

12/09/2005

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

RIGHT NUMBER: 22-2227

NAME AND ADDRESS: T L R INC
1110 GOLDEN BEAUTY DR
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.980 CFS
402.500 AFY

The rights listed below are limited to a total combined diversion rate of 4.91 cfs and to a total combined annual diversion volume of 2015 AF. Combined Right Nos.: 22-2227 and 22-2298.

PRIORITY DATE: 03/29/1963

POINT OF DIVERSION:

T05N R40E S16 SESWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.980 CFS
402.50 AFY

PLACE OF USE:

IRRIGATION Within MADISON County

T05N R40E S16	NESW	40.0	T05N R40E S16	NWSW	40.0
T05N R40E S16	SWSW	40.0	T05N R40E S16	SESW	40.0
T05N R40E S21	NENW	40.0	T05N R40E S21	NWNW	40.0
T05N R40E S21	SWNW	38.0	T05N R40E S21	SENW	36.0
T05N R40E S21	NESW	37.0	T05N R40E S21	NWSW	38.0
T05N R40E S21	SWSW	38.0	T05N R40E S21	SESW	38.0
T05N R40E S21	NWSE	25.0	T05N R40E S21	SWSE	16.0
T05N R40E S28	NWNE	1.7	T05N R40E S28	NENW	28.0
T05N R40E S28	NWNW	40.0			

575.7 ACRES TOTAL

This right is limited to the irrigation of 115 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 575.7 acres in a single irrigation season. Combined Right Nos.: 22-2227 and 22-2298.

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

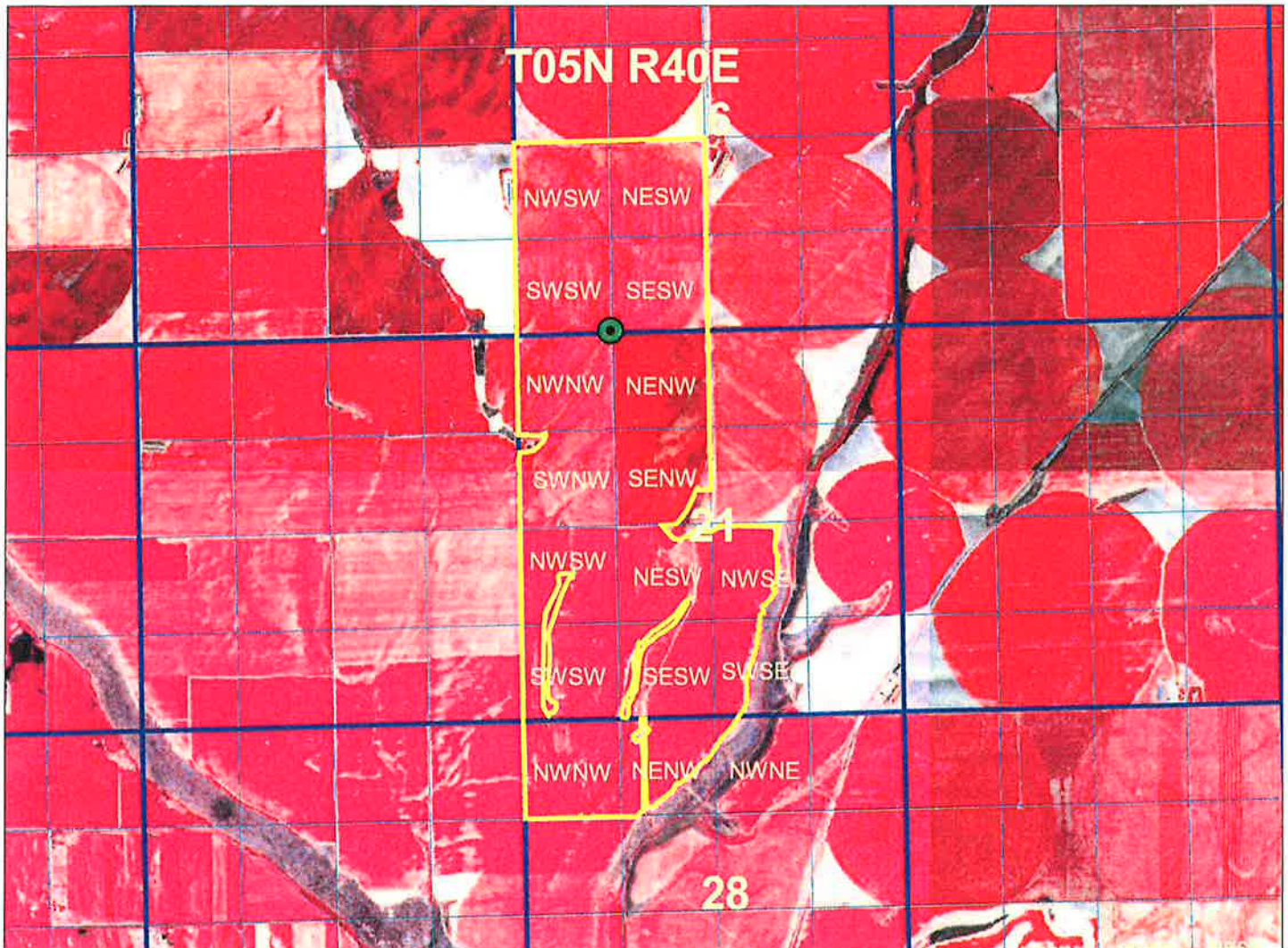
Right No. 22-2298 is also diverted through point of diversion described above.

