11/15/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7269

NAME AND ADDRESS: CITY OF NEWDALE
PO BOX 70
NEWDALE ID 83436

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.520 CFS

PRIORITY DATE: 02/21/1978

POINT OF DIVERSION:

T07N R41E S34 NWSESE Within FREMONT County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
MUNICIPAL	1/01 12/31	1.520 CFS

PLACE OF USE:

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 is within the service area of the City of Newdale municipal water supply system as provided for under Idaho Law.

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

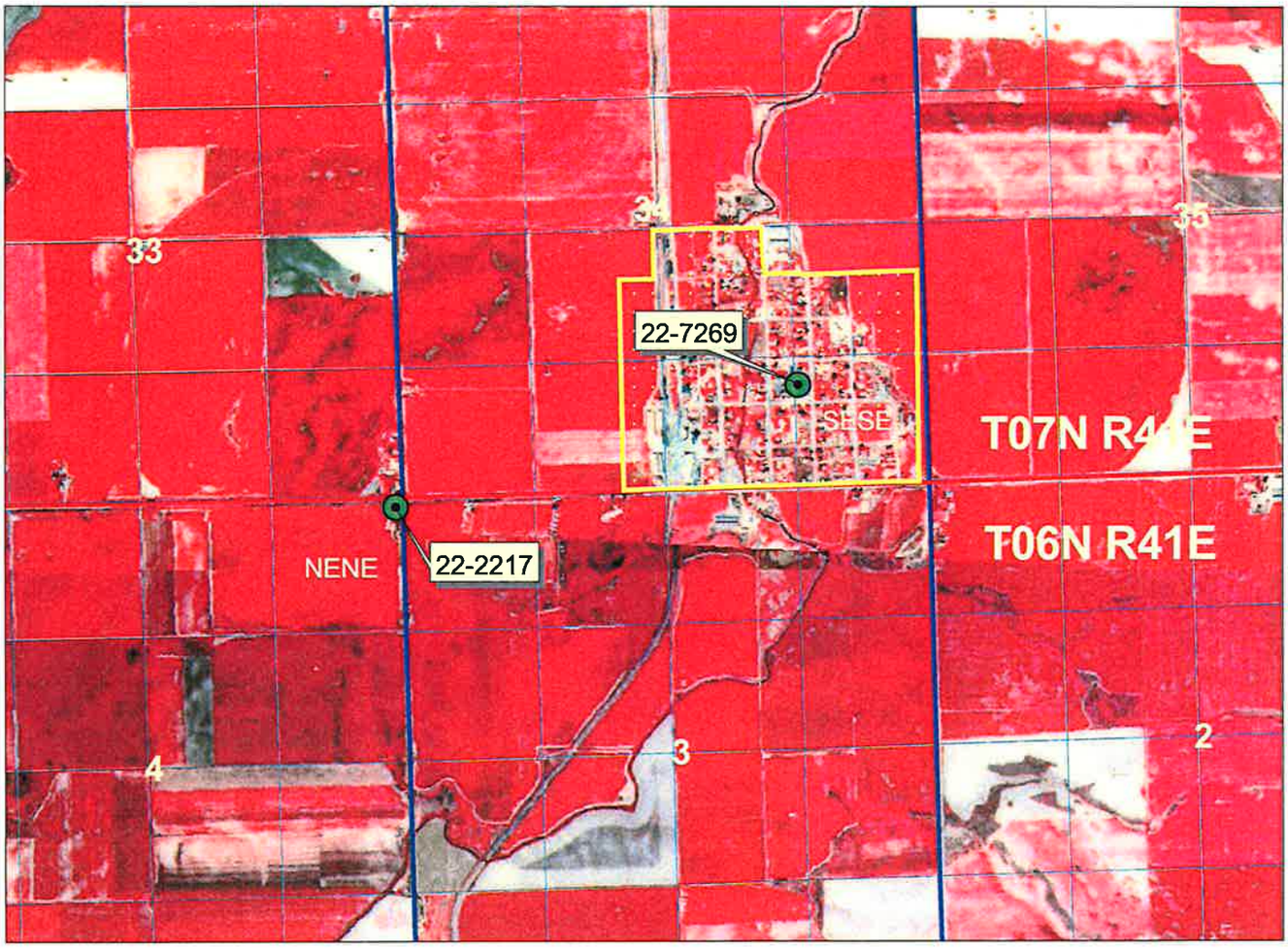
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Municipal right 22-2217 also serves the City of Newdale.

Department of Water Resources
Eastern Region

Claim No.: 22-2217 & 22-7269



0 0.25 0.5 0.75 1 Miles

- Point of Diversion
- City of Newdale
- Township/Range
- Sections
- QQ

N
W E
S

GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: November 2005

SCANNED
AUG 0 8 2007

RECEIVED
JUL 24 2007
DEPARTMENT OF
WATER RESOURCES

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	)	A. Subcase 22-7269 (Insert Water Right Number)
Case No. 39576	)	**STANDARD FORM 1 OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Fremont Madison Irrigation District

Address: 350 N., 6th W.
St. Anthony, Idaho 83445

Daytime Phone: 208-624-3385

Name and Address of Attorney, if any:
Jerry R. Rigby
P.O Box 250
Rexburg, Idaho 83440

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: City of Newdale

Address: P.O. Box 70
Newdale, ID 83436

RECEIVED
JUL 24 2007
DEPARTMENT OF
WATER RESOURCES

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es).)

