

10/23/2006

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

RIGHT NUMBER: 22-2205

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.540 CFS
444.500 AFY

Right Nos. 22-2205 and 22-13351 are limited to a total combined diversion rate of 2.54 cfs and to a total combined annual diversion volume of 606.9 AF.

PRIORITY DATE: 04/26/1961

POINT OF DIVERSION:

T05N R39E S35 NENSW Lot 1 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	2.540 CFS 444.50 AFY

PLACE OF USE: IRRIGATION Within 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

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.

This right is limited to the irrigation of 127.0 acres within the place of use described above in a single irrigation season.

Right Nos. 22-2205 and 22-13351 are limited to the irrigation of a combined total of 173.4 acres in a single irrigation season.

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 - License

Right No. 22-13351 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Right No. 22-13351 is also diverted through point of diversion described above.

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



Idaho Department of Water Resources

SRBA Recommendation:

22-2205

22-13351

01-201

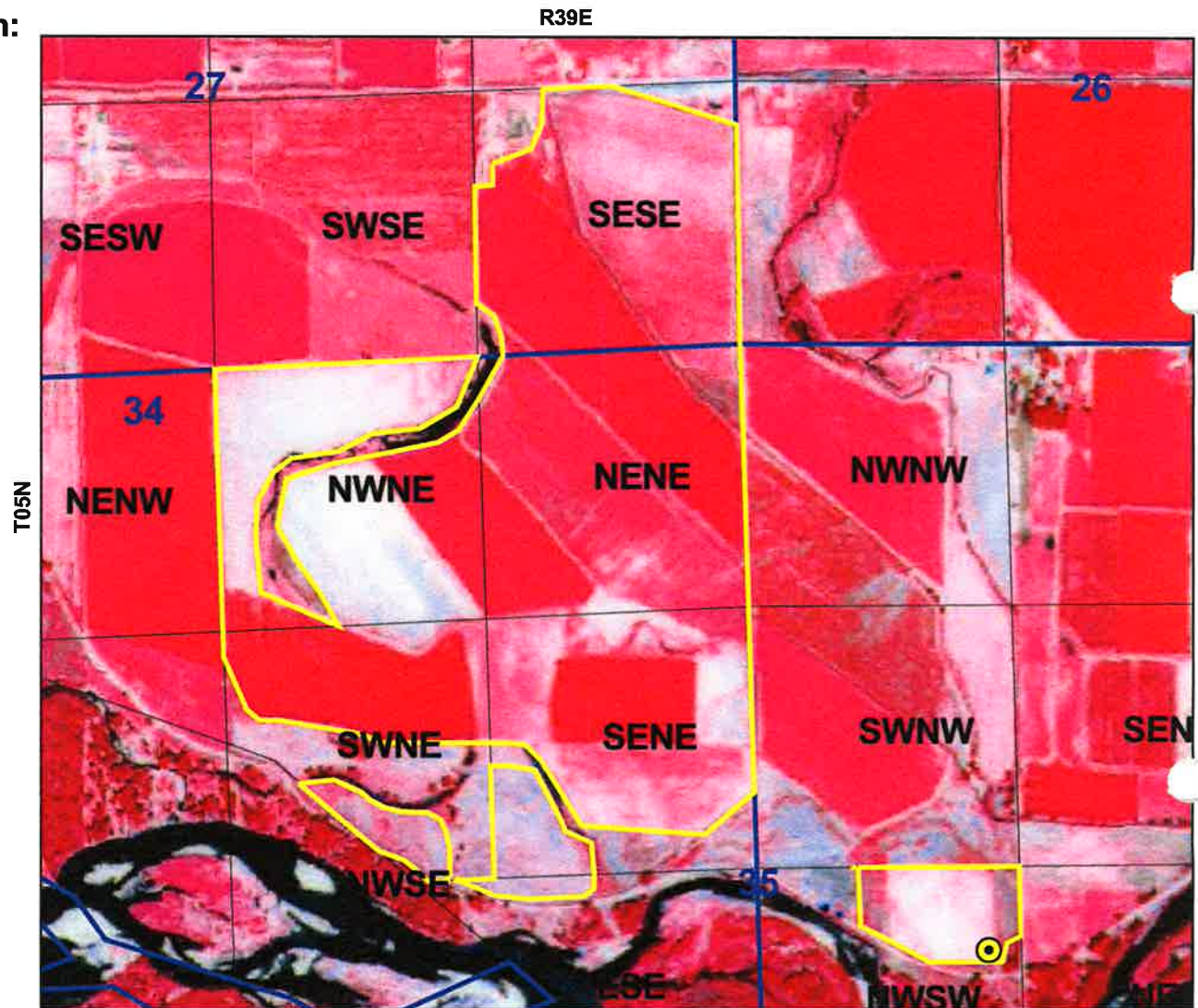
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Madison County
IDWR Basin 22