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



Department of Water Resources Eastern Region

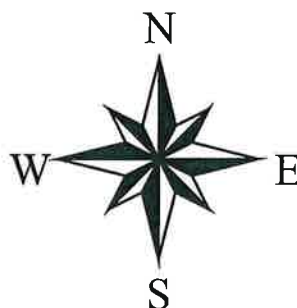
Claim No.: 22-2227 & 22-2298



0 1320 2640 3960 5280 Feet



- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: November 2005

Water Right No(s). A 22-2227 + A 22-2298

See attached photos

GPS DATA:

Tag # A0000278 Location: on support pole
GPS data - 2080312 GPS File # 222227
139.7538

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR / Booster

Make: GE / GE Model: _____ Hp: 600 / 100
SN: M051211004 / VSJ828124

PUMP / Booster

Make: Layne Bowler / NA Model: _____ Disch: _____
SN: NA / NA

NOTES:

Property sold to Lynne Terry Wilcox (cell 351-8030) who are part
of Florida Wilcox & Sons. I gave Lynn a change of ownership form
P.O. shape files ok.

Field Exam Date: 5-6-05 Agent: RL Wilcox

Same PODAs 22-2298; As limits apply
See H/1-10/31



A22-2227 + A22-2298, Locking North



A22-2227 + A22-2298 Motor Tag 600 Hp

Water Right Claim Number 22-02227
Township , 5N40E

06/27/2001

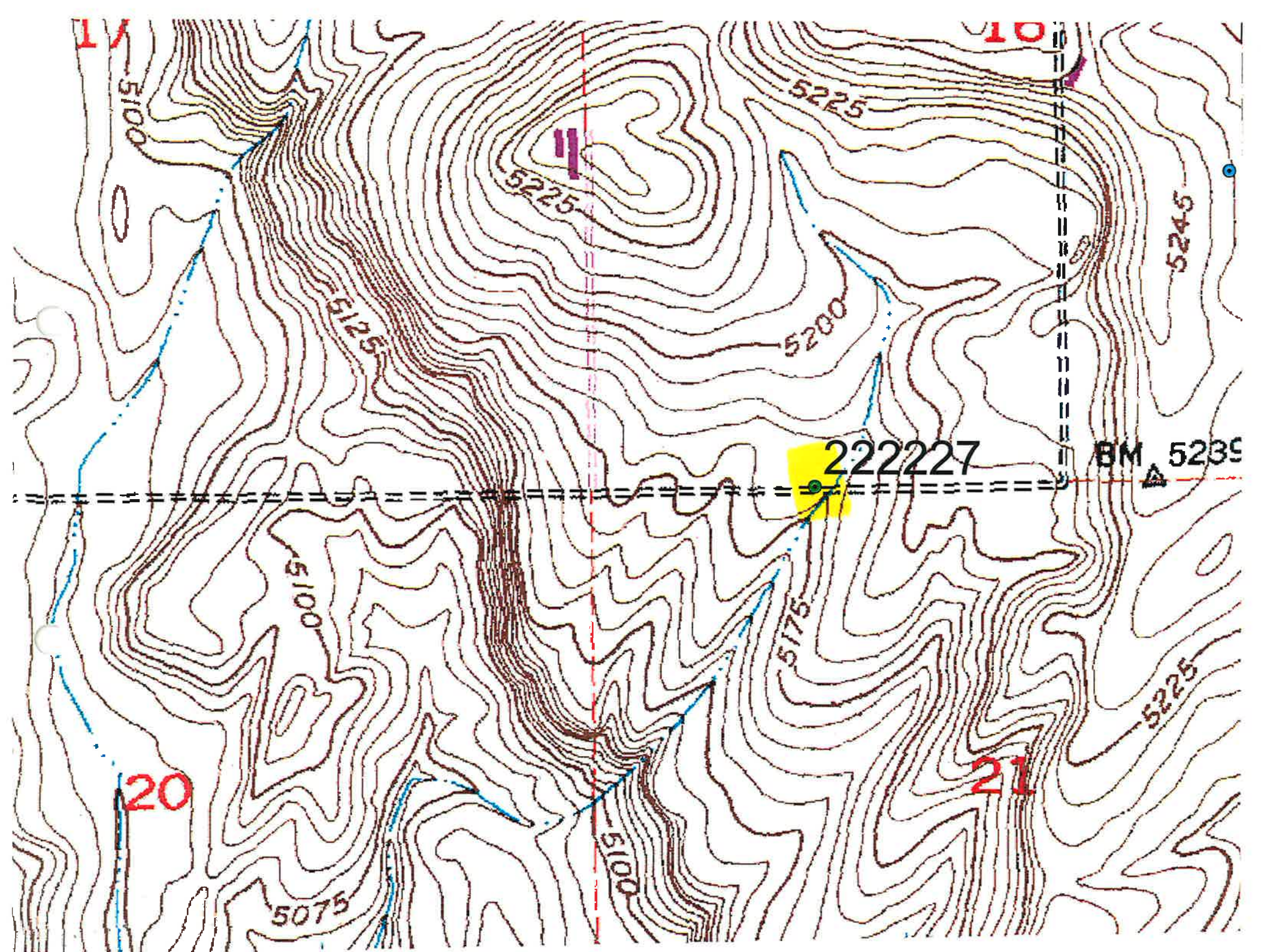
16

22-2298



Legend					
	Irrigated Area		Section Line		Roads
	Place of Diversion		Quarter Section Line		Streams and Canals





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

RECEIVED

MAY 23 2005

Department of Water Resources
Eastern Region

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
	A22-2298	N			
	A22-2227	A/			

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**.

☒ 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)

Craig J. Smith
19 North 1427 East Rexburg, ID 83440

- ☒ 4. New Owner/Claimant(s)

T.L.R. Inc.
Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

1110 Golden Beauty Dr.

City, State and ZIP Code

Rexburg, ID 83440

New Telephone Number

(208) 356-7563

- ☒ 5. Date you acquired the property

April 17th 1989

RECEIVED

MAY 17 2005

Department of Water Resources
Eastern Region

State of Idaho

License and Certificate of Water Right

Water License No. G-31066 Priority March 29, 1963 Amount 0.98 c.f.s.

