

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

In Re SRBA)

Water Rights: 22-13505
(Split into 21-13151 & 22-14057)

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☒ Licensing

☐ Substitution of Party

☐ I.C. § 42-222 transfer

☐ point of diversion

☐ place of use

☐ period of use

☐ nature of use

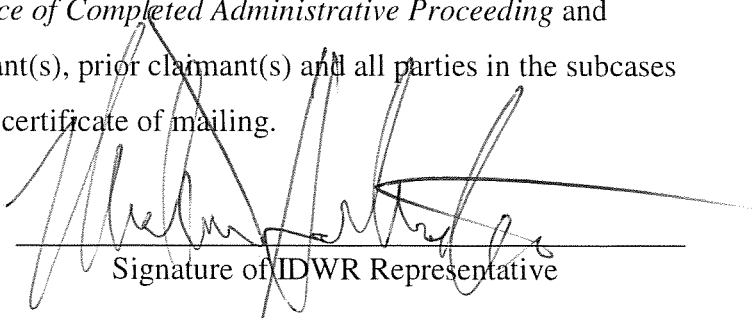
☐ split of water right

☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 9/21/2012



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Sept 21, 2012, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Fremont Madison Irrigation District
Dale Swensen
Sec-Treas
Po Box 15
St Anthony, ID 83445

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Fremont Madison Irrigation District
Dale Swensen
Sec-Treas
Po Box 15
St Anthony, ID 83445

4. One copy to:

Each party in the subcase, or attorney of record

Milner Irrigation District
North Side Canal Co
Twin Falls Canal Co
Represented by:
Baker Rosholt & Simpson LLP
195 River Vista Pl Ste 204
Twin Falls ID 83301-3029

American Falls Reservoir
Represented by
Craig D Hobdey
Hobdey Law Office PLLC
125 5th Ave
Po Box 176
Gooding ID 83330-0176

A & B Irrigation District
Burley Irrigation District
Represented by:
Roger Ling
Po Box 623
Rupert ID 83350-0623

North Side Canal Co Ltd
Twin Falls Canal Co
Represented by:
Travis Thompson
195 River Vista Pl Ste 204
Twin Falls ID 83301-3029

4. One copy to:

Each party in the subcase, or attorney of record (Continued)

Fremont Madison Irrigation
Represented by Jerry Rigby
25 N 2nd E
Po Box 250
Rexburg ID 83440-0250

Minidoka Irrigation District
Represented by:
1200 Overland Ave
Po Box 248
Burley ID 83318

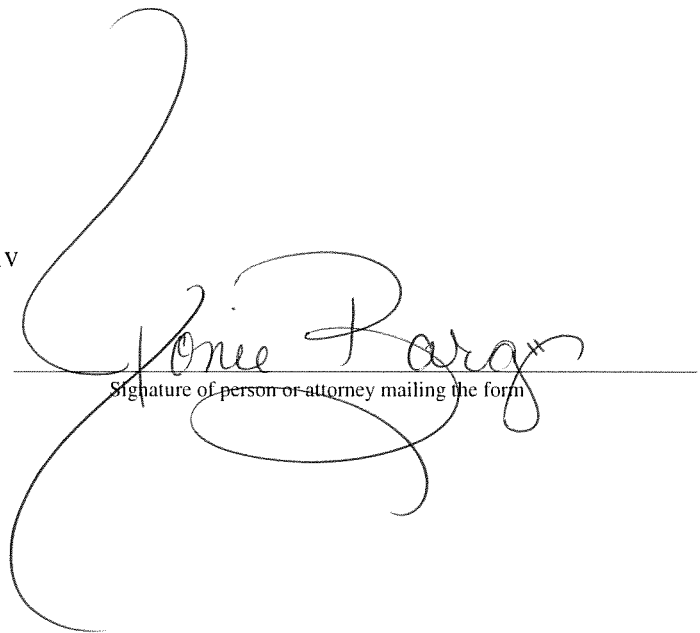
Milner Irrigation District
Represented by:
John Simpson
1010 W Jefferson St Ste 102
Po Box 2139
Boise ID 83701-2139

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
DIRECTOR'S REPORT OF WATER RIGHTS ACQUIRED UNDER STATE LAW

<u>Water Right Number</u>	<u>DISPOSITION</u>	<u>REASON</u>
22-13505	Disallowed	Split into: 21-13151 and 22-14057

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

RIGHT NUMBER: 21-13151

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 76.750 CFS
32,578.00 AFY

Use of water from these wells for supplemental irrigation, when combined with all other direct flow or storage water rights, shall provide no more than 0.02 cfs per acre nor more than 5.0 acre-feet of water per acre per irrigation season.

Rights 21-13151, 22-14057 and 22-13506 when combined shall not exceed a total annual maximum diversion volume of 220,000 acre-feet.

PRIORITY DATE: 04/23/1969

POINT OF
DIVERSION:

T06N R38E S25 SWNE Within MADISON County
T07N R39E S16 NWSE Within FREMONT County
T07N R39E S34 SWSW Lot 17 Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	76.750 CFS 32,578.00 AFY

PLACE OF USE:

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

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use does not include federal public lands unless authorized in writing by the United States Bureau of Reclamation.

Rights 21-13151, 22-14057 and 22-13506 when combined shall not exceed the irrigation of 152,562 acres, comprised of 111,210 acres for 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.

Rights 21-13151 and 22-14057 are limited to the total number of acres irrigated under those rights prior to July 18, 2012, the date proof of beneficial use was filed for those rights. Additional irrigated acres can no longer be developed under rights 21-13151 and 22-14057.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water diverted under this right is injected into and rediverted from the Henrys Fork and the Independent Canal for use within the boundary of Fremont-Madison Irrigation District.

This right is a split from former right 22-13505.

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 the Department.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of licensing, this water right is within Water District 01 and Water District 100.

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

RIGHT NUMBER: 22-14057

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 31.050 CFS
13,180.00 AFY

Rights 21-13151, 22-14057 and 22-13506 when combined shall not exceed a total annual maximum diversion volume of 220,000 acre-feet.

Use of water from these wells for supplemental irrigation, when combined with all other direct flow or storage water rights, shall provide no more than 0.02 cfs per acre nor more than 5.0 acre-feet of water per acre per irrigation season.

PRIORITY DATE: 04/23/1969

POINT OF
DIVERSION:

T06N R39E S23 NENE 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	04/01 10/31	31.050 CFS 13,180.00 AFY

PLACE OF USE:

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

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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This right is a split from former right 22-13505.

Water diverted under this right is injected into and rediverted from the Henrys Fork and the Teton River for use within the boundary of Fremont-Madison Irrigation District.