

Log for claim 36-02539

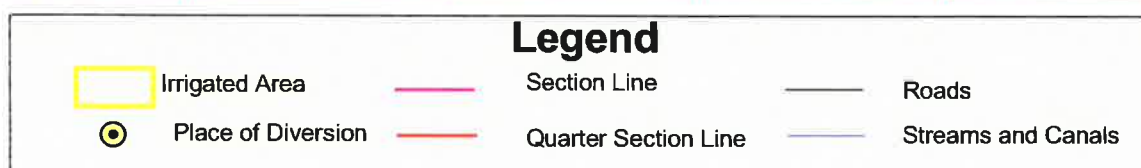
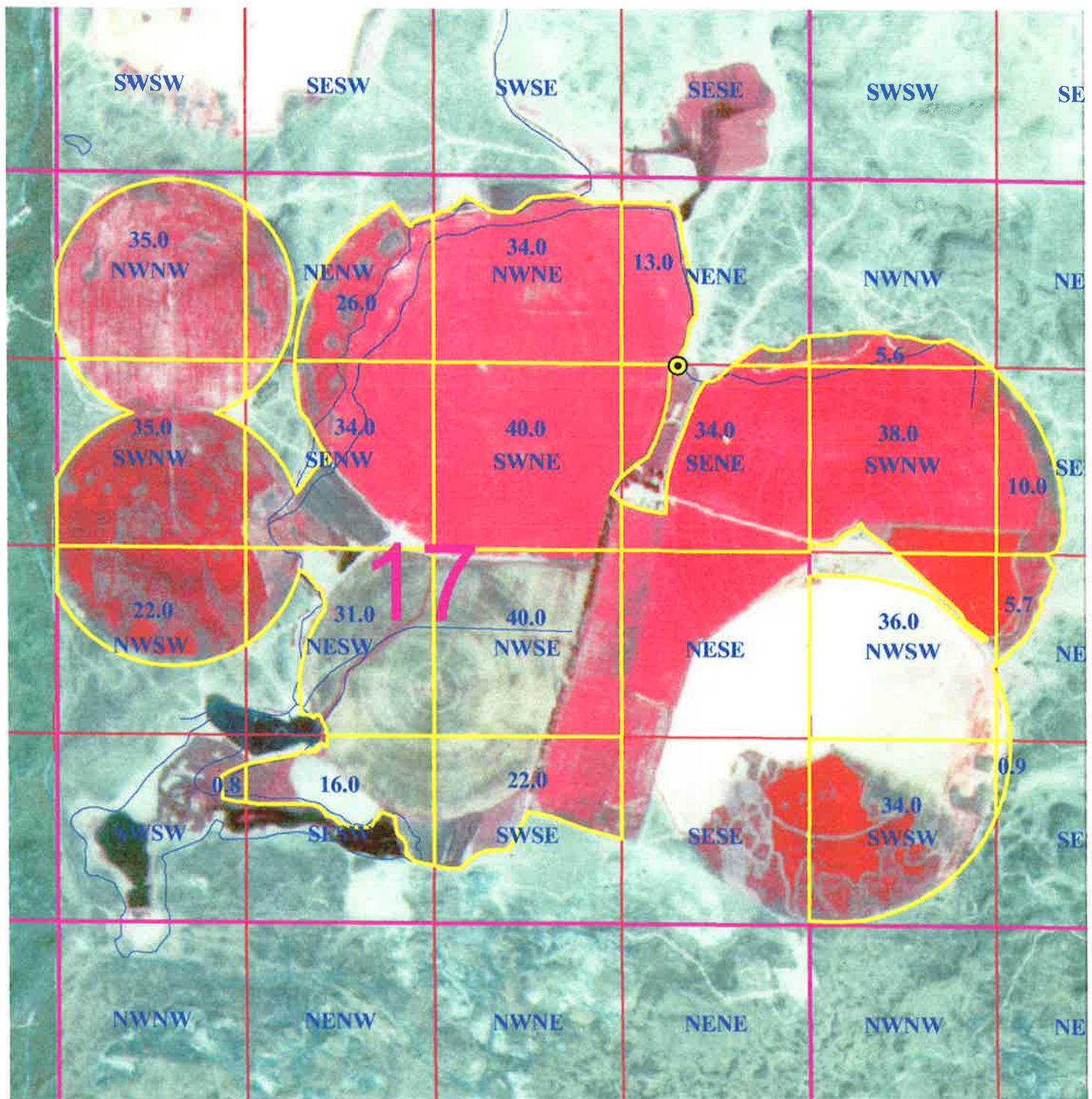
Spatial Dynamics LTD

9/7/01

TR	SEC	QQ	Acres Recommended	Acres Found	COMMENT
09s18e	16	NWNW	6	5.6	
09s18e	16	SWNW	38	38	
09s18e	16	SEnw	7	10	
09s18e	16	NESW	6	5.7	
09s18e	16	NWSW	31	36	Permissible place of use?
09s18e	16	SWSW	32	34	
09s18e	16	SESW	1	0.9	
09s18e	17	NENE	13	13	
09s18e	17	NWNE	32	34	
09s18e	17	SWNE	40	40	
09s18e	17	SENE	31	34	Permissible place of use?
09s18e	17	NENW	24	26	
09s18e	17	NWNW	31	35	
09s18e	17	SWNW	33	35	
09s18e	17	SEnw	32	34	
09s18e	17	NESW	31	31	
09s18e	17	NWSW	20	22	
09s18e	17	SWSW	2	0.8	
09s18e	17	SESW	17	16	
09s18e	17	NWSE	28	40	Permissible place of use?
09s18e	17	SWSE	20	22	
Totals:			475	513	

Water Right Number 36-02539
Township , 9S18E

09/07/2001



700 0 700 1400 Feet

SPATIAL
DYNAMICS

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

09/03/97 16:52:03
Page 1

Water Right Number - R36-02539A

Prefix Translation: RESEARCH

Old (D) Number - 30478

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
ROBERTSON

J EVAN

1 - TIMOTHY J STOVER
2 - ROSHOLT ROBERTSON & TUCKER
3 - PO BOX 1906
City- TWIN FALLS State- ID Zip- 833031906
Phone - 208-733-0700

*** C - CURRENT OWNER ***
ROTH

SIMON A

1 - 17400 NE 88TH ST
2 -
3 -
City- VANCOUVER State- WA Zip- 98682
Phone - 208-000-0000

ROTH

MARY ELLEN

1 - 17400 NE 88TH ST
2 -
3 -
City- VANCOUVER State- WA Zip- 98682
Phone - 208-000-0000

*** D - DIR RPT OWNER ***
SPANBAUER

JOHN

1 - 539 S 800 E
2 -
3 -
City- JEROME State- ID Zip- 83338
Phone - 208-324-7366

SPANBAUER

MARIE

1 - 539 S 800 E
2 -
3 -
City- JEROME State- ID Zip- 83338
Phone - 208-324-7366

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/26/1962 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

09S 18E 17 NW SE NE (53) JEROME

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 3.190 421.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.190 421.00 0.0

"DO NOT FILM"

Prefix Translation: RESEARCH

Total Acres: 475.0

[illegible]

GEN THIS RIGHT IS LIMITED TO THE IRRIGATION OF 161 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-079318 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 475 ACRES IN A SINGLE
IRRIGATION SEASON.

