

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

RIGHT NUMBER: 22-7322

NAME AND ADDRESS:

MADISON SCHOOL DISTRICT # 321
PO BOX 830
REXBURG ID 83440-1520

*Sent SFS to S.D.
January 9, 2009.*

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

0.090 CFS

10.500 AFY

Right Nos. 22-7322 and 22-13523 are limited to a total combined diversion rate of .09 cfs.

PRIORITY DATE:

03/25/1980

POINT OF DIVERSION:

T05N R39E S23 SWNWNE
Within MADISON County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/01 11/01

0.090 CFS

10.50 AFY

PLACE OF USE:

IRRIGATION

within MADISON County

T05N R39E S23 NWNE 4.6

~~T05N R39E S23 NWNE 3.0~~

4.6 ACRES TOTAL

~~3 ACRES TOTAL~~

Right Nos. 22-7322 and 22-13523 are limited to the irrigation of a combined total of 4.6 acres in a single irrigation season.

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

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

Right No. 22-13523 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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



Idaho Department of Water Resources

SRBA Recommendation:

22-7322

22-13523

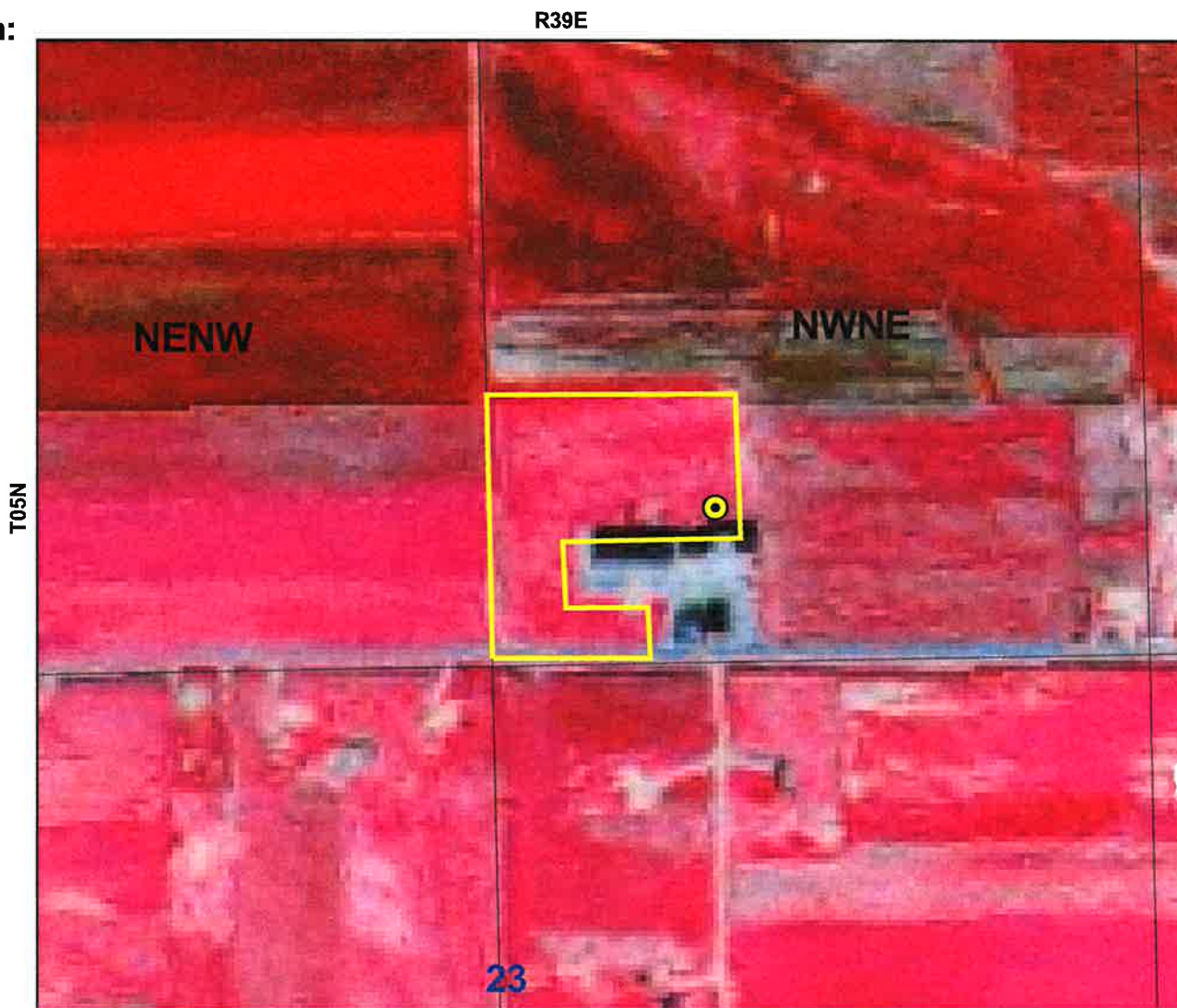
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Madison County
IDWR Basin 22



