

03/21/2011

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13522

NAME AND ADDRESS: MADISON SCHOOL DISTRICT # 321
PO BOX 830
REXBURG ID 83440-1520

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
7.350 AFY

Right Nos. 22-7324 and 22-13522 are limited to a total combined diversion rate of 0.09 cfs.

PRIORITY DATE: 10/31/1985

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T06N R39E S10^{NE} NESE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.060 CFS 7.35 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R39E S10 NESE 5.10

5.1 ACRES TOTAL

Right Nos. 22-7324 and 22-13522 are limited to the irrigation of a combined total of 5.1 acres 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.

This right is based upon an enlargement of Right No. 22-7324 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 22-7324 is also diverted through point of diversion described above.

This right is for an enlargement of 2.1 acres within the place of use described for this right.

Law Offices

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

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G. Rich Andrus
Jerry R. Rigby
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Idaho Department of Water Resources
ATTN: Trent
900 N Skyline Drive, Suite A
Idaho Falls, ID 83402-6105

May 1, 2006

Dear Trent,

Enclosed please find enlargement claims for water right numbers 22-7322 and 22-7324. Attached to each is an affidavit by Mel Dickerson, a former Madison School District employee. On the maps, I have marked the areas we are claiming under beneficial use with blue ink. Also enclosed is a check from our firm for \$104.60 for the filing fees. If you have any questions or comments, please feel free to call us at the office.

Thank you,



Robert Wood
Assistant to Jerry Rigby

RECEIVED

MAY 03 2006

Department of Water Resources
Eastern Region

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AUG 22 2007

AFFIDAVIT OF IRRIGATION USAGE
Madison School District #321

I Mel Dickerson, certify that I was an employee of Madison School District from 1977 through 1995. I started installing sprinkler systems for Madison School District in 1979. I installed the sprinkler systems for all schools in the district by the end of the summer of 1985.

I have discussed this with the Madison School District Maintenance Department who have verified that major renovation was done at Archer Elementary during the summer of 1982. I am certain that the Archer Elementary School sprinkler system was installed during that same summer.

The North end of Hibbard Elementary school had been sprinkled from well water with movable pipe before I came to work for the school district. After the Hibbard roof collapsed during the winter of 1983-1984 the Hibbard Elementary School was rebuilt. The new building was completed during 1984 and the underground sprinkler system on the entire playground (North, West, and South) was installed by the end of summer 1985.



Mel Dickerson
Retired Employee, Madison School District

9 Jan 06
Date Signed

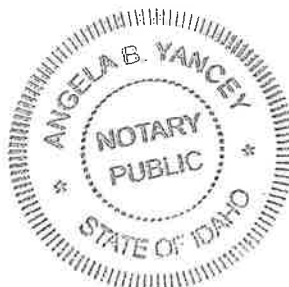
STATE OF IDAHO)
)
County of Madison)

On this 9th day of January 2006, before me Angela Yancey, a Notary Public in and for said State, personally appeared Mel Dickerson, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year in this certificate first above written.



