

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED

DEC 14 2006

Department of Water Resources
Eastern Region

[] Water Right Number(s): 22-4090

[] Name(s):

Thomas H. Goe
Robert H. Goe

[] Old Mailing Address:

3131 W. Yosemite
Lathrop, CA 95330

[] New Mailing Address:

1771 E. 100 N.
Rexburg ID 83440

Telephone Number:

208-354-5171

[] Signature(s) of Owner(s)



(Include your title if on behalf of company or organization)

Date:

Dec 11-2006

Completed



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

December 11, 2006

Hon. John Melanson
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 22-4090 (Goe)

Dear Judge Melanson:

The Director's Report for Basin 22, Part 1 was filed with the SRBA Court on May 15, 2006. Since that filing, IDWR has discovered a clerical error in the recommendation for this water right. Specifically, the volume for the purpose of use was not contained in the original recommendation. Attached hereto is a copy of a revised recommendation showing the proposed correction.

I am also sending them a copy of this correspondence to the claimant so that he is aware of this issue.

If you should have any questions, please feel free to contact me at 287-4810.

Very Truly Yours,

A handwritten signature in cursive script, reading "Candice M. McHugh".

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosure

cc: Thomas H. Goe

December 7, 2006

THOMAS H GOE
1771 E 100 N
REXBURG ID 83440

RE: CHANGE OF ADDRESS FOR 22-4090

Dear Claimant:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

THOMAS H GOE
3737 W YOSEMITE AVE
LATHROP CA 95330

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

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

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

U.S.P.S. Form 3547

return
to sender

fee due 75 ¢

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300

2210

First Class Mail
Postage & Fees Paid
USPS
Permit No G-10

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED

GOE-737 953303589 1606 53 10/04/06
FORM 3547
HIGHWAY 120 AUTO DISMANTLERS - TOM GO
1771 E 100 N
REXBURG ID 83440-2910

THOMAS H GOE
3737 W YOSEMITE AVE
LATHROP CA 95330

U.S. POSTAGE
1761
8902 \$00.87
3088 MAILED FROM

C of A
sent 12/07
Kato

22-4090

09/02/2005

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: 22-4090

TETON DRIVE-IN THEATER

C/O RALPH E PRESTWICH

119 N 3 E

REXBURG ID 83440

Telephone Number: (208)356-5887

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: 2-17-06SIGNATURE: Please print your name: Thomas H Goe

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 24, 2006

THOMAS H GOE
3737 WEST YOSEMITE AVE
LATHROP CA 95330

RE: Water Right Claim 22-4090

Dear Thomas,

In June of 2005, Bryce Contor performed a field exam of the Teton Drive-In Theater in Rexburg, Idaho. Our records show that Bryce sent you an amended claim form so that you could include irrigation as a water use. We received in October of 2005 an amended notice of claim that appears to be a duplicate of the form Bryce sent to you. We will be happy to amend your claim to include irrigation as a use provided the water was supplied from the well. The department does not recognize irrigation through the use of canal shares. If that was the historical practice, then adding irrigation to the claim would be in vain.

In order for us to proceed, we need a signed and notarized copy of an amended claim. If you would like to pursue this action, please call the Idaho Dept. of Water Resources at (208) 525-7161 and ask to speak with myself or another adjudication agent. The sooner your response, the sooner the necessary changes can be made so that we can continue with a recommendation for your water right.

Another issue preventing this claim from being recommended regards evidence of priority. Enclosed is a pamphlet that explains the evidence that is acceptable to support your claimed priority date of *April 1, 1960*. Remember that if you would like to add irrigation to the claim, the evidence needs to support commercial use in the snack bar and bathrooms as well as irrigation from the well located near the snack bar.

Please do not hesitate to call me at the phone number above if you have any questions. Thank you for your assistance in this matter.

Respectfully,

Kristin Moore
GIS Specialist

December 29, 2005

THOMAS H GOE
3737 W YOSEMITE AVE
LATHROP C 95330

RE: CHANGE IN OWNERSHIP FOR: 22-04090

Dear Mr. Goe:

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 Teton Drive-In Theater. The legal description is as follows:

TOWNSHIP 06N RANGE 40E SECTION 17 SENW

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 of 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 questions regarding this matter, please call 208-525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

SERVICE
POSTED

WATER RESOURCES
DISTRICT OFFICE
1111 N. DEER
IDAHO 83402

U.S. POSTAGE
1001
8970 00-60 DEC 02 2005
5449 MAILED FROM ZIP CODE 83402

NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

FOE

NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

IDAHO DEPT. OF WATER RESOURCES

Eastern Region
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718
(208) 525-7161

TO

TETON DRIVE-IN THEATRE
C/O RALPH PRESTWICH
119 N 3 E
DEXBURG ID 83440

NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

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 A22-04090

Date Received _____

Receipt Number _____

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

RECEIVED
OCT 04 2005
Department of Water Resources
Eastern Region

1. Claimant: Thomas H. Goe
3737 West Yosemite Ave
Lathrop CA 95330

2. Date of Priority: 1 April 1960

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

4. a. Location of points of diversion:

Township	Range	Section	QQQ	Diversion Name
O6N	40E	17	SEnw	

5. Description of existing diversion works: Well and pump, pipelines to restrooms and snack bar, hoses to lawn irrigation.

6. Water is claimed for the following purposes:

Purpose	Start Date	End Date	cfs	acre feet/year
Commercial	3/01	11/01	0.05	
Irrigation	4/1	11/1	0.07	

7. Total quantity claimed (a) 0.07 (cfs) and/or (b) (acre feet per year)

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

9. Non-irrigation uses: Restrooms and snack bar at drive-in theater.

10. Description of place of use

Township	Range	Section												
06N	40E	17												
NE		NW	SW									SE		
NE NW	SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	Total	
			2.5										2.5	
			C											

Total number of acres irrigated: 2.5

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: none

14. Remarks: This claim is amended to show historical irrigation use from well.

Map of project: Please see attached.