0 0.1 0.2 Miles

Prepared by T. Galbraith
On Wednesday, September 27, 2006
1987/88 Aerial Photography



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-7322

SCANNED
JUN 29 2006

PROPRIETARY

Point(s) of Diversion:
T5N, R39E
Sec. 23 SWNWNE

Place of Use: (part of)
T5N, R39E
Sec. 23 NWNE

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: September 2005

Ruberry, Allen

From: Jerry Rigby [jrigby@rigby-thatcher.com]
Sent: Friday, January 13, 2006 7:45 AM
To: Al Ruberry
Subject: Madison School District 321

Al,

Madison School District has brought their documents in on the following individual school rights: Hibbard: 22-7324; Burton 22-7323; Lyman 22-7322; and Madison High School 22-7106. All rights, except for the high school lack the actual number of acres which have been and are being watered. Because of the request to reply today, I have told them to reply to the preliminary recommendations with their determination of acreage on each of the rights. You should be receiving them shortly (they may have been put in the mail last night or first thing this morning. Obviously, we will need to discuss this to see if we can get you what you need to increase the individual acreage limitations you have placed on the individual schools. This may also require an increase in individual cfs. I am having them determine the actual pumping capacity of each of the pumps at their schools.

One additional item which I need to work on. The elementary school out in Archer apparently only has a domestic water right. However, it has been using the well to irrigate the lawns and playgrounds around the school. As you will see from the affidavit accompanying the rights described above, the well has been used for irrigation for many years (82). However, it is clear that the well was not used for irrigation before 63 and therefore we need to work something out. The school does have shares in the local canal company. What are your thoughts on working something out for Archer? Obviously, one method would be to get the canal company to mitigate for the consumptive use of the pumped water (as was done for the Ashton High School). Anyway, I would appreciate any input you might have.

Thanks

Jerry R. Rigby

Rigby, Thatcher, Andrus, Rigby & Moeller, Chartered
 P.O. Box 250
 Rexburg, Idaho 83440

Telephone: (208) 356-3633 Fax: (208) 356-0768

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SCANNED

JUN 29 2006

I checked with Roger Lamm about
 applic. with mitigation - Low probability of
 Success!

Use surface water first!

PROFILE

1/23/2006

06/09/2005

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: 22-7322
MADISON SCHOOL DISTRICT # 321
PO BOX 830
REXBURG ID 83440-1520
Telephone Number: (208)359-3300

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

Acreage is insufficient & CFS is too low.

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

*Acreage should be 4.61 Acres
CFS should be 0.18 CFS*

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

*See attached plat w/ calculation of Acres, less
building & parking = 4.61 Acres
Pump pumps 80 gallons/minute = 0.18 CFS*

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

DATE:

1/12/2006

SIGNATURE:

Vaughn Snedaker, Business Manager
Vaughn Snedaker

Please print your name:

IDWR Regional Office,

1/23/06

Resources in ~~Ammon~~ New River
IT IS Recommended "As Claimed"
ASR

RECEIVED

JAN 17 2006

Department of Water Resources
Eastern Region

E0007503 -

5N 39E 23 NWNE.

(2401)

James M. Anderson

140728

05 N 39E SEC. 23

0.*

239.36+

288.75+

528.11*

528.11x

495.=

261,414.45*

261,414.45÷

43,560.=

Total Acres 6.00*

6.00+

Bldg & Parking 1.39-

4.61*

4201
m Alan Walker
et ux
238341

Judy Easter
232404
Kory Jon Hoffhouse et ux
257127

Gaylen W. Bagley
185821
289229E

Joseph R
Costa
200187

Gease A. Mummm et ux
Secretary of Homage (Hurd)
Gladys M. Mummm et ux
Vallinda, Inc
313526 285870
318887 287445
287445
443 311688
471 T-4