1. ☐ **Name and Address**
   Should be:_____

2. ☒ **Source**
   Should be: Ground water and water resulting from irrigation under the irrigation works of Fremont Madison Irrigation District (and/or Canal Companies and Irrigation Districts which by contract carry Fremont Madison Irrigation District's water to its electors) and being recovered for further use on lands within Fremont Madison Irrigation District's district boundary or to which the shares of said Canal Companies and/or rights in Irrigation Districts are appurtenant.

3. ☐ **Quantity**
   Should be:_____

4. ☒ **Priority Date**
   Should be: A note to priority date should provide that the priority date only applies in the event it is shown that water is being diverted that is not recaptured project water.

5. ☐ **Point of Diversion**
   Should be:_____

6. ☐ **Instream Flow Beginning and Ending Point**
   Should be:_____

7. ☐ **Purpose(s) of Use**
   Should be:_____

8. ☐ **Period of Year**
   Should be:_____

9. ☒ **Place of Use**
   Should be: Should allow that the place of use can be within the service area of Fremont Madison Irrigation District or the service area of its contracting Canal Companies and/or Irrigation Districts. There should be no other limitation as to the place of use.

10. ☐ **I object because:**
    ☐ This water right Should not exist.

    ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** **See Attachment "A"** Also the following: Water diverted from this point of diversion is also groundwater resulting from irrigation under the irrigation works of Fremont Madison Irrigation District and the above described contracting irrigation entities and is recovered by the electors of Fremont Madison Irrigation District for further use on the lands of Fremont Madison Irrigation District's electors under the irrigation works of Fremont Madison Irrigation District and/or the said contracting irrigation entities within which the electors of Fremont Madison Irrigation District's lands are located and appurtenant. This recaptured project water shall be administered separately from all other water rights within its particular basin and the Snake River basin. As to this water right with a source being groundwater and not recaptured project water, the other matters set forth in the recommendation are appropriate.

F. **VERIFICATION** (must be completed)

STATE OF IDAHO,)
ss
County of Fremont)

Jeffery D. Raybould, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objections, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn before me on: July 17, 2007

Notary Public for Idaho
Residing at Rigby
My Commission Expires: 6-01-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filing will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on July 20, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

   City of Newdale
   P.O. Box 70
   Newdale, ID 83436

3. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   United States Department of Justice
   Environment and Nat'l Resources Div
   550 W. Fort Street, MSC 033
   Boise, ID 83724

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

Dallas L. Jamison

Signator of objector or attorney
mailing on Objector's behalf

ATTACHMENT "A"

REASONS SUPPORTING OBJECTIONS

2. Source: The excavation and opening of this well and withdrawal of water therefrom by Fremont Madison Irrigation District's electors was, among other things, to improve and preserve the utility of lands by draining them and for the withdrawal of water for the purpose of recovering groundwater resulting from irrigation under the irrigation works of the Fremont Madison Irrigation District and the contracting irrigation entities within which lands of Fremont Madison Irrigation District's electors are located. Therefore two sources of water exits for this well: (a) the groundwater source under the license, and (b) the source which is separate and distinct from the groundwater source diverted under the license but is diverted from this well and requires no license. It is necessary to identify both sources so that in the administration of this water right, it will be recognized that the water diverted from this well is groundwater to which Fremont Madison Irrigation District's elector is entitled to divert under its license and is also the diversion of groundwater resulting from irrigation under the irrigation works of Fremont Madison Irrigation District and/or any and all said contracting irrigation entities within which lands of Fremont Madison Irrigation District's electors are located, and for which no license is required.

4. Priority Date: Under the license, the priority date should be the date as recommended by the Director, to the extent water is being diverted under the license, whether or not the groundwater resulted from irrigation under the irrigation works of Fremont Madison Irrigation District and/or of any of the irrigation entities within which lands of Fremont Madison Irrigation District's electors are located. As for the groundwater being recovered under this well which resulted from irrigation under the irrigation works of Fremont Madison Irrigation District and/or all contracting irrigation entities within which Fremont Madison Irrigation District's lands are located and appurtenant, there is no priority date, as the recovery of water resulting from irrigation within a project is a part of the original water supply diverted. This groundwater is part of the project water of Fremont Madison Irrigation District and the contracting irrigation entities within which Fremont Madison Irrigation District's electors lands are located and appurtenant, and said irrigation entities and electors of Fremont Madison Irrigation District are entitled to the use of said project water by themselves or by their shareholders (electors) until the project water leaves the project.

9. Place of Use: As this is project water, as well as groundwater originally appropriated for all lands within the boundary of Fremont Madison Irrigation District and it contracting irrigation entities' projects, it is appurtenant to all irrigated acres to which shares of stock or storage water rights of Fremont Madison Irrigation District and its contracting irrigation entities within which lands of Fremont Madison Irrigation District's electors are located and appurtenant. However, by

agreement with Fremont Madison Irrigation District and its said contracting irrigation entities, Fremont Madison Irrigation District's electors have been authorized to use the project water on the same lands as those described herein as the lands of Fremont Madison Irrigation District's electors.

10. Other Matters Necessary for Definition of Administration of this Water Right:

It should be noted in the definition or administration of this water right, that to the extent water is being diverted and that said water is the recovery of groundwater resulting from irrigation under the irrigation works of Fremont Madison Irrigation District and/or its contracting irrigation entities within which lands of Fremont Madison Irrigation District's electors are located and appurtenant, such recovery of groundwater shall be administered separately from all other water rights in the Snake River basin, as such rights are not a connected source of water in the Snake River basin. To the extent water is diverted under this right that is not recaptured project water, such water right may be administered conjunctively. There should also be no reference to remarks limiting the combined use of this right and Basin 01 rights, except as to the acres within the project to which these rights are appurtenant.

