

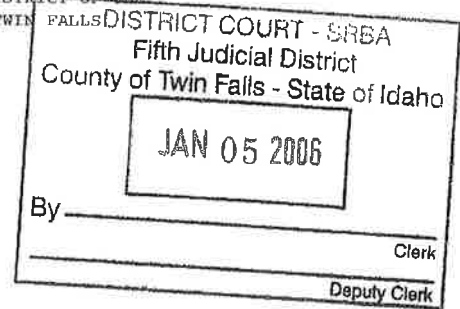
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-11189



NAME AND ADDRESS: COUNTY OF MADISON
134 E MAIN ST
PO BOX 389
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

The quantity of water under this right shall not exceed 2,500
gallons per day.

PRIORITY DATE: 03/12/1953

POINT OF DIVERSION: T06N R39E S13 SWSW Within Madison County

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Domestic	01-01 TO 12-31	0.04 CFS

PLACE OF USE: Domestic Within Madison County
T06N R39E S13 SWSW

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

The quantity of water decreed for this water right is not a
determination of historical beneficial use.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

Law Offices

***RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered***

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Facsimile: (208) 356-0768
E-mail: blennon@rigby-thatcher.com

April 8, 2004

Idaho Department of Water Resources
ATTN: Nick L. Olson
900 N. Skyline Dr., Suite A
Idaho falls, ID 83402-1718

RECEIVED

APR 12 2004

Department of Water Resources
Eastern Region

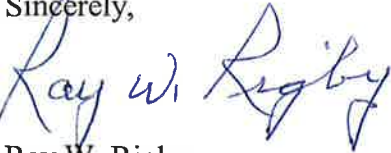
RE: SRBA Water Right Claim 22-11189

Dear Nick,

Your letter dated February 19, 2004, addressed to Madison County, asking for evidence of priority for the above claim, has been handed to me for a reply. I represent the City of Rexburg in filing and processing its water claims in the adjudication, and have filed several claims with extensive back up and support materials. I believe this right has been transferred to the City of Rexburg, by virtue of the annexation of the property to the city in 1982. In any event, the first power bill for the operation of this pump was paid in June of 1984, so presumably its first use was approximately one month prior thereto.

If you have any further questions or need any further clarification on this or any of the claims of the city of Rexburg, please don't hesitate to give me a call.

Sincerely,



Ray W. Rigby

RWR/bmil

February 19, 2004

**MADISON COUNTY
PO BOX 396
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11189

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of March 12, 1953, from a well.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

Claim no. A2211189

Claimant Contact Log

Date Remarks Agent initials

4/19/04 Priority Bureau request sent
4-12-04 RECEIVED LETTER FROM Ray Rixby
SAYING CITY OF REXBURG HAD APPROVED THE WIND
& GOLF COURSE 4-19-04 CALLED Ray Rixby OFFICE
TALKED TO SECRETARY ASK HER TO SEND ME SOME
EVIDENCE OF PRIORITY

10/1/04 Field exam of Kip of City of Rexburg, met w/
City engineer John Millar. This appears to claim
the same water use as A22-13022. Bac 10/11/04

Contacts Data Entry Form

Water Right No. A22M89

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Madison</u>	<u>County</u>				
Name connector: and		or				
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

B. U.

Commercial. Golf Course Club House

Recommend as claimant of Priority Evidences. MONTANA NOT

ROAD CONTACTS

N06

N11

FE. pod/pou

COVENANCE/SYSTEM

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: A 22 11189

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 12 March 1953 Claimed Basis: D. U.Recommended Priority Date: _____ Recommended Basis: D. U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

B. U. - Claim

Please see Ray Rigby letter in A22-203, claim date A22-13022, Madison County letter w/ this claim. Rigby letter indicates understanding of 2500 gallons/day limitation for post-1963 de minimus non-residential domestic. BAC 10/11/04 John Miller say city is/will be submitting evidence of priority.

Reviewer: _____

Date: _____

Water Right No(s). A2211189



GPS DATA:

Tag # E0007967 Location: pipe on top of well cap Bac 10/11/04

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

Point of Diversion and Source Data Entry Form

Claim Number: 12211189

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T 6N, R 39E, Sec. 13, SW, SW, SW. County: MadisonSource: Ground Water Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? CPS Tag # E007967

Document how the POD and Source were verified and/or Pump and Motor data:

GPS Waypoint 7 2675445 E 1406705 N FOTM 83
6N39E 13 SWSWSW Bac 10/11/04

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A2211187☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	39E	13	SW	SW	Madison			Commercial

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

POU is only the clubhouse @ golf course.
 6 N 39 E 13 SW SW. Bae 10/11/04

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A2211189☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Commercial	1/1	12/31		

