

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

At the new diversion, a new concrete headgate structure with two 8-ft wide automated slide gates will be installed. An excavated channel, in which a measuring device can be installed, will deliver water into the gravel pit.

- b. Who owns the property at the point(s) of diversion? Madison County
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See attached authorization documentation.

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☒ ☐ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

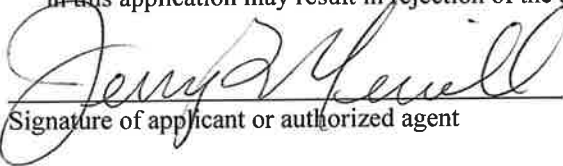
If yes, describe:

These rights are used to mitigate for municipal permit 22-13888, which is still in development. Only a portion of the rights are required to supply mitigation, leaving a quantity available for other uses required by the applicant.

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No
☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights*, *Water Right Transfers*, *File a Transfer Application*, *Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Jerry L. Newill
Print name and title if applicable

9/25/23
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers*, *Step 4* and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____
Fee paid 3020.00 Date 10-10-23 Receipted by M. Pettis Receipt # E049539
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐
(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

3/9/2023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 22-203

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF REXBURG PO BOX 280 REXBURG, ID 83440-0280 2083593020

Priority Date: 04/01/1898

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TETON RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	33 CFS	
Total Diversion			33 CFS	

Location of Point(s) of Diversion:

TETON RIVER	SESE	Sec. 10	Township 06N	Range 40E	MADISON County
TETON RIVER	SWNE	Sec. 19	Township 06N	Range 40E	MADISON County
TETON RIVER	SENENE	Sec. 20	Township 06N	Range 40E	MADISON County

Place(s) of use: Large POU Info

Conditions of Approval:

1. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

3. R19 The right holder shall maintain totalizing measuring device on the points of diversion used for ground water recharge.
4. Prior to diversion under this right, the City shall provide the watermaster a summary of how the diversion rate is split between the authorized points of diversion.
5. 129 Place of use is within the service area of the City of Rexburg municipal surface water supply system as provided for under Idaho Law.
6. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

3/9/2023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 22-204C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF REXBURG PO BOX 280 REXBURG, ID 83440-0280 2083593020

Priority Date: 06/10/1883

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TETON RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	27 CFS	
Total Diversion			27 CFS	

Location of Point(s) of Diversion:

TETON RIVER	SESE	Sec. 10	Township 06N	Range 40E	MADISON County
TETON RIVER	SWNE	Sec. 19	Township 06N	Range 40E	MADISON County
TETON RIVER	SENENE	Sec. 20	Township 06N	Range 40E	MADISON County
TETON RIVER	SWNWSE	Sec. 03	Township 06N	Range 44E	TETON County
TETON RIVER	NWSENW	Sec. 10	Township 06N	Range 44E	TETON County
TETON RIVER	SWSENW	Sec. 10	Township 06N	Range 44E	TETON County
TETON RIVER	NWSESE	Sec. 15	Township 06N	Range 44E	TETON County

Place(s) of use: Large POU Info

Conditions of Approval:

1. R05 Use of water under this right will be regulated by a water master with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
2. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. R19 The right holder shall maintain totalizing measuring devices on the points of diversion used for ground water recharge.
4. Prior to diversion under this right, the City shall provide the watermaster a summary of how the diversion rate is split between the authorized points of diversion.
5. 129 Place of use is within the service area of the City of Rexburg municipal surface water supply system as provided for under Idaho Law.
6. 180 A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
7. The place of use for this water right may include the service area of the Teton Pipeline Association as recorded in transfer no. 2080
8. The points of diversion for the Teton Pipeline Association, located in Teton County, are limited to 6.5 CFS as recorded in lease agreement between City of Rexburg and Teton Pipeline Association.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 11/24/2008

