

11/14/2006

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

RIGHT NUMBER: 1-201

NAME AND ADDRESS: WILLIAM L TANNER
3385 W 6800 S
REXBURG ID 83440

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 5.000 CFS

PRIORITY DATE: 06/01/1903

POINT OF DIVERSION:

T05N R39E S35 SESENW Within MADISON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

IRRIGATION

PERIOD OF USE

04/01 10/31

QUANTITY

5.000 CFS

PLACE OF USE:

IRRIGATION in MADISON County

T05N R39E S27	SESE	35.00	T05N R39E S34	NENE	40.00
T05N R39E S34	NWNE	35.00	T05N R39E S34 Lot 5	SWNE	20.00
T05N R39E S34	SENE	34.00	T05N R39E S34 Lot 4	NESE	1.40
T05N R39E S35 Lot 1	NWSW	8.00			

173.4 ACRES TOTAL

This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 173.4 acres in a single irrigation season. Combined Right Nos.: 01-201, 22-2205, and 22-13351.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through Bannock Jim Canal to Hill Petinger Ditch.



Idaho Department of Water Resources

SRBA Recommendation:

01-201

22-2205

22-13351

(Irrigation)

Legend

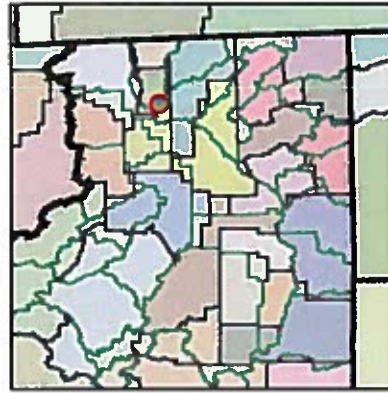
● Point of Diversion

□ Place of Use

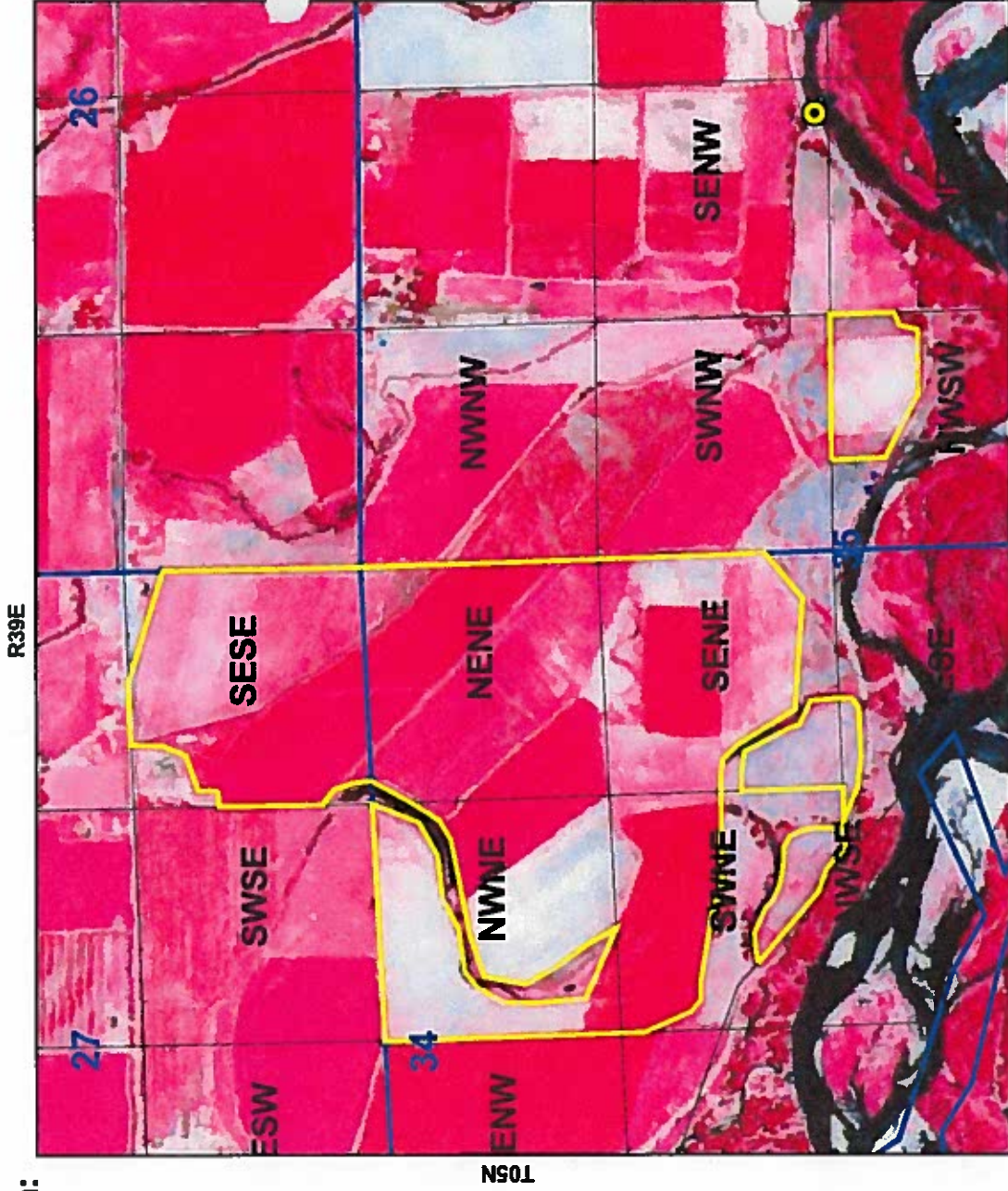
□ Townships

□ PLS Sections

□ Quarter Quarters



Madison County
IDWR Basin 1



0 0.4 0.8 Miles

Prepared by K. Moore
On Monday, October 23, 2006
1987/88 Aerial Photography

NOTES

10-13-2000

Renumbered from 01-2013 because Mr. Tanner owns
Full right. There are no splits that can be found or verified.

KM

<u>Water Right</u> <u>Suffix</u>	<u>CFS</u>	<u>Priority</u> <u>Canal or Pump</u>	<u>Comments</u>