0 0.4 0.8 Miles

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

02/24/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-2205

WILLIAM L TANNER

3385 W 6800 S

REXBURG ID 83440

Telephone Number: (208) 356-3544

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

NOT MAILED!
MISTAKENLY WITHELD
FROM ESPA MAILING.
DO NOT MAIL PER ERNIE.
KMJ 02/24/2005

STANDARD JOURNAL
Rexburg, Idaho
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 16 2006

STATE OF IDAHO
Madison and Fremont Counties

I, Jeff Rydalch, being first duly sworn, depose and say, that I am the business manager of the STANDARD JOURNAL, a 5 times a week newspaper published 5 times a week in Madison and Fremont Counties, Idaho; and I do solemnly swear that the Notice of Enlargement of Water Right - Madison County, a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue, once each week thereof for two successive issues, the first publication having been made on March 8, 2006 and the last publication having been made on March 15, 2006. Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

[Signature]

STATE OF IDAHO)
COUNTY OF MADISON)

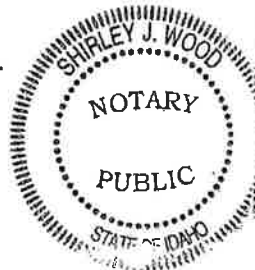
On this 16th day of March in the year of 2006 before me, a Notary Public, personally appeared Jeff Rydalch, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statement therein are true, and acknowledged to me that he executed the same.

[Signature: Shirley J. Wood]
Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: April 29, 2011.

RECEIVED

MAR 27 2006

ACCTS PAYABLE



NOTICE OF
ENLARGEMENT OF
WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Madison County are shown to the nearest section -- more specific locations are available upon request.

Water Right: 21-10023
NAME & ADDRESS: SCHREINER FARMS IDAHO LLC
C/O GARY KELLY
1038 E BUTTE RD
MENAN ID 83434-5122
SOURCE: GROUND WATER
PRIORITY DATE: 03/24/1975
POINT OF DIVERSION: T05N R38E S11 SWNWSW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T05N R38E S02 SESW S10 SENE NESE SESE
S11 SWNE LT (NENW) NWNW SWNW
LT 3 (SENE) NESW NWSW SWSW
LT 7 (SESW) LT 7 (SWSE)

This right is for an enlargement of 19 acres within the total 230.3 acres recommended.

Water Right: 22-13332
NAME & ADDRESS: HOWARD JENSEN FARMS
1028 BARNEY DAIRY RD
REXBURG ID 83440
SOURCE: GROUND WATER
PRIORITY DATE: 05/01/1969
POINT OF DIVERSION: T06N R40E S23 NESWNW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T06N R40E S14 SWSW SESW SWSE SESE
S23 NENE NWNE SWNE NENW NWNW
SWNW SENW NESW NWSW NWSE

This right is for an enlargement of 17 acres within the total 460 acres recommended.

Water Right: 22-13351
NAME & ADDRESS: WILLIAM L TANNER
3385 W 6800 S
REXBURG ID 83440
SOURCE: GROUND WATER
PRIORITY DATE: 05/01/1968
POINT OF DIVERSION: T05N R39E S35 LT 1 (NENWSW)
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T05N R39E S27 SESE
S34 NENE NWNE LT 5 (SWNE) SENE
LT 4 (NESE)
S35 LT 1 (NWSW)

This right is for an enlargement of 46.4 acres within the total 173.4 acres recommended.