+ - - - - - Conditions of Approval - - - - - +

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
S17 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM

"DO NOT FILM"

Water right number - R36-02539A

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - -
(Condition continued from previous page)
- NORTH SIDE CANAL CO. LTD.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -

Date: 08/16/1991 User Id: MERRITT Subject: COPIED FROM REMARKS
THIS CLAIM IS BASED ON THE USE OF LICENSE 36-02539 FOR IRRIGATION OF 260 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE. THE PLACE
OF USE ABOVE IS ALSO DELIVERED WATER FROM THE NORTH SIDE CANAL CO. BASED ON 360 SHARES IN THE COMPANY AND ALSO WASTE WATER FROM
THEIR SYSTEM WHICH IS COLLECTED AND USED ON THESE LANDS BASED ON LICENSES 36-07931 A,B & C.
THIS WELL IS USED IN VARIOUS WAYS: IT CAN DELIVER WATER DIRECTLY TO SPRINKLERS OR BE DISCHARGED INTO DITCHES. IT CAN BE
COMINGLED WITH CANAL WATER AND/OR WASTE WATER VIA GRAVITY DITCHES AND/OR VIA BOOSTER PUMPS TO SPRINKLERS. ITS DIRECT OR
COMBINED USE IS LIMITED WITHIN THE 574 ACRE PLACE OF USE DESCRIBED ABOVE.

Date: 07/13/1994 User Id: BALDWIN Subject: TRANSFER NO. 4388
T#4388 filed on 5/27/94 proposes to add diversion points, change from irrigation use to commercial dairy use and split water right
36-02539 into Parts A & B; the B part is to be used for dairy use Two new wells will be drilled within SENE, S17, T09S, R18E.

Date: 05/14/1997 User Id: TFAWCETT Subject: TRANSFER/SPLIT/OWNERSHIP CHANGE
THIS RIGHT WAS SPLIT FROM 36-02539 PURSUANT TO APPROVED TRANSFER 4388. RIGHT WAS THEN SOLD TO SIMON ROTH PER WARRANTY DEED.

Date: 09/03/1997 User Id: JROBERTS Subject: ATTORNEY ADDED
FORM RECEIVED 7/31/97 TO ADD J EVAN ROBERTSON & TIMOTHY J STOVER OF ROSHOLT ROBERTSON & TUCKER AS ATTORNEYS OF RECORD. jr

+ - - Audit Fields - - +
09/03/97 JROBERTS

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 00/00/0000	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

"DO NOT FILM"

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

JUL 31 1997

Name(s) of Claimant (please print):

SIMON A or MARY ELLEN ROTH, 17400 NE 88TH ST, VANCOUVER WA 98682

I/we acknowledge (check one):

N/A The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

X I/we are now represented by the attorney at the address below:

J. EVAN ROBERTSON

TIMOTHY J. STOVER

ROSHOLT, ROBERTSON & TUCKER, ATTORNEYS AT LAWP. O. BOX 1906TWIN FALLS ID 83303-1906Attorney's Phone 208/734-0700

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

36-07931A36-07931B36-07931C36-1396836-02539A36-02539B

For Individuals:

Authorized signature(s) Date 7-28-97Mary Ellen Roth

For Organizations:

I am _____ of _____, and I

Title

Organization

have signed the foregoing document in the space below as

of _____

Title

Organization

Signature of Authorized Agent _____

Title _____

Date _____

Organization _____

IDWR Use:

Date Received

Data Entry 7-3-97

Revised Date 4-03-92

ROSHOLT, ROBERTSON & TUCKER
ATTORNEYS AT LAW

142 3RD AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE: (208) 734-0700
FAX: (208) 736-0041

DATE: 7/30/1997

TO: TRISH
IDWR

RE:

HI,

Here are notifications of attorney for Simon Roth
and James Roth. I have enclosed copies of each
for you to conform and return to me please.

Thanks,

ROSHOLT, ROBERTSON & TUCKER

BY



AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

05/20/97 14:23:59
Page 1

Water Right Number - R36-02539A

Prefix Translation: RESEARCH

Old (D) Number - 30478

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

ROTH

SIMON A

1 - 17400 NE 88TH ST

2 -

3 -

City- VANCOUVER

State- WA Zip- 98682

Phone - 208-000-0000

ROTH

MARY ELLEN

1 - 17400 NE 88TH ST

2 -

3 -

City- VANCOUVER

State- WA Zip- 98682

Phone - 208-000-0000

*** D - DIR RPT OWNER ***

SPANBAUER

JOHN

1 - 539 S 800 E

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-324-7366

SPANBAUER

MARIE

1 - 539 S 800 E

2 -

3 -

City- JEROME

State- ID Zip- 83338

Phone - 208-324-7366

+ - - Priority Date - - +
04/26/1962

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
L - LICENSE

+ - - Status - - - +

+ - - - - Source - - - - - +
GROUNDWATER

+ - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

09S 18E 17 NW SE NE (53) JEROME

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 3.190 421.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.190 421.00 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

09S	18E	16	NW NW		6.0	01	IRRIGATION	(53) JEROME
09S	18E	16	SW NW		38.0	01	IRRIGATION	(53) JEROME
09S	18E	16	SE NW		7.0	01	IRRIGATION	(53) JEROME
09S	18E	16	NE SW		6.0	01	IRRIGATION	(53) JEROME
09S	18E	16	NW SW		31.0	01	IRRIGATION	(53) JEROME
09S	18E	16	SW SW		32.0	01	IRRIGATION	(53) JEROME
09S	18E	16	SE SW		1.0	01	IRRIGATION	(53) JEROME

"DO NOT FILM"

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - R36-02539A

Prefix Translation: RESEARCH

+ - - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
09S	18E	17	NE NE		13.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	NW NE		32.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	SW NE		40.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	SE NE		31.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	NE NW		24.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	NW NW		31.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	SW NW		33.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	SE NW		32.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	NE SW		31.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	NW SW		20.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	SW SW		2.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	SE SW		17.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	NW SE		28.0	01	IRRIGATION	(53)	JEROME
09S	18E	17	SW SE		20.0	01	IRRIGATION	(53)	JEROME

Total Acres: 475.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-07931B

+ - - - - - Remarks - - - - - +

QNT USE OF THIS RIGHT WITH RIGHT NO. 36-07931B IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 997 AF.