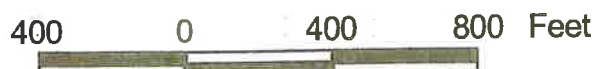
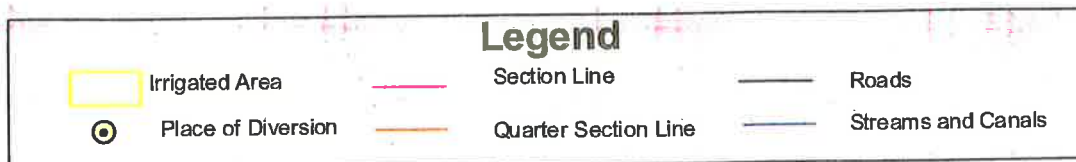
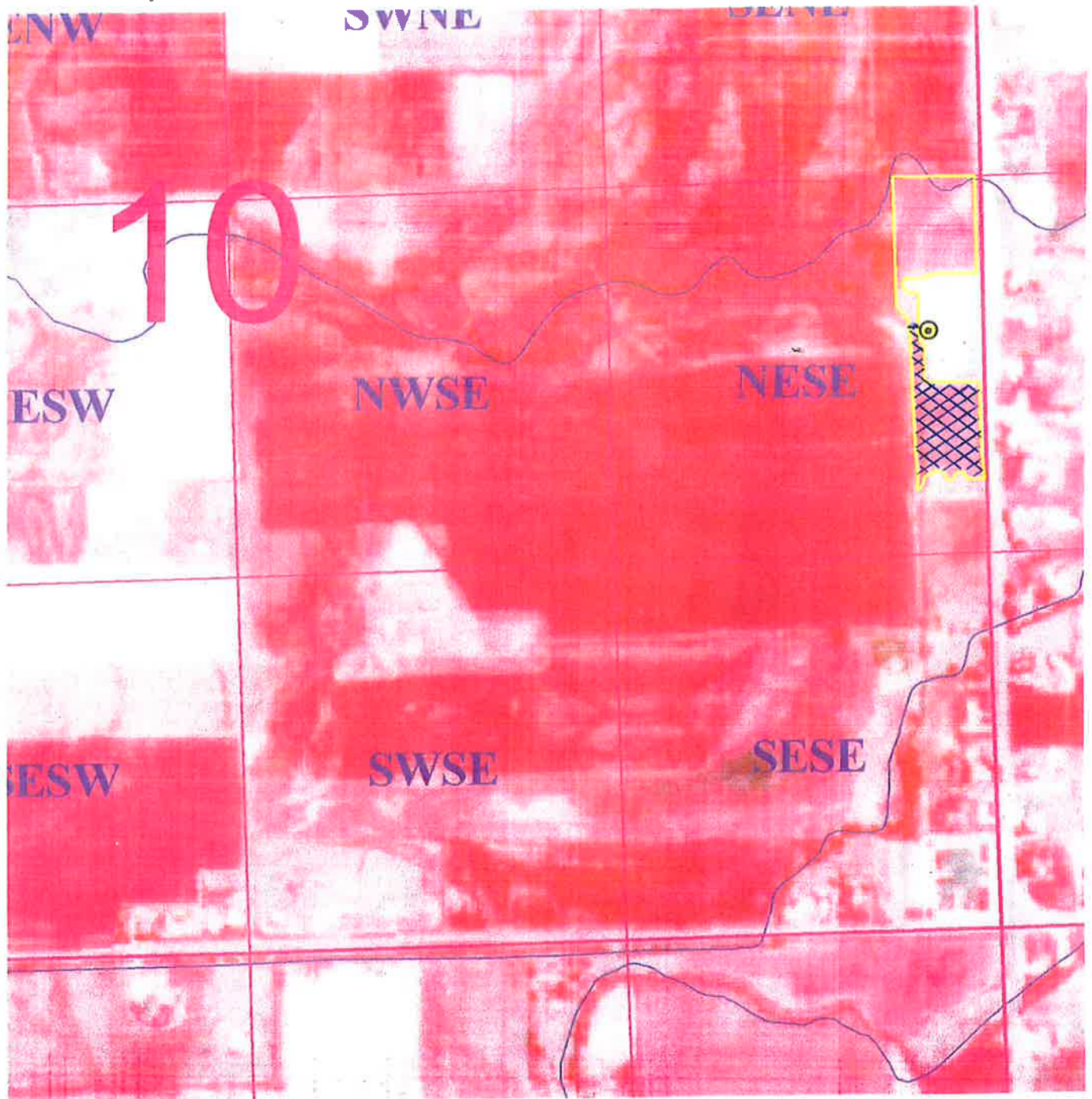
Notary Public for Idaho
Residing at: Rexburg
My Commission Expires: 4/27/2011



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Water Right Claim Number 22-07324
Township , 6N39E

07/11/2001



SPATIAL
DYNAMICS

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 22-13522

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant MADISON SCHOOL DISTRICT # 321
PO BOX 830
REXBURG, ID 83440-1520
(208)359-3300

Priority Date: 01/23/1901
Basis: Decreed/License
Status: Active

<u>Source</u>	<u>Tributary</u>				
Ground Water					
Teton River	Snake River				
<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	
IRRIGATION	04/01	10/31	0.06 CFS	7.35 AFA	
Total Diversion			0.06 CFS		

Location of Point(s) of Diversion:

GROUND WATER NENESE Sec. 10 Township 06N Range 39E MADISON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	39E	10		NESE	5.1									

Total Acres: 5.1

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 Island Ward 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.

