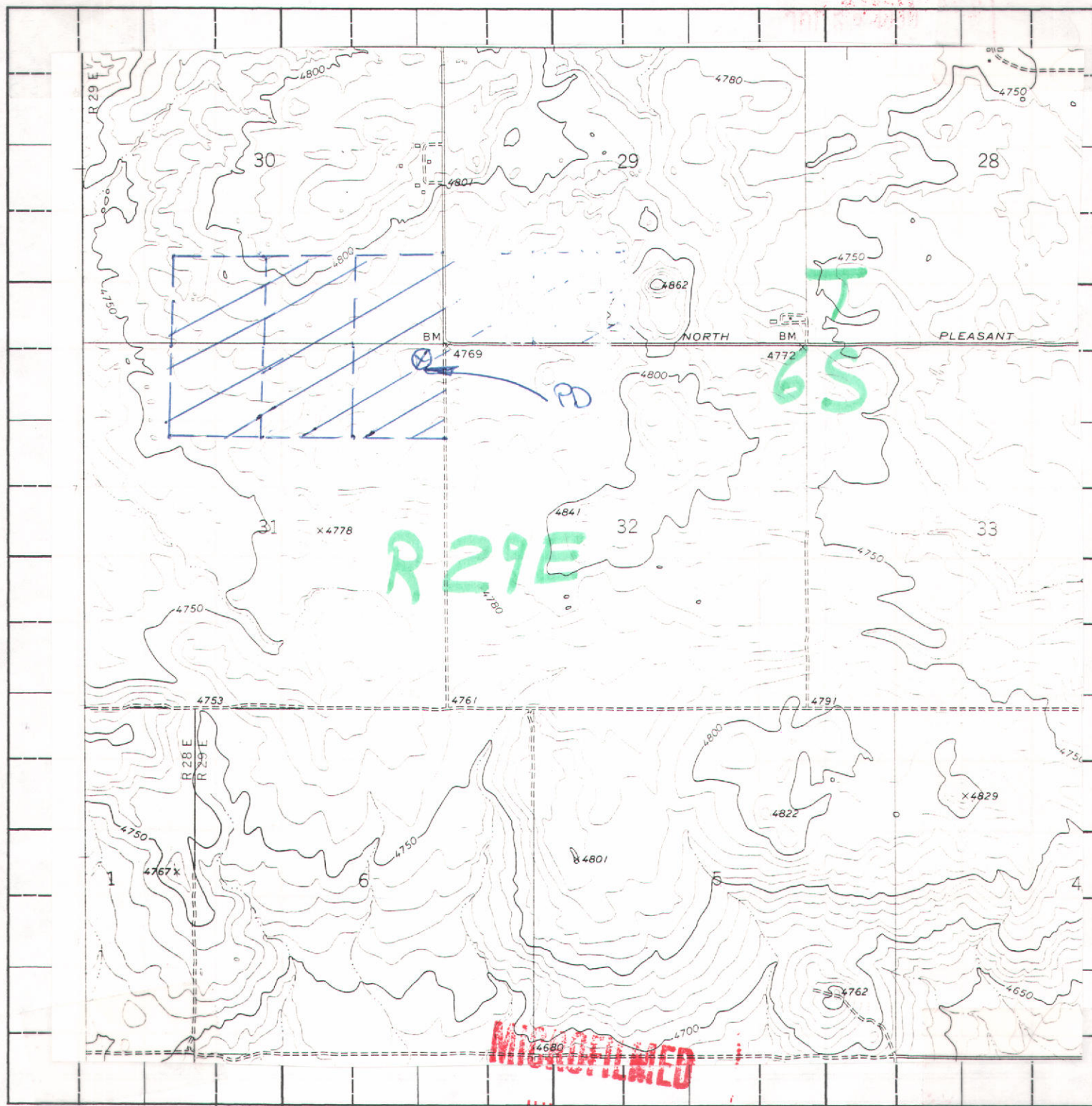


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

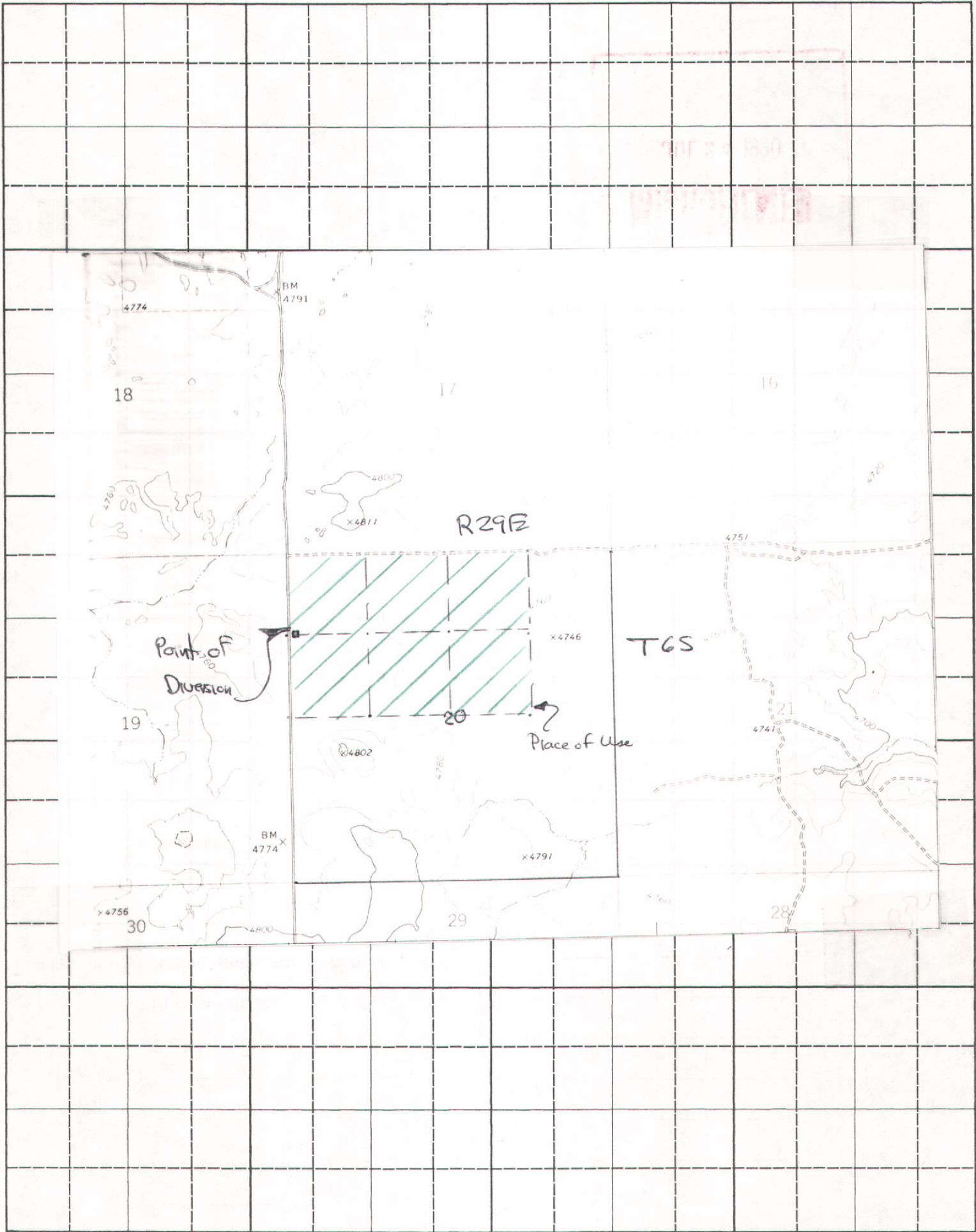


Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

X Rack Ranches By Theodore Rack
(Applicant)

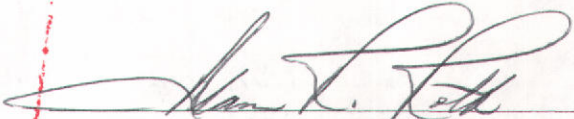
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED
JUL 20 1990