RECEIVED
JUL 24 2007
DEPARTMENT OF
WATER RESOURCES

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)
)
Case No. 39576)
)
_____)

A. Subcase: 22-7269
(Insert Water Right Number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: City of Newdale

Address: P.O. Box 70

Newdale, ID 83436

Daytime Phone: 208-458-4068

Name and Address of Attorney, if any:

_____

_____

_____

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: City of Newdale

Address: P.O. Box 70

Newdale, ID 83436

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es).)

1. ☐ **Name and Address**
   Should be:_____

2. ☒ **Source**
   Should be: In addition to present language: Water resulting from irrigation of water under the irrigation works of Claimant and being recovered for further use on lands within Claimant's boundary and to which the shares or rights of Claimant are appurtenant.

3. ☐ **Quantity**
   Should be:_____

4. ☒ **Priority Date**
   Should be: A note to priority date should provide that the priority date only applies in the event it is shown that water is being diverted that is not recaptured project water.

5. ☐ **Point of Diversion**
   Should be:_____

6. ☐ **Instream Flow Beginning and Ending Point**
   Should be:_____

7. ☐ **Purpose(s) of Use**
   Should be:_____

8. ☐ **Period of Year**
   Should be:_____

9. ☒ **Place of Use**
   Should be: Should allow that the place of use of the recaptured project water can be within the service area of Claimant. There should be no other limitation as to the place of use.

10. ☐ **I object because:**
    ☐ This water right Should not exist.

    ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** See Attachment "A" Also the following: Any groundwater diverted from under the lands of Claimant's shareholders or interest holders and/or within its boundaries is also groundwater resulting from irrigation from water under the irrigation works of Claimant and is recovered by Claimant, its shareholders or interest holders for further use on the lands of Claimant's shareholders or interest holders under the irrigation works of Claimant within which said lands are located and appurtenant. This recaptured project water shall be administered separately from all other water rights within its particular basin and the Snake River basin.

F. **VERIFICATION** (must be completed)

STATE OF IDAHO,)
ss
County of Fremont.)

Shayne Hansen, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objections, know its contents and believe that the statements are true to the best of my knowledge.

Ladonna Henman NOTARY PUBLIC STATE OF IDAHO

Shayne Hansen
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn before me on July 18, 2007

Ladonna Henman
Notary Public for Idaho
Residing at Rigby
My Commission Expires: 6-01-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filing will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on July 20 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

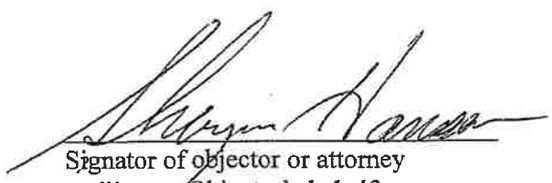
   Name: same as objector
   Address: _____
   _____

3. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   United States Department of Justice
   Environment and Nat'l Resources Div
   550 W. Fort Street, MSC 033
   Boise, ID 83724

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



Signator of objector or attorney
mailing on Objector's behalf

ATTACHMENT "A"

REASONS SUPPORTING OBJECTIONS

2. Source: The excavation and opening of wells and withdrawal of water therefrom by Claimant or shareholders and interest holders of Claimant was, among other things, to improve and preserve the utility of lands by draining them and for the withdrawal of water for the purpose of recovering groundwater resulting from irrigation of water under the irrigation works of Claimant within which lands of said shareholders or interest holders are located. Therefore two sources of water exits for these wells: (a) the groundwater source under a particular well's license, and (b) the source which is separate and distinct from the groundwater source diverted under the license but is diverted from these wells and requires no license. It is necessary to identify this second source within the right of Claimant so that in the administration of this water right, it will be recognized that the water diverted from these wells as authorized by Claimant is groundwater to which said well owners are entitled to divert under not only their licenses but also the diversion of groundwater resulting from irrigation of water under the irrigation works of Claimant within which lands said shareholders or interest holders are located, and for which no license is required.

4. Priority Date: As for the groundwater being recovered under wells which resulted from irrigation of storage water under the irrigation works of Claimant within which lands of shareholders or interest holders of Claimant are located and appurtenant, there is no priority date, as the recovery of water resulting from irrigation within a project is a part of the original water supply diverted. This groundwater is part of the project water of Claimant within which said lands are located and appurtenant, and Claimant, its shareholders or interest holders are entitled to the use of said project water until the project water leaves the project.

9. Place of Use: As this is natural flow surface water originally appropriated for all lands within the boundary of Claimant, it is appurtenant to all irrigated acres to which shares of stock (or other interest) of Claimant within which lands Claimant's shareholders or interest holders are located and appurtenant. However, by agreement with its shareholders or interest holders, Claimant's shareholders or interest holders have been authorized to use the storage project water on the same lands as those described herein as the lands of Claimant's shareholders or interest holders.

10. Other Matters Necessary for Definition of Administration of this Water Right:
It should be noted in the definition or administration of this water right, that to the extent water is being diverted and that said water is the recovery of groundwater resulting from irrigation of storage water under the irrigation works of Claimant within which lands of Claimant's shareholders or interest holders are located and appurtenant, such recovery of groundwater shall be administered separately from all other water rights in the Snake River basin, as such rights are not a connected source of water in the Snake River basin. There should also be no reference to remarks limiting the combined use of this right and Basin 01 rights, except as to the acres within the project to which these rights are appurtenant.