<u>01-00196</u>		<u>1893-04-30</u>	
B	3.640	Great Western Canal	
C	78.360	Woodville Canal	
D	3.500	Great Western Canal	
Sum	85.500		Includes 3 additional pumps and a siphon.
<u>01-00201</u>		<u>1903-06-01</u>	
	5.000	Hill Pettinger Canal	
Sum	5.000		
<u>01-00202</u>		<u>1916-01-22</u>	
	12.000	Anderson Canal	
Sum	12.000		Anderson Canal to Poplar Irrigation
<u>01-00209</u>		<u>1900-10-11</u>	
	3,000.000	Twin Falls Southside Canal	
Sum	3,000.000		
<u>01-00210</u>		<u>1900-10-11</u>	
A	54.000	Northside Twin Falls Canal	
B	346.000	Northside Twin Falls Canal	
Sum	400.000		
<u>01-00211</u>		<u>1903-02-26</u>	
A	1,070.120	Minidoka Canals	
B	655.880	Minidoka Canals	
Sum	1,726.000		
<u>01-00212</u>		<u>1905-10-07</u>	
	2,250.000	Northside Twin Falls Canal	
Sum	2,250.000		
<u>01-00213</u>		<u>1908-06-16</u>	
	350.000	Northside Twin Falls Canal	
Sum	350.000		Limited 3,000 total cfs with 01-00210 & 01-00212.
<u>01-00214</u>		<u>1908-08-06</u>	
A	620.000	Minidoka Canals	
B	380.000	Minidoka Canals	
Sum	1,000.000		
<u>01-00223</u>		<u>1891-06-01</u>	
	6.000	Ferguson Pump	
Sum	6.000		
<u>01-00225</u>		<u>1888-06-01</u>	
	2.400	Mattson-Craig Canal	
Sum	2.400		
<u>01-00226</u>		<u>1890-06-01</u>	
A	1.400	Kite & Nord Canal	
B	0.200	Kite & Nord Canal	
Sum	1.600		
<u>01-00227</u>		<u>1888-06-01</u>	
	2.000	Harrison Canal	
Sum	2.000		

Source: Water District 01

Date: 1999

10/29/04 Field inspection w/owner William Tanner Bac



Photo showing Rocky nature of ditches.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-201