15: Basis of Claim: Beneficial Use

IDWR water right number: 22-04090

Court Case Number Decree Date
Plaintiff vs Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 15, 2005

THOMAS GOE
3737 W YOSEMITE AVE
LATHROP CA 95330

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 22-4090

Dear Mr. Goe:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. **Please note: the elements of your water right could change after the field exam and final review by our office.**

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 30, 2005

RECEIVED

JUL 28 2005

Department of Water Resources
Eastern Region

THOMAS H GOE
3737 W YOSEMITE AVE
LATHROP CA 95330

THE "NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP" FOR 22-4090
HAS BEEN RETURNED FOR THE FOLLOWING ITEM(S):

___ FEE OF \$25.00 PER WATER RIGHT per Idaho Code 42-248 and 42-1409(6)

___ SIGNATURE

X COPY OF DEED, TITLE POLICY, CONTRACT OF SALE, OR OTHER
LEGAL DOCUMENT indicating your ownership of the property and water
rights in question, *Madison County assessor (208) 356-3071*

X LEGAL DESCRIPTION OF PROPERTY

X PLAT OF PROPERTY OR SURVEY MAP (usually on file with the county)

___ USDA FARM SERVICE AGENCY (FORMERLY ASCS) AERIAL PHOTO
with irrigated acres outlined and point(s) of diversion clearly marked.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE
ENTIRE PACKET TO :

Allen Ruberry, Senior Water Agent
Idaho Department of Water Resources
900 N. Skyline Dr.
Idaho Falls, ID 83402

AUG. 2 '94 11:37AM

1 801 5 1110 P.1

REAL ESTATE PURCHASE

AND SALE AGREEMENT AND RECEIPT

NEST MONEY

THIS IS A LEGALLY BINDING CONTRACT AND ANY ATTACHMENTS, CAREFUL

READ THE ENTIRE DOCUMENT, INCLUDING THE GENERAL

DIVISIONS ON THE REVERSE SIDE YOUR ATTORNEY BEFORE SIGNING.

1. **IMPORTANT - AGENCY DISCLOSURE.** At the time of signing this agreement the agent working with the buyer represented Seller and the agent working with the seller represented Seller. Each party signing this document certifies that prior written disclosure of agency was provided to him/her in this transaction. Each party to this transaction has read and understands the contents of the agency disclosure brochure previously received.

ID# 261229

Thomas H. Goe

Rexburg, Idaho

July 26, 1994

(hereinafter called "Buyer") agrees to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" commonly known as Lepton View Drive in Theatre - Ralph E. Prestwich - Owner City of Rexburg County of Madison Idaho, legally described as: 10.85 acres more or less in Section 17 Township 6 North Range 40 EBM Rexburg, Idaho

(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED OR ATTACHED PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over the signature the correct legal description of the premises if unavailable at the time of signing, or to correct the legal description previously entered if erroneous or incomplete.)

2. **EARNEST MONEY.**

Check #1096

(a) Buyer hereby deposits as earnest money and a receipt is hereby acknowledged of Two Hundred Fifty and no/100ths dollars (\$250.00) evidenced by: ☒ Cash ☒ Personal Check ☐ Cashiers Check ☐ Note Due ☐ or (b) Earnest Money to be deposited in trust account upon acceptance by all parties and shall be held by: Caldwell Banker, Riley R. Broken for the benefit of the parties hereto, and

shall hold the completely executed broker's copy of this agreement and in responsibility for the closing. (c) If all conditions have been met by Buyer, Buyer and Seller agree that the earnest money (less credit report fees, and any other Buyer's costs) shall be refunded to Buyer. In the event Buyer or Seller cannot consummate the sale due to circumstances beyond their control.

(d) The parties agree that American Land Title Title Company shall provide title policy and preliminary report of commitment and the "closing agency" for this transaction shall be American Land Title. If a long-term vacancy / collection is involved, then the escrow holder shall be To be jointly selected by buyers and sellers.

3. **TOTAL PURCHASE PRICE**DOLLARS (\$ 20,000.00)

Payable as follows: (a) 20,000.00 Cash down, including above Earnest Money (Closing costs are additional). (b) See below Balance of the purchase price (M.I.P. not included).

4. **FINANCING.** This agreement is contingent upon the Buyer securing the following financing:

(a) ☐ NEW FINANCING. Purchase loan balance as noted above for a period of 30 years at 5.75 % per annum. (If FHA or VA loan is sought, read the applicable provisions on the reverse side hereof.) Buyer shall pay no more than 3 points plus origination fee if any. Seller to pay only the discount points necessary in order to obtain above described financing but not to exceed 3 points. Any reduction in points shall first accrue to the benefit of the: ☐ Buyer ☐ Seller ☐ Divided Equally.

(b) ☐ ASSUMPTION. Buyer to ASSUME and ☐ will or ☐ will not be required to qualify for an EXISTING LOAN(S) of approximately \$ 20,000.00 including ☐ P ☐ I ☐ T ☐ I ☐ L.

This agreement ☐ does ☐ does not require Lender to release Seller's liability. Type of loan Buyer shall apply for such loan or assumption within three (3) banking days after Seller's acceptance of this agreement.

5. **OTHER FINANCING TERMS AND/OR CONDITIONS:** Seller agrees to carry back a contract for \$20,000.00 to be paid monthly for 30 years at 5.75% interest.

6. **SELLER'S RIGHT TO CONTINUE TO MARKET THE PREMISES AND ACCEPT OTHER OFFERS.** This agreement provides for the Seller to continue to market the premises and accept other offers subject to Buyer's right to waive or remove the following contingencies. Any waiver or removal of any contingency as set forth in Paragraphs 4 will be a waiver or removal of all contingencies in Paragraph 4.