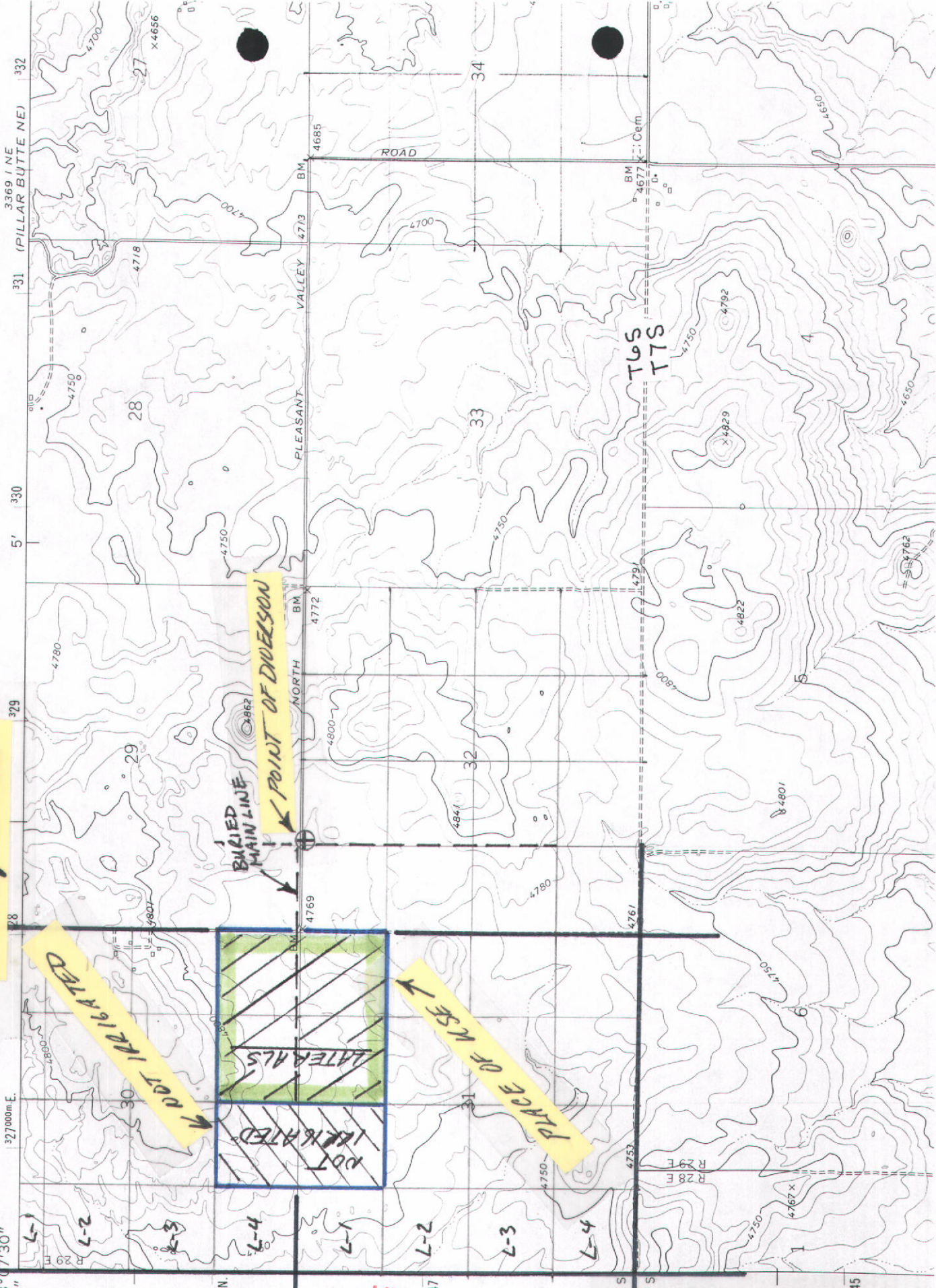

(Applicant)

3369 1 NW
(PILLAR BUTTE)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

7065, R29E

113° 07' 30"
42° 52' 30"



MICROFILMED
SEP 21 1998

35-08337

1039
Lance Funk
(ELIOT DAVIS)

HEL
6-
155.7

HEL
2-
235.9

T14
#106
Ralph
Breeding

HEL
1-
70.2

HEL
7-
176.2

HEL
8-
116.5

CRP
87-163

19 20
30 29

Lance Funk
(ELIOT DAVIS)

T06S, R29E

Winters Rd.