Water Right: 22-13456
NAME & ADDRESS: ALANA & JEFF L LERWILL
957 N 16TH E
SUGAR CITY ID 83448
SOURCE: GROUND WATER
PRIORITY DATE: 09/01/1953
POINT OF DIVERSION: T05N R39E S35 SESWNE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T05N R39E S35 SWNE NENW SENW
NESW NWSE

This right is for an enlargement of 12 acres within the total 115 acres recommended.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr, Suite A, Idaho Falls ID 83402-1718 on or before April 18, 2006.

Publ. March 8 and 15, 2006. SJ 708.

22-2205

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				

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

New Mailing Address

3385 W 6800 S

City, State and ZIP Code

Reuburg, Idaho 83440

New Telephone Number

(208) 356-3544

5. Date you acquired the property

*C/O Done Both Rts
 2/9/05
 ABK*

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

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

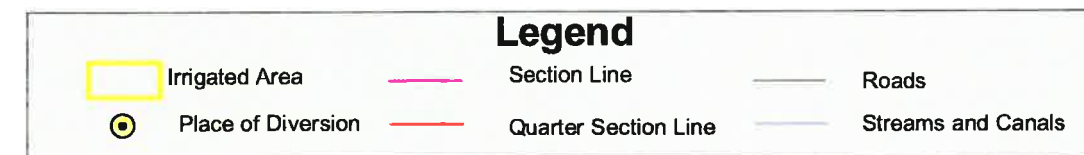
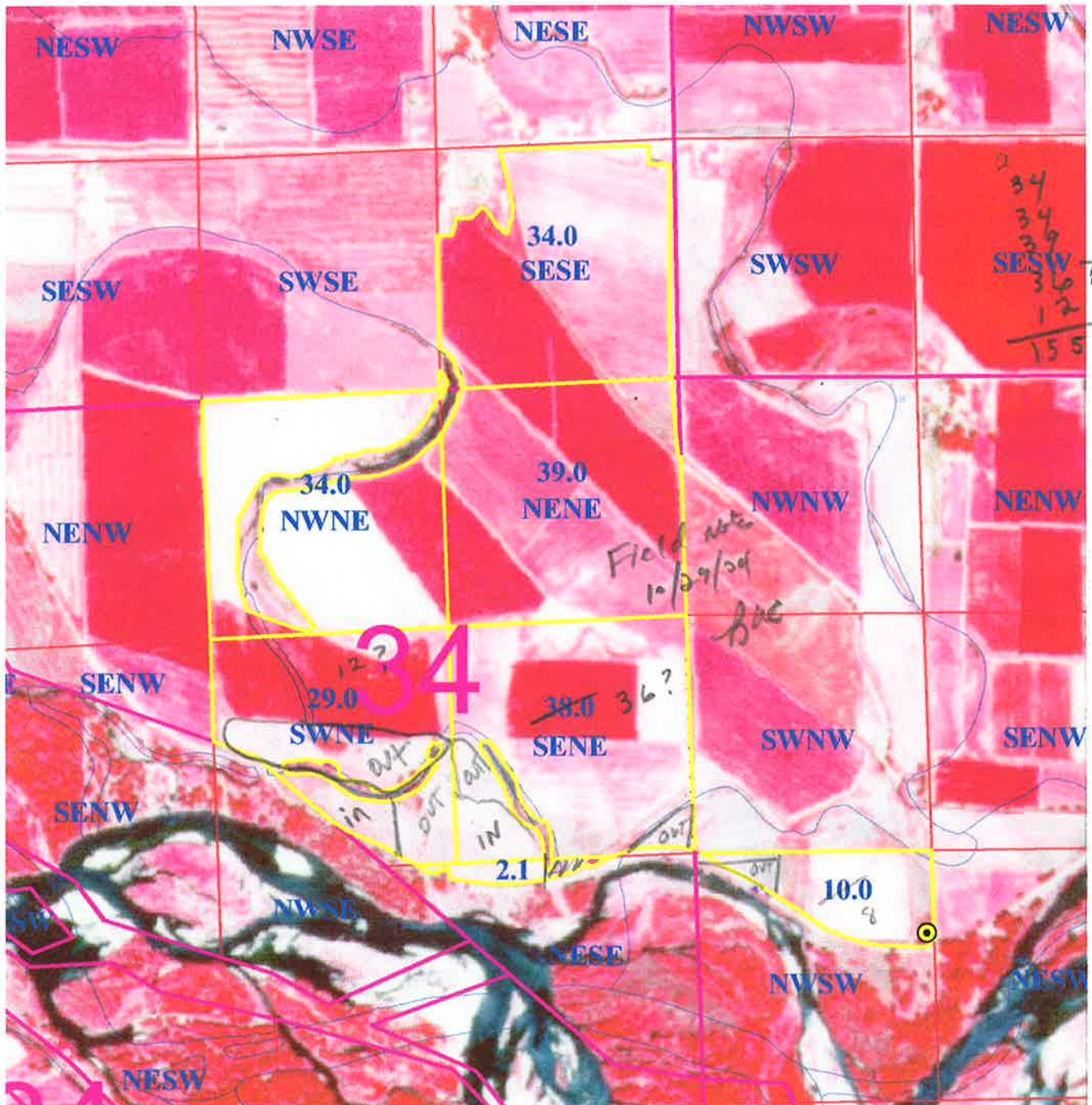
LESS THE FOLLOWING: Beginning at the Southeast corner of Section 27, Township 5 North, Range 39 East, Boise Meridian; and running thence North for a distance of 1046.24 feet to the true point of beginning; thence North $72^{\circ}08'57''$ West for a distance of 494.90 feet to a point which lies on the 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,