(a) ☐ Closing of all contingencies on or before 9-15-94

Upon waiver or removal of this contingency Buyer warrants that adequate funds needed to close will be available and that Buyer's ability to obtain financing is not conditioned upon sale and/or closing of any property.

(b) ☐ Other (specify) IF THIS AGREEMENT IS SUBJECT TO SELLER'S RIGHT TO CONTINUE TO MARKET THE PREMISES AND ACCEPT OTHER OFFERS AS SPECIFIED IN PARAGRAPH 6, SELLER SHALL HAVE THE RIGHT TO CONTINUE TO OFFER THE PREMISES FOR SALE AND TO ACCEPT OFFERS UNTIL SUCH TIME AS SAID CONTINGENCIES HAVE BEEN WAIVED OR REMOVED BY BUYER. SHOULD SELLER RECEIVE ANOTHER ACCEPTABLE OFFER TO PURCHASE, SELLER SHALL GIVE BUYER A 30 CALENDAR DAYS NOTICE OF SUCH OFFER. IN THE EVENT THE BUYER DOES NOT WAIVE OR REMOVE THE CONTINGENCIES IN WRITING WITHIN THE SAID CALENDAR DAYS NOTED ABOVE, THEN THIS AGREEMENT SHALL BE TERMINATED AND ALL DEPOSITS RETURNED TO BUYER LESS EXPENSES INCURRED TO DATE OF TERMINATION. IN THE EVENT THE BUYER DOES WAIVE OR REMOVE THE CONTINGENCIES, THE BUYER SHALL PROCEED TO PURCHASE THE PREMISES UNDER THE REMAINING TERMS AND CONDITIONS OF THIS AGREEMENT NOTwithstanding that the terms of the new offer may be more or less favorable. NOTICE SHALL BE CONSIDERED GIVEN ON THE EARLIER OF EITHER PERSONAL DELIVERY OF THIS AGREEMENT TO THE BUYER OR THEIR REPRESENTATIVE OR TWO CALENDAR DAYS FOLLOWING THE DATE OF MAILING EVIDENCED BY CERTIFICATION OF THE POSTMARK ON THE ENVELOPE CONTAINING SUCH NOTICE. ALL NOTICE SHALL BE SENT TO THE ADDRESS SHOWN ON THIS AGREEMENT.

7. **ITEMS SPECIFICALLY INCLUDED IN THIS SALE** (If FHA or VA financing is sought see Item # 17 on reverse side).

all personal property and equipment except items in #8 below

8. **ITEMS SPECIFICALLY EXCLUDED IN THIS SALE:** and popcorn machine9. **COSTS PAID BY:** Costs in addition to those listed below may be incurred by Buyer and Seller. Unless otherwise agreed herein or specified by law or required by lender, Buyer shall purchase Seller's reserve account if loan assumption.

☐ Yes ☐ No Purchaser's Extended Coverage Title Policy requested. Additional premium paid by See Item # 20 on reverse side

If requested by lender or otherwise stated herein, the below costs will be paid as indicated.

Costs Paid By	Appraisal	Loan Assumpt.	Well Inspect.	Pump/Inspect. Septic	Code Inspect. If Required	Code Inspect. Health	Contract and/or Document Prep.	Tax Service	Closing Agent's Fee	Long Term Escrow Fees
BUYER										
N/A	X	X	X	X	X	X		X		
SELLER							X		X	X
DIVIDED EQUALLY										

10. **CLOSING.** On or before the closing date, Buyer and Seller shall deposit with the closing agency all funds and instruments necessary to complete the sale. The closing date shall be no later than 9-15-94.11. **POSSESSION.** Buyer shall be entitled to possession on ☒ closing ☐ other.

"Closing" means the date on which all documents are either recorded or accepted by an escrow agent and the sale proceeds are available to Seller. Taxes and water assessments (using the last available assessment as a basis), rents, interest and reserves, liens, encumbrances or obligations assumed and waived shall be pro-rated as of Closing date. Buyer shall pay for fuel in tank, amount to be determined by the supplier at Seller's expense.

12. **ACCEPTANCE.** Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of 8/2/94.

If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

13. **TIME IS OF THE ESSENCE OF THIS AGREEMENT.**

Listing Agency: CB Realty Realty Inc. MLS# Selling Agency: CB Realty Realty Inc. MLS#
By: Dale Walker By: Vaire Hull

☐ See attached Addendum(s). ☐ See attached Counter Offer(s) Counter offer
On this date, I/we hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller.

I/we further acknowledge receipt of a true copy of the agreement signed by both parties.
Seller: Ralph E. Prestwich Seller's Address: 538 W. 2900 S. Phone: 801 298 7933

Seller: Ralph E. Prestwich Date: 8/2/94 City: Boonville State: MT Zip: 59010

Seller: Madeline R. Prestwich Seller's Address: 538 W. 2900 S. Date: 8/2/94 City: Boonville State: MT Zip: 59010

Seller: Madeline R. Prestwich A true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this day of 15.

Buyer: _____ Buyer's Initial: _____ Seller's Initial: _____ **BROKER'S COPY**

THE PROVISIONS CONTAINED ON THE REVERSE SIDE OF THIS PAGE SHALL ALSO CONSTITUTE PART OF THE AGREEMENT OF THE PARTIES. EACH OF THE PARTIES ACKNOWLEDGES READING THIS AGREEMENT IN FULL.