- 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.
1. C18
 2. E51 Right Nos. 22-7324 and 22-13522 are limited to a total combined diversion rate of .09 cfs.
 3. E55 Right Nos. 22-7324 and 22-13522 are limited to the irrigation of a combined total of 5.1 acres in a single irrigation season.
 4. K09 This right is for an enlargement of 2.1 acres within the place of use described for this right.
 5. K02 This right is based upon an enlargement of Right No. 22-7324 pursuant to Section 42-1426, Idaho Code.
 6. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

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.



Mandy Davis
Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011



Idaho Department of Water Resources

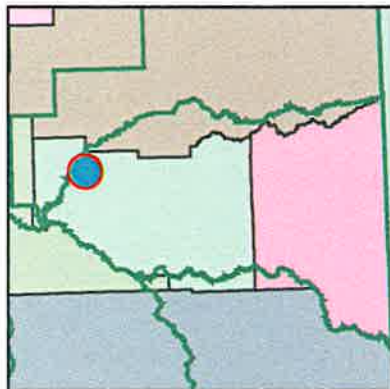
SRBA Recommendation:

22-7324

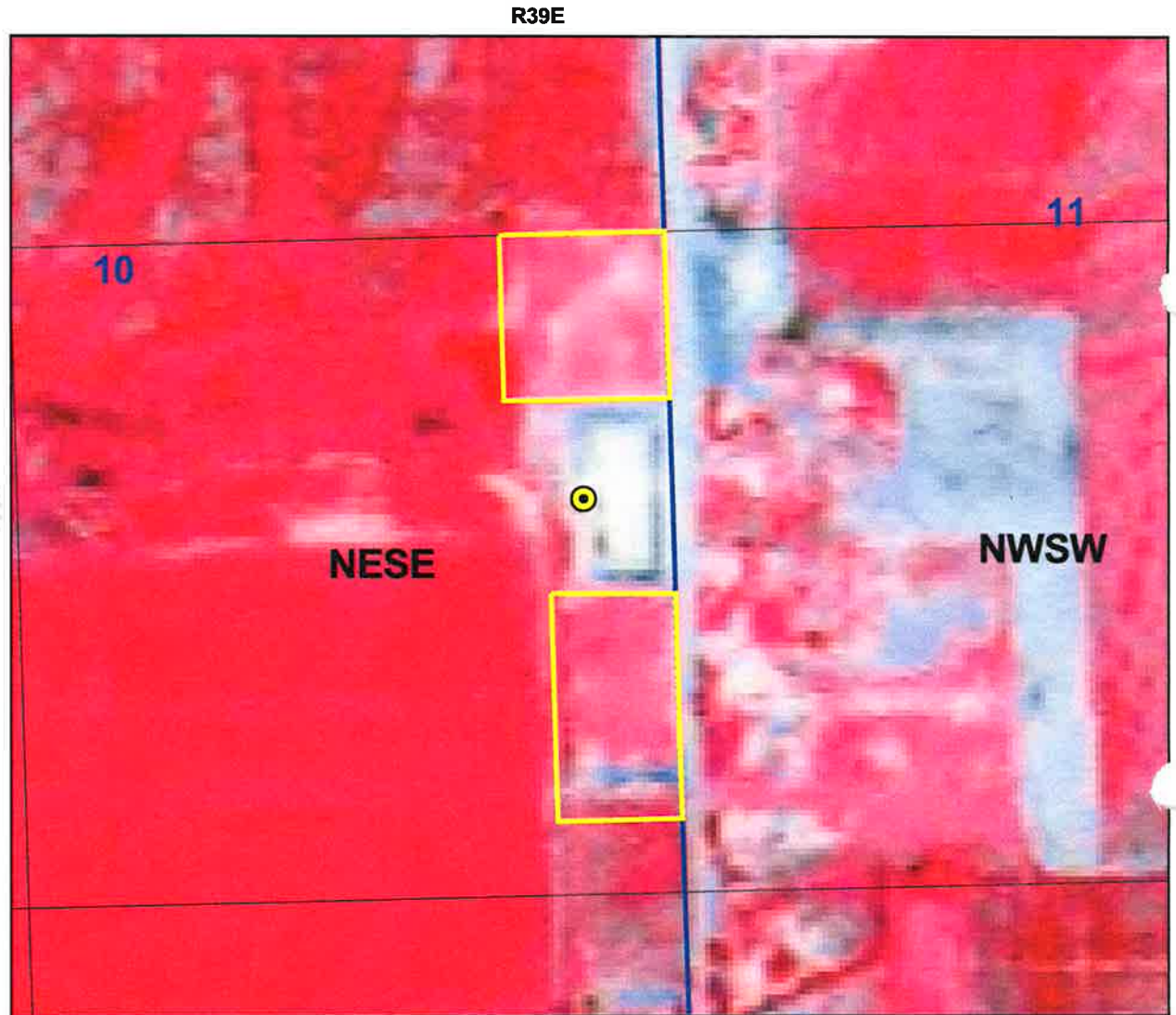
22-13522
(Irrigation)

