

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

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.

RECEIVED

APR 17 2006

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 22-7022)

(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: P.O. Box 15

St. Anthony, Idaho 83445

Daytime Phone (208) 624-3381

Name & Address of Attorney, if any:

Jerry Rigby

P.O. Box 250

Rexburg, Idaho 83440

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

Name: Fremont-Madison Irrigation District

Address: P.O. Box 15

St. Anthony, Idaho 83445

SCANNED

JUL 18 2006

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: _____
3. ☒ **Quantity**
Should be: 140 cfs
4. ☐ **Priority Date**
Should be: _____
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: 1/01 through 12/31
9. ☒ **Place of Use**
Should be: Lands of Fremont-Madison Irrigation District
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 OBJECTIONS(S): This claim is for a water right in the form of a permit. Fremont-Madison Irrigation District has requested the Idaho Dept of Water Resources to conduct a field exam and grant a license on the above portion of the permit (140 cfs). The balance of the permit should remain in permit status allowing Fremont-Madison Irrigation District to pursue additional licensing of the balance of the permit.

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Fremont)

Jeff 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. §§ 42-1404A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.



[Signature]
(Signature of person filing objection)

Chairman, Fremont-Madison Irrig. Dist.

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 6, 2006

Ladonna Herman

Notary Public for State of Idaho

Residing at: Regley ID

My Commission Expires: 6-1-2011

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings 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 April 12, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

Name: Fremont-Madison Irrigation District
Address: P.O. Box 15
St. Anthony, ID 83445

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

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

Chief, Natural Resources Division
Office of Attorney General
P.O. Box 44449
Boise, ID 83711-4449

Dale R. Swenson

Signature of objector or attorney
mailing on Objector's behalf

Executive Director
Fremont-Madison Irrigation District



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 13, 2006

FREMONT-MADISON IRRIGATION DISTRICT
PO BOX 15
ST ANTHONY ID 83445

RE: Splitting of Permit No. 22-7022

Dear Permit Holder:

IDWR has processed the ownership change notice you submitted in connection with Permit 22-7022 and, as you requested, split the permit into two parts. The portions of Permit 22-7022 are now numbered 22-13505 and 22-13506. I have enclosed printouts of the elements of those permits for your records.

In your letter requesting that Permit 22-7022 be split, you did not indicate how much of the original 220,000 AF to assign to the 140 cfs portion (22-13505). If pumped continuously over a standard irrigation season of April 1 to October 31, 140 cfs will yield 59,320 AF. Therefore, Permit 22-13505 is limited to an annual total of 59,320 AF. Over an irrigation season, the remaining 530 cfs could yield more than the permitted 220,000 AF. Rather than limit Permit 22-13506 to the difference between 220,000 AF and 59,320 AF, both of the parts carry a condition limiting them to a combined total of 220,000 AF.

Also, one of the points of diversion you asked to be included in Permit 22-13505 is in T6N, R38E, which is not within the area where Permit 22-7022 authorized water to be diverted. To add a point of diversion in T6N, R38E, you must apply to amend Permit 22-13505. If you intend to submit proof of beneficial use for Permit 22-13505 right away so that it can be licensed and recommended in the SRBA as a license, it will probably be most efficient to wait until after the beneficial use field report to submit your application to amend the permit. That way, the application for amendment can be prepared to conform to the findings of the field examiner.

Finally, you described one of the points of diversion for Permit 22-13505 as being in the SENWSW of Sec. 34, T7N, R39E. However, the quitclaim deed you submitted to support your ownership change notice describes that point of diversion as being within the SWSW of Sec. 34, T7N, R39E. The Madison County tax lot data available to IDWR shows the parcel where the point of diversion was developed as being within the SWSW of Sec. 34, T7N, R39E, so that is what is represented on Permit 22-13505.

SCANNED

JUL 18 2006

PROFILED

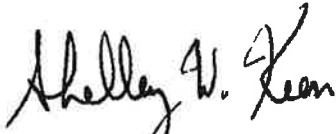
Fremont-Madison Irrigation District

April 13, 2006

Page 2

If you have any questions or concerns, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, reading "Shelley W. Keen". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shelley W Keen
Water Rights Supervisor

BOARD MEMBERS
MARK RICKS
GEORGE CRAPO
KEITH ERIKSON

FREMONT-MADISON IRRIGATION DISTRICT

P.O. BOX 15
ST. ANTHONY, IDAHO 83445
PHONE: 208-624-3381 FAX: 208-624-3990
EMAIL: fmid@ida.net

BOARD MEMBERS
DENNIS FRANSEN
DOUGLAS HILLAM
SCOTT NEVILLE
JEFF RAYBOULD

RECEIVED**FEB 13 2006**

DEPARTMENT OF
WATER RESOURCES

February 6, 2006

Gary Spackman
Idaho Dept of Water Resources
PO Box 83720
Boise, Idaho 83720-0098

Re: Permit #22-7022

Dear Mr. Spackman:

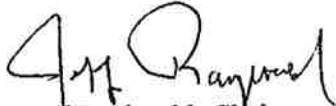
Fremont-Madison Irrigation District is requesting by way of this letter that the Idaho Dept of Water Resources (IDWR) split well permit #22-7022 into two parts. Part One is for the five wells that have been developed and are in operation. They are described as follows:

Present Owner:	Fremont-Madison Irrigation District	
Original Owner:	United States of America Acting Through Regional Director PN Region Bureau of Reclamation	
Priority Date:	04/23/1969	
Source:	Groundwater	
Beneficial Use:	Irrigation	
Period of Use:	01/01 through 12/31	
Diversion Rate:	140 cubic feet per second	
Points of Diversion:	SE4SE4NE4	Sec. 19, Twp 07N, Rge 40E, B.M. ✓
	SE4NW4SW4	Sec. 34, Twp 07N, Rge 39E, B.M. ✓
	SW4NE4	Sec. 25, Twp 06N, Rge 38E, B.M. ✓
	NE4NE4	Sec. 23, Twp 06N, Rge 39E, B.M. ✓
	NW4NW4SE4	Sec. 16, Twp 07N, Rge 39E, B.M. ✓
Place of Use:	see attached map	

We will ask the SRBA District Court to delay the issuance of a partial decree on Part One until IDWR can conduct the field exam and execute a license. Please inform us if IDWR desires Fremont-Madison to file an amended claim.

Part Two is for the balance of the permit which is the same Present Owner, Original Owner, Priority Date, Source, Beneficial Use, Period of Use, and Place of Use as Part One. The Diversion Rate is the difference between 670 cubic feet per second and what is licensed for Part One. The points of diversion are unknown at this time but would be within the boundaries of Fremont Madison Irrigation District.

Sincerely,


Jeff Raybould, Chairman

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: 22-7022 split into 22-
13505 & 22-13506

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ 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

☒ **Other: Permit split for licensing purposes**

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: May 5, 2006

Ernest Calano
Signature of IDWR Representative

SCANNED
JUL 18 2006

CERTIFICATE OF MAILING

I certify that on May 5, 2006, 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
PO BOX 15
ST ANTHONY ID 83445

3. One copy to:

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

4. One copy to:

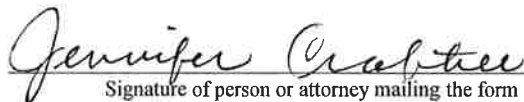
Each party in the subcase, or attorney of record
JERRY RIGBY
PO BOX 250
REXBURG ID 83440

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

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 22-13506

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant FREMONT-MADISON IRRIGATION DISTRICT
DALE SWENSEN SEC-TREAS
PO BOX 15
ST ANTHONY , ID 83445
(208)624-3381

Priority Date: 03/29/1921
Basis: Decreed/Permit
Status: Active

<u>Source</u>	<u>Tributary</u>
Ground Water	
Snake River	Columbia River

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	01/01	12/31	530 CFS	220000
Total Diversion			530 CFS	

Location of Point(s) of Diversion:

GROUND WATER SWSW Sec. 34 Township 07N Range 39E MADISON County

Place(s) of use: Within the authorized lands of the district.

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 various irrigation companies irrigation works located within the boundary of Fremont Madison Irrigation District for use on lands within Fremont Madison Irrigation District'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.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.
2. 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.
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.
3. 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.
4. Rights 22-13505 and 22-13506 when combined shall not exceed a total annual maximum diversion volume of 220,000 af.
- 5.X35 Place of use is within the boundary of Fremont-Madison Irrigation District pursuant to Section 43-323, Idaho Code.
- 6.127 Rights 22-13505 and 22-13506 when combined shall not exceed the irrigation of
- 7.

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.

8.P21 This right is a split from former right 22-7022.

9.A01 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.

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

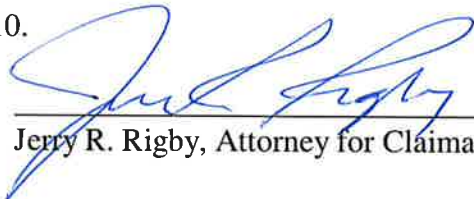
Signature(s)

(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 foregoing 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 22-13506
Date Received: 5/3/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FREMONT-MADISON IRRIGATION DISTRICT Phone: (208) 624-3381

PO BOX 15
ST ANTHONY ID USA 83445

2. Date of Priority: 04/23/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	39E	34	SW SW	MADISON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	01/01	12/31	530	220000

7. Total Quantity Appropriated is:
530 C.F.S. and/or 220000 A.F.A.

8. Total consumptive use:

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? No

13. Other Water Rights Used:

14. Remarks:

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 right authorizes the development of up to 40 points of diversion within T6N, R39E; NW $\frac{1}{4}$ of T6N, R40E; T7N, R39E; and the W $\frac{1}{2}$ of T7N, R40E; B.M.

15. Basis of Claim: Permit

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 Organizations:

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

_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title

_____, and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20 _____

Notary Public

Residing at _____

My commission Expires _____