WATER RIGHT NUMBER: 1-201

Owner Type Name and Address
 Current Owner CARL T CARLSON
 , ZZ

Priority Date: 06/01/1903

Basis: Decreed

Status: Active

Source Tributary
 SNAKE RIVER COLUMBIA RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION / to / 5.000 CFS
 Total Diversion: 5.000 CFS

Location of Point(s) of Diversion
 SNAKE RIVER

DEVERED THRU SP?
 Hill and Pittonette

Place of Use
 IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	39E	27																	X
05N	39E	34	X	X	X	X													

not in decree

Conditions of Approval:

Max 160 ac

Remarks:

1. General DECREE SOURCE - BANNOCK JIM SLOUGH.

Comments:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	01-2018				
	22-2205				

*Mistakenly
claimed as a
split "B"*

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

4. New Owner/Claimant(s)

Wm TANNER

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

3385 W 6800 S

City, State and ZIP Code

Reubens, Idaho 83440

New Telephone Number

(208) 356-3544

5. Date you acquired the property

*Rec'd EDWR
2/9/05
ABR*

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	

7. Signature of New Owner(s) or Claimant(s) William Tamm
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

GRANT DEED BY PERSONAL REPRESENTATIVE
(For Distribution of Estate)

William Leslie Tanner, of 3385 West 6800 South, Rexburg, Idaho 83440, as
Personal Representative of the Estate of Thomas H. Roth, deceased, with the estate pending in
Case No. SP-97-86, in the District Court of the Seventh Judicial District, State of Idaho, in and
for the County of Madison, does hereby grant, release, assign, transfer and convey to William
Leslie Tanner, of 3385 West 6800 South, Rexburg, Idaho 83440, individually, the following
described real property located in Madison County, Idaho, to-wit:

Parcel No. 1: The North Half of the Northeast Quarter and Lots 4
and 5 of Section 34, Township 5 North, Range 39 East, Boise
Meridian.

Parcel No. 2: Lot 1 of Section 35, Township 5 North, Range 39
East, Boise Meridian

Parcel 3: The Southeast Quarter of the Southeast Quarter of
Section 27, Township 5 North, Range 39 East, Boise Meridian

LESS THE FOLLOWING: Beginning at the Southeast corner of
Section 27, Township 5 North, Range 39 East, Boise Meridian;
and running thence North for a distance of 1046.24 feet to the true
point of beginning; thence North $72^{\circ}08'57''$ West for a distance of
494.90 feet to a point which lies on the South right-of-way line of
the County Road; thence South $80^{\circ}14'$ East for a distance of 97.64
feet along the right-of-way line of said road to a point on a curve,
said curve $\Delta 21^{\circ}06'$, left, Radius 987.93; thence along the curve
for a distance of 363.82 feet to the point on tangent; thence North
 $78^{\circ}40'$ East along the road right-of-way line for a distance of 13.52
feet; thence South for a distance of 142.76 feet to the true point of
beginning; containing 0.59 acres more or less.

TOGETHER With any and all improvements and appurtenances thereto, rents,

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 1-201B
Date Received: 5/23/1988
Receipt No: E000248
Received By:

Renumbered from 1-201 to 01-201

AMENDED

AMENDED

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

1. Name of Claimant(s)

WILLIAM L TANNER Phone: (208) 356-3544
3385 W 6800 S
REXBURG ID USA 83440

2. Date of Priority: 06/01/1903

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

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

5. Description of diverting works:

HEADGATE IN RIVER TO DITCH SYSTEM FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	5	

7. Total Quantity Appropriated is:

5 C.F.S.

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	27	SE SE	IRRIGATION	37
				Section Acres	37
05N	39E	34	NE NE	IRRIGATION	40
			NW NE	IRRIGATION	35
			SW NE 4	IRRIGATION	19
			SE NE	IRRIGATION	33
			NE SE 5	IRRIGATION	2.1
				Section Acres	129.1
05N	39E	35	NW SW 1	IRRIGATION	7.3

Section Acres 7.3
Total Acres 173.4

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:

CLAIM AMENDED TO ADD ACRES AND PERMISSIBLE POU WITH 22-13351 AND 22-2205. C/O 2/09/05.

RT. IS SPLIT BY OWNERSHIP B/T MR. ROTH AND HOWARD OR HORICE HILL. MR. ROTH'S ? GIVEN (B) PORTION OF RIGHT.

