

9. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
See Attached Pages for Large Place of Use																			

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both to irrigate your lawn, garden, and/or landscaping? Additional municipal water rights include 22-7074, 22-7175, 22-7176, 22-7617, 22-7754, 22-13790, which are included in the city water supply system. Yes, this water will be used for irrigation of lawn, garden, and landscaping.

- 11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Applicant proposes to add three new wells to tie into the city water supply system. The new wells will deliver additional rate only. No additional volume is sought.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

John Millar Public Works Dir JOHN MILLAR
 Signature of Applicant (and title, if applicable) Print Name (and Title, if applicable)

For Department Use:
 Received by _____ Date 8/6/08 Time _____ Preliminary check by _____
 Fee \$ 890 Received by _____ # EO 34314 Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

3. Location of All Points of Diversion

All wells are within Madison County, ID

1/4	1/4	Section	Township	Range	Local Name for Diversion
*SE	NE	35	6N	39E	PROPOSED WELL #2
*SW	SW	17	6N	40E	PROPOSED WELL #1
SW	SW	17	6N	40E	NORTH WELL
SW	SW	20	6N	40E	SMITH WELL
SW	SW	29	6N	40E	WELL 6
SW	SW	29	6N	40E	WELL 1
SE	NW	30	6N	40E	PORTER WELL
*NE	SE	31	6N	40E	PROPOSED WELL #3
NE	SE	31	6N	40E	WELL 5

* indicates a proposed well. All others are existing wells.

9.b. Place of Use Legal Description: MUNICIPAL 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>
05N	40E	6		NENW			SENW							
06N	39E	13		NESW			NWSW			SWSW			SESW	
		24		NENW			NWNW							
				NESE			NWSE			SWSE			SESE	
		25		NENE			NWNE			SWNE			SENE	
				NESE			NWSE			SWSE			SESE	
		36		SENE										
				NESE			SESE							
	40E	15		NENE			NWNE			SWNE				
				SENW										
				NWSW			SWSW			SESW				
		19		NENE			NWNE			SWNE			SENE	
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
		20		NENE			SENE							
				NESW			NWSW			SWSW			SESW	
				NWSE			SWSE							
		21		NWNW										
		30		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENW	
				NESW			NWSW			SWSW				
				NWSE										
		31		NWNW			SWNW							
	43E	1		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENW	
				NESW			NWSW							
				NESE			NWSE							
		2		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENW	
				NESW			NWSW			SWSW				
				NESE			NWSE							
		3		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENW	
				NESW			NWSW			SWSW			SESW	
				NESE			NWSE			SWSE			SESE	
	44E			NWNE			SWNE			SENE				

	SWNW	SENE		
	NESW	NWSW		
	NESE	NWSE		
4	NWNE	SWNE	SENE	
	NENW	SENE		
	NESW	SESW		
	NESE	NWSE	SWSE	SESE
5	NWNW	SWNW		
	NWSW	SWSW		
6	NENE	SENE		
	NENW	NWNW	SWNW	SENE
7	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SENE
	NESW	SESW		
	NESE	NWSE	SWSE	SESE
8	SWNE	SENE		
	NWNW	SWNW	SENE	
	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE
9	NENE	NWNE	SWNE	SENE
	NENW	SENE		
	NESW			
	NESE	NWSE	SWSE	SESE
10	NENE	NWNE	SWNE	
	NWSE	SWSE		
15	SWNW	SENE		
	NWSE	SWSE	SESE	
16	SENE			
	NESE			
17	NENE	NWNE	SWNE	SENE
	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE
18	NESW	SESW		
	NESE	NWSE	SWSE	SESE
19	SENE			
	NESE			
20	NENE	NWNE	SWNE	SENE
	NENW	NWNW	SWNW	SENE
	NESW	NWSW	SWSW	SESW
	NESE	NWSE	SWSE	SESE

		21	NENE NENW NESW	NWNE NWNW	SWNW	
		22	NENW	NWNW	SWNW	SENW
07N	43E	25	NESW	NWSW	SWSW	SESW
		26	NENE SWNW NESW NESE	NWNE SESW NWSW NWSE	SWNE	SENE
		27	SWSW	SESW		
		33	NENE NESE	NWNE NWSE	SWNE SWSE	SENE SESE
		34	NENE NENW NESW NESE	NWNE NWNW NWSW NWSE	SWNE SWNW SWSW SWSE	SENE SENW SESW SESE
		35	NENE NENW NESE	NWNE NWNW NWSE	SWNE SWNW SWSE	SENE SENW SESE
		36	NENW NESW NESE	NWNW NWSW NWSE	SWNW SWSW SWSE	SENW SESW SESE
	44E	28	NWSW	SWSW		
		29	NESW NESE	NWSW NWSE	SWSW SWSE	SESW SESE
		30	NENE NENW NESW NESE	NWNE NWNW NWSW NWSE	SWNE SWNW SWSW SWSE	SENE SENW SESW SESE
		31	NENE NENW NESW NESE	NWNE NWNW NWSW NWSE	SWNE SWNW SWSW SWSE	SENE SENW SESW SESE
		32	NWNE NENW NESW NWSE	SWNE NWNW NWSW SWSE	SWNW SWSW	SENW SESW

City of Rexburg

Total Volume Permitted

<u>Water Right</u>	<u>cfs</u>	<u>AFA</u>	<u>AF/day</u>
22-7074	1.57	1,136.64	3.1
22-7175	5.61	4,061.51	11.1
22-7176	4.68	3,388.21	9.3
22-7754	2.77	2,005.42	5.5
22-13790	4.9	3,547.49	9.7
22-7617	2.2	1,592.75	4.4
Total	21.73	15,732.03	43.1