THIS IS TO CERTIFY that ED S. COVINGTON

of Rexburg, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 29, 1963; that Permit No. G-31066 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 0.98 second feet, was issued thereunder on April 2, 1968, showing that said works were completed on the 29 day of September, 1965; and that on the 29 day of September, 1965

ED S. COVINGTON

of Roxburg, 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 a well

a tributary of subterranean flow for the purpose of irrigation
under Use Permit No. G-31066 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~~
~~Water~~ ~~of~~ ~~licenses~~ ~~at~~ ~~Page~~ , on the 2 day of April, 1968

The right hereby confirmed dates from March 29, 1963

The Point of Diversion is located

in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Twp. 5 N, R. 40 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 0.98 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	40 E	21	NW $\frac{1}{4}$	40	28
			SW $\frac{1}{4}$	40	18
		28	NE $\frac{1}{4}$	40	30
			NW $\frac{1}{4}$	40	39
			Total number of acres irrigated:		

$$\frac{0.98}{115} = 0.00852$$

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 2 day of April, 1968.

R. Keith Higgins
State Reclamation Engineer.

22 2227

31066

22-2227

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 39155
Permit No. G- 31066
District No.

1. Name of Applicant: Ed S. Covington
125 E. 2nd N.
Postoffice address: Rexburg County: Madison State: Idaho
2. Quantity of water claimed: 3.2 c.f.s.
 - (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
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16
Twp. 5 N , Rge. 10 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 $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Pump, electric motor and sprinklers
8. Estimated cost of works: \$ 82,000.00
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: None
 - (a) (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) 3.2 (cubic feet per second, inches or gallons per minute) is for new lands.