GEN THIS RIGHT IS LIMITED TO THE IRRIGATION OF 161 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 36-07931B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 475 ACRES IN A SINGLE
IRRIGATION SEASON.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
S17 - USE OF THIS RIGHT IS COMBINED WITH WATER FROM
NORTH SIDE CANAL CO. LTD.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

"DO NOT FILM"

Prefix Translation: RESEARCH

05/20/97 TFAWCETT

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 00/00/0000	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

"DO NOT FILM"

1997 MAY 29 PM 2:01

DISTRICT COURT-SRBA

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUB CASE NO. 36-02539

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☒ Change in Ownership
☒ Point of Diversion
☐ Period of Use

☒ Split of Water Right
☐ Place of Use
☒ Nature of Use

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

John Spanbauer
539 S 800 E
Jerome ID 83338
Phone: 324-7366

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

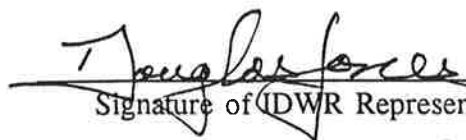
Simon A Roth
Mary Ellen Roth
17400 NE 88th St
Vancouver WA 98682
Phone:

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

5/29/97


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5-29, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
John Spanbauer
539 S 800 E
Jerome ID 83338
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Simon A Roth
Mary Ellen Roth
17400 NE 88th St
Vancouver WA 98682
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

AJ5859NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-22-1997

PAGE: A-1

RIGHT NUMBER: 36-02539

SPLIT RIGHT: SEE RIGHT NOS. 36-02539A AND 36-02539B.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: MAY-21-1997
PAGE: A-6

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02539A

NAME & ADDRESS: SIMON A ROTH
MARY ELLEN ROTH
17400 NE 88TH ST
VANCOUVER WA 98682

SOURCE: GROUNDWATER

QUANTITY: 3.19 CFS
421.0 AFYUSE OF THIS RIGHT WITH RIGHT NO. 36-07931B IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 997 AF.

PRIORITY DATE: 04/26/1962

POINT OF DIVERSION: T09S R18E S17 NWSENE Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	3.19 CFS
			421.0 AFY

PLACE OF USE:	IRRIGATION	Within JEROME County							
	T09S R18E S16	NWNW	6.0	SWNW	38.0	SENW	7.0	NESW	6.0
		NWSW	31.0	SWSW	32.0	SESW	1.0		
	S17	NENE	13.0	NWNE	32.0	SWNE	40.0	SENE	31.0
		NENW	24.0	NWNW	31.0	SWNW	33.0	SENW	32.0
		NESW	31.0	NWSW	20.0	SWSW	2.0	SESW	17.0
		NWSE	28.0	SWSE	20.0				
	475.0 ACRES TOTAL								

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 161 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.USE OF THIS RIGHT WITH RIGHT NO. 36-07931B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 475 ACRES IN A SINGLE
IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-21-1997

PAGE: A-7

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02539A (CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
NORTH SIDE CANAL CO. LTD.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAY-21-1997

PAGE: A-8

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02539B

NAME & ADDRESS: SIMON A ROTH
MARY ELLEN ROTH
17400 NE 88TH ST
VANCOUVER WA 98682

SOURCE: GROUNDWATER

QUANTITY: 0.85 CFS
218.0 AFY

PRIORITY DATE: 04/26/1962

POINT OF DIVERSION: T09S R18E S17 SENE Within JEROME County

TWO POINTS OF DIVERSION LOCATED IN T09S, R18E, S17, SENE.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.43 CFS
			110.0 AFY
	COMMERCIAL	01-01 12-31	0.42 CFS
			108.0 AFY

PLACE OF USE:	STOCKWATER	Within JEROME County			
	T09S R18E S17	SENE	NESE	NWSE	SWSE
		SESE			
	COMMERCIAL	Within JEROME County			
	T09S R18E S17	SENE	NESE		

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

THE RIGHT HOLDER SHALL NOT USE WATER UNDER THIS APPROVAL FOR A
DAIRY OPERATION LARGER THAN 2,000 MILKING COWS, 240 DRY COWS AND
2,000 CALVES AND HEIFERS FOR A TOTAL OF 4,240 STOCK.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 29, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SIMON A ROTH
MARY ELLEN ROTH
17400 NE 88TH ST
VANCOUVER WA 98682

RE: SRBA Claim(s) 36-02539, 36-07931A, 36-07931B, 36-07931C

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: John Spanbauer

STATE OF IDAHO

RECEIVED JAN 31 1997 IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP JAN 31 1997

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A36-13968; A36-02539; (A36-07931)=A36-07931A, A36-07931B & A36-07931C
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) JOHN SPANBAUER MARIE SPANBAUER
539 S 800 E
JEROME ID 83338
4. New Owner/Claimant(s) SIMON A. ROTH AND/OR MARY ELLEN ROTH
Name connector (Check one): [] AND, [] OR, [X] AND/OR
New Mailing Address 17400 N.E. 88th STREET
City, State and ZIP Code VANCOUVER WA 98682
New Telephone Number () -
5. Date you acquired the property 2/6/1995
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Simon A. Roth Date 1-25-97
Mary Ellen Roth Date 1-25-97
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

WARRANTY DEED

FOR VALUE RECEIVED,

JOHN F. SPANBAUER and MARIE A. SPANBAUER, as the Co-Trustees of the JOHN F. AND MARIE A. SPANBAUER TRUST, the "Grantor", do hereby grant, bargain, sell and convey unto SIMON A. ROTH and MARY ELLEN ROTH, husband and wife, husband and wife, whose address is 17400 N.E. 88th St. Vancouver, Washington 98682 the "Grantees", the following described premises located in Jerome County, Idaho, to wit:

TOWNSHIP 9 SOUTH, RANGE 18, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Parcel No. 1:

SECTION 8: S $\frac{1}{2}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$;SECTION 9: SW $\frac{1}{4}$ SW $\frac{1}{4}$;SECTION 16: NW $\frac{1}{4}$; S $\frac{1}{2}$ W $\frac{1}{4}$;

SECTION 17: All;

Parcel No. 2:

SECTION 16: NW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$

REC
EST
Land Title & Escrow Inc.
FEB 3 4 32 PM '95
JEROME COUNTY, IDAHO
FEES 2.00
JAN 22 1997

950480

SUBJECT TO encumbrances, easements and rights-of-way as follows:

1. Taxes for 1995 and subsequent years, a lien, but not yet due and payable.
2. Assessments of the American Falls Reservoir District and the rights and powers of said District as by law provided.
3. Assessments of the North Side Canal Company and the rights and powers of said Company as by law provided.
4. Right of way for roads, canals, laterals and waste ditches as contained in an Agreement by

WARRANTY DEED - 1

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- and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 page 589, Jerome County records.
5. Power Line Easement given by Ernest Egan and Nettie Egan, husband and wife to Idaho Power Company, a corporation, dated March 22, 1940, recorded September 7, 1940 in Book 120 Page 210 as Instrument Number 77896, Jerome County records, affecting the E $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 9 South, Range 18, East Boise Meridian.
 6. Power Line Easement given by William K. Hill and Virginia Hill, husband and wife, to Idaho Power Company, a corporation, dated April 26, 1973, recorded March 26, 1974 in Book 184 Page 841 as Instrument Number 204938, Jerome County records, affecting the S $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 9 South, Range 18, East Boise Meridian.
 7. Terms and conditions of an Easement given by John Spanbauer and Marie Spanbauer, husband and wife, Grantors, to William R. Hill and Virginia A. Hill, husband and wife, Grantees, dated March 13, 1980, recorded March 14, 1980 as Instrument Number 248219, Jerome County records, where there is granted unto the Grantees a perpetual non-exclusive easement under, over, through and across the North 25 feet of the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 8, Township 9 South, Range 18, East Boise Meridian, for a transmission line for electric energy and a 6-inch pipeline for the use and benefit of the real property of William R. Hill and Virginia A. Hill, located on the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 9 South, Range 18, East Boise Meridian.
 8. Terms, conditions, and provisions of the trust under which title is vested. (NOTE: Affidavit Re: Trust and Trustees Powers was recorded April 22, 1991, as Instrument Number 911301, Jerome County records).

