

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: A22-02205
Date Received: 5/23/1988
Receipt No: E000248

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS H. ROTH
Address: 3615 WEST 6800 SOUTH
THORNTON, ID 83440

208-356-5215

A2202205

2. Date of Priority: APR 26, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	35	NE	NW	SW	1	MADISON

5. Description of diverting works:
30' WELL TO OPEN DITCHES FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.540		

7. Total Quantity Appropriated is:
2.540 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 317.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	27	SE	SE		IRR	35.0
						Section Acres	35.0
		34	NE	NE		IRR	40.0

A22-02205

Page 1

Date: 05/23/88

MICROFILMED

OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	34	NW	NE		IRR	22.0
			SW	NE	4	IRR	5.0
			SE	NE		IRR	16.0
			NE	SE	5	IRR	3.0
						Section Acres	86.0
		35	NW	SW	1	IRR	6.0
						Section Acres	6.0
						Total Acres	127.0

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:
22-0210

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 29657

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Individuals:

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

Signature of Claimant(s): Thomas H Roth Date: May 23/88
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of May 19 88 Colleen Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991

IDAHO FALLS 18 MI. RIGBY 4 MI.  MENAN 6.1 MI. ANNIS 3 MI.

MENAN 6.1 MI.
ANNIS 3 MI

ANNIS 3 MI

T. 5 N.

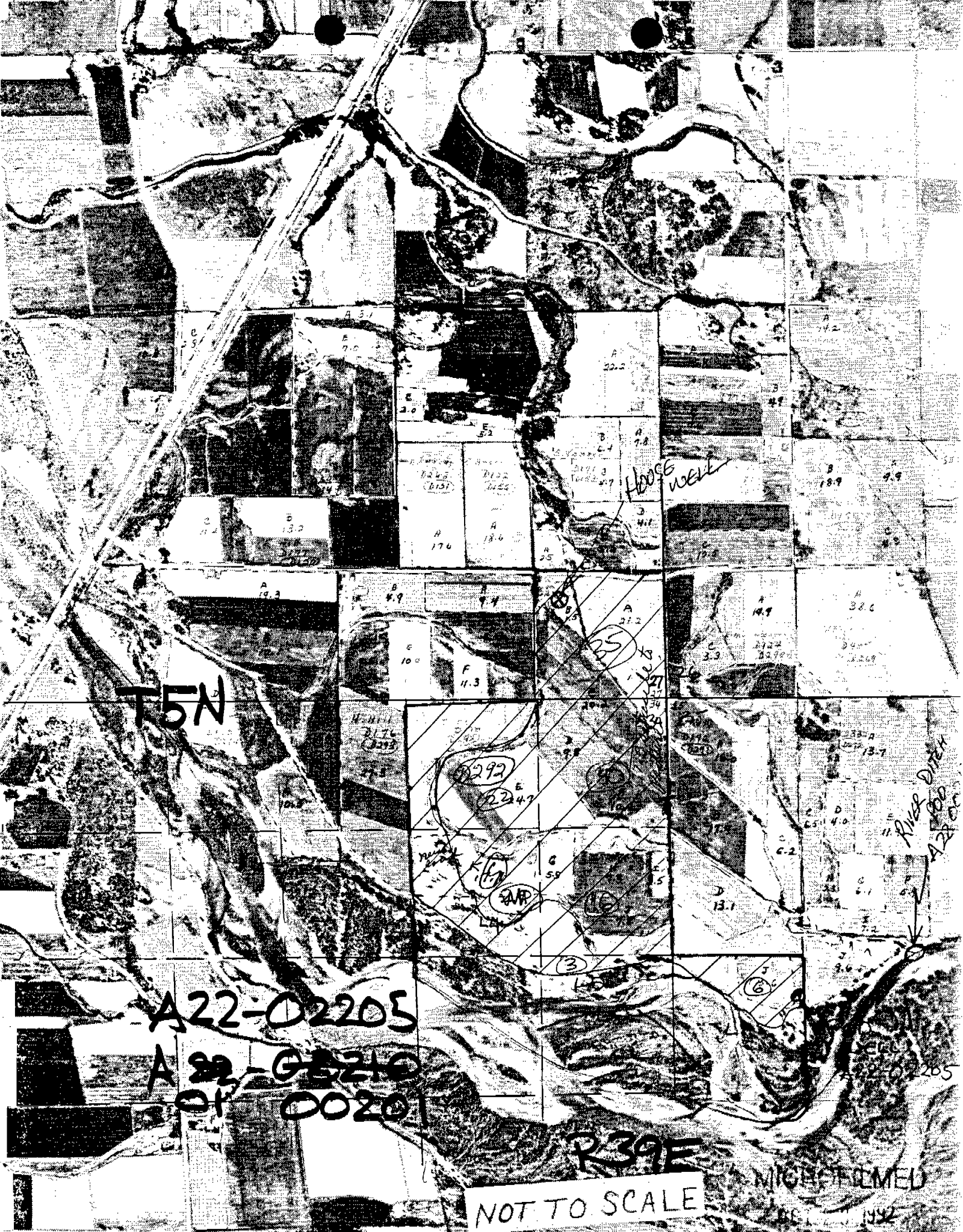
42'30"