RECEIVED
JUL 2 4 2007
DEPARTMENT OF
WATER RESOURCES

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	)	A. Subcase 22-7269 (Insert Water Right Number)
Case No. 39576	)	**STANDARD FORM 1 OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Canyon Creek Canal Company

Address: % Con Crapo, 1509 North Canyon Creek Road

Newdale, Idaho 83436

Daytime Phone: 208-458-4298

Name and Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: City of Newdale

Address: P.O. Box 70

Newdale, ID 83436

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es).)

1. ☐ **Name and Address**
   Should be: _____

2. ☒ **Source**
   Should be: Ground water and water resulting from irrigation under the irrigation works of Canyon Creek Canal Company , ("Irrigation Entity"), which by contract also carries Fremont Madison Irrigation District's storage water to its electors, and being recovered for further use on lands within Irrigation Entity's boundary or to which the shares of said Canal Companies and/or rights in Irrigation Districts are appurtenant.

3. ☐ **Quantity**
   Should be: _____

4. ☒ **Priority Date**
   Should be: A note to priority date should provide that the priority date only applies in the event it is shown that water is being diverted that is not recaptured project water.

5. ☐ **Point of Diversion**
   Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☒ **Place of Use**
   Should be: Should allow that the place of use can be within the service area of Irrigation Entity. There should be no other limitation as to the place of use.

10. ☐ **I object because:**
    ☐ This water right Should not exist.

    ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** **See Attachment "A"** Also the following: Water diverted from this point of diversion is also groundwater resulting from irrigation under the irrigation works of Claimant, Irrigation Entity and/or Fremont Madison Irrigation District and

is recovered by the shareholders or interest holders of Irrigation Entity and/or Fremont Madison Irrigation District for further use on lands within Irrigation Entity's boundary or to which the shares of said Canal Companies and/or rights in Irrigation Districts are appurtenant. This recaptured project water shall be administered separately from all other water rights within its particular basin and the Snake River basin. As to this water right with a source being groundwater and not recaptured project water, the other matters set forth in the recommendation are appropriate.

F. **VERIFICATION** (must be completed)

STATE OF IDAHO,)
ss
County of Fremont.)

Conn Craps, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objections, know its contents and believe that the statements are true to the best of my knowledge.

Conn Craps
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn before me on: July 18, 2007

LaDonna Henman
Notary Public for Idaho
Residing at Rigby
My Commission Expires: 6-01-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filing will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on July 20, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   PO Box 2707
   Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

   City of Newdale
   P.O. Box 70
   Newdale, ID 83436

3. Copies to:

   IDWR Document Depository
   PO Box 83720
   Boise, ID 83720-0098

   United States Department of Justice
   Environment and Nat'l Resources Div
   550 W. Fort Street, MSC 033
   Boise, ID 83724

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

Signator of objector or attorney
mailing on Objector's behalf

ATTACHMENT "A"

REASONS SUPPORTING OBJECTIONS

2. Source: The excavation and opening of this well and withdrawal of water therefrom by Irrigation Entity's shareholders (or interest holders) and Fremont Madison Irrigation District's electors was, among other things, to improve and preserve the utility of lands by draining them and for the withdrawal of water for the purpose of recovering groundwater resulting from irrigation under the irrigation works of Claimant, Irrigation Entity and/or Fremont Madison Irrigation District within which lands of said shareholders or interest holders are located. Therefore two sources of water exits for this well: (a) the groundwater source under the license, and (b) the source which is separate and distinct from the groundwater source diverted under the license but is diverted from this well and requires no license. It is necessary to identify both sources so that in the administration of this water right, it will be recognized that the water diverted from this well is groundwater to which Irrigation Entity's shareholders or interest holders and Fremont Madison Irrigation District's electors are entitled to divert under their license and is also the diversion of groundwater resulting from irrigation under the irrigation works of Claimant, Irrigation Entity and/or Fremont Madison Irrigation District within which lands of said shareholders, interest holders and/or electors are located, and for which no license is required.

4. Priority Date: Under the license, the priority date should be the date as recommended by the Director, to the extent water is being diverted under the license, whether or not the groundwater resulted from irrigation under the irrigation works of Claimant, Irrigation Entity and/or Fremont Madison Irrigation District within which lands of said shareholders, interest holders or electors are located. As for the groundwater being recovered under this well which resulted from irrigation under the irrigation works of Claimant, Irrigation Entity and/or Fremont Madison Irrigation District within which lands of said shareholders, interest holders or electors are located and appurtenant, there is no priority date, as the recovery of water resulting from irrigation within a project is a part of the original water supply diverted. This groundwater is part of the project water of Irrigation Entity and/or Fremont Madison Irrigation District within which said shareholders, interest holders or electors lands are located and appurtenant, and said Claimants, Irrigation Entities and electors of Fremont Madison Irrigation District are entitled to the use of said project water by themselves or by their shareholders (electors) until the project water leaves the project.

9. Place of Use: As this is project water, as well as groundwater originally appropriated for all lands within the boundary of Irrigation Entity and/or Fremont Madison Irrigation District, it is appurtenant to all irrigated acres to which shares of stock or storage water rights of Irrigation Entity and/or Fremont Madison Irrigation District within which lands of Claimant, Irrigation Entity and/or Fremont Madison Irrigation District's electors are located and appurtenant. However, by agreement with Irrigation Entity and Fremont Madison Irrigation District, Irrigation Entity's shareholders or interest holders and Fremont Madison Irrigation District's electors have been authorized to use the project water on the same lands as those described

herein as the lands of Claimant, Irrigation Entity and/or Fremont Madison Irrigation District.