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. The said Grantors do hereby covenant to and with the said Grantees, that they are the owners of said premises; that they will warrant and defend the same from all lawful claims whatsoever, except as hereinabove specifically provided.

DATED THIS 6th day of February, 1995.

JOHN F. AND MARIE A. SPANBAUER TRUST

John F. Spanbauer Trustee
JOHN F. SPANBAUER, Trustee

Marie A. Spanbauer Trustee
MARIE A. SPANBAUER, Trustee

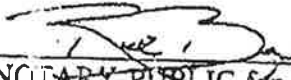
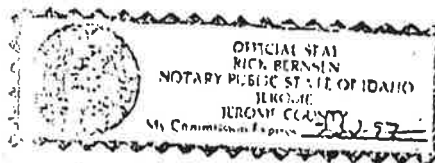
STATE OF IDAHO)

ss:

County of Jerome)

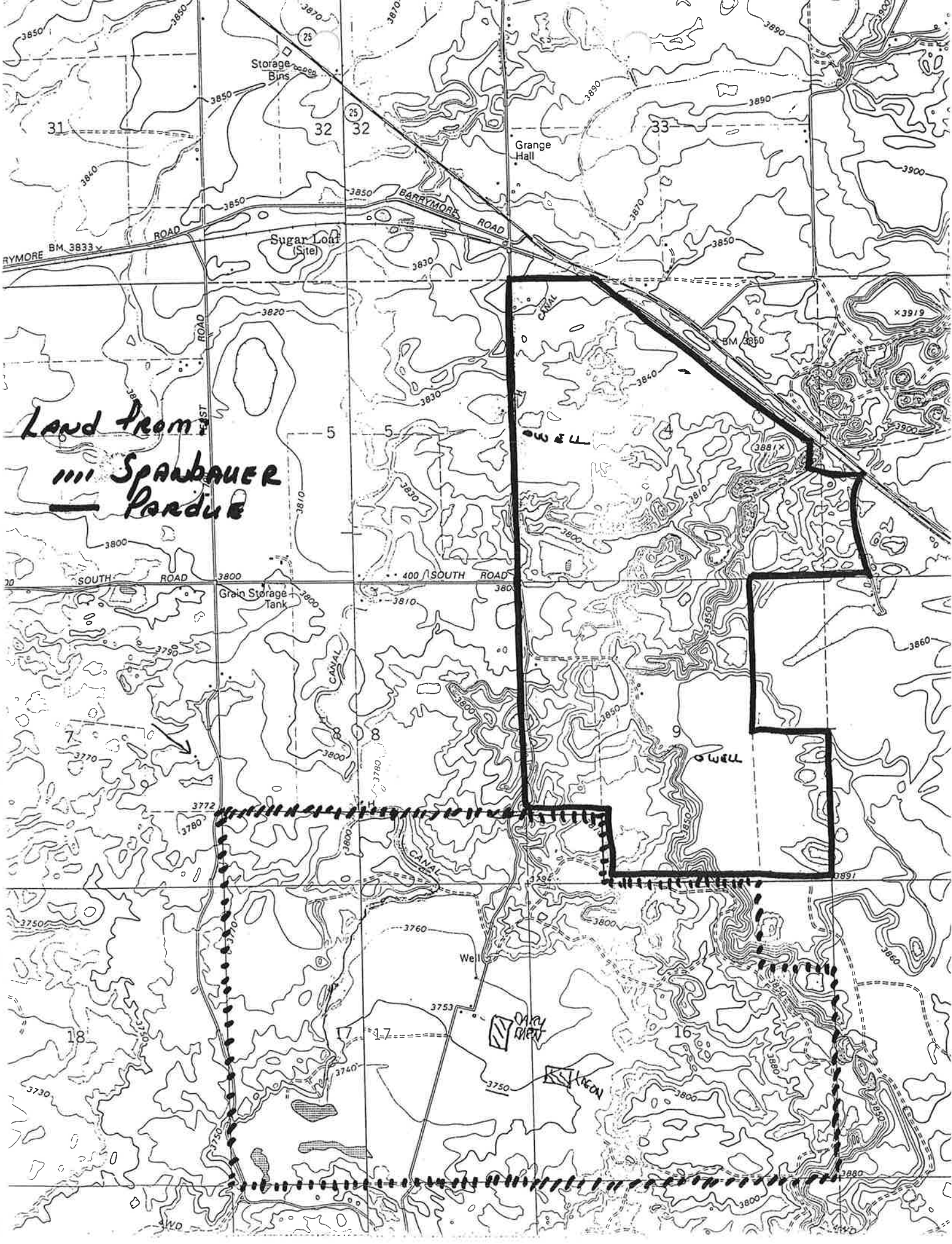
On this 6th day of February, 1995, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOHN F. SPANBAUER and MARIE A. SPANBAUER, Co-Trustees of the JOHN F. AND MARIE A. SPANBAUER TRUST, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.


NOTARY PUBLIC for IdahoResiding at: Jerome, IdahoCommission Expires: 7-30-97

WARRANTY DEED - 3

c:\wp51\real\l\warranty.d



Land from
Spanbauer
Pardue

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM

SOURCE: GROUNDWATER						

36-13968	MARIE SPANBAUER	12/31/1900	DOMESTIC	01-01 12-31	.05	CFS	BENEFICIAL USE
	JOHN SPANBAUER						
	539 S 800 E		STOCKWATER	01-01 12-31	.05	CFS	
	JEROME ID 83338						
				TOTAL QUANTITY:	.05	CFS	
	NON-IRRIGATION-USES:						
	DOMESTIC 2 HOMES & FARMSTEAD, STOCKWATER 250 DRY DAIRY						
	POINT OF DIVERSION:						
	T09S R18E S17		SWSENE				
	PLACE OF USE: DOMESTIC						
	T09S R18E S17		SENE				
	PLACE OF USE: STOCKWATER						
	T09S R18E S17		SENE				
	REMARKS: PARCEL NO. RL09S18E170001						
	PARCEL NO. PMH000003745						

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-2-1992
PAGE: A-2013

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
-----SOURCE: GROUNDWATER-----						
36-02539	JOHN SPANBAUER MARIE SPANBAUER 539 S 800 E JEROME ID 83338	04/26/1962	IRRIGATION	04-01 10-31	4.04 1040.0	CFS AFY LICENSE
					TOTAL QUANTITY:	4.04 1040.0 CFS AFY
POINT OF DIVERSION: T09S R18E S17 NWSENE						
PLACE OF USE: IRRIGATION						
T09S R18E S16		NWNW 6.0	SWNW 38.0	SENW 7.0	NESW 6.0	
		NWSW 36.0	SWSW 32.0	SESW 1.0		
S17		NENE 13.0	NWNE 32.0	SWNE 40.0	SENE 38.0	
		NENW 24.0	NWNW 31.0	SWNW 33.0	SENW 32.0	
		NESW 31.0	NWSW 20.0	SWSW 2.0	SESW 17.0	
		NESE 40.0	NWSE 40.0	SWSE 29.0	SESE 26.0	
574.0 ACRES TOTAL						
REMARKS:	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.					
	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A.					
	USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.					
	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 260 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.					
	USE OF THIS RIGHT WITH RIGHT NOS. 36-07931B AND WITH WATER SUPPLIED BY THE NORTH SIDE CANAL CO. FOR USE ON THE PLACE OF USE LISTED ABOVE IS LIMITED TO A COMBINED TOTAL CONSUMPTIVE USE VOLUME OF 1722 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 574 ACRES IN A SINGLE IRRIGATION SEASON.					