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

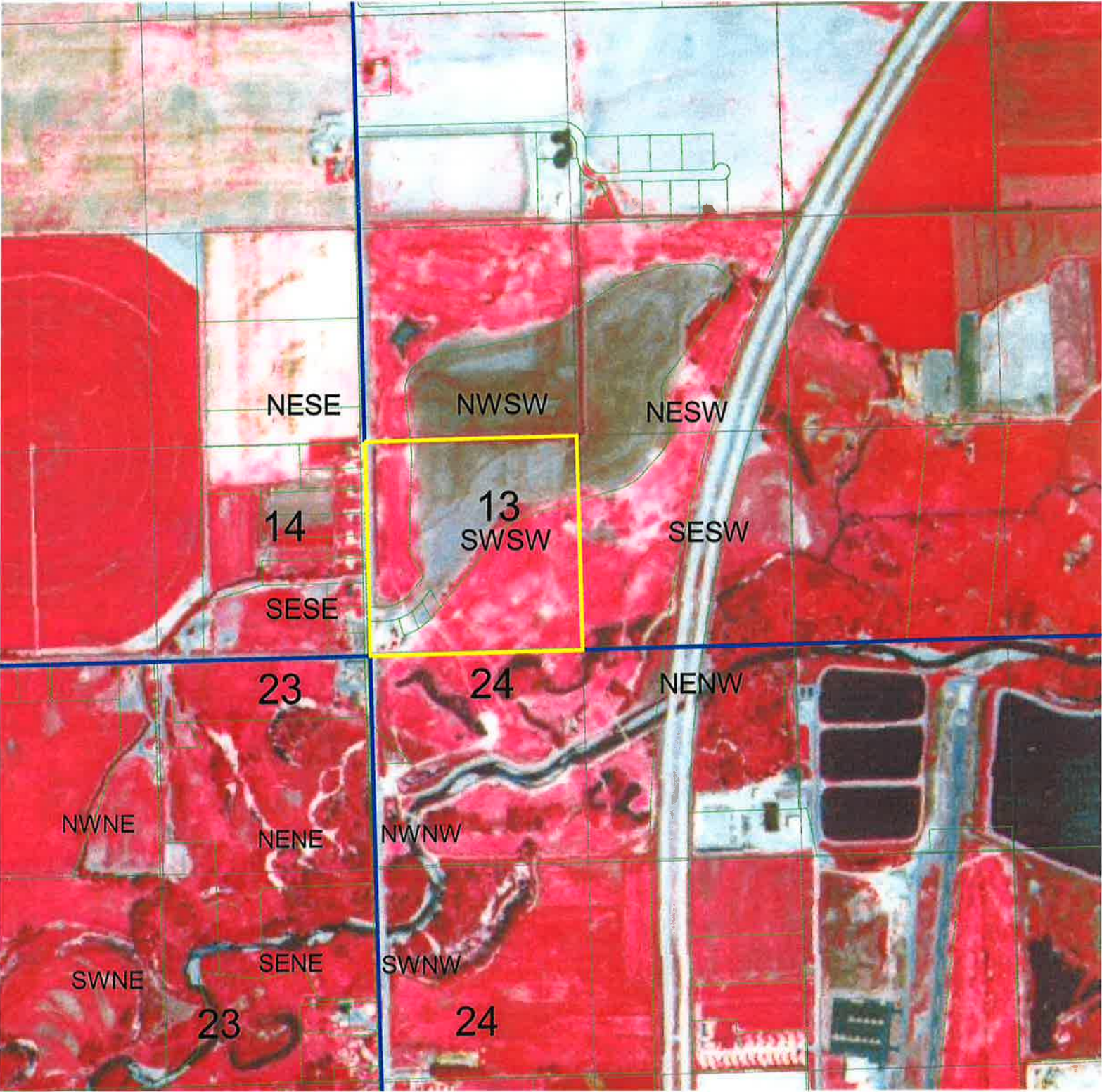
Document how the Period of Use and/or Diversion Rate were verified:

IDWR STD 504 1/1 — 12/31 Commercial

Reviewer: _____

Date: _____

22-11189



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: A22-11189
Date Received: 8/23/1988
Receipt No: E002520
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MADISON COUNTY
Address: P.O. BOX 396
REXBURG, ID

208-356-3662

83440

2. Date of Priority: MAR 12, 1953

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Department of Water Resources
Eastern District Office

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	39E	13	SW	SW	SW		MADISON

5. Description of diverting works:
WELL AND PUMP TO GOLF COURSE CLUB HOUSE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
COMMERCIAL	01/01	12/31	0.040	

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
C/ONE GOLF COURSE CLUBHOUSE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	13	SW	SW		COMMER	

11. Place of use in counties: MADISON

A22-11189

Page

1

Date: 08/23/88

MICROFILMED

NOV 06 1992

A221189



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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 we do not don't 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 Doyle W Walker of
Title
Madison County, that I have signed the foregoing
Organization
document in the space below as Chairman of County Commission of
Title
Madison County and that the statements contained in the
Organization
foregoing document are true and correct.

Doyle W Walker
Signature of Authorized Agent
County Commission
Title and Organization
Aug. 24, 1988
Date

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of August 19 88

Marie B Hooper
Notary Public

Seal

Residing at Reburg, Idaho

My Commission Expires 1-29-93
Date: 08/23/88

