

JUL 27 1983

Department of Water Resources
Eastern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Richard Roth Phone 524-5005Post Office address 4125 Greenwillow Lane, Idaho Falls, ID 83401

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 01-0161 Decreed to Fredrick Roth
(Name)
in case of Rexburg Irrigation Co. vs Teton Irrigation Canal Co.
dated in _____ in Sixth Judicial Dist. county of Fremont
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Bannock Jim Slough tributary to Snake River

4. Date of priority June 1, 1902

5. Water is used for the following purposes:

amount 3.00 cfs for irrigation purposes from 4/1 to 11/
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusi.

6. Total amount of water under right: a. 3.00 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is _____ % of _____ % of Section _____
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
5N	39E	35									40	40							80

80

Total number of acres to be irrigated _____

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge : any portion of this water right undergone a period of five or more consecutive years
No

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 3.00 c.f.s. &/or _____ acre feet
- b. Description of diverting works
Headworks of the Hill-Pettinger Ditch
- c. Describe the reasons for the proposed changes this water right for years has been listed with the Hill-Pettinger Ditch. However, water under this right has been pumped above the Hill-Pettinger measuring section and delivered to applicant at his pump

2. Change in point of diversion

Point of diversion SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35 Township 5N
Range 39E, B.M., Jefferson County
Additional points _____

3. Change in place of use

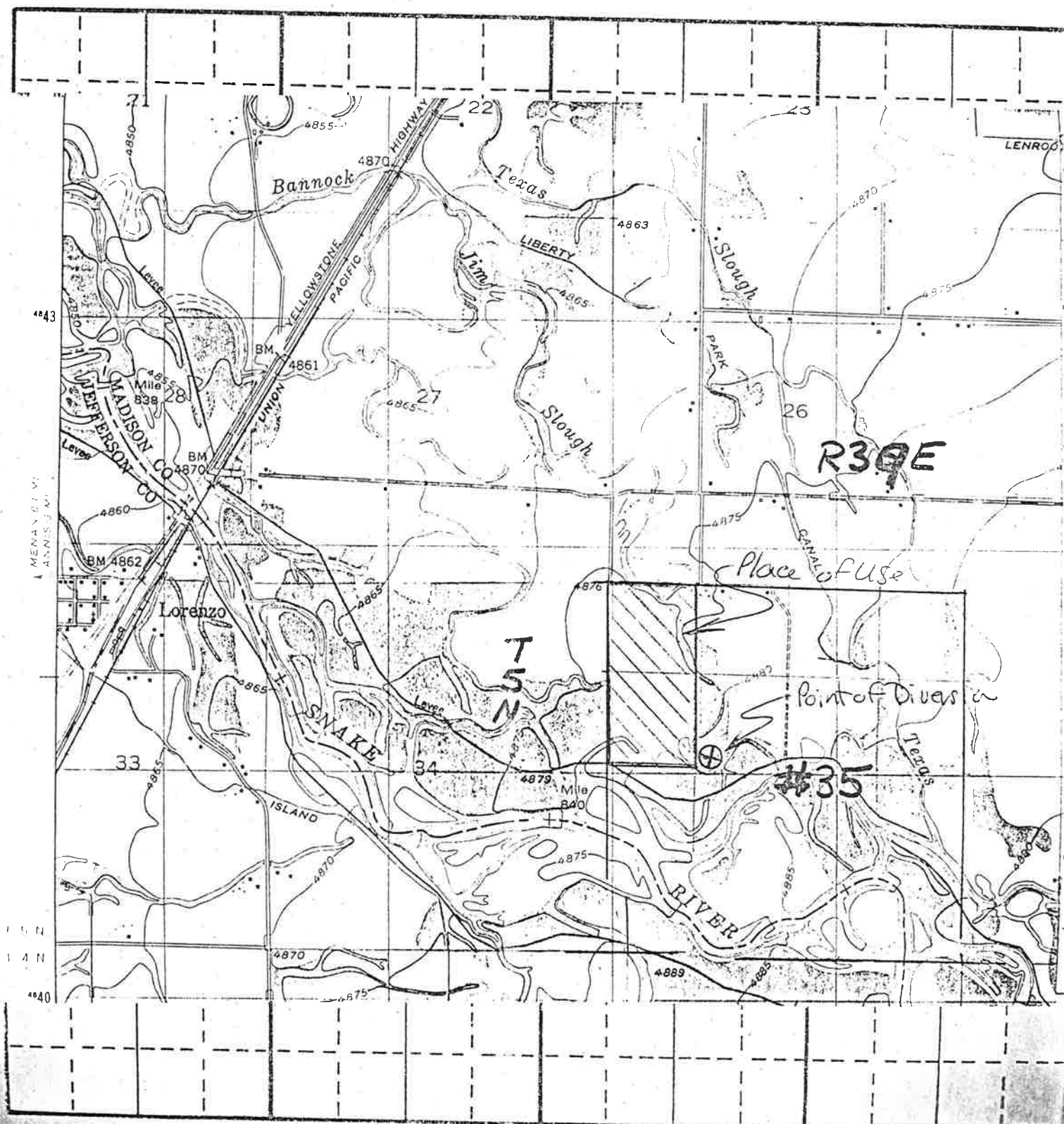
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
The decreed place of use has never been irrigated with this water right. It appears to have been an error in the decree.

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	39E	35						40	40										80

Total number of acres to be irrigated _____

- Describe any other water rights used for the same purpose as described above.
Palisades water owned by Tom Roth has been used on this property.
- Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE 2 inches equal 1 mile. Draw plan in ink.

J. REMARKS

The land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, is owned by Tom Roth. The SW $\frac{1}{4}$ SW $\frac{1}{4}$ is the bed of the Snake River. The pump that has been used will be moved below the measuring section of the Hill-Pettinger.

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 willfull misrepresentations made in this application may result in voiding its approval.

Richard Roth
(Signature of Applicant)

Subscribed and sworn to before me this 8th day of March, 19 83.

Ronald D. Carter
(Notary Public)

My commission expires 2/14/84

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 01-0161 and said application is hereby Approved, subject to the following limitations and conditions:

A measuring device and lockable controlling works of a type acceptable to the
Department shall be permanently installed and maintained as part of the diverting work.
Use of water under this right is subject to control by the watermaster of State Water
District No. 01, Snake River.

Water diverted under this right when combined with all other rights for the same
land shall not exceed 3.5 acre feet per acre per annum.

Witness my hand this 24th day of

June

, 19 83.

L. Glen Saxton

L. GLEN SAXTON, Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by RDC Date 3/8/83 Protest filed by _____

Prelim. check by Kaw Fee 50.00

Receipted by BP Date 3/8/83 #25470

Published in Rigby Star Copies of protest forwarded by _____

Pub. dates 3/24 - 3/31/83 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for approval denial

WD#1 rec'd. 2-18-83 by Jim