1621 REV. 8/93

7/19/05

PMO100 - PARCEL MASTER INQUIRY

14:52:11

PARCEL: RP RXBCA0174448 A

F9=MS F10=SW

F17=DD

LEGAL DESCRIPTION

GOE THOMAS H

TAX 20

17-06-40

RP 10 P01143

3737 WEST YOSEMITE AVE

CODE AREA 1-0000 OWNER CD

PARC TYPE LOC CODE

EFFDATE 3171999 EXPDATE

PREV PARCEL RP06N40E174448T

LATHROP CA 95330

1114 N YELLOWSTONE HWY 83440

X for parcel comments

CAT	RY	QUANTITY	UN	VALUE	BO MRKT	HO EXMP	CB MRKT	OTHER
18	2000	2800	AC	4200				
21	2000	8000	AC	37800				
42	2000			44280				

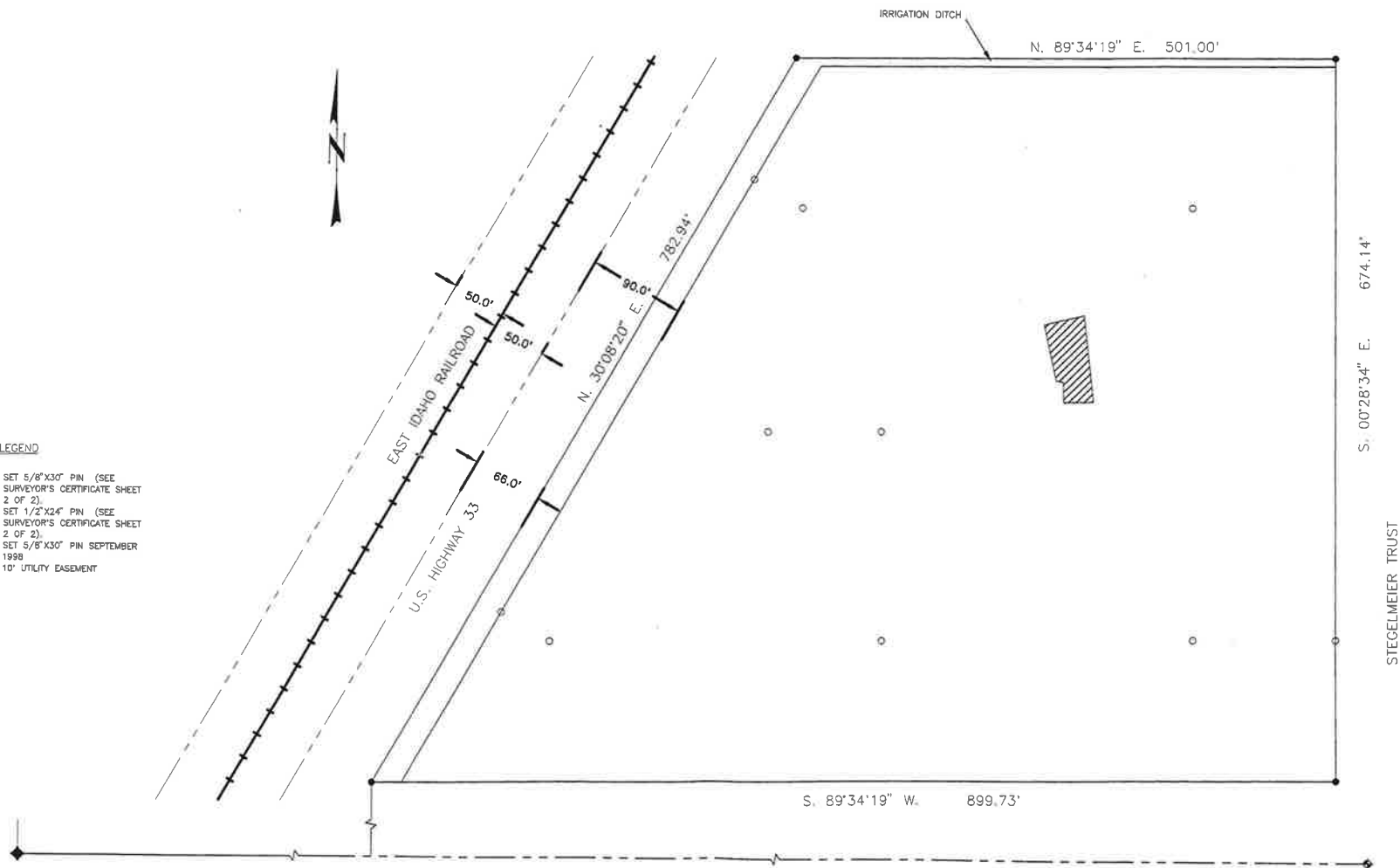
TOTALS 10800 86280

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
 F8=CT F13=TM F18=HS F20=Srch F22=EU

LEGEND

- SET 5/8"X30" PIN (SEE SURVEYOR'S CERTIFICATE SHEET 2 OF 2).
- SET 1/2"X24" PIN (SEE SURVEYOR'S CERTIFICATE SHEET 2 OF 2).
- SET 5/8"X30" PIN SEPTEMBER 1998
- 10' UTILITY EASEMENT