10. Other Matters Necessary for Definition of Administration of this Water Right:
It should be noted in the definition or administration of this water right, that to the extent water is being diverted and that said water is the recovery of groundwater resulting from irrigation under the irrigation works of Claimant, Irrigation Entity and/or Fremont Madison Irrigation District within which lands Claimant, Irrigation Entity shareholders or interest holders and/or Fremont Madison Irrigation District's electors are located and appurtenant, such recovery of groundwater shall be administered separately from all other water rights in the Snake River basin, as such rights are not a connected source of water in the Snake River basin. To the extent water is diverted under this right that is not recaptured project water, such water right may be administered conjunctively. There should also be no reference to remarks limiting the combined use of this right and Basin 01 rights, except as to the acres within the project to which these rights are appurtenant.

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:** 22-7269

)

Case No. 39576) **NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding:

[] Address change

[] Substitution of Party

[X] I.C. § 42-222 transfer 76126

[X]	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: 4/13/2010

Signature of IDWR Representative

SCANNED

APR 15 2010

CERTIFICATE OF MAILING

I certify that on April 14, 2010, 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:
   City of Newdale
   PO Box 70
   Newdale ID 83436

3. One copy to:

   Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

   Each party in the subcase, or attorney of record

   Milner Irrigation District
   Represented by
   Baker Rosholt & Simpson LLP
   113 Main Ave W Ste 303
   PO Box 485
   Twin Falls ID 83303-0485

   American Falls Reservoir
   Represented by:
   C Thomas Arkoosh
   Capitol Law Group PLLC
   301 Main St
   PO Box 32
   Gooding ID 83330

   A & B Irrigation District
   Burley Irrigation District
   Represented by
   Roger Ling
   615 H St
   PO Box 396
   Rupert ID 83350-0396

   Canyon Creek Canal Co
   City of Newdale
   Fremont Madison Irrigation
   Represented by
   Jerry Rigby
   25 N 2nd E
   PO Box 250
   Rexburg ID 83440-0250

   IGWA Inc
   Represented by
   Randall C Budge
   201 E Center Ste A2
   PO Box 1391
   Pocatello ID 83204

   North Side Canal Co LTD
   Twin Falls Canal Co
   Represented by
   Travis Thompson
   113 Main Ave W Ste 303
   PO Box 485
   Twin Falls ID 83303-0485

SCANNED
APR 15 2010

4. One copy to:
   Each party in the subcase, or attorney of record (Continued)
   Minidoka Irrigation District
   Represented by
   W Kent Fletcher
   1200 Overland Ave
   POI Box 248
   Burley DI 83318

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

SCANNED
APR 15 2010

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

RIGHT NUMBER: 22-7269

NAME AND ADDRESS: CITY OF NEWDALE
PO BOX 70
NEWDALE ID 83436

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 1.520 CFS

Diversion of water authorized under Transfer 76126 from the point of diversion located in L2 (SWNW), Sec. 7, T06N, R42E shall not exceed a total combined maximum diversion rate of 1.5 cfs and a total annual maximum diversion volume of 543.0 af.

PRIORITY DATE: 02/21/1978

POINT OF DIVERSION:

T06N R41E S4 NENENE Lot 1 Within MADISON County
T06N R42E S7 SWNW Lot 2 Within MADISON County
T07N R41E S34 NWSESE Within FREMONT County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
MUNICIPAL	1/01 12/31	1.520 CFS

PLACE OF USE:

Place of use is within the service area of the City of Newdale municipal water supply system as provided for under Idaho Law.

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.

To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 1 located in NWSESE Sec 34, T07N, R41E.

SCANNED
APR 15 2010

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Prior to the diversion and use of water under Transfer 76126, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality.

The following rights are diverted through point(s) of diversion described above: 22-2217, 22-7269.

The right holder shall accomplish the change authorized by transfer 76126 by January 26, 2011.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

This right does not grant any right-of-way or easement across the land of another.

Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

Failure of the right holder to comply with the conditions of transfer 76126 is cause for the Director to rescind approval of the transfer.

Prior to diversion and use of water under Transfer approval 76126, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.

SCANNED
APR 15 2010

WATER RIGHT NO. 22-7269
As Modified by Transfer No. 76126

In accordance with the approval of Transfer No. 76126, Water Right No. 22-7269 is now described as follows.

Right Holder: CITY OF NEWDALE
PO BOX 70
NEWDALE ID 83436

Priority Date: February 21, 1978

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate
MUNICIPAL	1/01	12/31	1.52 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L1 (NENENE)	Sec. 4	Twp 06N	Rge 41E	MADISON County
GROUND WATER	L2 (SWNW)	Sec. 7	Twp 06N	Rge 42E	MADISON County
GROUND WATER	NWSESE	Sec. 34	Twp 07N	Rge 41E	FREMONT County

CONDITIONS OF APPROVAL

1. Place of use is within the service area of the City of Newdale municipal water supply system as provided for under Idaho Law.
2. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
3. Diversion of water authorized under Transfer 76126 from the point of diversion located in L2 (SWNW), Sec. 7, T06N, R42E shall not exceed a total combined maximum diversion rate of 1.5 cfs and a total annual maximum diversion volume of 543.0 af.
4. Prior to diversion and use of water under Transfer approval 76126, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 1 located in NWSESE Sec 34, T07N, R41E.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality.