Legend

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



Madison County
IDWR Basin 22



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

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 22-13522
Date Received: 5/4/2006
Receipt No: E031866
Received By: TG

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MADISON SCHOOL DISTRICT # 321 Phone: (208)359-3300

PO BOX 830
REXBURG ID USA 83440-1520

2. Date of Priority: 03/25/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	39E	10	NE NE SE	MADISON	

5. Description of diverting works:

Existing well, pump, and sprinkler system.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.09	10.5

7. Total Quantity Appropriated is:
0.09 C.F.S. and/or 10.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

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10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	39E	10	NE	SE	IRRIGATION	3
Section Acres						3
Total Acres						3

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:

14. Remarks:

This is an enlargement claim for 3 additional acres, based upon water right no. 22-7324. This is an increase of 3 acres in the SE1/4 of NE1/4 of SE1/4 above the licensed 3 acres in the NE1/4 of NE1/4 of SE1/4, for a total of 6 irrigate acres.

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 _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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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 _____

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 _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 03 2006

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Madison School District #321 Phone (208) 359-3300

Mailing Address P.O. Box 830 Rexburg, Idaho Zip 83440

2. Date of Priority (Only one (1) per claim) 03/25/1980

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 06N Range 39E Section 10,
NE 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Madison

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Existing well, pump and sprinkler system.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 0.090 or 10.50

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.090 (cfs) and/or (b) 10.50 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
06N	39E	10													3				

Total number of acres irrigated 3

11. In which county (ies) are lands listed above as place of use located? Madison

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

This is an enlargement claim for 3 additional acres, based upon water right no. 22-7324. This is an increase of 3 acres in the SE1/4 of NE1/4 of SE1/4 above the licensed 3 acres in the NE1/4 of NE1/4 of SE1/4, for a total of 6 irrigated acres.

Last Name _____ Ident No. _____

SCANNED

AUG 22 2007

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 22-7324
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

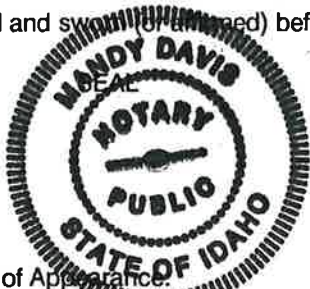
For Organizations: I do solemnly swear or affirm that I am business Manager/Treasurer
of Madison School District #321, that I have signed the foregoing
document in the space below as business Manager/Treasurer of Madison School Dist #321
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization business mng/Treasurer, Madison Sch. Dist Date 5/1/2006

State of Idaho/or _____)
County of Madison) SS.

Subscribed and sworn to (signed) before me this 1st day of May 19 2006



Notary Public Mandy Davis

Residing at ST. Anthony Idaho

My Commission Expires 6-24-2011

Please Print Name

17. Notice of Appearance.

Notice is hereby given that, Jerry R. Rigby will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address P.O. Box 250, Rexburg, ID 83440

Date May 1, 2006

Last Name _____ Ident. Number _____

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AUG 22 2007