MADISON COUNTY
CITY OF REXBURG
GEOGRAPHIC INFORMATION SYSTEMS



Load Layers

Madison County / City of Rexburg GIS

☒ Administrative Boundaries

☒ Aerial Photos

☒ Land References

☒ Parcel Information

☒ Addresses

☒ Sub-Addresses

☒ Parcels

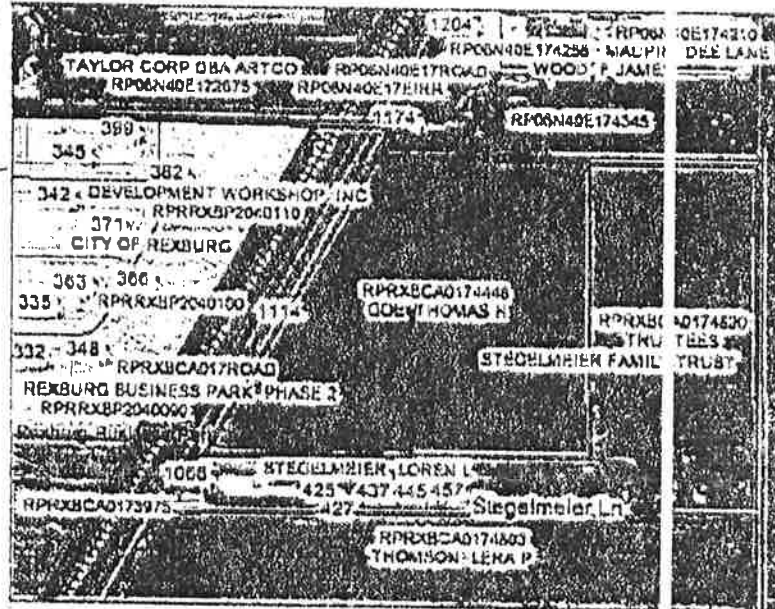
☒ Parcel Lines

☒ PIN

☒ Owner Name

☒ Transportation

☒ Utilities



1 Record(s) Found

Enter Search Information

Type: Owner Name

Criteria: THOMAS GOE

Search

Search Results

☒ Highlight

☒ Zoom To & Highlight

☒ GOE THOMAS H
1114 N Yellowstone Hwy
RPRX3CA0174448

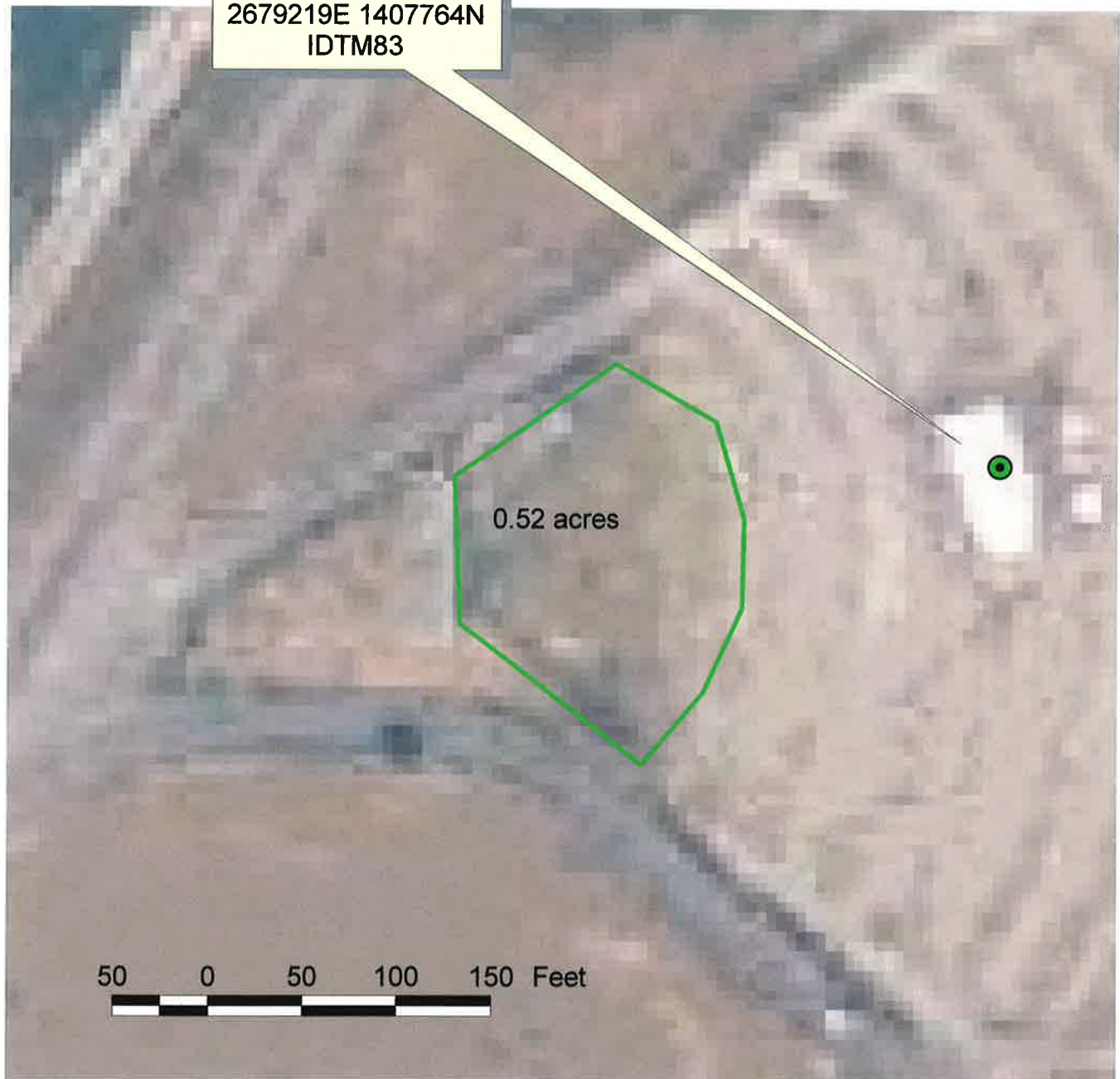
22-4090 T6N R40E



Irrigation NOT claimed - NOT Recommended - NO % of
Recons - Recommended AS claimed

A22-04090 Field Inspection

POD
2679219E 1407764N
IDTM83



2004 NAIP Aerial Photo (USDA)
(Georeferenced by Water Resources Field Services)



-  Point of Diversion
-  A22-04090_parcel_d.shp
-  Sections
-  Township & Range
-  Quarter-quarter Sections

Illustration prepared by
Water Resources Field Services
208 681 9100

① A22-04090
Bubble-up pump
in panel "C"
on layout sketch.
Dec 23 2005



② A22-04090
Panel "D"
on layout
sketch
Dec 23 2005



A22-04090
Unexploded
Sump and
pipe at edge
of power "B"
on layout
Ybac 135w 05

③



MAKE CHECK PAYABLE TO:
MADISON COUNTY TAX COLLECTOR
P O BOX 65 359-6200 EXT-217
REXBURG ID 83440

2003 TAX BILL/RECEIPT

BILL# 3824 CODE AREA 1-0000 L

PARCEL NUMBER
RPRXBCA0174448/
42,000
44,280

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	
TAX 646.18	TAX 646.18	1,292.36		
LATE	LATE			
INT	INT			
COST	COST			
TOT	TOT			
			TOT ACS	10.800