WATER RIGHT NO. 22-7269
As Modified by Transfer No. 76126

CONDITIONS OF APPROVAL

9. This right does not grant any right-of-way or easement across the land of another.

10. The following rights are diverted through point(s) of diversion described above: 22-2217, 22-7269.

11. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

13. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of January, 2010

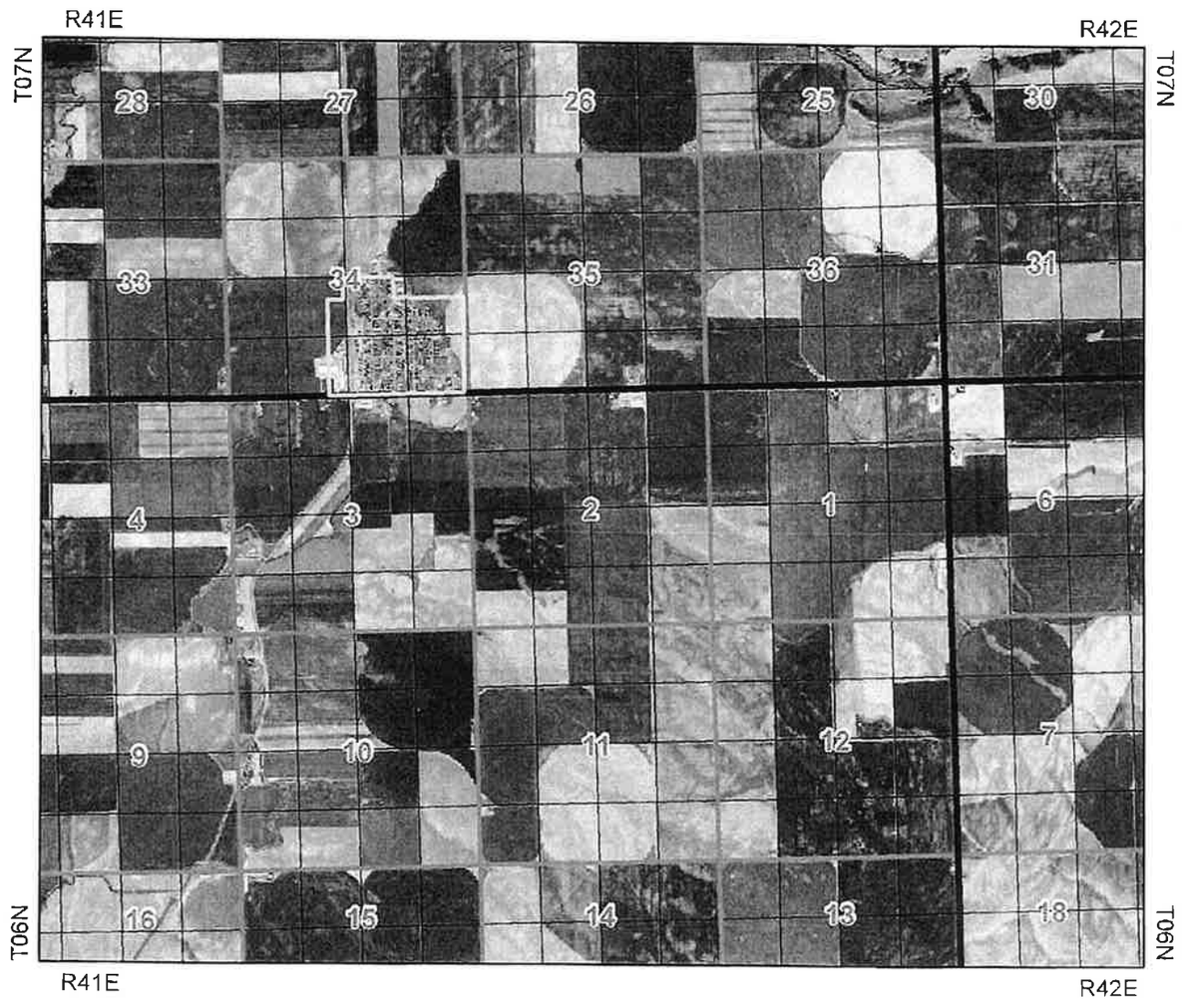
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Transfer Of Water Right

Transfer No. 76126

Water Service Area Boundary for City Of Newdale
Rights: 22-2217, 22-7269



0 0.45 0.9 1.8 Miles

Legend

- Water Service Area Boundary
- Townships
- PLS Sections
- Quarter Quarters

N

09/26/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-7269

CITY OF NEWDALE
PO BOX 70
NEWDALE ID 83436
Telephone Number: (208)458-4389

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X **I AGREE with this proposed recommendation: no changes need to be made.**

DATE: 10/11/2006 **SIGNATURE:** Susan Lott - City Clerk

Please print your name: Susan Lott

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED
AUG 0 8 2007

RECEIVED
OCT 25 2006
Department of Water Resources
Eastern Region
KMC 10/25

Water Right No(s). A22-7269

Actual pump location in City Shop Building is 32' North of GPS Location taken.

GPS data - 2692513
1412233

GPS file # - 227269

GPS DATA:

Tag # A0015973 Location: on wall behind pump

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR
Make: G.E. Model: _____ Hp: 100
SN: JNJ928370

PUMP
Make: Peerless Model: _____ Disch: _____
SN: F22053

NOTES:
System shown by Dick Vargsman, maintenance man for City of Newdale. Well inside of City Shop. This is the City's back-up well.

Another City official is Shane Hansen (phone 458-4915)

Field Exam Date: 11-7-2005 Agent: J.W. Jones

Claimed as Licensed - Recommend as Claimed

Remark - DKP - Well is City of Newdale

SCANNED
AUG 08 2007

GPS Tag

A22-7269

SCANNED
AUG 08 2007

City of
Newdale
227269
07N41E33
07N41E34
06N41E3
222217
06N41E4

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07269

Priority: February 21, 1978 Maximum Diversion Rate: 1.52 CFS

This is to certify, that CITY OF NEWDALE
P.O. BOX 70
NEWDALE, ID 83436 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 21, 1978; and has submitted Proof of Beneficial Use on March 18, 1983. An examination indicates that the works have a diversion capacity of 1.520 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
MUNICIPAL	01/01 to 12/31	1.52 CFS	

LOCATION OF POINT(S) OF DIVERSION: SESE , Sec. 34, Township 07N, Range 41E
FREMONT County

PLACE OF USE: See Remarks

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Place of use within the city limits of Newdale.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 3RD day of December, 1990.