Citizens Bank Inc
Sergio Garcia et ux
323288 281573 32354
283731
283732 471

Devin R
Shawm
et ux
249570

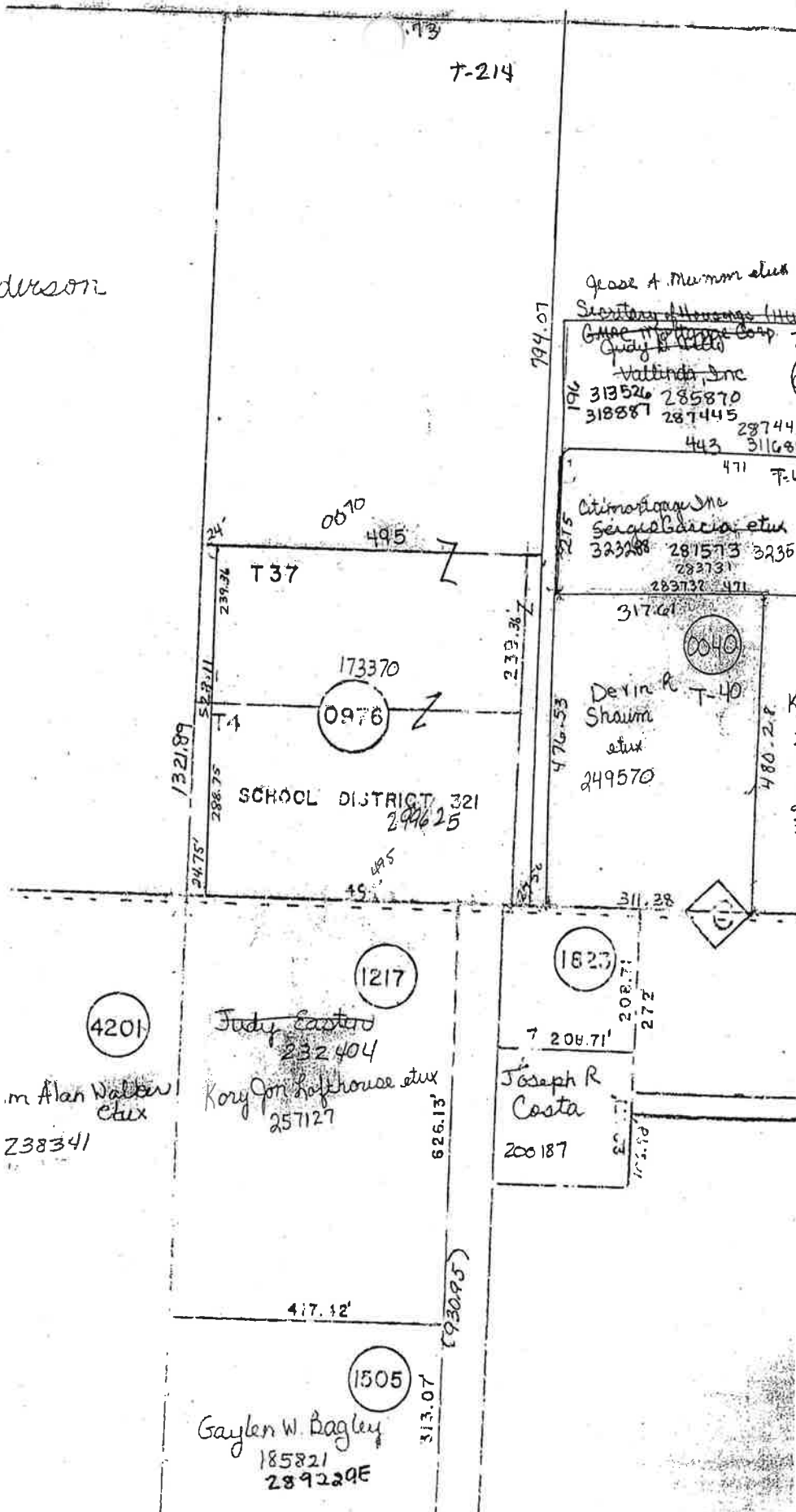


4217
T35
1884
19 Kin
m
2
252787
252786
253321
244909

Jerome
Gowen et ux
243645
31105E

G. O. S.
161041
680

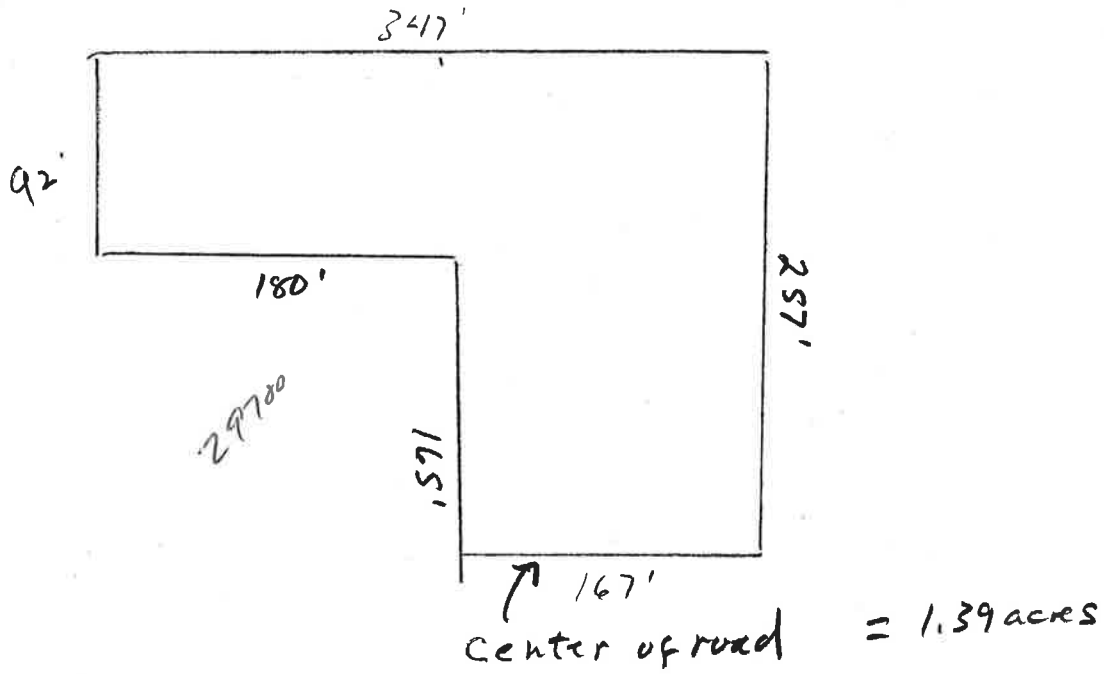
Paula S. Siler
et ux
258193
4510
500



Lyman

N↑

Area of Building + Parking Lots



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7322 Priority March 25, 1980 Amount 0.09 cfs

THIS IS TO CERTIFY, that Madison School District #321
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 22-7322 issued pursuant to Application for Permit dated March 25, 1980
and has submitted proof to the Department of Water Resources on April 12, 1982
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.15 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	<u>from April 1 to November 1</u>	<u>at 0.09 cfs</u>	<u>and 10.5 acre feet</u>
	<u>from _____ to _____</u>	<u>at _____ cfs</u>	<u>and _____</u>
	<u>from _____ to _____</u>	<u>at _____ cfs</u>	<u>and _____</u>

(both dates inclusive)

Subject, however, to the condition that no more than 0.09 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
10.5 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23,
Twp 5N, Rge 39E in the County of Madison

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
5N	39E	23		3															3

Total number of acres irrigated 3

Use is for Lyman School.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7TH day of September, 19 84.

MICROFILMED

Acting for the

Director

Norman C. Young

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: A22-07322