HEL
1-
279.4

CRP
87-163

HEL
1-
46.0

HEL
2-
77.6

HEL
3-
292.0

ROCK
PILES

#881
Roth Ranches

NOT
IRRIGATED

25 30
30 31

HEL
1-
79.8

HEL
4-
22.8

8" MAIN
LINE

10" MAIN
LINE

POINT
OF
DIVERSION

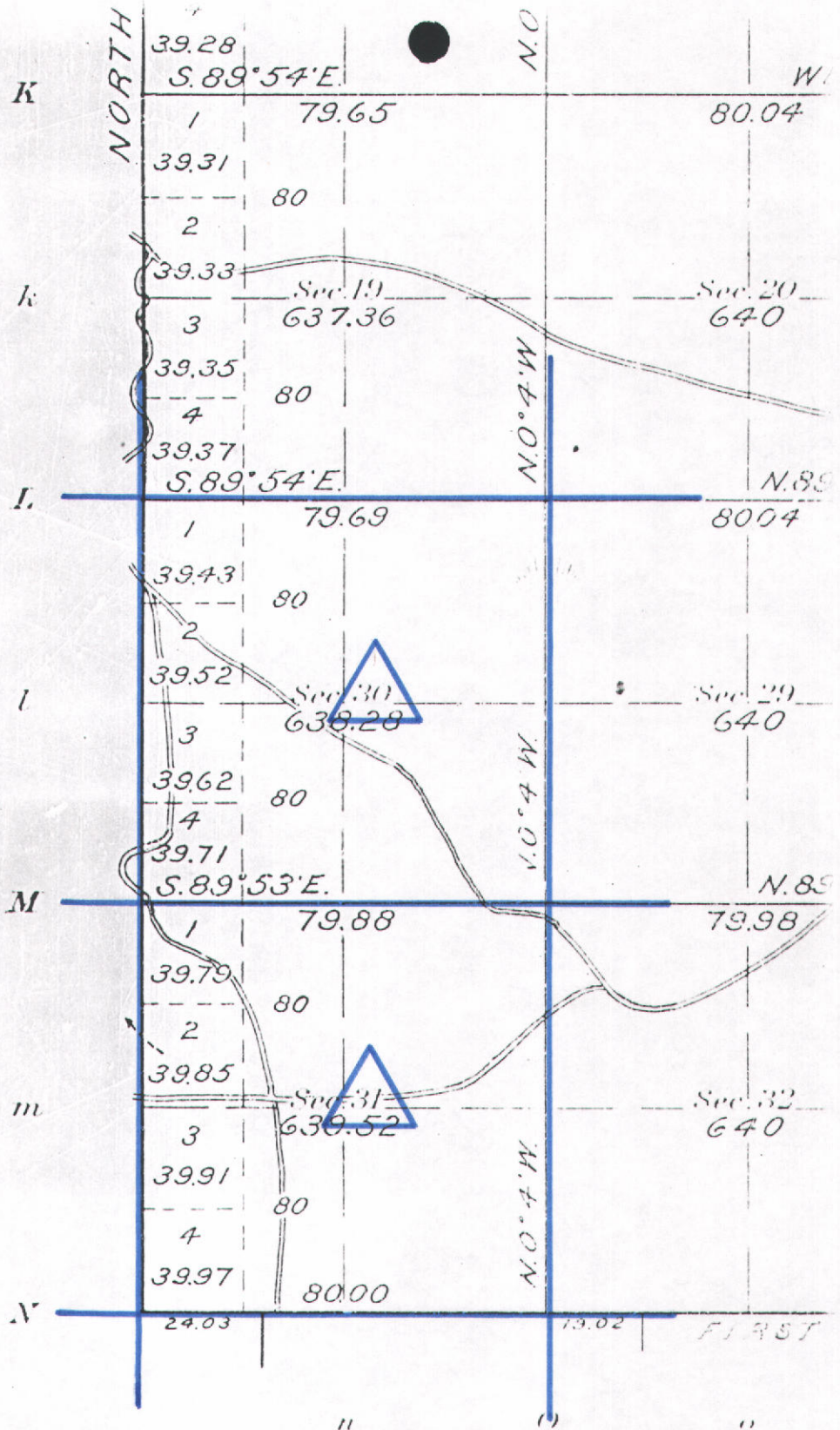
HEL
2-
188.3

HEL
1-
80.0

35-08337

R-29E

R-29E



Surveys Designated	By Whom Surveyed	No.	Gr.
N. & W. Boundaries	Thos. Walter Bates & Fred. D. Spottford	12	Mar
E. Boundary, rel.	" "	"	Mar
Subdivisions			Mar
E. Boundary		19	Jan
Standard	James Spottford	2	Aug

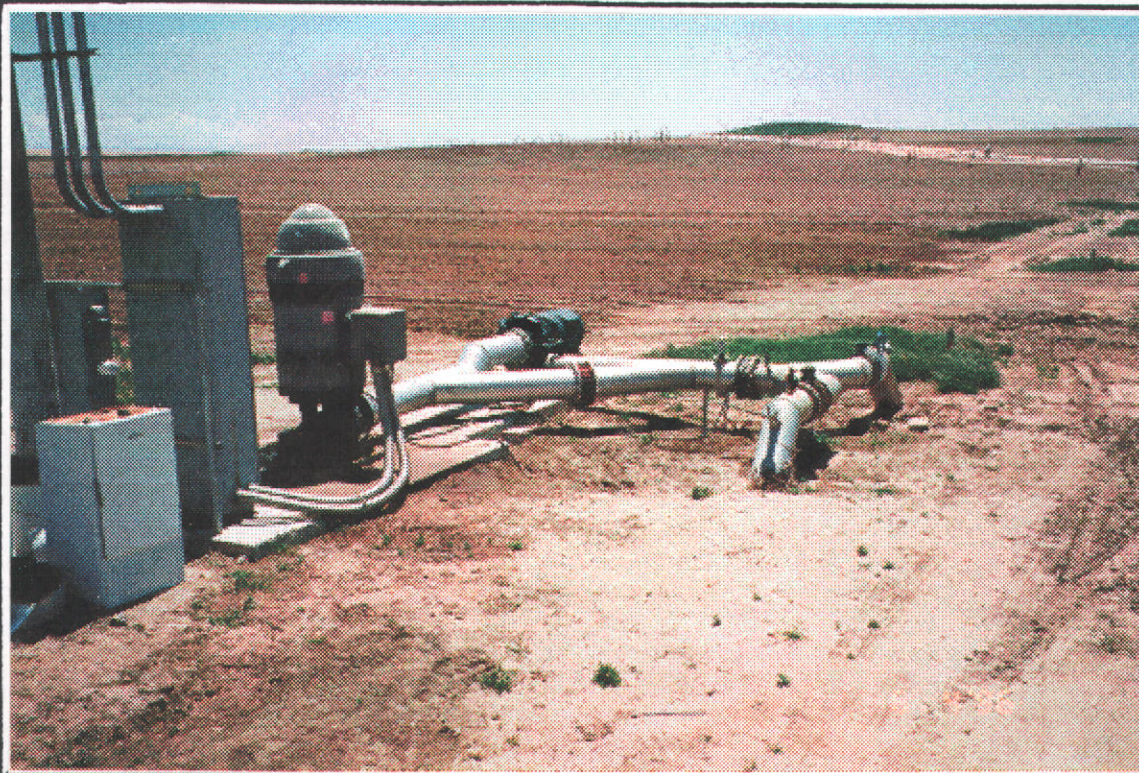
MICROFILMED
SEP 21 1998

35-08337

ROTH RANCHES

IRRIGATION

15/2



POINT OF
DIVERSION

35-08335

+

35-08337

MICROFILMED

SEP 21 1998

PERMIT
NUMBER

35-08337

ROTH RANCHES

IRRIGATION

212

VIEW
SOUTHWEST
PLACE OF
USE



VIEW WEST
PLACE OF USE



MICROFILMED
SEP 21 1998

PERMIT
NUMBER

35-08337

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08337

Priority: January 10, 1984

Maximum Diversion Rate:

2.70 CFS

Maximum Diversion Volume:

640.0 AF

This is to certify, that ROTH RANCHES
534 TAYLOR

AMERICAN FALLS ID 83211 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 10, 1984; and has submitted Proof of Beneficial Use on March 3, 1995. An examination indicates that the works have a diversion capacity of 7.090 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.70 CFS	640.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 32, Township 06S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	29E	30	SWSE 40	SESE 40		80
		31	NENE 40	NWNE 40		80

Total number of acres irrigated: 160

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

MICROFILMED

SEP 2 1994

State of Idaho
Department of Water Resources

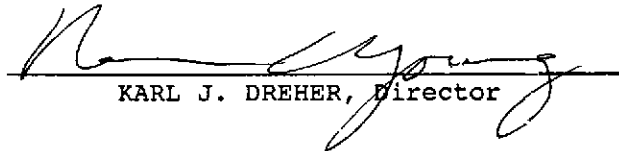
Water Right License

WATER RIGHT NO. 35-08337

CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Right 35-08335 is also diverted through the point(s) of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code, Witness the seal and signature of the Director, affixed at Boise, this 28th day of August, 1978