Acting for R. Keith Higginson, Director

MICROFILMED
DEC 07 1990

Form 219
12/82

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 1 1985
Department of Water Resources

22-7269 ✓
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 9-16-83 Accompanied by Nathan Stevens Total Q measured 1.52cfs

Source Groundwater Tributary to _____ Supp. annubar measurement sheet used? _____

If source is surface water, estimate total flow of source _____

Methods of measurement Sparling Meter S/N G00195 Meets permit requirements? _____

Measurement calculations: 1000gal/88sec = 681.8gpm = 1.52cfs

WELL/DIV. NO.*	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	100	GE	JNJ928390	Peerless	F 22053	Sparling Meter		

System Description well pump mainline to municipal water system

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

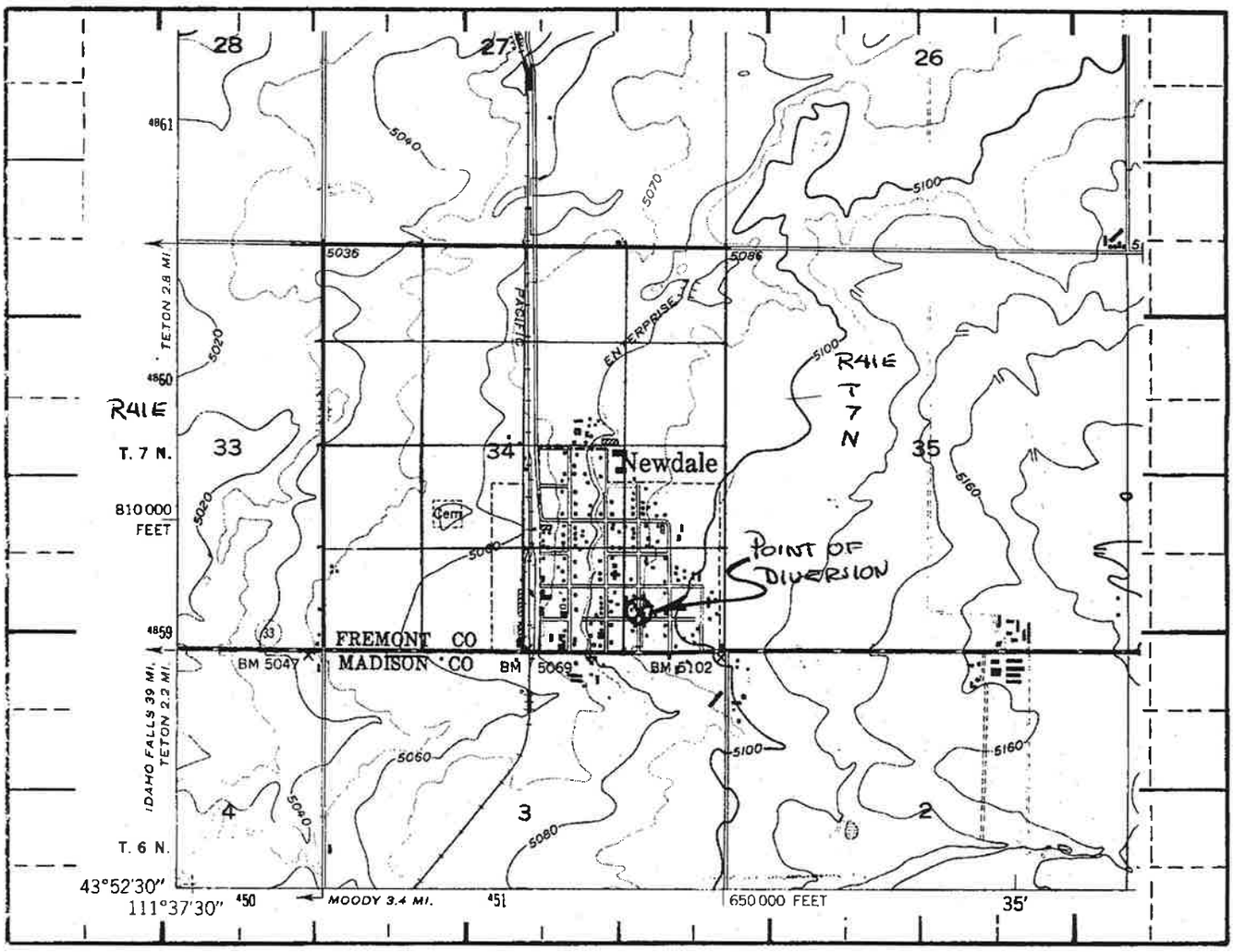
Irrigation requirement = _____ AFA/Acre

* USE	Q (cfs)	V (afa)	FROM	TO
Municipal	1.52cfs	NA	1-1	12-31
(City incorporated as per tele-con with Sec. of States office)				
Total	1.52cfs			

Remarks NOTE 22-~~2217~~ T(2226) shows SW¼ SE¼ Sec 16 T7N R 4E as a P/D however according to Mr Stevens this is the only well for Newdale