4839

Topographic map showing a wetland area with various features and handwritten annotations. The map includes a grid of 100m squares, with various features labeled including 'R39E', 'R22-02.205', 'R22-0003', 'R01', 'R0201', 'TSN', 'T4N', 'R39E', 'R22-02.205', 'R22-0003', 'R01', 'R0201'. The map also shows 'R39E', 'R22-02.205', 'R22-0003', 'R01', 'R0201'.

1. Koln - 07

1513



T5N

Horse well

River Ditch

A22-02205

A22-02210

01 0020

R39E

NOT TO SCALE

NOT FORMED

1942

Log for claim 22-02205

Spatial Dynamics LTD

6/27/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n39e	27	SESE	35	34	
05n39e	34	NENE	40	39	
05n39e	34	NWNE	22	34	Indiscernible
05n39e	34	SWNE	5	29	Indiscernible
05n39e	34	SENE	16	38	Indiscernible
05n39e	34	NESE	3	2.1	
05n39e	35	NWSW	6	10	
Totals:			127	186.1	

License and Certificate of Water Right

Water License No. G-29657 Priority April 26, 1961 Amount 2.54 c.f.s.

THIS IS TO CERTIFY that

THOMAS H. ROTH

of Thornton, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 26, 1961; that Permit No. G-29657 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.54 second feet, was issued thereunder on March 26, 1968, showing that said works were completed on the 22nd day of March, 1966; and that on the 22nd day of March, 1966 THOMAS H. ROTH

of Thornton, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of an open pit well

a tributary of subterranean flow for the purpose of irrigation under Use Permit No. G-29657 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume ~~XXXXXX~~ on the 26 day of March, 1968.

The right hereby confirmed dates from April 26, 1961.

The Point of Diversion is located Lot 1 in the NW 1/4 SW 1/4, Sec. 35, Twp. 5 N, R. 39 E, B.M. Madison County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.54 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	39 E	27	SE 1/4 SE 1/4	39	35
			NE 1/4 NE 1/4	40	40
		34	NW 1/4 NE 1/4	40	22
			SW 1/4 NE 1/4 (Lot 4)	20	5
		35	SE 1/4 NE 1/4	39	16
			NE 1/4 SE 1/4 (Lot 5)	5	3
			NW 1/4 SW 1/4 (Lot 1)	20	6
			Total acres to be irrigated:		127

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 26th day of March, 1968.

R. Keith Higgins
State Reclamation Engineer.

22 2205

29657

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 37663
Permit No. G- 29657
District No.

Thomas H. Roth
1
Thornton, Idaho

33-2245

1. Name of Applicant: Thomas H. Roth
Postoffice address: Thornton County: Madison State: Idaho

2. Quantity of water claimed: 4 cubic feet per second
(a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Subterranean - open pit 25 feet deep 75x125 ft.

4. Location of point of diversion or well is in the Lot 1 1/4 of the 1/4 of Section 35
Twp. 5 N , Rge. 39 E , B.M., County of Madison

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.

(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.

7. Kind of works: Dug open pit pump 10" 15 H.P. ELC.

8. Estimated cost of works: \$ 3500.00

9. (a) Is reservoir to be used? no

(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the applicant are (a) Cash on hand: \$

(b) Treasury stock:

(c) Bonds to be issued:

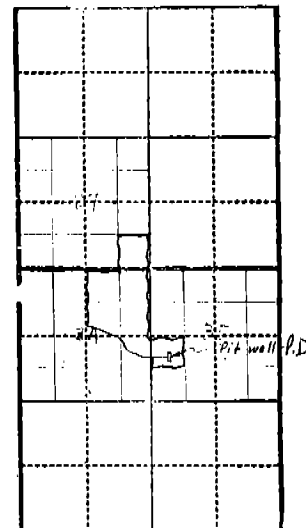
(d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 5 sec. ft.
Snake River Natural flow 1903 and 480 acre ft. Palisades Res.

(a) 2 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.

(b) 2 (cubic feet per second, inches or gallons per minute) is for new lands.



Remarks: Our 1903 water is usually cut off about July 5th and the Palisades Storage is insufficient to irrigate through the season as we have had very little storage credited to us in the last two years so not very dependable. Red lines are existing ditches, Brown lines are intended ditches.

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

s/ Thomas H. Roth Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 8:30 A.M. April 26, 1961

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 29657.