Volume Used from July 06 to June 08

<u>Month</u>	<u>Days</u>	<u>Gal. Used</u>	<u>AF/Month</u>	<u>AF/Day</u>	<u>AF/Day Permitted</u>	<u>% of Permitted</u>
Jul-06	31	295,421,000	906.6	29.2	43.1	67.9%
Aug-06	31	290,159,000	890.5	28.7	43.1	66.6%
Sep-06	30	196,567,000	603.2	20.1	43.1	46.7%
Oct-06	31	102,650,000	315.0	10.2	43.1	23.6%
Nov-06	30	72,618,000	222.9	7.4	43.1	17.2%
Dec-06	31	72,752,000	223.3	7.2	43.1	16.7%
Jan-07	31	77,921,000	239.1	7.7	43.1	17.9%
Feb-07	28	76,101,000	233.5	8.3	43.1	19.4%
Mar-07	31	81,868,000	251.2	8.1	43.1	18.8%
Apr-07	30	91,664,000	281.3	9.4	43.1	21.8%
May-07	31	214,211,000	657.4	21.2	43.1	49.2%
Jun-07	30	286,767,000	880.1	29.3	43.1	68.1%
Jul-07	31	356,900,000	1095.3	35.3	43.1	82.0%
Aug-07	31	340,939,000	1046.3	33.8	43.1	78.3%
Sep-07	30	235,007,000	721.2	24.0	43.1	55.8%
Oct-07	31	117,931,000	361.9	11.7	43.1	27.1%
Nov-07	30	76,605,000	235.1	7.8	43.1	18.2%
Dec-07	31	68,330,000	209.7	6.8	43.1	15.7%
Jan-08	31	76,696,000	235.4	7.6	43.1	17.6%
Feb-08	29	73,262,000	224.8	7.8	43.1	18.0%
Mar-08	31	77,851,000	238.9	7.7	43.1	17.9%
Apr-08	30	76,849,000	235.8	7.9	43.1	18.2%
May-08	31	132,700,000	407.2	13.1	43.1	30.5%
Jun-08	30	243,672,000	747.8	24.9	43.1	57.8%
Avg/Month		155,643,375	478		43.1	36.3%

The City of Rexburg is currently averaging 36% of their daily permitted volume. In July of 2007, their use peaked at 82%. This Application seeks to provide a higher diversion rate for months such as July of 2007 when more volume is required to meet the demands of the city residents. However, this application does not seek to increase the annual volume of the existing rights, only to provide increased rate.





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION
February 12, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

ERNEST CARLSEN
Water District 100
900 N SKYLINE DR STE A
IDAHO FALLS, ID 83402

RE: Application for Permit No 22-13888

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 12, 2009

STATE OF IDAHO
DEPT OF ENVIRONMENTAL QUALITY
900 N SKYLINE DR STE B
IDAHO FALLS, ID 83402

Application to Permit No. 22-13888

STATE OF IDAHO :

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application is enclosed for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 12, 2009

CITY OF REXBURG
PO BOX 280
REXBURG ID 83440

RE: Application for Permit No 22-13888

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Rexburg Standard Journal, Post Register, Times News, Idaho Statesman and the Lewiston Tribune on February 19 and 26, 2009. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

Please feel free to contact this office if you have any questions.

Sincerely,

Sharla Cox
Administrative Assistant

cc: ROCKY MOUNTAIN ENVIRONMENTAL ASSOCIATES
482 Constitution Way
Idaho Falls ID 83402



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

February 12, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Legal Notice Department

IDAHO STATESMAN

PO BOX 40

BOISE ID 83707

RE: Application for Permit No. 22-13888

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before March 9, 2009. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

February 12, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Legal Notice Department

LEWISTON MORNING TRIBUNE
505 C ST PO BOX 957
LEWISTON ID 83501

RE: Application for Permit No. 22-13888

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before March 9, 2009. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

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EASTERN REGION

February 12, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Legal Notice Department

POST-REGISTER

PO BOX 1800

IDAHO FALLS ID 83402

RE: Application for Permit No. 22-13888

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before March 9, 2009. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

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EASTERN REGION

February 12, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Legal Notice Department

TIMES NEWS

PO BOX 548

TWIN FALLS ID 83303-0548

RE: Application for Permit No. 22-13888

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before March 9, 2009. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

February 12, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Legal Notice Department

REXBURG STANDARD JOURNAL

PO BOX 10

REXBURG ID 83440

RE: Application for Permit No. 22-13888

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before March 9, 2009. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

22-13888

CITY OF REXBURG
PO BOX 280
REXBURG ID 83440

Point(s) of Diversion: SENE S35 T06N R39E, SWSW S17 T06N R40E, SWSW S20 T06N R40E, SWSW S29 T06N R40E,
SWSW S29 T06N R40E, SWSW S17 T06N R40E, SENW S30 T06N R40E, NESE S31 T06N R40E AND NESE S31 T06N
R40E, MADISON County
Source GROUND WATER

Use: MUNICIPAL 01/01 To 12/31 16.7 CFS
Total Diversion: 16.7 CFS

Date Filed: 08/06/2008

Place Of Use: MUNICIPAL

Within the city limits of Rexburg

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before March 9, 2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on February 19 and 26, 2009