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

s/ Ed S. Covington Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 11:20 A.M. March 29, 1963

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 31066

Recorded in Book 109 Page 31066 Approved April 1, 1963

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 1, 1965

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 1, 1968

Witness my hand this 1st day of April, 1963 s/ CARL E. TAYLOR,
Ass't. STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SHYLIE, 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 1st
day of April, 1963.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS Secretary of State.

12.

Twp.	Range	Sec.	NE¼		NW¼		SW¼		SE¼		Totals	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		NE¼
5 N	40 E	21 28			40	40					80 80	
											TOTAL	160
PERMIT NO. G-31066												
CERTIFICATE OF COMPLETION OF WORKS												
TO ALL WHOM IT MAY CONCERN:												
This is to certify that ED S. COVINGTON of Rexburg, County of Madison, and State of Idaho, the holder of Permit No. G-31066, issued upon Application No. G-39155 bearing date of priority of March 29, 1963, authorizing the diversion of 3.2 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 0.98 second feet of the waters of a well from subterranean flow that the point of diversion of said waters is in the SW¼SW¼ Section 16, Township 5 North, Range 40 East, Boise Meridian; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: W½SE¼ Section 21; N½NW¼ Section 28, Township 5 North, Range 40 East, Boise Meridian. Proof of completion of works made: September 29, 1965 Witness my hand this 2 day of April, A.D. 1968 /s/ R. KEITH HIGGINSON State Reclamation Engineer LICENSE ISSUED FOR <u>0.98 SEC. FT.</u> LICENSE PAGE NO. <u>31066</u>												

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

Permit No. G-31066

This proof is for Completion of Works and Beneficial Use In Water District No. _____

1. Name of applicant Ed S. Covington

2. Source of water supply: well

3. Location of point of diversion: Is in the SW 1/4 of Section 16

T. 5 N R. 40 E., B.M. County of Madison

4. Describe works as they exist, giving dimensions and capacities of same:

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion:

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):

SW 1/4 SE 1/4, NW 1/4 SE 1/4, Sec. 21; NE 1/4 NW 1/4, NW 1/4 NW 1/4, Sec. 28, T. 5 N., R. 40 E., B.M.

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

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

Remarks:

5.50 448.0 4.90
125

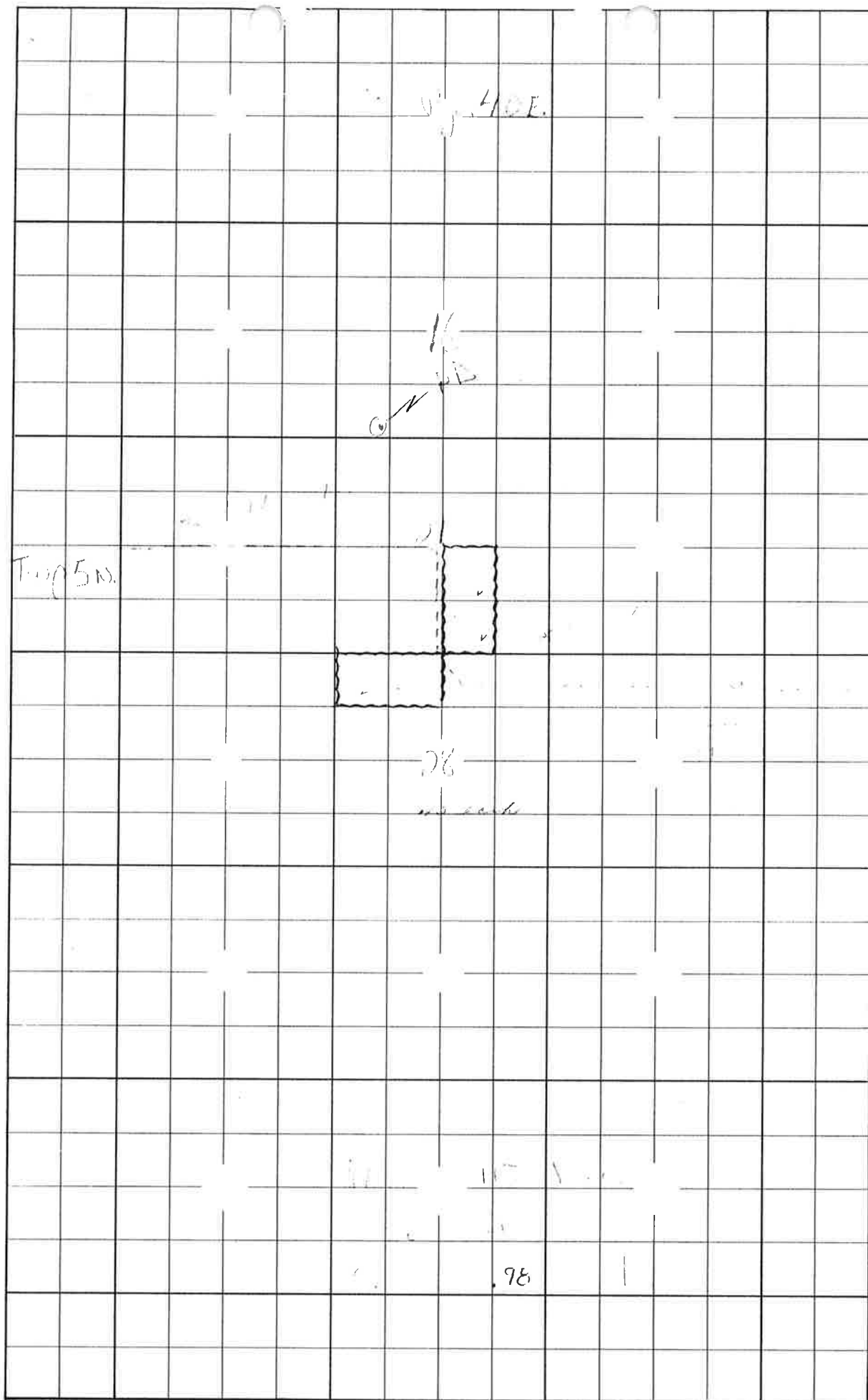
This examination was made on the _____ day of _____, 19 _____