GOE THOMAS H
3737 WEST YOSEMITE AVE
LATHROP CA 95330

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.005919496	510.72
REXBURG	.003446146	297.32
SCH DIST 321	.004624390	398.98
REXBURG CEM	.000030580	2.64
MADISON LIBRARY	.000560426	48.34
MOSQ ABATE	.000032822	2.82
MADISON CO AMB	.000365598	31.54
AMOUNT DUE	.014979458	1,292.36

TAX 20
17-06-40
PP TO P01143
OLD DRIVE INN

1114 N YELLOWSTONE HWY 83440

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

*Taxed by claimant
6/14/05 BAC*

4 June 2005

Thomas H. Goe
3737 West Yosemite Avenue
Lathrop CA 95330

Re: Water right claim A22-04090, Teton Drive In, Rexburg Idaho

Dear Mr. Goe:

Idaho is in the process of a judicial review of water rights, called the "Snake River Basin Adjudication." The final outcome will be a decree that defines and secures the water rights. I've been asked to do a field review of your water right as part of this process. I've contacted the Vails in Rexburg and we will be meeting later this month to do the field inspection.

When you purchased the theater, your title company did not process a change of ownership for the water right, so I have enclosed a form to allow you to do this. Please fill out the highlighted items and send it with a copy of the deed or sales contract to: IDWR, 900 North Skyline Suite A, Idaho Falls ID 83402.

Your water right is a "beneficial use" right, which means it was developed before permits were required. Consequently, there is no verification of the actual priority date in the IDWR files. Without verification, this right will be recommended as a "deminimus" right, which will limit use to 2,500 gallons per day. This is probably adequate for the restrooms and snack bar, but if you are able to provide evidence of priority, this restriction will not need to be applied to the water right. The enclosed pamphlet describes possible sources for priority evidence. I believe your neighbor to the north, Mr. Kendall Davenport, could provide an affidavit of his memories as a child of the drive in having running water in the restrooms and snack bar.

Please call me if you have questions, at 208 681 9100. I will be out of town until June 13. You may also call IDWR at 208 525 7161.

Sincerely,

Bryce A. Contor

Claim No. 22-4090

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

could not send letter C/O

☒ Generate Arcview Map

Claim no. A22-4090

Claimant Contact Log

Date	Remarks	Agent initials
19 May 05	06N 40E 17 ~~4345~~ (4845?) 4448 Thomas H. Goe 3737 West Yosemite Ave Lathrop, GA 95330 CA	Bac
2 June 05	per neighbor Yolanda Davenport, local operator is Jeffery Vale (Vail?). 356-7114 per phone book Note that late 1950s aerial photo of Davenport's property in claim file A22-10395 shows drive-in roof, suggesting theater was in place at least then.	Bac
	356-7114 5 PM 2 June 05 no answer	
2 June 05	5:10 PM child told me cell phone # is 313-6723 well it is inside, call in 10 days for appointment to meet & get inside building.	6723
15 June 05	Mr. Goe called & asked for amended claim to include irrigation, which is needed	Bac
15 June 05	8:25 PM 356-7114 - call back ~ 4 PM tomorrow	
16 June 05	10:40 AM 356-7114 - busy 10:45 AM Call late Wed Morning, meet Wed, get info	Bac Bac
22 June 05	Field inspection w/ operator Jeff Vail.	

Contacts Data Entry Form

Claim Number: A22-04090

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.

I visited on the phone w/ owner Thomas Goe and did a field inspection w/ operator Jeff Vail. Neither are familiar w/ the original operation of the watering system.

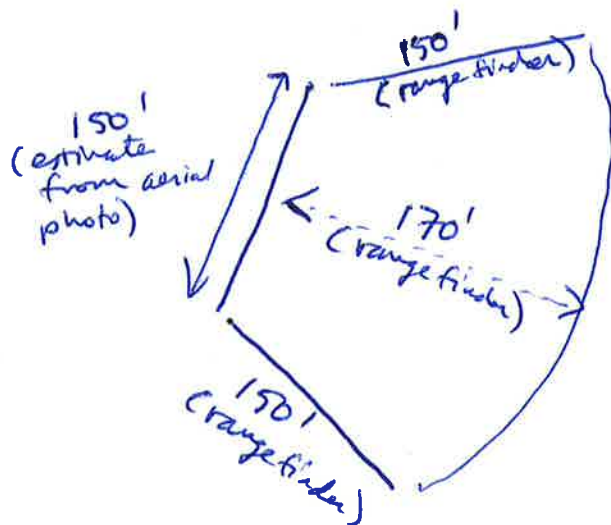
- 1) 1987 aerial photo suggests some irrigation. Parcels "A" & "B" on layout sketch especially appear to be irrigated.
- 2) Amended claim shows parcels "A" & "B". I don't know if Mr. Goe will submit this.
- 3) I asked Mr. Goe to request mention of irrigation and snack-bar/restroom use in Evidence of Priority affidavits.
- 4) An existing ditch could serve parcel "A" with canal water.
- 5) Mr. Vail states there used to be a ditch across the east end which could have served parcel "B." He believes "A" & "B" were originally irrigated w/ canal shares.
- 6) An apparent bubble-up sump possibly could have delivered canal water to parcel "C." (photo 1).
- 7) Two unexplained sumps with black plastic pipe (see parcel photo 3) may have delivered water to parcel "D."

Reviewer: _____ Date: _____

Bac

A22-04090 Questions and problems continued.

