

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 22-7324

Date Received:  
Receipt Nos:  
Received By:

AMENDED  
NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Name of Claimant MADISON SCHOOL DISTRICT # 321  
PO BOX 830  
REXBURG, ID 83440-1520  
(208)359-3300

Priority Date: 01/23/1901  
Basis: Decreed/License  
Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| Ground Water  |                  |
| Teton River   | Snake River      |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | 11/01     | 0.09 CFS              | 10.5 AFA      |
| Total Diversion       |             |           | 0.09 CFS              |               |

Location of Point(s) of Diversion:

GROUND WATER      NENESE Sec. 10      Township 06N      Range 39E      MADISON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 06N             | 39E          | 10             |            | NESE 5.1     |              |            |              |              |            |              |              |            |              |              |

Total Acres: 5.1

Remarks: This water right includes the right to divert water which is recovered ground water resulting from recharge for irrigation and/or water resulting from irrigation under the Island Ward Canal Company irrigation works for use on lands within said irrigation entity's authorized place of use. Diversion of this right for the purpose of irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code. In the event recharge or recovered water is not available, the priority date shall revert to the previously licensed priority date.

1.C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

2.E51 Right Nos. 22-7324 and 22-13522 are limited to a total combined diversion rate of .09 cfs.

3.K06 This right is limited to the irrigation of 3 acres within the place of use described above in a single irrigation season.

4.E55 Right Nos. 22-7324 and 22-13522 are limited to the irrigation of a combined total of 5.1 acres in a single irrigation season.

5.K01 Right No. 22-13522 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

6.C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed/License

Signature(s)

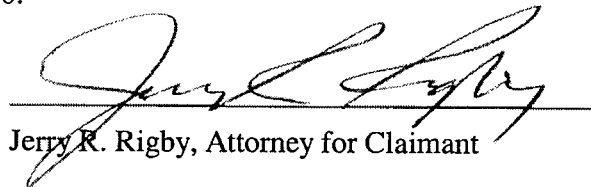
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

DATED this 17<sup>th</sup> day of August, 2010.

  
Jerry R. Rigby, Attorney for Claimant

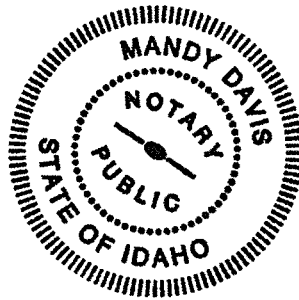
STATE OF IDAHO, )

ss.

County of Madison. )

On this 17<sup>th</sup> day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Mandy Davis  
Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011