KARL J. DREHER, Director

MICROFILMED

SEP 21 1980

State of Idaho
Department of Water Resources

RECEIVED

AUG 17 1998

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 35-08337

Date of Priority: January 10, 1984

Maximum Diversion Rate: 2.70 CFS
Maximum Diversion Volume: 640.0 AF

Comes now ROTH RANCHES
534 TAYLOR
AMERICAN FALLS ID 83211

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 35-08337, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.70 CFS	640.0 AF

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 32, Township 06S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	29E	30	SWSE 40	SESE 40		80
		31	NENE 40	NWNE 40		80

Total number of acres irrigated: 160

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at American Falls, Idaho, this 13th day of August, 1998.

MICROFILMED

SEP 2 1998

Roth Ranches by Aid L. Roth
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08337

FOR DEPARTMENT USE ONLY

Preliminary check by SUK Fee = 5000 Received by YLS # 10043104 Date 2/17/92

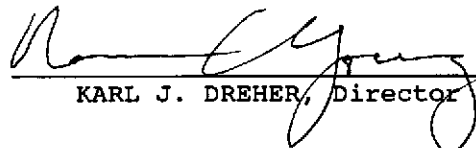
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-08337 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. Right 35-08335 is also diverted through the point(s) of diversion described above.

Witness my hand this 28TH day of AUGUST, 1998.


KARL J. DREHER, Director

MICROFILMED

SEP 21 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 2 1995

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-08337 Telephone No 226-5655
2. Name(s) of Permit Holder(s). Roth Ranches
3. Mailing Address: 534 Taylor American Falls, ID 83211
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. 3 / yr. 91
- a. Well Driller: Vollmer Well Drilling Drilling Permit Number: 35-90-E-069
- b. **OPTIONAL:**
Pump Horsepower: 600 Pressure (psi): 80 Dynamic pumping level (ft): 516

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres). 240 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted 4.80 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No ☒
Has the measuring device been installed? Yes _____ or No ☒

Flow Measurement Port: Is a flow measurement port required? Yes ☒ or No _____
Has the measurement port been installed? Yes ☒ or No _____

8. Fee Enclosed: \$ 200.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Sid Roth Telephone Number: 226-5655

Address: 534 Taylor American Falls, ID 83211

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho

Signature of permit holder: Sid Roth Partner for Roth Ranches Date: 2-27-95
(include your title, if on behalf of company or organization)

MAR 3 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NOS.)
35-08335, 35-08336 AND 35-08337)
IN THE NAME OF ROTH RANCHES)
_____)

ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of the submittal of proof of beneficial use for the above captioned permits, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On November 9, 1994, the department issued an Order for Temporary Stay of Development and Notice of Formal Proceedings (Temporary Stay Order) requiring certain permit holders to either file proof of beneficial use of water in connection with their permit or to otherwise respond to the department in connection with the order.

2. On February 14, 1995, the department issued Final Orders cancelling Permit Nos. 35-08335, 35-08336 and 35-08337 (permits) in the name of Roth Ranches (permit holder), since the permit holder did not respond to the November 9, 1994 Temporary Stay Order.

3. On February 27, 1995, the permit holder submitted a Petition for Reconsideration and proof of beneficial use of water to the department for the three (3) permits.

CONCLUSIONS OF LAW

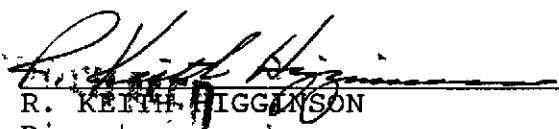
1. The department should rescind the Final Orders dated February 14, 1995 and should reinstate the permits.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Final Orders of the department dated February 14, 1995 which cancelled Permit Nos. 35-08335, 35-08336 and 35-08337 are **RESCINDED**.

IT IS FURTHER HEREBY ORDERED that Permit Nos. 35-08335, 35-08336 and 35-08337 in the name of Roth Ranches are **REINSTATED**.

Dated this 15 day of MARCH, 1995.



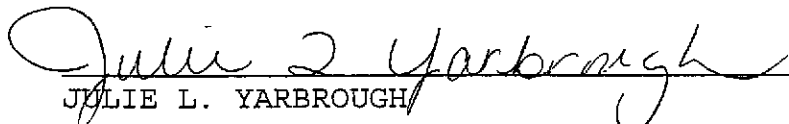
R. KEITH HIGGINSON
Director

MAR 23 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 1st day of March, 1995, I mailed a true and correct copy, postage prepaid, of the foregoing **ORDER** to the following:

Roth Ranches
534 Taylor
American Falls, ID 83211


JULIE L. YARBROUGH
Senior Secretary

MAR 23 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPROVED PERMITS)
FOR THE APPROPRIATION OF GROUND)
WATER FROM THE EASTERN SNAKE RIVER)
PLAIN AQUIFER FOR WHICH PROOF OF)
BENEFICIAL USE HAS NOT BEEN)
SUBMITTED AND IS NOT PAST DUE)
_____)

FINAL ORDER

This matter having come before the Idaho Department of Water Resources (department), as a result of failure of the permit holder to respond to a prior order of the department, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On November 9, 1994, the department issued an Order for Temporary Stay of Development and Notice of Formal Proceedings (order) requiring certain permit holders to either file proof of beneficial use of water in connection with their permit or to otherwise respond to the department in connection with the order.