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

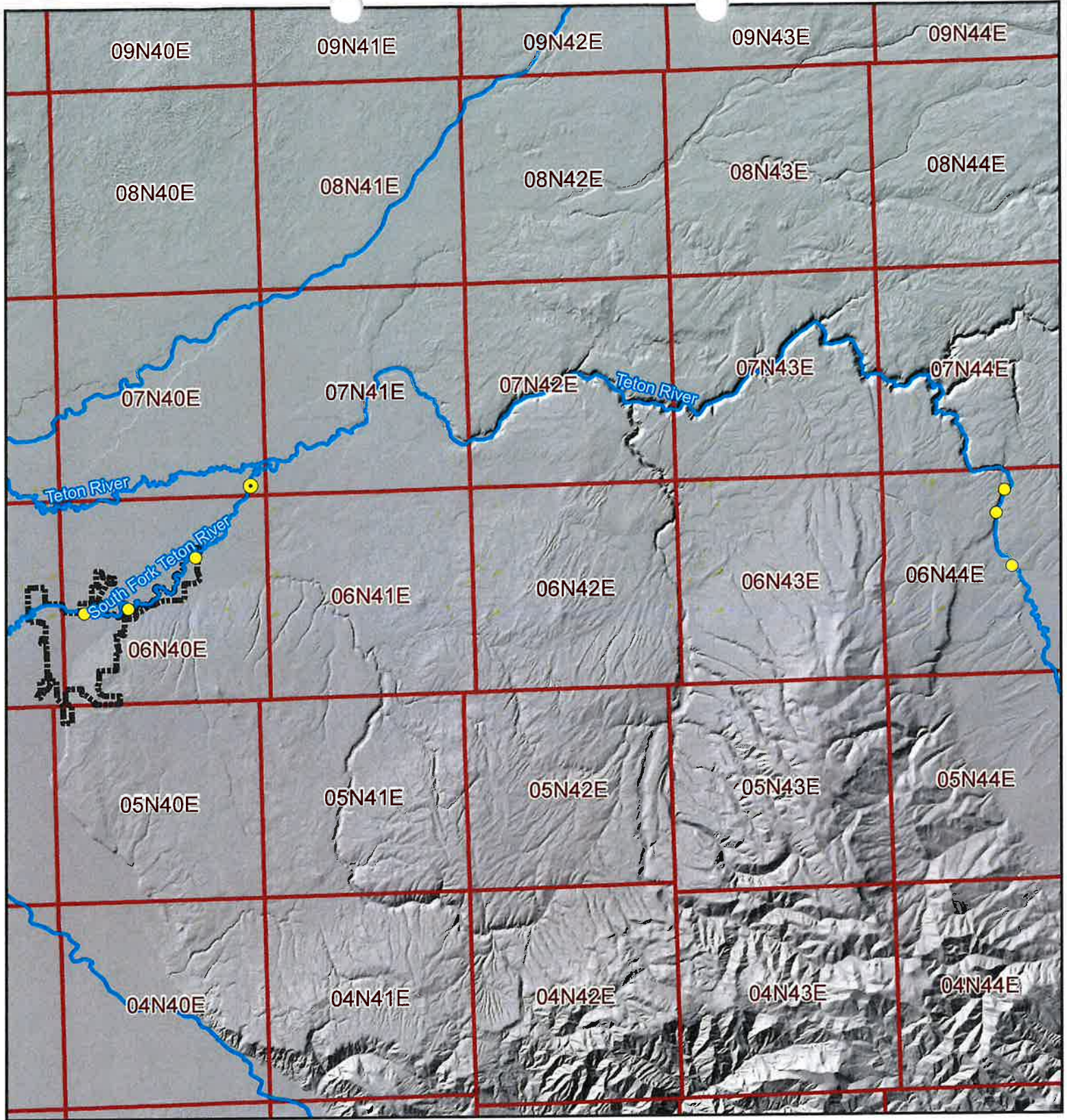
Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 01



