

**AMENDED DIRECTOR'S REPORTS**

**Subcase Nos. 22-13505 & 22-13506**

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources  
Gary Spackman, Interim Director  
Carter Fritschle, Manager, Adjudication Section

May 25, 2012

### **DESCRIPTIVE SUMMARY**

These are Amended Director's Report submitted by the Interim Director of the Idaho Department of Water Resources.

### **DISCUSSION**

Pursuant to the *Order Resetting Pretrial Conference and Trial Date and Setting Status Conferences and Informal Settlement Conference* issued by Special Master Bilyeu on April 9, 2012, the Interim Director submits the attached Amended Director's Reports for filing with the Court. Please note that no changes were made to the current digital boundary on file with the Court, thus no updated digital boundary maps or compact disks are included with this filing.

A handwritten signature in cursive script, reading "Carter Fritschle", written in black ink.

Carter Fritschle  
Manager, Adjudication Section

05/25/2012

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13505

NAME AND ADDRESS: FREMONT MADISON IRRIGATION DISTRICT  
DALE SWENSEN  
SEC-TREAS  
PO BOX 15  
ST ANTHONY ID 83445

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 140.000 CFS  
59,320.00 AFY

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.

Rights 22-13505 and 22-13506 when combined shall not exceed a total annual maximum diversion volume of 220,000 af.

PRIORITY DATE: 04/23/1969

POINT OF  
DIVERSION:

T06N R39E S23 NENE Within MADISON County  
T07N R39E S16 NWSE Within FREMONT County  
T07N R39E S34 SWSW Lot 17 Within MADISON County  
T07N R40E S19 SENE Within FREMONT County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>              |
|-----------------------|----------------------|------------------------------|
| IRRIGATION            | 01/01 12/31          | 140.000 CFS<br>59,320.00 AFY |

PLACE OF USE:

Place of use is within the boundary of Fremont-Madison Irrigation District pursuant to Section 43-323, Idaho Code.

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.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit

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

05/25/2012

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13506

NAME AND ADDRESS: FREMONT MADISON IRRIGATION DISTRICT  
DALE SWENSEN  
SEC-TREAS  
PO BOX 15  
ST ANTHONY ID 83445

SOURCE:

QUANTITY: 530.000 CFS  
220,000.00 AFY

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.

Rights 22-13505 and 22-13506 when combined shall not exceed a total annual maximum diversion volume of 220,000 af.

PRIORITY DATE: 04/23/1969

POINT OF  
DIVERSION:

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.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>               |
|-----------------------|----------------------|-------------------------------|
| IRRIGATION            | 01/01 12/31          | 530.000 CFS<br>220,000.00 AFY |

PLACE OF USE:

Place of use is within the boundary of Fremont-Madison Irrigation District pursuant to Section 43-323, Idaho Code.

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.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Permit

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

## CERTIFICATE OF SERVICE

I certify that on May 29, 2012, I served the original and/or copies of this form, including all attachments, to the following persons by delivering the original and/or copies, as follows:

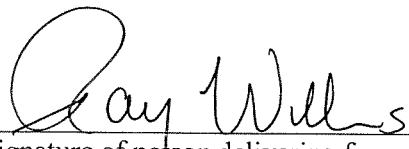
1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, Idaho 83303-2707

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

2. Copies to:

|                                                                                                                                               |                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FREMONT-MADISON IRRIGATION<br>Represented by:<br>JERRY R. RIGBY<br>25 N. 2 <sup>ND</sup> E.<br>P.O. BOX 250<br>REXBURG, ID 83440-0250         | UNITED STATES OF AMERICA<br>USDI BUREAU OF RECLAMATION<br>Represented by:<br>US DEPARTMENT OF JUSTICE<br>ENVIRONMENT & NATURAL RESOURCES<br>550 WEST FORT STREET, MSC 033<br>BOISE, ID 83724    |
| FREMONT COUNTY COURTHOUSE<br>151 W. 1 <sup>ST</sup> N. ROOM 15<br>ST ANTHONY, ID 83445                                                        | DIRECTOR OF IDWR<br>P.O. BOX 83720<br>BOISE, ID 83720-0098                                                                                                                                      |
| A & B IRRIGATION DISTRICT<br>BURLEY IRRIGATION DISTRICT<br>Represented by:<br>ROGER D LING<br>615 H ST<br>PO BOX 396<br>RUPERT, ID 83350-0396 | MILNER IRRIGATION DISTRICT<br>NORTH SIDE CANAL CO LTD<br>TWIN FALLS CANAL COMPANY<br>Represented by:<br>TRAVIS L THOMPSON<br>113 MAIN AVE W, STE 303<br>PO BOX 485<br>TWIN FALLS, ID 83303-0485 |
| MILNER IRRIGATION DISTRICT<br>Represented by:<br>JOHN K SIMPSON<br>1010 W JEFFERSON, STE 102<br>PO BOX 2139<br>BOISE, ID 83701-2139           | STATE OF IDAHO<br>Represented by:<br>NATURAL RESOURCES DIV CHIEF<br>STATE OF IDAHO<br>ATTORNEY GENERAL'S OFFICE<br>PO BOX 44449<br>BOISE, ID 83711-4449                                         |
| MADISON COUNTY COURTHOUSE<br>P.O. BOX 389<br>REXBURG ID 83440-0389                                                                            | MINIDOKA IRRIGATION DISTRICT<br>Represented by:<br>W KENT FLETCHER<br>1200 OVERLAND AVE<br>PO BOX 248<br>BURLEY, ID 83318                                                                       |

  
Signature of person delivering form