Water Right Claim Number 22-02205

Townships , 5N38E, 5N39E

06/27/2001



SPATIAL
DYNAMICS

Claim No. 22-225

Document Checklist

☒ Copy License/Decree

☐ Copy Transfer

☒ Copy Licensing Field Exam

☒ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

7/13/04 Courthouse parcel # 05A 39c 34 0001
05A 39c 35 5401
William L. Tanner 05A 39c 27 9015
3385 W 6800S

Bac

9/8/04 per phone book 356-3544 8:20 AM msg on machine

9/8/04 Tanner called 313-1461 cell call middle of next week.

10/28/04 313-1461 7:30 AM 1 PM tomorrow address is correct.
East of River, 3/4 mile - Pine trees White house Bac

- Prepare enlargement based on map sketch. Pre-1966
land leveling allowed additional acres.

- look for SW right 1903 - A22-210?

Bac

Claim no. 422-2205

Claimant Contact Log

Date

Remarks

Agent initials

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



Photo showing Rocky nature of ditches.

Contacts Data Entry Form

Claim Number: A22-2205

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

Not long after drilling well, much of the land was leveled, increasing acreage to current condition. Current owner William Tanner was still in High School so this would have been in the late 1960s.

Note field examiner notes state 4 cfs discharge but prop was filed after 1963 so this can't be used for beneficial use claim for extra D. I had mistaken the 1961 permit date for the exam date and so suggested to Mr. Tanner that we could file a claim for the extra ~ 1.5 cfs. Box 10/29/04

Claim references overlap w/ A22-210 but attached internet printouts suggest this should be AD1-2018.

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: A22-2205

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:
Claim agrees w/ license 26 April 1961 Bae 10/26/04

Reviewer: _____

Date: _____

Water Right No(s). A22-2205



GPS DATA:

Tag # A0012232 Location: Motor panel

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

GPS Waypoint 17 2673963 E 1393253 N 707483

Field Exam Date: _____ Agent: _____

Point of Diversion and Source Data Entry Form

Claim Number: A22-2205Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? Enlargement claim wanted to owner 10/30/04 BOC
 Transfers Pending or approved: _____

Document how the POD and Source were verified:

5N 39E 35 NENWSW. GPS recorded on page w/ photo. BOC 10/22/04

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: A22-2205

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: 01-2013, Palisades storage

Document how the POU was verified:

Field inspection & review of maps w/ owner 10/29/04. See
amended claim / enlargement claim. See 10/29/04

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: A22-2205Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

License shows 2.54 cfs for irrigation, no volume or season. *BAC 12/29/04*

Note overlap of Snake River right 01-201B + Palisades storage.