2. The holder of Permit Nos. 35-08335, 35-08336 and 35-08337 (permit holder) has neither filed proof of beneficial use of water nor responded to the department in connection with the order.

CONCLUSIONS OF LAW

1. Section 42-1805, Idaho Code, provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

...

(7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

2. IDAPA Rule 37.03.08055.02 (Water Appropriation Rule 55) of the Department of Water Resources, provides as follows:

a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of

MAR 23 1995

beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.

b. Notice of the director's action to cancel or modify permits shall be by:

i. Summary Order served by certified mail upon the affected permit holders in the designated area.

ii. Publication of an order for three (3) consecutive weeks in a newspaper or newspapers of general circulation in the area.

c. Objections to the director's action shall be considered under the department's rules of procedure and applicable law.

3. IDAPA Rule 37.01.01104 (Rule of Procedure 104) of the Department of Water Resources provides in part as follows:

Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Rules 210 through 280.

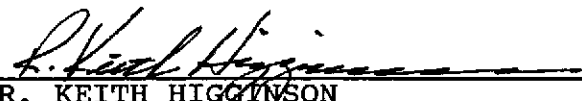
4. The department has properly notified the permit holder of requirements related to the department's order dated November 9, 1994 and the permit holder has failed to respond.

5. The department should cancel Permit Nos. 35-08335, 35-08336 and 35-08337.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Permit Nos. 35-08335, 35-08336 and 35-08337 in the name of Roth Ranches are **CANCELLED** and are of no further force nor effect.

Dated this 14TH day of FEBRUARY, 1995.



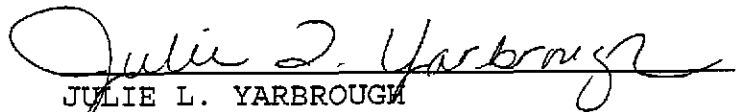
R. KEITH HIGGINSON
Director

MAR 23 1995

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 14th day of February, 1995,
I mailed a true and correct copy, postage prepaid, of the foregoing
FINAL ORDER to the following:

Roth Ranches
761 Hutchinson
American Falls, ID 83211


JULIE L. YARBROUGH
Senior Secretary

MAR 23 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPROVED PERMITS)
FOR THE APPROPRIATION OF GROUND)
WATER FROM THE EASTERN SNAKE RIVER))
PLAIN AQUIFER FOR WHICH PROOF OF)
BENEFICIAL USE HAS NOT BEEN)
SUBMITTED AND IS NOT PAST DUE)

**ORDER FOR TEMPORARY
STAY OF DEVELOPMENT AND
NOTICE OF FORMAL PROCEEDINGS**

The Director of the Idaho Department of Water Resources (Director), having responsibility for the administration of the appropriation of the water of the state of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state and the conservation of the water resources of the state enters the following Findings of Fact, Conclusions of Law and Order for temporary stay; and provides the following notice of formal proceedings:

FINDING OF FACTS

1. On May 15, 1992, the Director issued an order establishing a moratorium on the processing and approval of applications for permit to appropriate water from all surface and ground water sources upstream from the USGS Gauge on the Snake River near Weiser, Idaho. On April 30, 1993, the Director issued an Amended Moratorium Order covering the Eastern Snake River Plain Aquifer. The 1994 session of the Idaho Legislature enacted section 42-1806, Idaho Code, requiring that the moratorium relating to the the Eastern Snake River Plain area shall continue in effect until December 31, 1997.

2. The state of Idaho has experienced seven (7) recent years of drought conditions resulting in lowered ground water levels and decreased discharge from surface water sources. The Idaho Legislature has authorized a study to examine the implications of these changes and the relationships between surface and ground water resources. The study is expected to be completed in approximately two (2) years.

3. Delivery calls have been made by the holders of senior-priority surface and ground water rights against the holders of junior-priority ground water rights from the Eastern Snake Plain Aquifer which could result in the curtailment of diversion and use of water under junior-priority ground water rights including rights which might otherwise be developed under permits which are the subject of this order and notice.

APR 23 1995

CONCLUSIONS OF LAW

1. Section 42-1805, Idaho Code, provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

...

(7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

2. Water Appropriation Rule 55.02. of the Department of Water Resources (IDAPA 37.03.08055.02) provides as follows:

02. PERMITS

a. To the extent a permit has not been developed, the director may cancel, or modify permits for which proof of beneficial use has not been submitted in a designated geographical area as an extension of Rule 55.01.

b. Notice of the director's action to cancel or modify permits shall be by:

i. Summary Order served by certified mail upon the affected permit holders in the designated area.

ii. Publication of the order for three (3) consecutive weeks in a newspaper or newspapers of general circulation in the area.

c. Objections to the director's action shall be considered under the department's adopted rules of procedure and applicable law.

3. Rule of Procedure 104 of the Department of Water Resources (IDAPA 37.01.01104) provides in part as follows:

Formal proceedings may be initiated by a document from the agency informing the party(ies) that the agency has reached an informal determination that will become final in the absence of further action by the person to whom the correspondence is addressed, provided that the document complies with the requirements of Rules 210 through 280.