15. Basis of Claim: Decreed

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

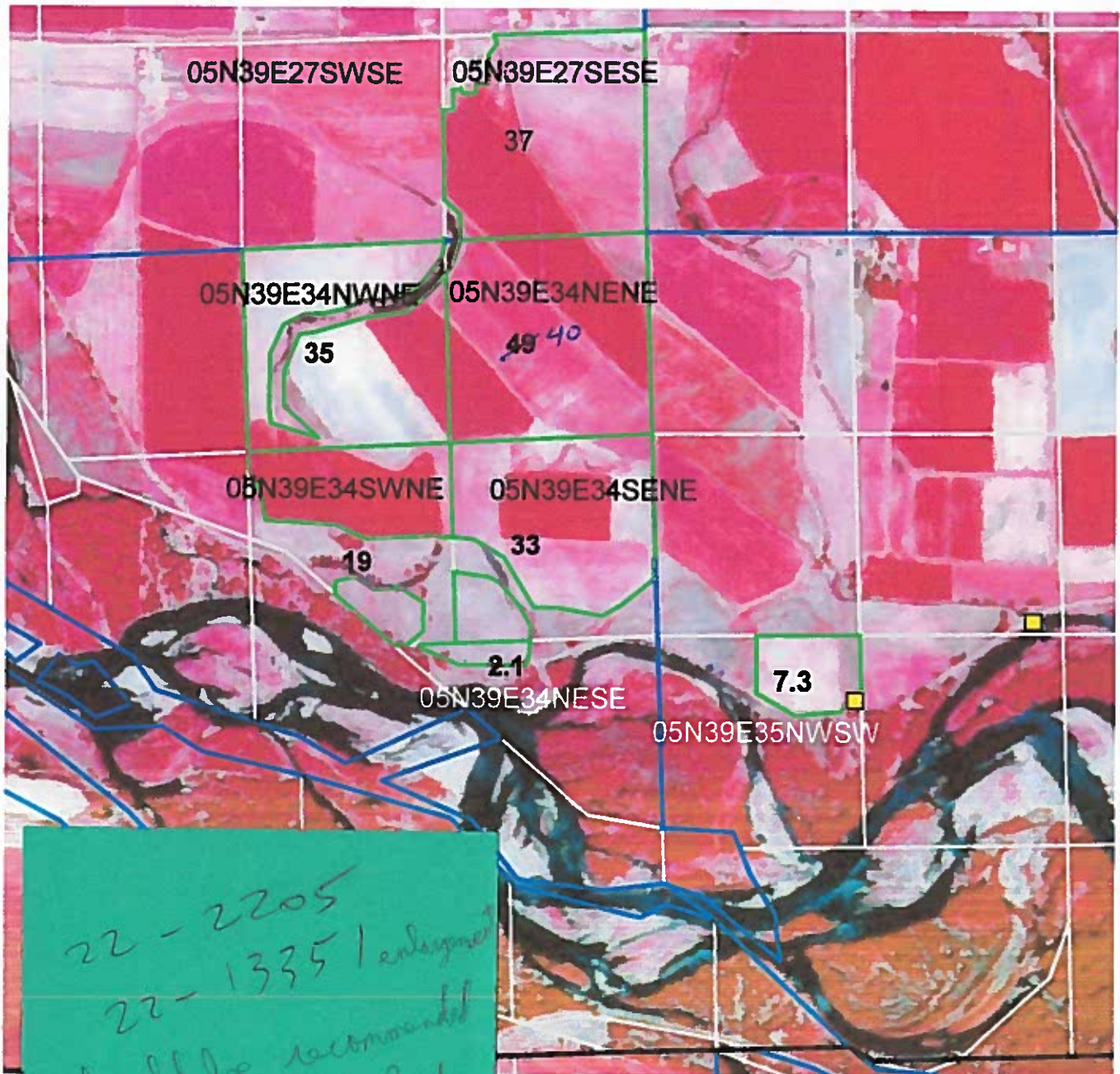
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

Amended Place of Use Map A22-2205, A01-201B New Place of Use Map, Enlargement Claim



Photography from IDWR

22-2205
22-1335 / enlargement
should be recommended
as permissible POU
w/ 1-201B per
Allen

Gcdb_tr.shp
PLSS Section LinesGcdb_sections.shp
Gcdb_qq.shp

Illustration prepared by
Water Resources Field Services
208 681 9100

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 A01-201B

Date Received _____

Receipt Number _____

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

1. Claimant

William L. Tanner
3385 W 6800 S
Rexburg ID 83440

2. Date of Priority 1 June 1903

3. Source of water (a) Snake River
which is tributary to (b) Columbia River

4. a. Location of points of diversion:

Township	Range	Section	QQQ	Diversion Name
5N	39E	35	SESENW	Hill-Pettinger Ditch/Bannock Jim Slough/ Nelson Corey Headage

5. Description of existing diversion works.

Headgate in dike, ditches to flood irrigation.