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT RECEIVED

TRANSFER NO. 4388
WATER RIGHT NO. 36-02539B

JAN 30 1995

Department of Water Resources
Southern Region

This is to certify that: JOHN SPANBAUER
539 S 800 E
JEROME ID 83338

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.43 CFS	110.0 AF
COMMERCIAL	01/01 to 12/31	0.42 CFS	108.0 AF
	Totals	0.85 CFS	218.0 AF

SOURCE

GROUNDWATER

Priority: 04/26/1962

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 17, Township 09S, Range 18E
JEROME County

PLACE OF USE: STOCKWATER

TWN RGE SEC

09S 18E 17

SENE

SWSE

NESE

SESE

NWSE

PLACE OF USE: COMMERCIAL

TWN RGE SEC

09S 18E 17

SENE

NESE

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Microfilm

JAN 19 1995

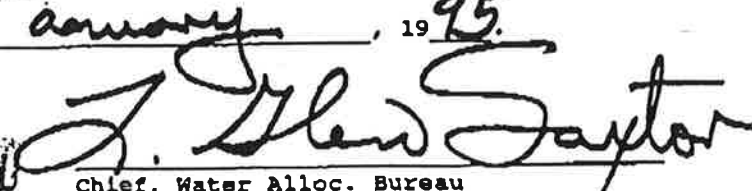
36-02539B

TRANSFER NO. 4388
WATER RIGHT NO. 36-02539BCONDITIONS/REMARKS:

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. The proposed dairy operation under Transfer No. 4388 shall comply with applicable zoning and use ordinances of Jerome County.
5. Use of water under Transfer No. 4388 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
6. The right holder shall not use water under this approval for a dairy operation larger than 2,000 milking cows, 240 dry cows and 2,000 calves and heifers for a total of 4,240 stock.
7. This transfer approval authorizes the use of 0.85 cfs and 218 afa under Right No. 36-02539B for commercial and stockwater uses in connection with a dairy.
8. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy and shall annually report the amount of water diverted to the department. The right holder shall obtain prior approval from the department relative to the type of measuring device.
9. The remainder of license no. 36-02539 is identified under Right No. 36-02539A and is limited to a diversion rate of 3.19 cfs, an annual diversion volume of 421 af, and irrigation of 161 acres in a single irrigation season.
10. Prior to use of water for irrigation purposes under Right No. 36-02539A, the right holder shall install a measuring device to measure the amount of water diverted and shall annually report the diversion to the department. The right holder shall obtain prior approval from the department relative to the type of measuring device.
11. The ninety-nine (99) acres which are no longer authorized for irrigation under Right No. 36-02539A are specifically described as 5 acres in NWSW, S16, and 7 acres in SENE, 40 acres in NESE, 12 acres in NWSE, 9 acres in SWSW and 26 acres in SESE, S17, T09S, R18E, BM. The remaining 161 authorized acres of irrigation are located within the 475 acre permissible place of use described under Right No. 36-02539A.
12. The change authorized by this approval shall be accomplished within two (2) years of the date of approval.
13. Two points of diversion are located within SENE, S17, T09S, R18E.

Dated this 17th day of

January, 1995


Chief, Water Alloc. Bureau

JUL 19 1995

SD-4110
INQUIRY

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 01/23/97
Time: 09:39:59

Water Right Number: A36-07931

FIRST PAGE

GEN THIS CLAIM IS BASED ON A COMBINATION OF LICENSES 36-07931A,B & C
AS FOLLOWS: 36-07931A 0.24 CFS 48 AFA 12 ACRES
36-07931B 1.95 CFS 576 AFA 144 ACRES
36-07931C 1.16 CFS 288 AFA 72 ACRES

TOTAL 3.35 CFS 912 AFA 228 ACRES

THIS CLAIM IS BASED ON THE USE OF THE ABOVE DESCRIBED LICENSES
FOR IRRIGATION OF 228 ACRES WITHIN THE PLACE OF USE DESCRIBED
ABOVE. THE PLACE OF USE ABOVE IS ALSO DELIVERED WATER FROM
THE NORTH SIDE CANAL CO. BASED ON 360 SHARES IN THE COMPANY
AND WATER PUMPED FROM A WELL BASED ON LICENSE 36-02539.
THE ORIGINAL LICENSED ACRES HAVE BEEN CHANGED DUE TO RELOCATION
OF PIVOTS, ETC. BUT THE TOTAL USE OF THE WASTE WATER HAS BEEN
RETAINED WITHIN THE TOTAL 629 ACRE FARM UNIT DESCRIBED IN THE
PLACE OF USE.

(GOLD4=Prev Screen) (GOLD6=End of Data) (Enter=Exit)
(GOLD5=Next Screen) (GOLD8=Cancel)

ON LINE V2.4

SD-4119
INQUIRY

Idaho Department of Water Resources
Adjudication Old Water Right Numbers Screen

Date: 01/23/97
Time: 09:40:17

Water Right Number: A36-07931

FIRST PAGE

Old Water Right Numbers

A36-07931A	A36-07931B	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-

(Enter=Exit)
(GOLD8=Cancel)

ON LINE V2.4

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-2-1992
PAGE: A-4070

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: WASTE WATER		TRIBUTARY: SINKS				
36-07931A	JOHN SPANBAUER MARIE SPANBAUER 539 S 800 E JEROME ID 83338	08/04/1980	IRRIGATION	04-01 10-31	.32 64.0	CFS AFY LICENSE
TOTAL QUANTITY:					.32	CFS
CONSUMPTIVE USE:					64.0 48.0	AFY AFY
POINT OF DIVERSION: T09S R18E S08 NWSWSE						
PLACE OF USE: IRRIGATION						
T09S R18E S08 SWSE 7.0 SESE 9.0 16.0 ACRES TOTAL						
REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A. THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT, OR TO RECAPTURE IT.						

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: WASTE WATER		TRIBUTARY: SINKS				
36-07931B	JOHN SPANBAUER MARIE SPANBAUER 539 S 800 E JEROME ID 83338	08/04/1980	IRRIGATION	04-01 10-31	2.25 692.0	CFS AFY LICENSE
TOTAL QUANTITY:					2.25 692.0	CFS AFY
CONSUMPTIVE USE:					519.0	AFY
POINT OF DIVERSION: T09S R18E S17		NWSENE SWNESW				
PLACE OF USE: IRRIGATION						
T09S R18E S16		NWNW 6.0 NWSW 36.0	SWNW 38.0 SWSW 32.0	SENW 7.0 SESW 1.0	NESW 6.0	
S17		NENE 13.0 NENW 24.0 NESW 31.0 NESE 40.0	NWNE 32.0 NWNW 31.0 NWSW 20.0 NWSE 40.0	SWNE 40.0 SWNW 33.0 SWSW 2.0 SWSE 29.0	SENE 38.0 SENW 32.0 SESW 17.0 SESE 26.0	
574.0 ACRES TOTAL						
REMARKS:	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.					
	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A.					
	USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.					
	THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT, OR TO RECAPTURE IT.					
	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 173 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.					
	USE OF THIS RIGHT WITH OTHER RIGHTS IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2296 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1722 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 574 ACRES IN A SINGLE IRRIGATION SEASON.					