4. Protection of prior rights to the diversion and use of surface and ground water of the Eastern Snake River Plain Aquifer

APR 23 1995

and the Snake River may require that the further development of water under existing undeveloped permits be suspended indefinitely to assure that the effects and conditions caused by drought, changes in irrigation practices and resulting aquifer recharge, and diversion and use of ground water from the aquifer under prior established water rights are properly evaluated.

5. Section 42-204, Idaho Code, provides in part as follows:

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

ORDER

IT IS THEREFORE, HEREBY ORDERED as follows:

1. The owners of all permits to appropriate ground water within the boundaries of the Eastern Snake Plain Aquifer, as that area is defined by Rule 50 of the rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11), shall, effective immediately upon receipt of this order, temporarily stop further development under the permit until the Director authorizes further development.

2. The owners of all permits for appropriation of ground water within the boundaries of the Eastern Snake River Plain Aquifer shall on or before February 1, 1995, either:

A. File proof of beneficial use to cover the extent of diversion and beneficial use of water that has been accomplished prior to receipt of this order; or

B. File a response with the Director in this proceeding to satisfy the requirements of either subparagraph 1) or 2) below:

1) Document with supporting information that a "substantial investment" has been made, prior to receipt of this order, in facilities to divert and beneficially use water under the permit that merits the granting of additional time to complete all or part of the project. Substantial investment means an actual expenditure or written commitment for development of the project which meets the following requirements:

MAR 23 1995

- a) The actual expenditure or written commitment for the diversion and related equipment must equal or exceed the amount of fifteen thousand dollars (\$15,000) or exceed twenty five (25) percent of the estimated cost of the system for diverting and beneficially using the water, whichever is less; and
- b) The actual expenditure or written commitment must have been made before receipt of this order.

2) Request an indefinite stay in the development period for the project, or any part of the project for which a substantial investment has not been made, until the conditions that resulted in this order have been alleviated if such should ever occur. Upon approval of any such stay, no further development is to occur until such time as the department has issued an extension of time setting a date for completion of the project.

3. Failure to submit either proof of beneficial use or a satisfactory response shall result in cancellation of the permit without further notice.

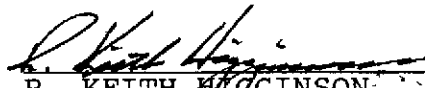
4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing and diligently proceeding to develop the project authorized under the permit.

5. This order does not prevent the Director from reviewing continued development of a permit on a case-by-case basis if,

a. The Director determines that protection and furtherance of the public interest justifies continued development of a permit; or

b. The Director determines that continued development and use of water will have no effect on prior water rights because of its location, insignificant consumption of water or mitigation provided by the permit holder to offset injury to other rights.

Dated this 9TH day of NOVEMBER, 1994.


R. KEITH MCGINSON
Director

MAR 23 1995

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08337

Proposed Priority: January 10, 1984 Maximum Diversion Rate: 4.80 CFS

This is to certify, that **ROTH RANCHES**
761 HUTCHINSON
AMERICAN FALLS, ID 83211

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	04/01 to 11/01	4.80 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NENE Sec. 31, Township 06S, Range 29E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	29E	30	SESW 40	SWSE 40	SESE 40	120
		31	NENE 40	NWNE 40	NENW 40	120

Total number of acres irrigated: 240

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1995**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
5. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
6. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
7. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
8. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

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JUL 20 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08337

CONDITIONS/REMARKS:

9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

28 day of June, 1990

R. Keith Higginson
for R. Keith Higginson, Director

MICROFILM

JUL 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED **APPLICATION FOR PERMIT** AMENDED

To appropriate the public waters of the State of Idaho

- 1 Name of applicant Roth Ranches Phone 226-2216
 Post office address 761 Hutchinson, American Falls, ID 83211
- 2 Source of water supply Groundwater which is a tributary of _____
- 3 Location of point of diversion is _____ ¼ of NE ¼ of NE ¼, Govt. Lot _____
 Sec. 31 Township 6S Range 29E B.M. Power County; additional
 points of diversion if any: _____
4. Water will be used for the following purposes:
 Amount 4.80 for Irrig. purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 4.80 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Well, pump to sprinkler lines
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
 reservoir capacity _____ acre-feet; period of year when water will be diverted to storage
 _____ to _____ inclusive
 - c. Proposed well diameter is 20 inches, proposed depth of well is NA feet
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
2 5 years (minimum 1 year)

MICROFILMED

JUL 23 1990

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

a If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

If water is used for other purposes, place a symbol of the use (example: *D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

240 Total number of acres to be irrigated

10. Describe any other water rights used for the same purposes as described above

11. a Who owns the property at the point of diversion?
Applicant

b Who owns the land to be irrigated or place of use? Applicant

_____ applicant to make this filing.

12 Remarks:

CONFIDENTIAL

~~066t c 2 Mr~~

[illegible]

JUL 20 1990

~~X~~ Rock Ranches By Theodor Rock
(Applicant)

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JUL 20 1990

e. Other:

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

_____, 19____.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

1. Approval of said application is subject to the following limitations and conditions.

Idaho No _____, and said application is hereby _____.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Publication approved _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Received by _____ Fee \$ _____
#125
Date 5-4-89 Time 12:01 PM
Received by _____ Date 1/10/84

Preliminary check by _____

1-10-84 4:05 PM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

VOID
see amended
app.