- 8) Photo 2 shows parcel "D," the only parcel currently irrigated. It is watered by hoses from the well in the snack bar.
- 9) Mr. Vail states there is a breaker w/ 20-amp switch marked "pump" that does not do anything now. It is not the well pump breaker. He supposes it had something to do with the original irrigation system.
- 10) Approximate dimensions of Parcel "D" are:



assume approx.
equal to $150' \times 200'$
 $\approx 30,000 \text{ ft}^2$
 $\approx 0.7 \text{ acres}$

(GIS suggests $\approx 0.5 \text{ acres}$)

- 12) The 1-hp pump probably could not have even irrigated much more than the small parcel currently irrigated.

Bac 23 June 05

Priority Date Data Entry Form

Claim Number: A22-04090

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:

- 1) Owner will try to get EOP w/ discussion of snare for 1
irrigation water use.
- 2) Aerial photo in A22-10395, represented by that claimant
as being from late 1950s or early 1960s, shows the
very edge of the curved parking areas for the
adjoining drive in theater.

BAC 23 June 05

Reviewer: _____

Date: _____

Water Right No(s). A22-04090



GPS DATA:

Tag # A0004398 Location: on pressure-tank discharge line
(E0004398?)

Diversion Data:

Source: 6W Trib to: _____

MOTOR

Make: GE Model: _____ Hp: 1
SN: 5KC39MN3551AX22

PUMP

Make: jet pump Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: 22 June 05 Agent: Bac

Point of Diversion and Source Data Entry FormClaim Number: A22-04090Water 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? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

GPS Waypoint not collected. Well is inside snake bar. From 2004 high-resolution photo (see attached) well location is inside snake bar, coordinates 2679219E' 1407764N IDm83. Bac 23 June 05

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: A22-04090Claimed 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: _____

Document how the POU was verified:

Please see layout } attached 2004 aerial photo. Bac

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: A22-04090Water 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:

Shade bar Facility includes:

3 urns

4 toilets

4 sinks

1 outside hydrant

Bac 23 June 05

Reviewer: _____

Date: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Teton Drive-In Theater
(Name of Claimant)
P.O. Box 172 Rexburg, Idaho 83440 Telephone No. 356-6250
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 4-1-1950
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
groundwater tributary to _____
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed: food preparation & sanitary; seasonal use March through November COMMERCIAL
(Both dates inclusive)

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity	<u>.05 cfs (est.)</u>	Use <u>Commercial</u>	Period of Use From <u>3-1</u>	To <u>11-1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) .05 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SW 1/4, Sec. 17 Twp. 6N Rge. 40E B.M., County of Madison
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.): Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
well with 3hp pump and 1 inch pipe

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
6N	40E	17									X								

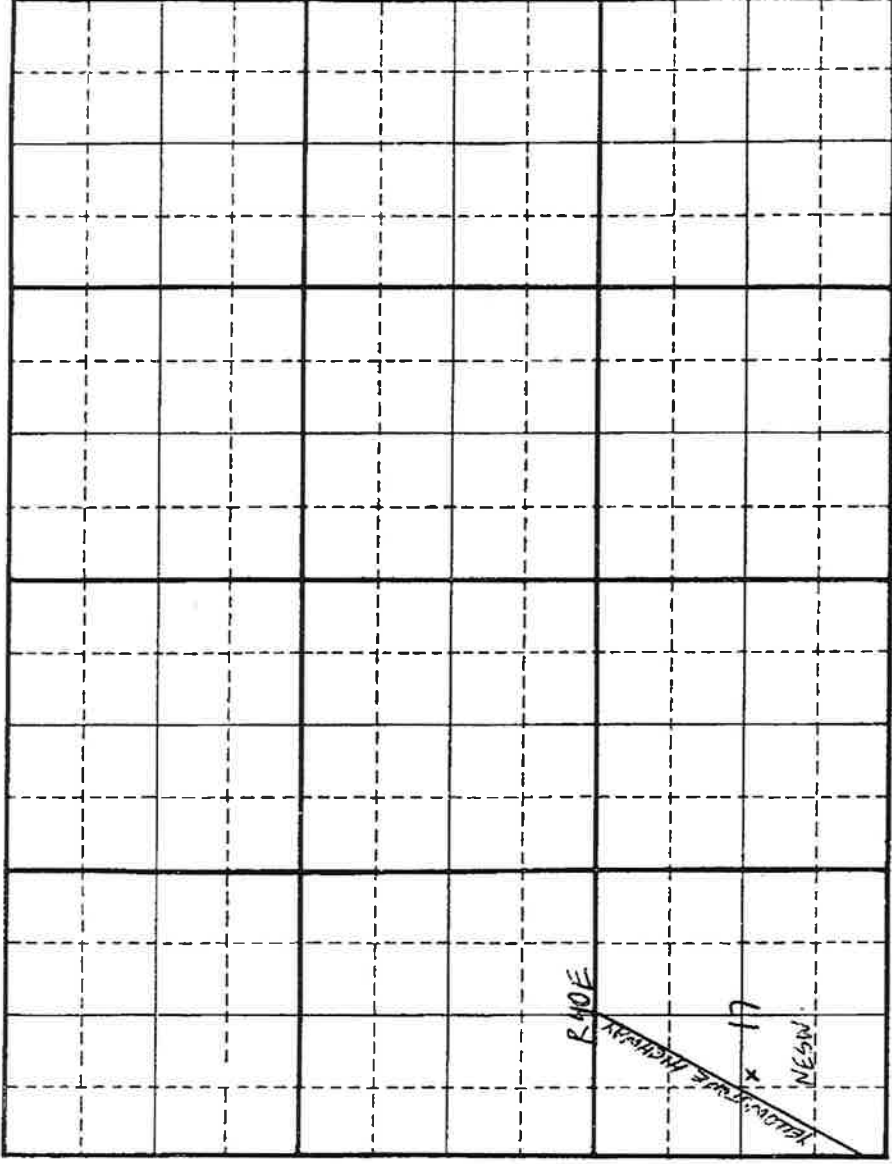
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: sanitary and food preparation purposes

NOTE: Include here the type and number of stock watered: none
If you are claiming water as a member of an organization, list name of organization: _____

RECORDED

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Bonneville

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

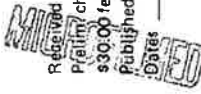
TETON DRIVE-IN THEATRE
S. M. O'NEILL, MGR.