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-2-1992

PAGE: A-4072

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
SOURCE: WASTE WATER		TRIBUTARY: SINKS				
36-07931C	JOHN SPANBAUER MARIE SPANBAUER 539 S 800 E JEROME ID 83338	08/04/1980	IRRIGATION	04-01 10-31	.78 156.0	CFS AFY LICENSE
				TOTAL QUANTITY:	.78 156.0	CFS AFY
				CONSUMPTIVE USE:	117.0	AFY
POINT OF DIVERSION: T09S R18E S08 PLACE OF USE: IRRIGATION		SENESEW				
T09S R18E S08		SWSW 21.0	SESW 18.0			
39.0 ACRES TOTAL						
REMARKS:	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A. THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT, OR TO RECAPTURE IT.					

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

TRANSFER NO. 4388
WATER RIGHT NO. 36-02539B

JAN 30 1995

Department of Water Resources
Southern Region

This is to certify that: JOHN SPANBAUER
539 S 800 E
JEROME ID 83338

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.43 CFS	110.0 AF
COMMERCIAL	01/01 to 12/31	0.42 CFS	108.0 AF
	Totals	0.85 CFS	218.0 AF

SOURCE

GROUNDWATER

Priority: 04/26/1962

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 17, Township 09S, Range 18E
JEROME County

PLACE OF USE: STOCKWATER

TWN RGE SEC

09S 18E 17	SENE	NESE	NWSE
	SWSE	SESE	

PLACE OF USE: COMMERCIAL

TWN RGE SEC

09S 18E 17	SENE	NESE
------------	------	------

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

RECORDED

JAN 19 1995

TRANSFER NO. 4388
WATER RIGHT NO. 36-02539B

CONDITIONS/REMARKS:

3. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
4. The proposed dairy operation under Transfer No. 4388 shall comply with applicable zoning and use ordinances of Jerome County.
5. Use of water under Transfer No. 4388 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
6. The right holder shall not use water under this approval for a dairy operation larger than 2,000 milking cows, 240 dry cows and 2,000 calves and heifers for a total of 4,240 stock.
7. This transfer approval authorizes the use of 0.85 cfs and 218 afa under Right No. 36-02539B for commercial and stockwater uses in connection with a dairy.
8. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on each point of diversion associated with the dairy and shall annually report the amount of water diverted to the department. The right holder shall obtain prior approval from the department relative to the type of measuring device.
9. The remainder of license no. 36-02539 is identified under Right No. 36-02539A and is limited to a diversion rate of 3.19 cfs, an annual diversion volume of 421 af, and irrigation of 161 acres in a single irrigation season.
10. Prior to use of water for irrigation purposes under Right No. 36-02539A, the right holder shall install a measuring device to measure the amount of water diverted and shall annually report the diversion to the department. The right holder shall obtain prior approval from the department relative to the type of measuring device.
11. The ninety-nine (99) acres which are no longer authorized for irrigation under Right No. 36-02539A are specifically described as 5 acres in NWSW, S16, and 7 acres in SENE, 40 acres in NESE, 12 acres in NWSE, 9 acres in SWSE and 26 acres in SESE, S17, T09S, R18E, BM. The remaining 161 authorized acres of irrigation are located within the 475 acre permissible place of use described under Right No. 36-02539A.
12. The change authorized by this approval shall be accomplished within two (2) years of the date of approval.
13. Two points of diversion are located within SENE, S17, T09S, R18E.

Dated this 17th day of January, 1995.

J. Glen Saylor
Chief, Water Alloc. Bureau

JAN 19 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

DEC 23 1994

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 22, 1994

J. Evan Robertson
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: APPLICATION FOR TRANSFER NO. 4388 - JOHN SPANBAUER

Dear Mr. Robertson,

Today I received and reviewed your letter dated December 19, 1994, which provides some additional details in connection with the above referenced application. Since you did not return my call today, I am writing this letter.

Although not totally clear, your letter appears to respond to the question raised in my December 1, 1994 letter that the applicant (Spanbauer) is not willing to maintain shares of canal company water and to commit future use of the shares for ground water recharge or similar program to mitigate other rights and to prevent "enlargement" in use of the ground water sought under the transfer.

It appears that instead, you are suggesting you are willing to remove the supplemental ground water use from 99 acres rather than the 55 acres proposed in the application for transfer. If this is truly the proposal, you need to provide information to the department to show how much water was pumped from the supplemental irrigation well in the past. Such a showing perhaps could be made using past volumes diverted each year from the well by analyzing power records or other records which may be available. Please submit such information at your earliest convenience in order that the department can further consider the application.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

December 1, 1994

DEC 05 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DEC 05 1994

J. Evan Robertson
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

Department of Water Resources
Southern Region Office

RE: APPLICATION FOR TRANSFER NO. 4388 OF WATER RIGHT LICENSE NO.
36-02539 IN THE NAME OF JOHN SPANBAUER

Dear Mr. Robertson:

I presently am reviewing the recent submittal of information from William R. Hill opposing the above referenced application for transfer together with your response to the submittal.

As you know, the department must evaluate the four (4) considerations described in Section 42-222, Idaho Code, before approving an application for transfer whether the application is protested or not. In this regard, I need some additional information from you.

From information shown on the application, it appears the land which is proposed for the dairy site has been irrigated with both surface water represented by shares of water in the North Side Canal Company and ground water represented by license no. 36-02539. How many shares of surface water has been used on the proposed dairy site and what is the intended future use of the shares of surface water used upon this land.

Is the applicant willing to maintain the shares and to commit future use of the shares for ground water recharge or some other similar program to mitigate other rights and to prevent "enlargement" in use of the ground water right presently sought for transfer?

Please advise me soon in order that I can further consider the pending application for transfer.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

October 31, 1994

William R. Hill
455 South 700 East
Jerome, ID 83338

CECIL D. ANDRUS
GOVERNOR

R. KEITH HOBBS
DIRECTOR

Department of Water Resources
Southern Region Office

RE: APPLICATION FOR TRANSFER NO. 4388 IN THE NAME OF JOHN SPANBAUER

Dear Mr. Hill:

In my order dated October 25, 1994 in which the department denied your request to intervene in the above referenced matter, the department advised that it would hold a fact finding hearing.

In order to determine and to consider facts you wish to make the department aware of in connection with the proposed application, please submit your comments and evidence to the department within ten (10) days of the date of this letter. I will then provide a copy of the information to the applicant and allow him the opportunity to respond to your comments, facts and information.

Factors described in Section 42-222, Idaho Code, which the department must consider in the evaluation of applications for transfer include the following:

1. Will the proposed change injure other water rights.
2. Will the proposed change constitute an enlargement in use of the original right.
3. Does the proposed change conflict with the local public interest.
4. Is the proposed change consistent with the conservation of water resources within Idaho.

After receipt of your comments and any response to the comments from the applicant, the department will evaluate the information and will take action on the pending application.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region
John Spanbauer

36-09539E



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RECEIVED

OCT 27 1994

Department of Water Resources
Southern Region Office

October 25, 1994

RE: Application for Transfer No. 4388 in the name of
John Spanbauer

Dear Interested Parties:

I have enclosed a copy of the **Order Denying Petition to Intervene** submitted by William Hill on September 15, 1994.

