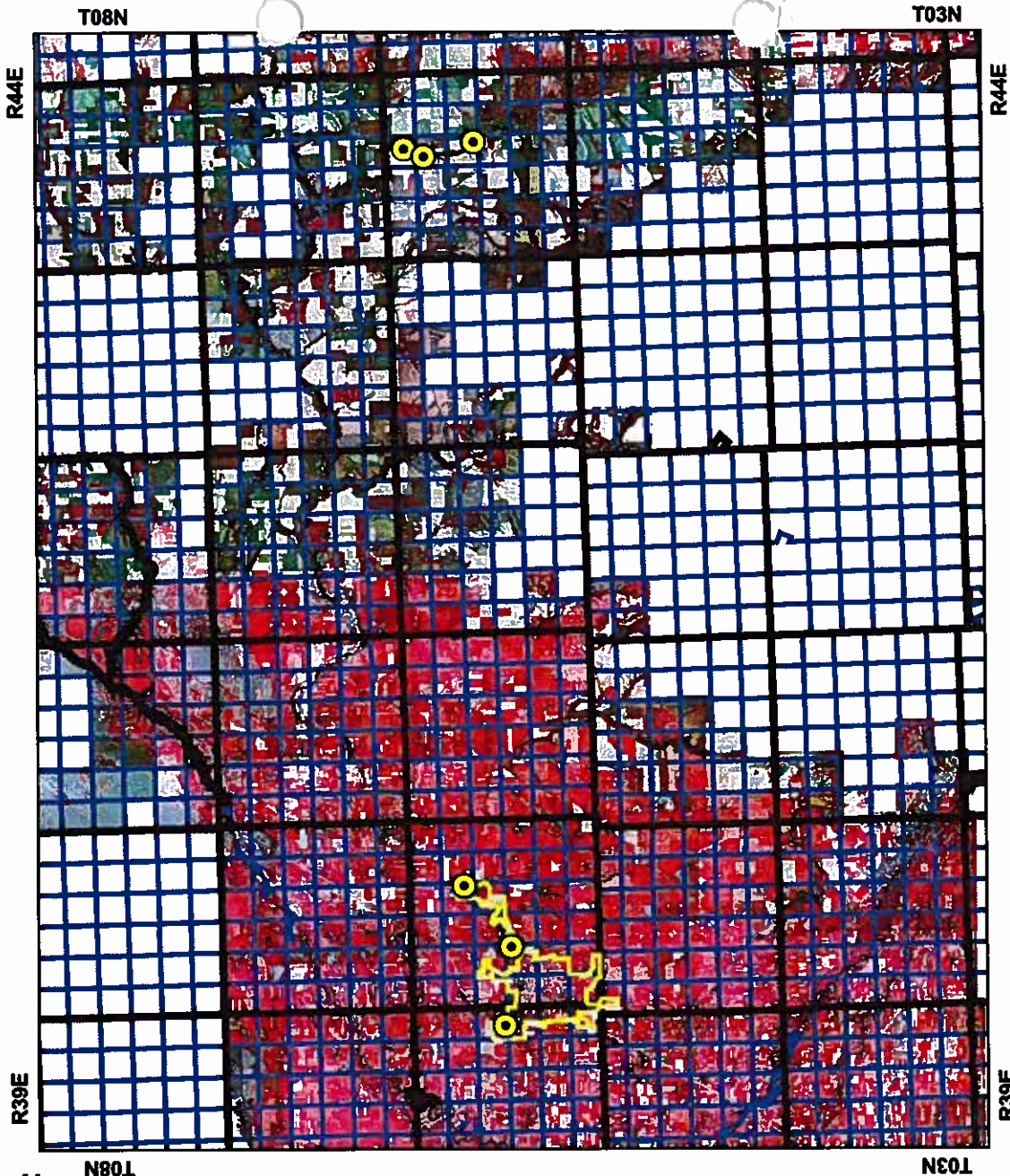
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PLS Sections



Fremont, Teton, Madison Counties
IDWR Basin 22



0 10 20 Miles

Prepared by T. Galbraith
On Thursday, September 14, 2006
1987/88 Aerial Photography

City of Rexburg Service Area