Date Received: 6/29/1988
Receipt No: E000578
Received By: ALJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MADISON SCHOOL DISTRICT 321 208-359-3335
Address: P.O. BOX 830
REXBURG, ID 83440

2. Date of Priority: MAR 25, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	23	NW	NE			MADISON

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.090		

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

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	23	NW	NE		IRR	3.0
Section Acres							3.0
Total Acres							3.0

A22-07322

Page

1

Date: 06/29/88

MICROFILMED

OCT 29 1992

A2207322



11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE

14. Remarks:
USE IS FOR LYMAN SCHOOL.

15. Basis of Claim: LICENSE
Water Right Number: 227322

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

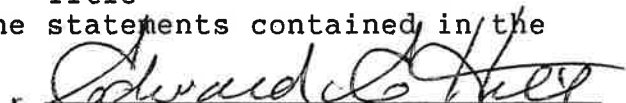
Signature of Claimant(s): _____ Date: _____
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am _____ Superintendent _____ of _____ Title _____

Madison School District #321 _____, that I have signed the foregoing
Organization
document in the space below as _____ Superintendent _____ of
Title _____

Madison School District #321 _____ and that the statements contained in the
Organization
foregoing document are true and correct.


Signature of Authorized Agent

Superintendent, Madison School District #321
Title and Organization

7-11-88
Date

State of Idaho

County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 11th day

of July 19 88

Seal

[Signature]
Notary Public

Residing at Rexburg

My Commission Expires 1/1/92