0 2 4 8 Miles

Idaho Shaded Relief

Application for Transfer - POD

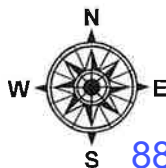
City of Rexburg

● Proposed POD

● Existing PODs

▬ Municipal Boundary

▬ Twp & Rng



RMEA #08-0064

by: KM

Date: 3/9/2023

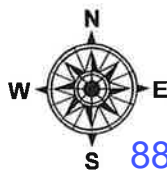




0 0.125 0.25 0.5 Miles

2021 NAIP

- Proposed POD
- Existing PODs
- Madison Cnty Gravel Pit Parcel
- Municipal Boundary
- Twp & Rng
- Section
- QQ



Application for Transfer - POD

City of Rexburg

RMEA #08-0064

by: KM

Date: 3/9/2023





March 30, 2023

Idaho Department of Water Resources
900 N Skyline Dr., Ste A
Idaho Falls, ID 83402

Subject: City of Rexburg Transfer Application 22-203 & 22-204C

Dear Reviewing Agent,

Madison County is fully aware of, and is in support of, the subject application by the City of Rexburg to add a new diversion point on the Teton River for City of Rexburg water rights 22-203 and 22-204C. Initially, this diversion point could allow diversion of water to support an ongoing Madison County study, funded by FEMA, to evaluate the infiltrative capacity of the gravel pit. Infiltrative capacity of the gravel pit is being evaluated to determine the feasibility of flood mitigation and periodic groundwater recharge in the gravel pit.

Should the results of this study, scheduled to be completed in early 2024, demonstrate the viability of flood mitigation and/or recharge, Madison County understands that the City of Rexburg would likely proceed with further applications to IDWR to formalize the proposed diversion point for "recharge" as part of mitigation for water right 22-13888. Should that occur, it is anticipated that Madison County will enter into a formal agreement with the City of Rexburg which would govern how and when recharge could occur in the Madison County Gravel pit. It should be noted that Madison County intends to retain ownership and control of both the existing 56-acre gravel pit and any diversion structures which may utilize the new diversion point.

This letter is intended to provide formal authorization to the City of Rexburg to establish a new diversion point on the Teton River east of the Madison County gravel pit in Freemont County. In addition, this letter is intended to provide formal authorization to the City of Rexburg to designate the Madison County gravel pit as a "place of use...within the service area of the City of Rexburg municipal service water supply system as provided under Idaho Law", should the City of Rexburg elect to do so.

Thank you for your assistance.

Sincerely

A handwritten signature in blue ink, reading "Bradley J. Petersen".

Bradley J. Petersen,
Madison County
Floodplain Administrator



October 9, 2023

RMEA 08-0064

Idaho Department of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls, ID 83402

Re: City of Rexburg Transfer Application 22-203 & 22-204C

Dear Reviewing Agent,

Please find enclosed an Application for Transfer of Water Right –Points of Diversion for the City of Rexburg and a check for filing fees in the amount of \$3,620.

The City proposes to add a new diversion on the Teton River to investigate the potential of a secondary recharge site that may be used to provide mitigation for Permit No. 22-13888 (which is currently mitigated by recharge into the Walters Pond). In order to accomplish the intended studies and research to validate the new recharge location, a water right is required that can provide adequate water for testing. The proposed point of diversion to be added is located along the Teton River and can deliver water directly into the gravel pit.

The gravel pit intended for use is owned by Madison County. The County and City are working collaboratively on this effort and documentation is attached to grant authorization.

In the case that the research supports the Madison County gravel pit as a viable recharge site, the City will proceed with necessary applications to formalize this recharge location under their mitigation plan. Until that time, only recharge that occurs at the Walters Pond will be credited towards mitigation of 22-13888.

Please contact our office with questions regarding this application.

Respectfully,

A handwritten signature in cursive script that reads "Kristin Moore".