If you have any questions regarding the enclosed order, please feel free to contact me at (208)327-7953.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PETITION TO)
INTERVENE IN APPLICATION FOR)
TRANSFER NO. 4388 IN THE NAME OF)
JOHN SPANBAUER)
_____)

ORDER DENYING
PETITION TO
INTERVENE

On September 15, 1994, William R. Hill (petitioner) submitted to the Department of Water Resources (department) a petition for an order to intervene (petition) in the above captioned matter as authorized in Rule of Procedure IDAPA 37.01.01350 (Rule 350).

A review of the water right file shows that the department advertised the application on July 27 and August 3, 1994 with the protest period ending on August 15, 1994. The department received the request to intervene in the matter on September 15, 1994.

Timely protests were not submitted in connection with the application for transfer filed by John Spanbauer. Hence there is not a matter in which the petitioner may intervene.

ORDER

IT IS THEREFORE HEREBY ORDERED that the petition of William R. Hill requesting intervention into the matter of Application for Transfer No. 4388 is DENIED.

IT IS FURTHER HEREBY ORDERED, however, that the petitioner may participate in a fact finding hearing the department will schedule in connection with the criteria for transfer approval which the Director must consider as described in Section 42-222, Idaho Code.

Dated this 25th day of October, 1994.


L. GLEN SAXTON, Chief
Water Allocation Bureau

CERTIFICATE OF MAILING

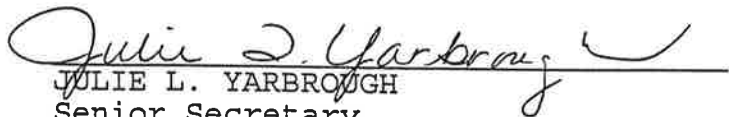
I HEREBY CERTIFY that on this 25th day of October, 1994, .
I mailed a true and correct copy, postage prepaid, of the foregoing
Order Denying Petition to Intervene to the following:

John Spanbauer
539 S 800 E
Jerome, ID 83338

William R. Hill
455 S 700 E
Jerome, ID 83333

J. Evan Robertson
ROSHOLT ROBERTSON & TUCKER
P.O. Box 1906
Twin Falls, ID 83303-1906

Alan Merritt
IDWR - Southern Region
222 Shoshone St. E
Twin Falls, ID 83301


JULIE L. YARBROUGH
Senior Secretary



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

OCT 17 1994

Department of Water Resources
Southern Region Office

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 12, 1994

John Spanbauer
539 S. 800 E.
Jerome, ID 83338

RE: PETITION TO INTERVENE IN APPLICATION FOR TRANSFER NO. 4388

Dear Mr. Spanbauer:

Enclosed is a copy of a Petition to Intervene (petition) in the above referenced application for transfer which you filed. The petition was submitted to the department by William R. Hill on September 15, 1994.

The department's review of the original file which was forwarded by our Twin Falls office does not show that Mr. Hill provided you a copy of the petition nor that the department provided you a copy of the petition and an opportunity to respond to it.

Also enclosed is a copy of Rule of Procedure 354 which provides the opportunity to an opposing party to the granting of a petition to file a motion within seven (7) days after receipt of the petition and to serve the motion on the parties of record, which in this case is William R. Hill. A copy of any motion should be forwarded to the department to be considered together with the petition.

If you have questions, please contact the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - S. Region
William R. Hill

RECEIVED

SEP 15 1994

Department of Water Resources

September 13, 1994

Idaho Department of Water Resources

Attention Glen Saxon

Dear Sir:

It has just now come to our attention that John Spenbauer of Jerome, Idaho has applied under transfer no. 4388 to change the use of his water right to a well, add points of diversion and change the nature of use to a dairy. It will be Si-Elles Farms Simon A. Roth & Sons. They plan 2 new wells.

We went to the water resource office in Twin Falls and talked to Mel Schulte. He gave us your name and address. He suggested we intervene as a protestor and mail a letter and a \$25- fee to you.

We filed protests and paid the fees for the Bill Fien (present owners name unknown) and on the Tony Visser-J + T Dairy (present owner W.D. Pardue).

We feel that to drill two new commercial dairy wells on transfer 4388 is wrong. We are directly west and it could cause our domestic well to go dry. We already have sand in our water part of the time. That is a sign of trouble.

The three dairies would bring a total of 5 new commercial dairy wells within 2 miles of our home.

A neighborhood meeting of 19 people met last week. All of us are greatly concerned about our domestic wells.

Enclosed is our \$25- protest check.

Mr. + Mrs. William R. Hill
455 South 700 East
Jerome, Idaho 83338

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant John Spanbauer Phone 324-7366
 Post Office address 539 S 800 E; Jerome, ID 83338

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☒ Other Split right
2. Describe the reason for the proposed changes To construct a dairy with 2000 hd of milking cows, 240 dry cows and 2,000 hd of replacement calves and heifers. The dairy site will be sold to another party.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/acre-ft) Nature of Use Period of Use
36-02539B 4-26-1962 .43 cfs Stockwater 1-1 to 12-31
.42 " Commercial 1-1 to 12-31
 _____ to _____
 _____ to _____
2. Total amount of water being transferred .85 cubic feet per second and/or 217.3 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	NE	17	9S	18E	Jerome	Two new wells

5. Lands irrigated or place of use:

Twp.	Rge.	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	
9S	18E	17				C/S									C/S	S	C/S	S	

Total acres _____

36-02539B, T # 4388

PART 1**6. General Information:**

- a. Description of diversion system A main well and a backup well with 25 Hp pumps to a pressurized mainline to serve watering troughs and a dairy barn.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The acres not diked up for the dairy will continue to be irrigated.
- d. Remarks:
See attached "Dairy program worksheet" and "Dairy Waste System Design" for details.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 36-02539 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice Groundwater ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 4-26-1962

5. Water is used for the following purpose:

amount 4.04 for Irrigation purposes from Not Specified in license
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	17	9S	18E	Jerome	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
9S	18E	16						10	40			40	10						100
		17											25	20	40	40	20	15	160

Total acres 260

9. Describe any other water rights used for the same purpose as described above 36-04108, 36-07931B
waste water rights; NSCC shares

10. To your knowledge, has any portion of this water right undergone a period of 1 or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .85 for Irrigation purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	17	9S	18E	Jerome	

3. Lands irrigated or place of use:

Twp.	Rge.	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	
9S	18E	17												5	25	10	10	1	55
																16			

Total acres 55

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 3.19 for Irrigation purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