Reviewer: _____

Date: _____

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. Volume of license, at Page, 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 32
			NE 1/4 NE 1/4	40	40 38
			NW 1/4 NE 1/4	40	22 34
			SW 1/4 NE 1/4 (Lot 4)	20	5 19
			SE 1/4 NE 1/4	39	16 32
		35	NE 1/4 SE 1/4 (Lot 5)	5	3 1.3
			NW 1/4 SW 1/4 (Lot 1)	20	6 8.4
		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.

State Reclamation Engineer.

22 2265

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. SMYLLIE, 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. SMYLLIE
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				L. 5				20
		34	40	40	20	39									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. 1968																			
																LICENSE ISSUED FOR 2.54 SEC. FT. LICENSE PAGE NO. 29657			
																s/ R. KEITH HIGGINSON State Reclamation Engineer			



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 IN 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: jo

Final Review and Data-Entry

Date: 4-1-97 By: jo

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

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

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, 1961

Priority April 26, 1961

15 AN UNCLOSED MOTOR

2377018

BANKLEY WATER POND

6108420

SW # 3701

10" DISCHARGE INTO

18" CONDUIT

20'

PUMP PRODUCES 20"

DRIVEN BY CANAL CO. WATER MOTOR

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 22-2205
Date Received: 5/23/1988
Receipt No: E000248
Received By:

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: 04/26/1961

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	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	4/01	11/01	2.54	

7. Total Quantity Appropriated is:

2.54 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	IRRIGATION	19
			SE	NE	IRRIGATION	33
			NE	SE	IRRIGATION	2.1
					Section Acres	129.1
05N	39E	35	NW	SW	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 ADDITIONAL ACRES AS PERMISSIBLE POU WITH 01-201B, AND 22-13351 (ENLARG CLAIM). AND C/O 2/09/05.

CHANGED NAME OF CITY FROM THORNTON TO REXBURG PER REQUEST/JT

15. Basis of Claim: License

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 _____

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 A22-2205

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 26 April 1961

3. Source of water (a) Groundwater
which is tributary to (b)

4. a. Location of points of diversion:

Township	Range	Section	QQQ	Diversion Name
5N	39E	35	NENWSW	

5. Description of existing diversion works.

30 foot well to open ditches for flood irrigation

Sub E NENWSW Claim
22-13351

6. Water is claimed for the following purposes:

Purpose	Start Date	End Date	cfs	acre feet/year
Irrigation	4/1	11/1	2.54	

7. Total quantity claimed (a) 2.54 (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: A01-201B and an enlargement claim for this water right.

14. Remarks. This claim is amended to show 127 acres irrigated within a 173.4 acre permissible place of use along with an enlargement claim which will be filed with this amended claim. Additional acres are paid for with the enlargement.

Claimant has also submitted a notice of change of ownership for this claim and A01-201B.

Map of project: Please see attached.

15: Basis of Claim: License

IDWR water right number 22-2205

Court Case Number Decree Date
Plaintiff vs Defendant

16: Signatures

Number of attachments: One map.

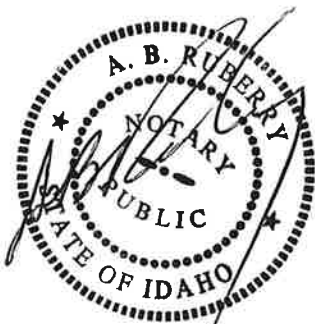
Signature of Claimant(s) William Tanner Date Feb 9, 2005

