

09/27/2006

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

RIGHT NUMBER: 22-13523

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
5.60 AFY

Right Nos. 22-7222 and 22-13523 are limited to a total combined diversion rate of .09 cfs.

PRIORITY DATE: 04/01/1987

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:

T05N R39E S23 SWNWNE 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	0.050 CFS 5.60 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R39E S23 NWNE 4.60
4.6 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.

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

This right is based upon an enlargement of Right No. 22-7322 pursuant to Section 42-1426, Idaho Code.

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 - Beneficial Use

This right is for an enlargement of 1.6 acres within the place of use described for this right.

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Idaho Department of Water Resources

SRBA Recommendation:

22-7322

22-13523

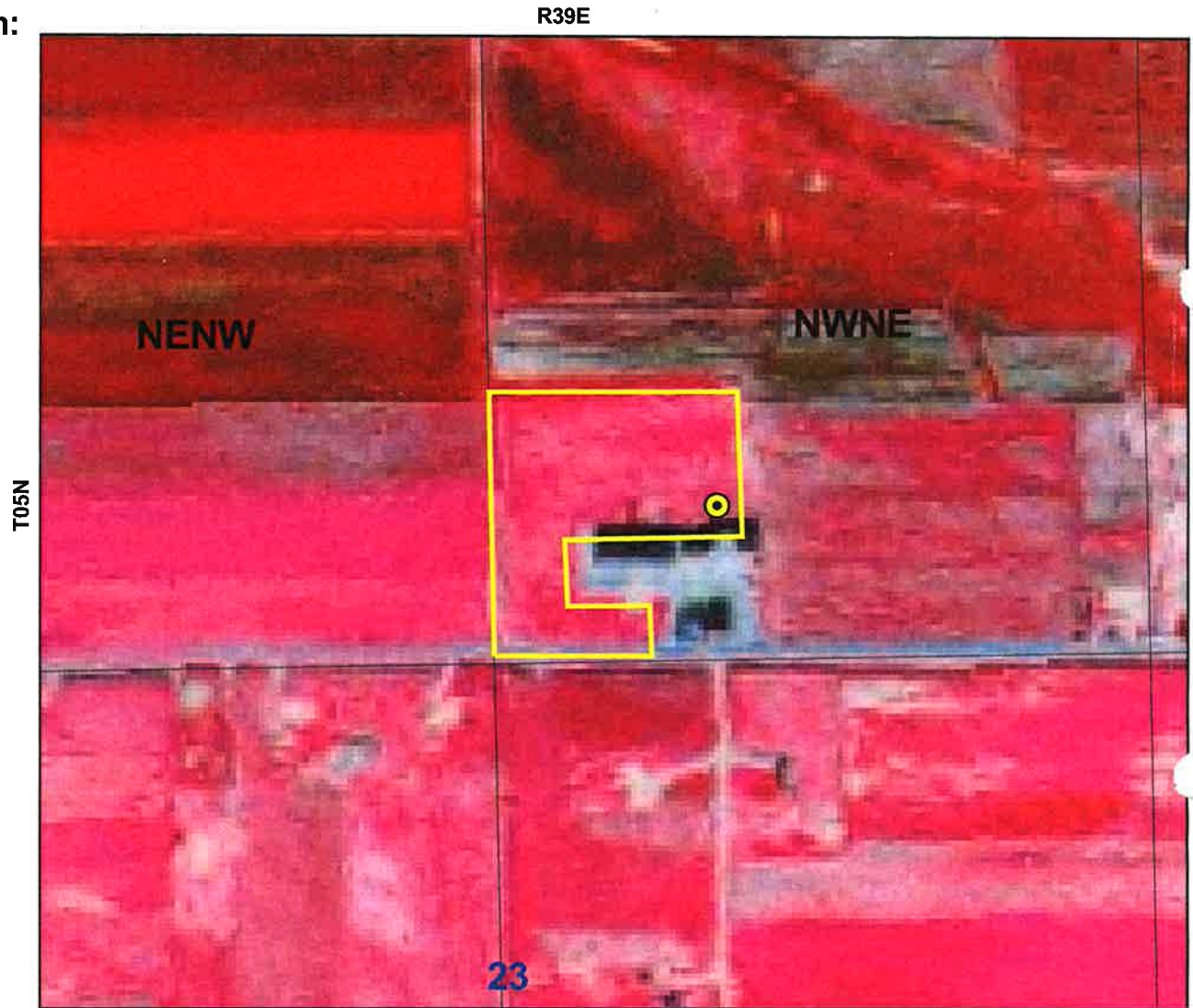
(Irrigation)

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

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

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

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



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

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 Feet

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Claimant: Madison School District #321
Attorney: Jerry R. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA

Subcase: 22-7322, 22-7323

Case No. 39576

AFFIDAVIT OF MEL DICKERSON

STATE OF IDAHO)

ss.

County of Madison)

Mel Dickerson, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 1161 N 2582 W, Rexburg, ID 83440.
2. I certify that I was an employee for Madison School District from 1977 to 1995. I started installing sprinkler systems for Madison School District in 1979. I installed sprinkler systems for all schools in the district by the end of the summer of 1985. During this time I also cared for the grounds of all of the elementary schools in the district.
3. The south end of the Burton playground is poorly represented in the map

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AL 13 07

created by the Idaho Department of Water Resources. The south end is actually squared off and I certify that this section was watered by the new sprinkler system I helped install by at least 1985. The present IDWR map's southern boundary cuts out at least 1.4 acres of land that has been irrigated since the early 1980s. I have attached the IDWR map with the changes I have made to more accurately reflect the correct area which has been watered since the sprinkler system was installed in the early 1980s.

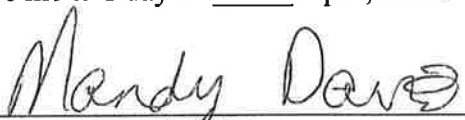
4. The north boundary of the IDWR map for the Lyman Elementary School is too far south. As it is drawn, it cuts off at least 1.6 acres of the playground. This cut-off portion was also watered by the new sprinkler system by 1985. I have attached the IDWR map with the changes I have made to more accurately reflect the correct area which has been watered since the sprinkler system from 1985.

Dated this 26th day of April, 2006.


Mel Dickerson

SUBSCRIBED AND SWORN to before me this day of 26th April, 2006.




Notary Public for Idaho
Residing at Rexburg, Idaho
My Commission Expires: 6-24-11

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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 22-13523
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
05N	39E	23	SW NW NE	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:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	39E	23	NW	NE	IRRIGATION	1.6
Section Acres						1.6
Total Acres						1.6

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 an additional 1.6 acres, based upon water right no. 22-7322. This is an increase of 1.6 acres above the licensed 3 acres in the NW1/4 of NE1/4, for a total of 4.6 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.

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
Ident. Number
Date Received
Receipt Number

22-13523
Enlargement

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 83440-1520

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 05N Range 39E Section 23,
SW 1/4 of NW 1/4 of NE 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 0.09 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) 0.09 (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	
05N	39E	23		1.6															1.6

Total number of acres irrigated 1.6

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 an additional 1.6 acres, based upon water
water right no. 22-7322. This is an increase of 1.6 acres above the licensed 3
acres in the NW1/4 of NE1/4, for a total of 4.6 acres.

Last Name _____ Ident No. _____

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15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 22-7322
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 Manager/Treasurer, Madison Sch Dist Date 5/1/2006

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

Subscribed and sworn to (or affirmed) 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 I, 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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