(Signed) _____

Examiner.

31066

Plat ✓
Adv ok
E. J. W.

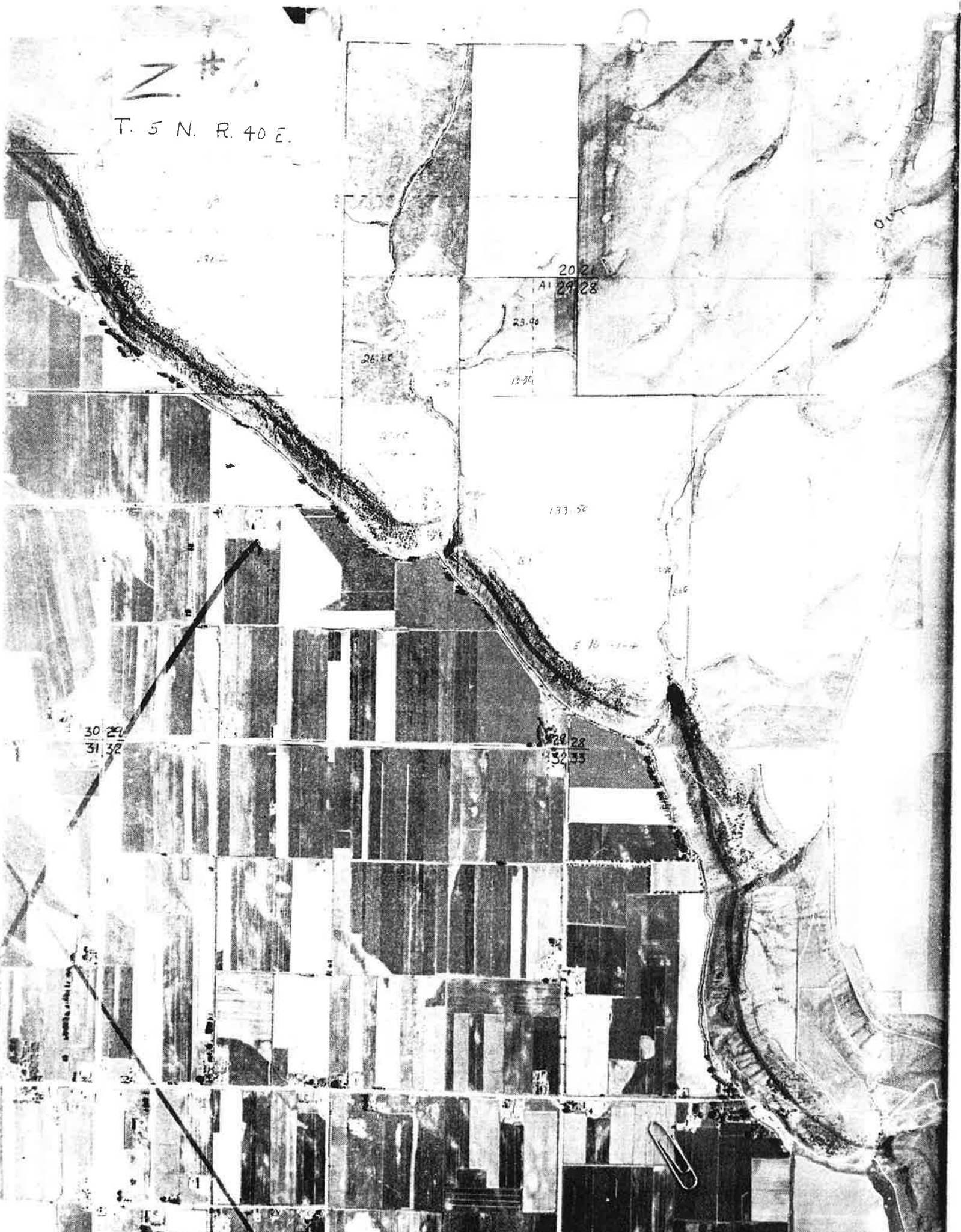


Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

31066

Z#

T. 5 N. R. 40 E.



06/16/88
14:21:21

SMITH, CRAIG J.

ADJUDICATION FEE

0410162 9337 6490

~~\$556.00~~

Correct fee
= \$ 671⁰⁰

WR/NO: A22-02227 A22-02298

Idaho Department of Water Resources

Region:

Signature:

Craig J. Smith

This copy of a receipt was given by me to Mr. Smith. An error was made in the calculation of the Adjudication fee. The fee should have been \$ 671⁰⁰. NOTE: This filing was received by the deadline date; therefore, NO LATE FEE.

Keith C. Wells
9-14-1988

RECEIVED
AUG 25 1988
Department of Water Resources
Eastern District Office
MICROFILMED
OCT 29 1992

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 22-2227
Date Received: 11/16/1988
Receipt No: E004119
Received By:

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

1. Name of Claimant(s)

T L R INC Phone: (208)356-7563
1110 GOLDEN BEAUTY DR
REXBURG ID USA 83440

2. Date of Priority: 03/29/1963

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	40E	6	SW SW	MADISON	

5. Description of diverting works:

WELL PUMP MAINLINE TO HANDLINES WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.98	

7. Total Quantity Appropriated is:
0.98 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	40E	21	NW SE	IRRIGATION	27
			SW SE	IRRIGATION	15
				Section Acres	42

05N	40E	28	NE	NW	IRRIGATION	30
			NW	NW	IRRIGATION	40
			NW	NE	IRRIGATION	3
					Section Acres	73
					Total Acres	115

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:

SYSTEM SUPPLIES WATER FOR A22-02298

15. Basis of Claim: License