Date _____

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

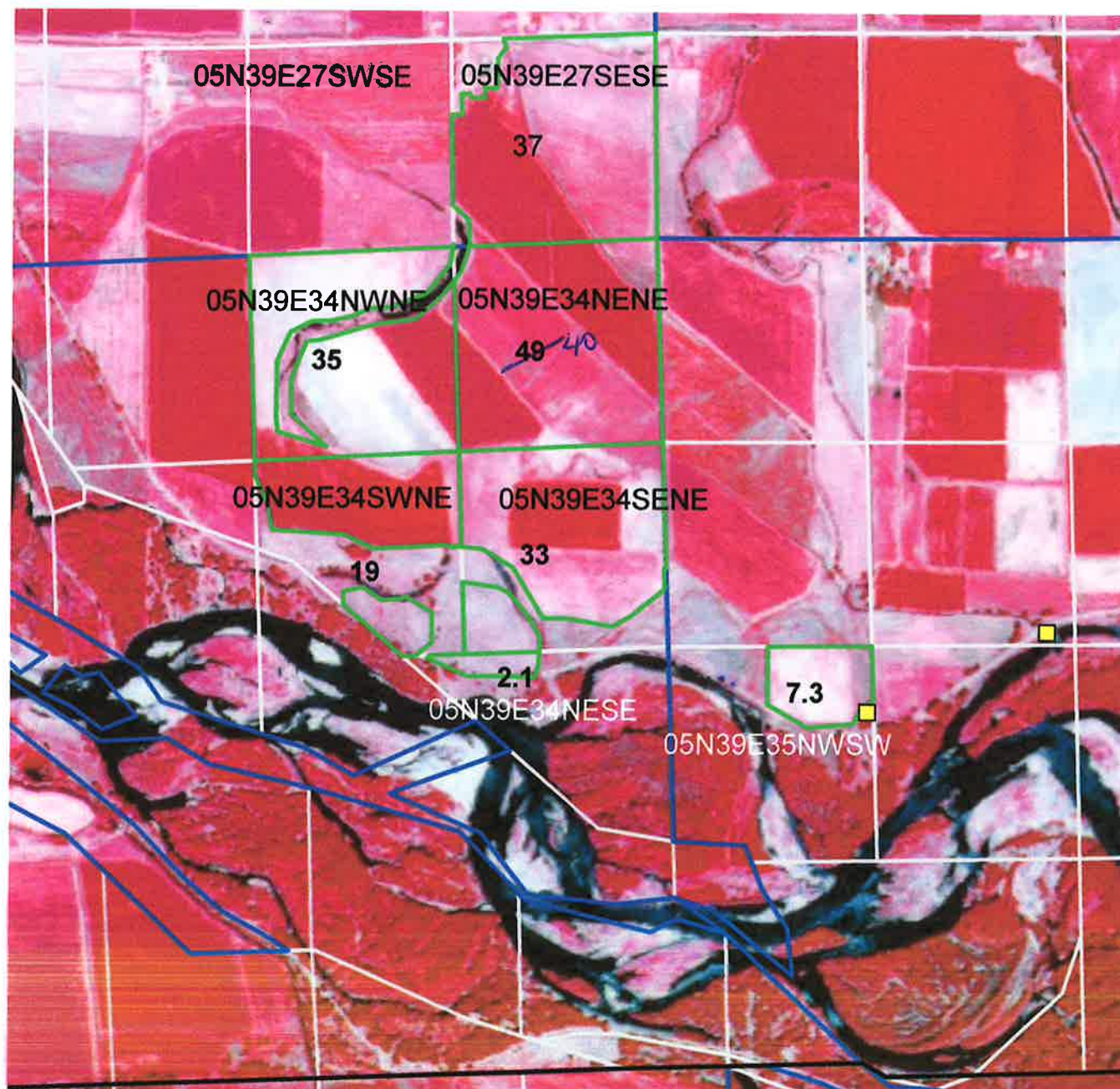
Subscribed and sworn (or affirmed) before me this 9th day of Feb 2005

SEAL



Notary Public Allen B Ruberry
Residing at 20440 Faus Idaho
My Commission Expires 9/23/09

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



1987 Aerial Photography from IDWR



- B22_gps_10_2004.shp
- A22-2205.shp
- 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: 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

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.