Kristin Moore
Water Rights Analyst

Attachment: Application for Transfer –Points of Diversion
Check



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 25, 2023

CITY OF REXBURG
C/O KEITH DAVIDSON, PUBLIC WORKS DIRECTOR
35 N 1ST E
REXBURG, ID 83440

RE: Transfer No. 88581
Water Right No(s). 22-203, 22-204C

Dear Applicant:

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

A legal notice of the application has been prepared and is scheduled for publication in the TETON VALLEY NEWS, POST REGISTER, and IDAHO STATESMAN on 11/1/2023 and 11/8/2023; in the TIMES NEWS and LEWISTON TRIBUNE on 11/2/2023 and 11/9/2023; and in the REXBURG STANDARD JOURNAL on 11/3/2023 and 11/10/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. 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, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

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

Sincerely,

Christina Henman
Administrative Assistant

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, October 25, 2023 2:26 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Teton Valley News
Attachments: 88581 Teton Valley News, Post Register, Idaho Statesman.docx

LEGAL NOTICE DEPARTMENT
TETON VALLEY NEWS
80 E LITTLE AVE
DRIGGS, ID 83422

RE: Transfer No. 88581
Water Right No(s). 22-203, 22-204C

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 11/20/2023. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

Henman, Christina

From: Henman, Christina
Sent: Wednesday, October 25, 2023 2:26 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Post Register
Attachments: 88581 Teton Valley News, Post Register, Idaho Statesman.docx

LEGAL NOTICE DEPARTMENT
POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83403-1800

RE: Transfer No. 88581
Water Right No(s). 22-203, 22-204C

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 11/20/2023. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

Henman, Christina

From: Henman, Christina
Sent: Wednesday, October 25, 2023 2:26 PM
To: legals@idahostatesman.com
Subject: Legal Notice for Idaho Statesman
Attachments: 88581 Teton Valley News, Post Register, Idaho Statesman.docx

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Transfer No. 88581
Water Right No(s). 22-203, 22-204C

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 11/20/2023. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88581**

CITY OF REXBURG, C/O KEITH DAVIDSON, PUBLIC WORKS DIRECTOR

35 N 1ST E, REXBURG, ID 83440 has filed Application No. 88581 for changes to the following water rights within FREMONT, MADISON, TETON County(s): Right No(s). 22-203, 22-204C; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add point of diversion. Proposed additional point of diversion is in NWSE Sec 36 T07N R40E for 60 cfs from Teton River.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 11/20/2023. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 11/1/2023 and 11/8/2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, October 25, 2023 2:27 PM
To: legals@magicvalley.com
Subject: Legal Notice for Times News
Attachments: 88581 Times News, Lewiston Tribune.docx

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Transfer No. 88581
Water Right No(s). 22-203, 22-204C

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 11/20/2023. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

Henman, Christina

From: Henman, Christina
Sent: Wednesday, October 25, 2023 2:27 PM
To: legals@lmtribune.com
Subject: Legal Notice for Lewiston Tribune
Attachments: 88581 Times News, Lewiston Tribune.docx

LEGAL NOTICE DEPARTMENT
LEWISTON TRIBUNE
505 C ST
PO BOX 957
LEWISTON, ID 83501

RE: Transfer No. 88581
Water Right No(s). 22-203, 22-204C

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 11/20/2023. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88581**

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MATHEW WEAVER, Director

Published on 11/2/2023 and 11/9/2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, October 25, 2023 2:26 PM
To: legalnotices@postregister.com
Subject: Legal Notice for Standard Journal
Attachments: 88581 Standard Journal.docx

LEGAL NOTICE DEPARTMENT
REXBURG STANDARD JOURNAL
PO BOX 10
REXBURG, ID 83440

RE: Transfer No. 88581
Water Right No(s). 22-203, 22-204C

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 11/20/2023. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 88581**

CITY OF REXBURG, C/O KEITH DAVIDSON, PUBLIC WORKS DIRECTOR

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MATHEW WEAVER, Director

Published on 11/3/2023 and 11/10/2023