6. Water is claimed for the following purposes:

Purpose	Start Date	End Date	cfs	acre feet/year
Irrigation	4/1	11/1	5	

7. Total quantity claimed (a) 5 (cfs) and/or (b) (acre feet per year)

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

9. Non-irrigation uses:

10. Description of place of use

Township 5N Range 39E Section 27

NE				NW				SW				SE				
NE NW	SW	SE		NE NW	SW	SE		NE NW	SW	SE		NE NW	SW	SE	Total	
															37	
															37	

Township 5N Range 39E Section 34

NE				NW				SW				SE				
NE NW	SW	SE		NE NW	SW	SE		NE NW	SW	SE		NE NW	SW	SE	Total	
40 35	19	33										2.1			129.1	

Township 5N Range 39E Section 35

NE				NW				SW				SE				
NE NW	SW	SE		NE NW	SW	SE		NE NW	SW	SE		NE NW	SW	SE	Total	
								7.3							7.3	

Total number of acres irrigated 173.4

11. Irrigated lands are located in county(s) of: Madison

12. Do you own the property listed above as place of use? Yes

13. Describe any other water rights used at the same place and for the same purposes as described above: A22-2205 (groundwater) and an enlargement claim for the groundwater right.

14. Remarks. This claim is amended to show the correct acreage per the attached map and adjudication field exam for A22-2205.

See photo of rocky ditch. High ditch loss and sandy soils justify greater-than-standard diversion rate per acre.

Claimant has also submitted a notice of change of ownership for this claim and A22-2205.

Original claim suggests existence of claim A01-201A but internet search 10/29/04 shows no other claims based on 01-201.

Map of project: Please see attached.

15: Basis of Claim: Decree

IDWR water right number 01-201

Court Case Number Decree Date
Plaintiff vs Defendant

16: Signatures

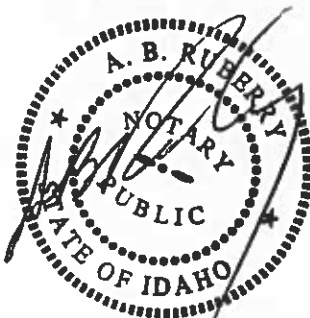
Number of attachments: One map.

Signature of Claimant(s) William Tamm Date Feb 9, 2005
_____ Date _____

State of Idaho/or IDAHO)
County of BONNERVILLE) SS.

Subscribed and sworn (or affirmed) before me this 9th day of FEB 2005

SEAL



Notary Public Allen B Ruberry

Residing at IDAHO Falls IDAHO

My Commission Expires 9/23/09

AUG 22 2001

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: A01-00201B
Date Received: 5/23/1988
Receipt No: E00024^a

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

208-356-5215

2. Date of Priority: JUN 01, 1903

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE IN RIVER TO DITCH SYSTEM 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	5.000		

7. Total Quantity Appropriated is:
5.000 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 of	Lot	Use	Acres
05N	39E	27	SE	SE		IRR	35.0
Section Acres							35.0
		34	NE	NE		IRR	40.0

A01-00201B

Page 1

Date: 05/23/88

A0100201B



MICROFILMED

OCT 19 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	34	NW	NE		IRR	22.4
			SW	NE	4	IRR	5.0
			SE	NE		IRR	16.0
			NE	SE	5	IRR	3.0
			Section Acres				86.4
		35	NW	SW	1	IRR	6.0
			Section Acres				6.0
			Total Acres				127.4

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:
22-2205

14. Remarks:
RT. IS SPLIT BY OWNERSHIP B/T MR. ROTH AND HOWARD OR HORICE HILL.
MR. ROTH'S GIVEN 'B' PORTION OF RIGHT.

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO.
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET
Decree 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 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

