

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 22-13506

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant
FREMONT-MADISON IRRIGATION DISTRICT
DALE SWENSEN SEC-TREAS
PO BOX 15
ST ANTHONY , ID 83445
(208)624-3381

Priority Date: 03/29/1921
Basis: Decreed/Permit
Status: Active

<u>Source</u>	<u>Tributary</u>
Ground Water	
Snake River	Columbia River

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	01/01	12/31	530 CFS	220000
Total Diversion			530 CFS	

Location of Point(s) of Diversion:

GROUND WATER SWSW Sec. 34 Township 07N Range 39E MADISON County

Place(s) of use: Within the authorized lands of the district.

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 various irrigation companies irrigation works located within the boundary of Fremont Madison Irrigation District for use on lands within Fremont Madison Irrigation District'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. This right authorizes the development of up to 40 points of diversion within T6N, R39E; NW¼ of T6N, R40E; T7N, R39E; and the W½ of T7N, R40E; B.M.
3. Approval of exchanges of water from individual wells for water belonging to others under their private water rights is hereby reserved to the Department. No such exchange can be approved until the applicant submits agreements in conformance with the provisions of Section 42-105, Idaho Code, and no such exchange shall take place until the applicant has received written approval from this office.
4. Use of water from these wells for supplemental irrigation of lands, when combined with all other direct flow or storage waters applied or available to such lands, shall not exceed the statutory limitations for water use in Idaho of 1 cubic foot per second for each 50 acres of land irrigated or more than 5 acre-feet of water per acre per season as prescribed by Sections 42-202 and 42-220, Idaho Code, unless the applicant can satisfactorily and conclusively demonstrate, as part of the Proof of Completion of Works and Beneficial Use of the water, that more is required.
5. X35 Rights 22-13505 and 22-13506 when combined shall not exceed a total annual maximum diversion volume of 220,000 af.
6. 127 Place of use is within the boundary of Fremont-Madison Irrigation District pursuant to Section 43-323, Idaho Code.
7. Rights 22-13505 and 22-13506 when combined shall not exceed the irrigation of

152,562 acres, comprised of 111,210 acres to which these rights shall be supplemental to other water rights for irrigation purposes and 41,352 acres for which these rights may be the sole supply of irrigation water.

8.P21 This right is a split from former right 22-7022.

9.A01 This right is conditioned upon completion of the appropriation in accordance with the statutory procedure for appropriation of water rights. This right remains subject to all conditions set forth in the permit upon which this right is based, and will be subject to all conditions set forth in the license issued by IDWR upon completion of the statutory appropriation process.

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

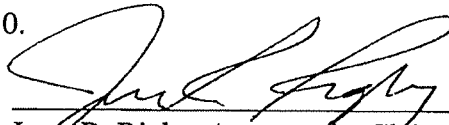
Signature(s)

(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 17th day of August, 2010.



Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO,)

SS.

County of Madison.)

On this 17th 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.

Nancy Lane
Notary Public for Idaho

Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011