(Claimant)

Sworn to before me this 25th day of MARCH 1983.

Notary Public
Residing at Idaho Falls, ID

My commission expires 12-1-84



Received by [Signature]
Filing check by [Signature]
\$30.00 fee received by [Signature]
Published in Standard Journal
Dated 4/9/83 - 4/28/83

4-8-83 FOR DEPARTMENT USE ONLY

Date 3-24-83 Exception filed by:
Date 4-11-83
Date 4-11-83 #28028

Forwarded to
claimant by:

Date

Emc

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: A22-04090
Date Received: 5/20/1988
Receipt No: E000235

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TETON DRIVE-IN THEATER
Address: C/O RALPH E. PRESTWICH
119 NORTH 3 EAST
REXBURG, ID 83440

208-356-5887

A2204090



2. Date of Priority: APR 01, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	17	SE	SE	NW		MADISON

5. Description of diverting works:
WELL, PUMP, MAINLINE TO THEATER FACILITIES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	03/01	11/01	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/THEATER.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	17	SE	NW		COMMER	

11. Place of use in counties: MADISON

A22-04090

Page 1

Date: 05/20/88

MICROFILMED

OCT 29 1992

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

13. Other Water Rights Used:
NONE

14. Remarks:
COMMERCIAL IS FOR FOOD PREPARATION AND RESTROOM FACILITIES

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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 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): Ralph E. Prestwich Date: 5/20/88

Date: _____

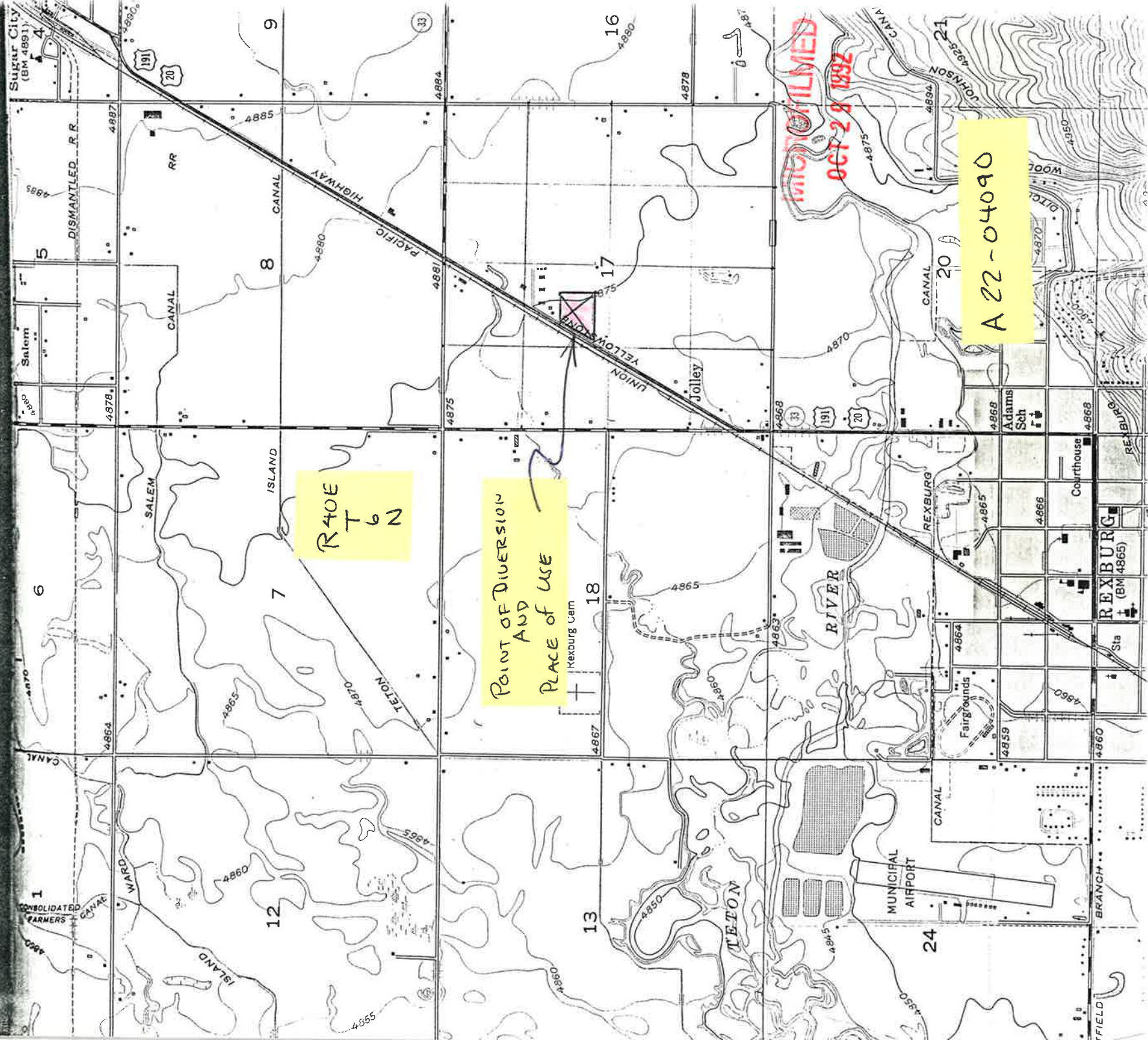
State of Idaho)
County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of May 19 88

Deena Green
Notary Public

Residing at Rigby
My Commission Expires 4-22-1994





R40E
T6N

POINT OF DIVERSION
AND
PLACE OF USE

NOT FILMED
OCT 29 1992

A 22-04090