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: A22-02227
Date Received: 6/16/1988
Receipt No: E004119
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CRAIG J. SMITH
Address: 19 NORTH 1427 EAST
REXBURG, ID

208-356-9009

83440

2. Date of Priority: MAR 29, 1963

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	40E	6	SW	SW	SW		MADISON

5. Description of diverting works:
WELL PUMP MAINLINE TO HANDLINES WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.980		

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

A.F.A.

8. Total consumptive use is 230.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	40E	21	NW	SE		IRR	27.0
			SW	SE		IRR	15.0
Section Acres							42.0

A22-02227

Page

1

Date: 06/16/88

MICROFILMED

OCT 29 1992
Department of Water Resources
Eastern District Office

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05N	40E	28	NW	NE		IRR	3.0
			NE	NW		IRR	30.0
			NW	NW		IRR	40.0

Section Acres 73.0

Total Acres	115.0
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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:
NONE

14. Remarks:
SYSTEM SUPPLIES WATER FOR A22-02298

15. Basis of Claim: LICENSE
Water Right Number: 31066

MICROFILMED

OCT 29 1992

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): Craig J. Smith Date: 8-23-88
_____ Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 23 day

of August 19 88

Seal

Anna Mae Johnson
Notary Public

Residing at Lewiston, Idaho
My Commission Expires 3-1-92

R40E

T5N

ERALG SMITH

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POINT OF DIVERSION

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E33
253

DAN SMITH & SONS

40

30

T5N

PLACE OF USE

R40E

A22-02227

MICROFILMED

OCT 29 1992