Seal

Colleen Wray
Notary Public

Residing at Idaho Falls

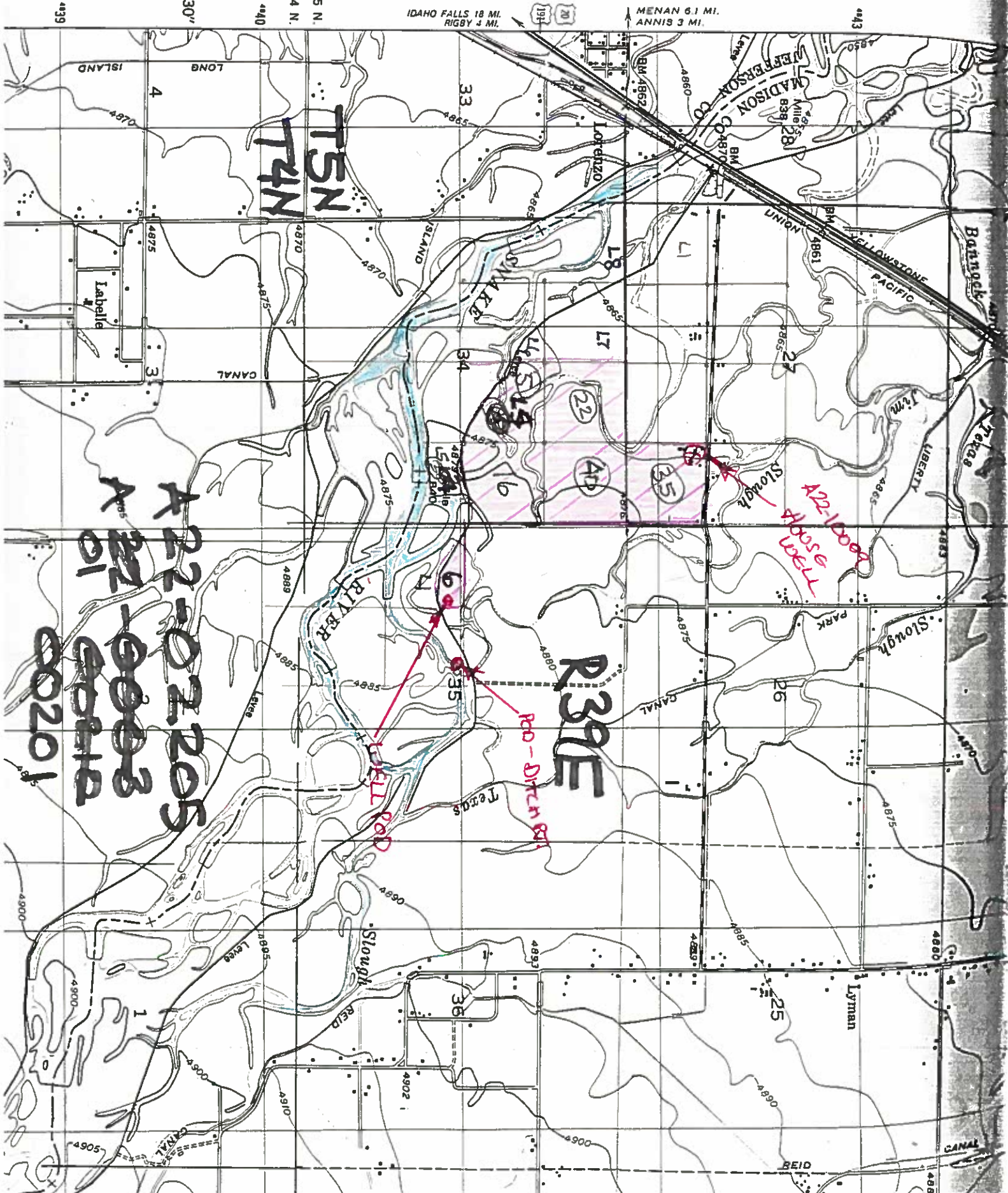
My Commission Expires 5/29/1991

760 6 1 130

T. 5 N.
T. 4 N.

IDAHO FALLS 18 MI.
RIGBY 3 MI.

MENAN 6.1 MI.
ANNIS 3 MI.





T5N

A22-02205
A22-02210
OF 00201

R39E

NOT TO SCALE

MICROFILMED

OCT 19 1986