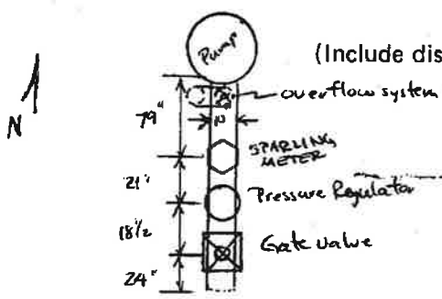
MICROFILMED
DEC 07 1990

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: SE¼SE¼ Sec 34 T7N R41E

Place(s) of Use Within city limits of Newdale

TWP.	RGE.	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

MICROFILMED

DEC 07 1990

Recommended Amendments:

☑ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature Keith C Wilson Date 12 Oct 84

Checked by Dick Jones Date 10-28-85

Approved by Date

PERMIT NO. 22-7269 (Name)

EXAMINATION: DATE: 9-16-83 Accompanied by: Nathan Stevens

Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.
GE	100	JNJ92839	Peerless	F22053

Measuring Device Type: Sparling Meters S/N G00195

Meter # Annubar# Size #

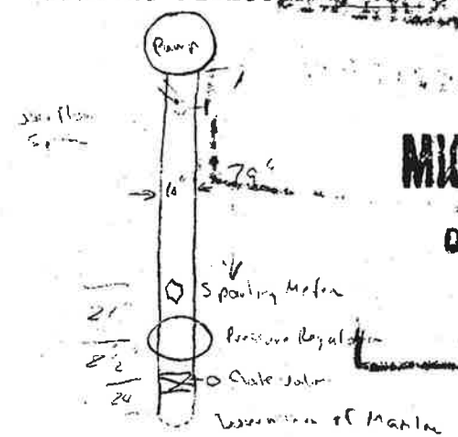
Remarks:

Measurement calculations:

1000 gal/min = 2.2 cfs : 682 gpm = 1.52 cfs

SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter [illegible] Length



MICROFILMED
DEC 07 1990

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 22-7269**

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant

CITY OF NEWDALE
PO BOX 70
NEWDALE, ID 83436
(208)458-4389

Priority Date: 06/01/1900
Basis: Decreed/License
Status: Active

Source	Tributary
Ground Water	
Teton River	Snake River

Beneficial Use	From	To	Diversion Rate	Volume
MUNICIPAL	01/01	12/31	1.52 CFS	
Total Diversion			1.52 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENENE Lt 1	Sec. 04	Township 06N	Range 41E	MADISON County
GROUND WATER	SWNW Lt 2	Sec. 07	Township 06N	Range 42E	MADISON County
GROUND WATER	NWSESE	Sec. 34	Township 07N	Range 41E	FREMONT County

Place(s) of use:

Place of Use Legal Description: MUNICIPAL FREMONT County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	41E	34		NESW			SESW							
				NESE			NWSE			SWSE			SESE	

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 Canyon Creek 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. 124 Place of use is within the service area of the City of Newdale municipal water supply system as provided for under Idaho Law.

2. 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.

3. 186 Diversion of water authorized under Transfer 76126 from the point of diversion located in L2 (SWNW), Sec. 7, T06N, R42E shall not exceed a total combined maximum diversion rate of 1.5 cfs and a total annual maximum diversion volume of 543.0 af.

4. 212 Prior to diversion and use of water under Transfer approval 76126, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of

diversion, in accordance with Department specifications.

5. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.

6. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

7. 106 Prior to the diversion and use of water under Transfer 76126, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality.

8. 004 This right does not grant any right-of-way or easement across the land of another.

9. F06 The following rights are diverted through point(s) of diversion described above: 22-2217, 22-7269.

10. T07 The right holder shall accomplish the change authorized by transfer 76126 by January 26, 2011.

11. T08 Failure of the right holder to comply with the conditions of transfer 76126 is cause for the Director to rescind approval of the transfer.

12. 208 To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, ground water was first diverted under this right from Well No. 1 located in NWSESE Sec 34, T07N, R41E.

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

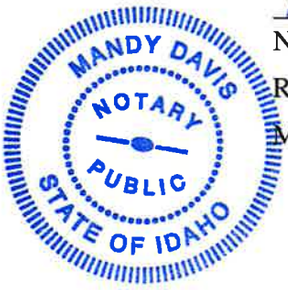
STATE OF IDAHO,)

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.



Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011

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: **A22-07269**
Date Received: 5/16/1991
Receipt No: E016117
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A2207269

1. Name: CITY OF NEWDALE
   Address: P.O. BOX 70
   NEWDALE, ID 83436

2. Date of Priority: FEB 21, 1978

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	41E	34	SE SE		FREMONT

5. Description of diverting works:
   2 WELLS, PIPED TO HOMES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MUNICIPAL	01/01	12/31	1.520		

7. Total Quantity Appropriated is:
   1.520 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres

11. Place of use in counties:

12. Do you own the property listed above as place of use? YES

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OCT 29 1992
SCANNED
AUG 08 2007

13. Other Water Rights Used:
A22-02217

14. Remarks:
Place of use within the city limits of Newdale.

15. Basis of Claim: LICENSE

16. 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Mayor (Title) of City of Newdale (Organization), that I have signed the foregoing document in the space below as Mayor (Title) of City of Newdale (Organization) and that the statements contained in the foregoing document are true and correct.

Edward V. Bunyer
Signature of Authorized Agent

Mayor of Newdale
Title and Organization

May 24 1991
Date

State of Idaho)
) SS.
County of Fremont)

Subscribed and sworn (or affirmed) before me this 24th day of May 19 91

Susan Lott
Notary Public

Seal

Residing at Newdale, ID

My Commission Expires 3-94

SCANNED
AUG 08 2007
MICROFILMED
OCT 29 1992