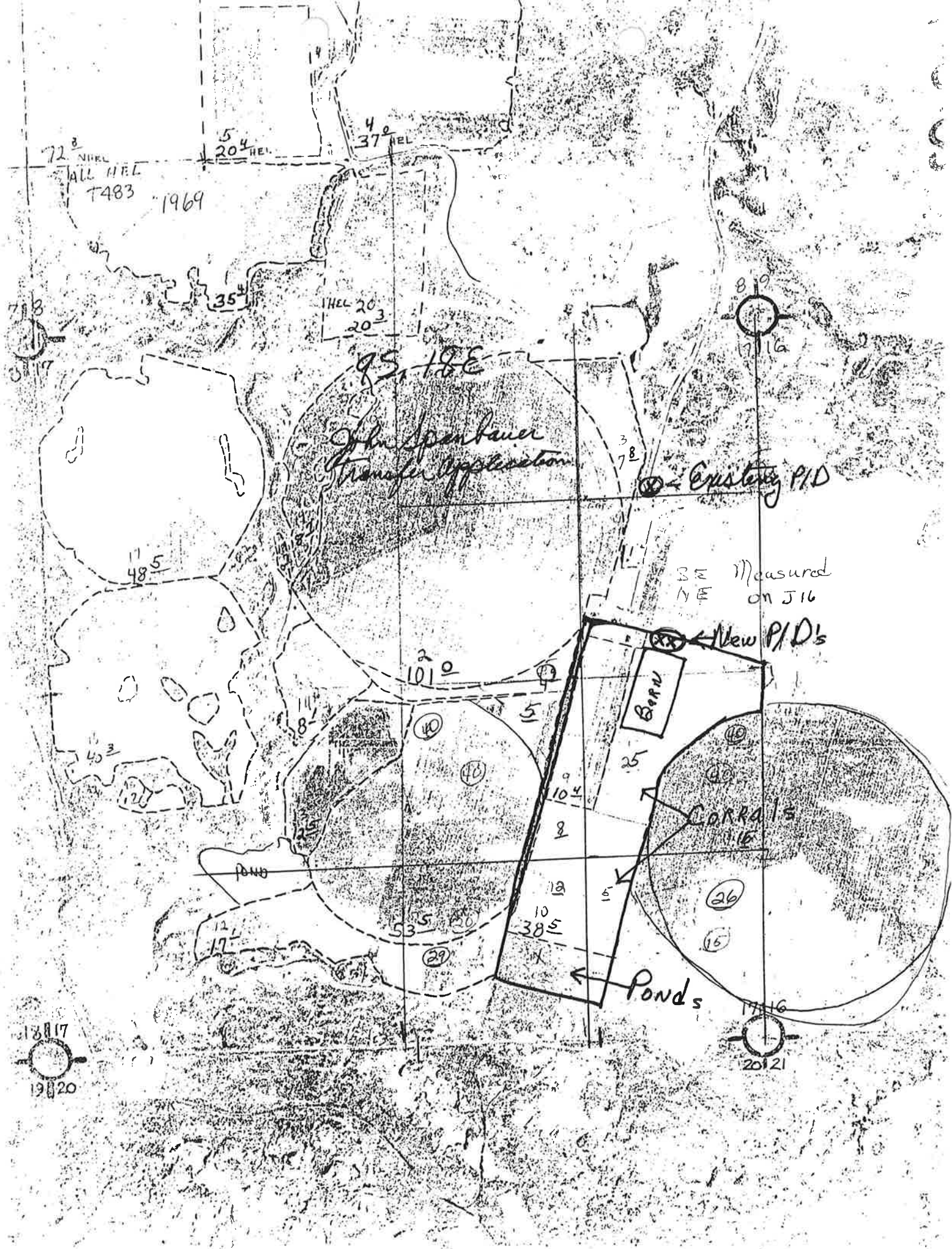
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NE	17	9S	18E	Jerome	

3. Lands irrigated or place of use:

Twp.	Rge.	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	
9S	18E	17											25	15	24	10	15		105
		16						10	40			40	10						100

Total acres 205



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>Stockwater</u>	<u>.43 cfs</u>	<u>3 milking/365</u>	<u>1-1 to 12-31</u>
	<u>Commercial</u>	<u>.42 "</u>	<u>" " "</u>	<u>1-1 to 12-31</u>

2. Quantity and quality of return flows and location of discharge:

Waste water will discharge to a 4.8 surface acre aerobic pond.
The option of discharging waste water through sprinklers is a possibility.

3. Describe effects on other water uses resulting from the proposed change:

The acres not dried up for the dairy will continue to be utilized.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

John Stanbauer
 (Signature of Applicant)

Subscribed and sworn to before me this 26 day of May, 1994.

John Stanbauer
 (Notary Public)

My commission expires 12-20-94

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 2 attachments

Received by MTS Date 5-27-94 Protest filed by None

Prelim. check by J. G. Stanton Fee \$50.00 SO16944

Receipted by MTS Date 5-27-94

Published in Northside News Copies of protest forwarded by _____

Pub. dates 7/27 + 8/3/94 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. by ADm

Copy of transfer sent to lien holder _____

RECEIVED

JUN - 1 1994

South Region Office

MEMO TO FILE

FROM: MEL SCHULTE

RE:JOHN SPANBAUER TRANSFER APPLICATION 36-02539

DATE: JUNE 17, 1994

THIS APPLICATION IS INFLUENCED BY THE RECENT COURT DECISIONS CONCERNING 42-1416A. AN ACCOMPLISHED CHANGE IN PLACE OF USE AND A PERMISSIBLE PLACE OF USE WERE RECOMMENDED FOR THE SRBA CLAIM FOR GROUNDWATER RIGHT 36-02539 AND WASTE WATER RIGHT 36-07931B. BASED ON THE SRBA RECOMMENDATIONS, BOTH OF THESE RIGHTS WOULD BE APPURTENANT TO THE ABOVE REFERENCED TRANSFER APPLICATION. HOWEVER, SINCE THE APPLICABILITY OF 42-1416A IS UNKNOWN AT THIS TIME, THE SRBA RECOMMENDATIONS FOR THESE TWO RIGHTS ARE NOT USED IN THE APPLICATION AND THE ORIGINAL LICENSES ARE USED.

BASED ON THE ORIGINAL LICENSES, GROUNDWATER RIGHT 36-02539 IS THE ONLY RIGHT ASSOCIATED WITH THE LAND TO BE CONVERTED FROM IRRIGATION TO DAIRY USE. THE ORIGINAL LICENSES FOR WASTE WATER RIGHTS 36-07931A, B & C ARE NOT APPURTENANT TO THE SAME LAND INCLUDED IN THE APPLICATION.

WASTE WATER RIGHT 36-04108 IS A STATUTORY CLAIM THAT INCLUDES THE LAND UNDER THE PROPOSED DAIRY SITE. HOWEVER, SINCE AN SRBA CLAIM WAS NOT FILED ON THIS RIGHT, 36-04108 IS CONSIDERED TO BE FORFEITED AND IS NOT INCLUDED IN THE APPLICATION.

J #4388

INTER-DEPARTMENT MEMO

TO: Spanbauer Transfer FileSUBJECT: Field InspectionFROM: Jim StantonDATE: 6-27-94

As SRBA staff has previously inspected this farm, I do not plan to visit the site. They
show that applicant has comingled canal water, wastewater, and groundwater to create a
permissible place of use of 574 acres. Under the water allocation laws, this is an illegal
expansion of groundwater use. It therefore does not appear that we can approve this transfer
until these rights are decreed. With the SRBA on hold and the expansion laws under review,
it does not seem reasonable to approve the transfer at this time. If approved as filed,
it will not reflect the actual irrigation practices on this farm. The proposed dairy could
be yet another expansion of groundwater use on this property.

(X) For your information

() Response required


signature

T# 4388