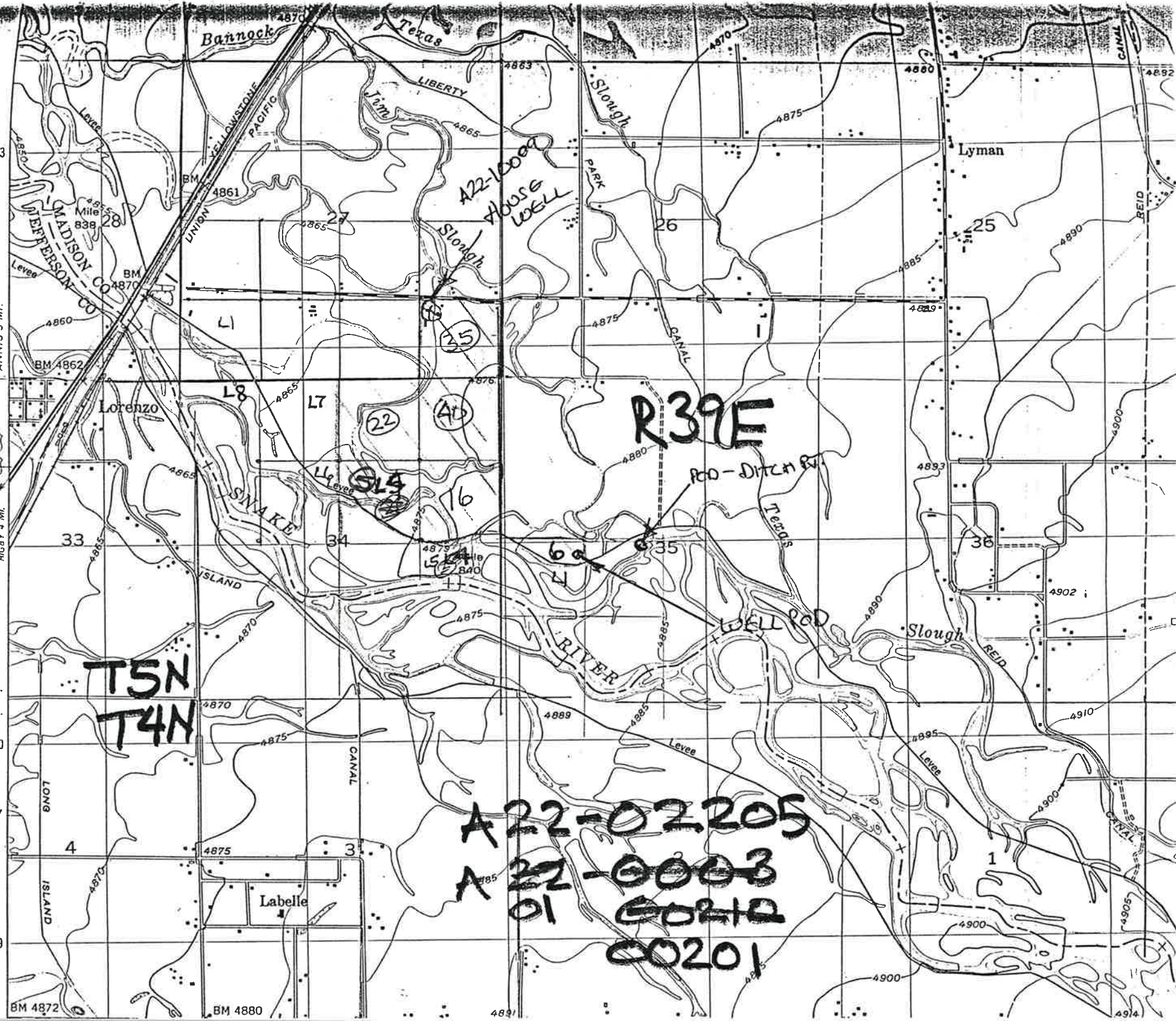
Signature of Claimant(s): Thomas H Roth Date: May 23/88
Date: _____

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



MICROFILMED
OCT 29 1992



T5N

A22-02205

A22-02210

01 00201

R39E

NOT TO SCALE

MICROFILMED

OCT 29 1992

Horse well

River Ditch
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