Recorded in Book 104 Page 29657 Approved April 28, 1961

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before October 28, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before April 28, 1966

Witness my hand this 28th day of April, 1961

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day of April, 1961.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

Secretary of State.

By s/ ROBERT E. SMYLIE
Governor

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5 N	39 E	35										20					20		
		34	40	40	20	39								L. 5			144		
						Lot 4													
		27													39		39		
															TOTAL		203		

Permit No. G-29657
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that THOMAS H. ROTH of Thornton, County of Madison, and State of Idaho, the holder of Permit No. G-29657, issued upon Application No. G-37663, bearing date of priority of April 26, 1961, authorizing the diversion of 4.0 second feet of waters of a well, County of Madison, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.54 second feet of the waters of an open pit well from subterranean flow; that the point of diversion of said waters is Lot 1 (NW 1/4 SW 1/4), Section 35, Township 5 North, Range 39 E., B. M.; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:

SE 1/4 SE 1/4, Sec. 27; NE 1/4, NE 1/4 SE 1/4, Section 34; NW 1/4 SW 1/4, Section 35, Township 5 North Range 39 E., B. M.

Proof of Completion of Works Made: March 22, 1966

Witness my hand this 26th day of March, A. D. 1966

s/ R. KEITH HIGGINSON
State Reclamation Engineer

LICENSE ISSUED FOR 2.54 SEC. FT.
LICENSE PAGE NO. 29657

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-29657

This proof is for Completion of Works & Beneficial Use in Water District No. _____

1. Name of applicant: Thomas H. Roth
2. Source of water supply: Subterranean - open pit
3. Location of point of diversion: Is in the Lot 1 of Section 35
T. 5 N. R. 39 E., B.M. County of Madison
4. Describe works as they exist, giving dimensions and capacities of same:
15 HP UNCLOSED ELEC MOTOR # 2377013
BERNELL VERT PUMP # 6108420
18" DISCHARGE WITH 18" SCHEDULED PIPE
20' TRENCH SOUTH CONTAINING DITCHES
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: YES

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE1/4, Sec. 27; NE1/4, NE1/4, Sec. 34; NW1/4, Sec. 35, T. 5 N.,

R. 39 E., B.M.

PRESENTLY ONLY 127 ACRES ARE IRRIGATED,
MUCH OF THE REMAINING LAND IS
BEING LEVELED & WORKED AND WILL
BE FARMED OR GRAZED IN THE NEAR
FUTURE

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: MR. THOMAS H. ROTH WAS
PRESENT FOR THE INSPECTION. HE
STATED HIS PUMP AS MEASURED BY
LAND SURVEY 200' (WATER METER)
PRODUCE IN EXCESS OF 200"
I BELIEVE THIS AMOUNT TO BE A REASONABLE
FIGURE - MADE NO MEASUREMENT - CONFIRMED
NO MEASUREMENT - AS THE ACREAGE IS
THE LIMITING FACTOR BY A REASONABLE MARGIN

This examination was made on the 14th day of Sept., 1967

(Signed) D. R.

Examiner.

29657 sub
plat

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Thomas H. Roth
Thornton, Idaho

Permit No. G-29657

Examination for Completion of Works & Beneficial Use

County Madison

Quantity: Sec. 35 T. 5 N. 39 E., B.M.
4.0 c.f.s.

Source: Subterranean

P.D.: Lot 1, Sec. 35, T. 5 N., R. 39 E., B.M.

Use: Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: 5 c.f.s. Snake River natural flow, 1903
480 a.f. Palisades Res.

Filed: 4/26/61

Due: 5/28/66

Made: March 22, 1966
Priority April 26, 1961

15 HP UNICLIPPER MOTOR

2277018

BANKLEY WEST POND

6128420

Box # 3701

10" DISCHARGE INTO

18" CONDUIT

20'

PUMP PRELIMINARY 200"

CONCRETE BY CHASE CO. WATER SYSTEM

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-29657

REPORT ON PROOF OF Completion of Works & Beneficial Use

Thomas H. Roth
Thornton, Idaho



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 10, 1998

BILL TANNER
3615 W 6800 S
RIGBY ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-02205

Dear Mr. Tanner:

It has come to our attention that you may have recently purchased a tract of land in Madison County. The property to which I am referring was most recently owned by Thomas Roth. The legal description is as follows:

T05N R39E S27 SE1/4 SE1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Autumn Jones
Records Clerk

Enclosure(s)

CHANGE MAIL ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number (s): G - 29657 ^{A22-02205}

April 26, 1961

[] Old Mailing Address: Thornton, Idaho

Thomas H Roth

[] New Mailing Address: 3615 W 6800S

Rexburg, Idaho

83440

New Telephone Number: () 356-5215

[] Signature of Claimant: Thomas H Roth

Date: Mar 31, 1997

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: 4-1-97 By: lo

Final Review and Data-Entry

Date: 4-1-97 By: lo