1. Name of applicant Roth Ranches Phone 226-2261

Post office address 761 Hutchinson American Falls, ID 83211

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20 Township 6S

Range 29E B.M. _____ Power _____ County, additional points of diversion if any: _____

SWNW Sec. 20, T. 6S, R. 29E Well on line between quarter-quarter

4. Water will be used for the following purposes:

Amount 4.80 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 4.80 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump to pivot and sprinkler lines.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 20 inches; proposed depth of well is 600 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M. _____

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

RECORDED

JUL 25 1979

RECEIVED

applicant to make this filing

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

b. Who owns the land to be irrigated or place of use

Applicants

9. a. Who owns the property at the point of diversion

~~Applicants~~

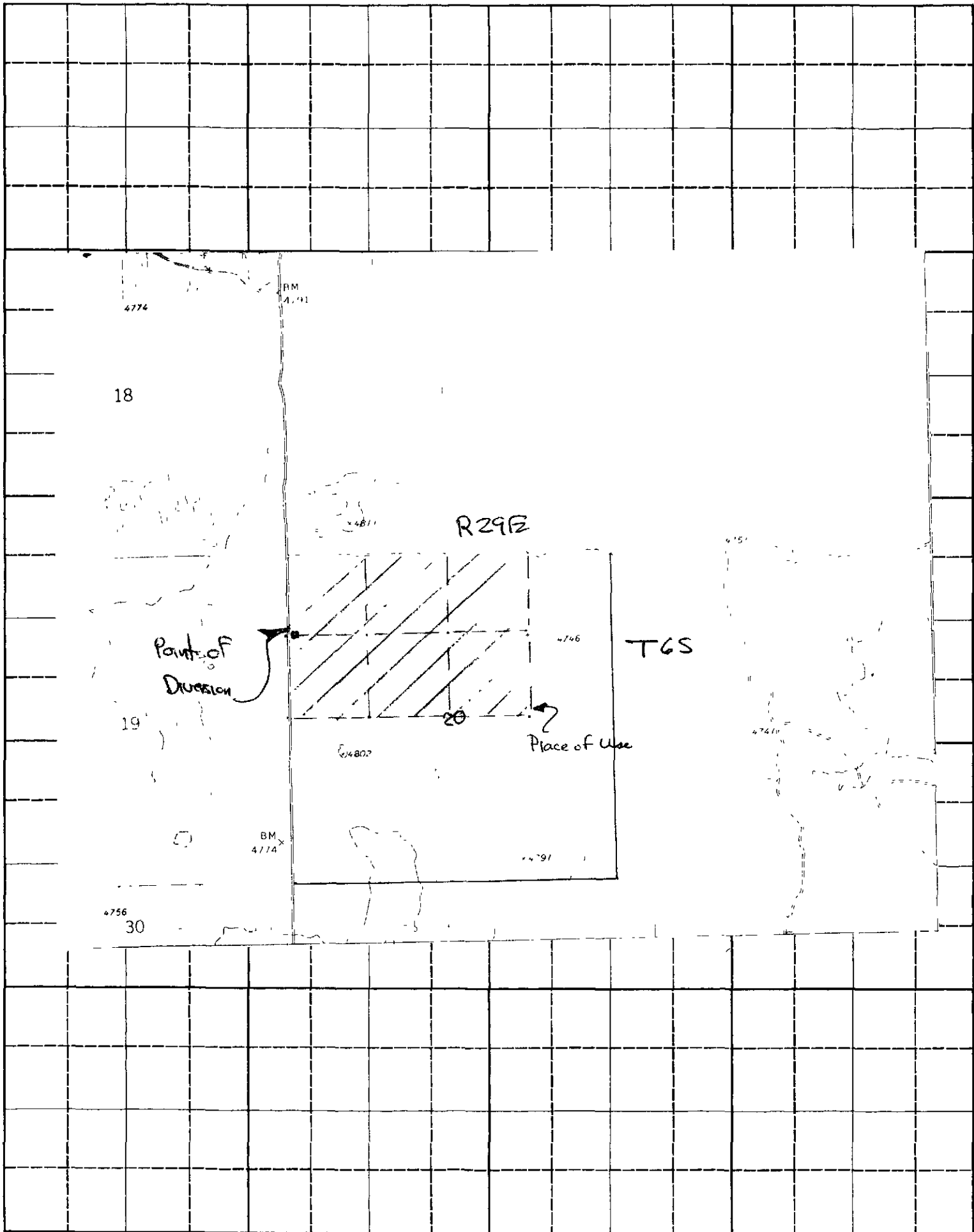
c. Describe any other water rights used for the same purposes as described above. None

240 Total number of acres to be irrigated

[illegible]

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

11. Map of proposed project. show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

JUL 20 1990

[Signature]
(Applicant)

NOT RECORDED
JUL 23 1990

d. Other:

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

for _____, 19____.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____.

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

1. Approval of said application is subject to the following limitations and conditions:

of Idaho No. _____, and said application is hereby _____.

This is to certify that I have examined Application for Permit to appropriate the public waters of the State

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by WWT Date 1/10/84 Time 4:05 pm
Preliminary check by KW Fee \$ 125.00
Received by BP Date 1/10/84 # 33402
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states
That she is the publisher of The Power County Press, a newspaper of
general circulation in Power County, Idaho, published weekly at American
Falls in said county, that said newspaper has been published in said county
uninterruptedly and continuously for over seventy-eight consecutive weeks,
prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping
attached in the regular and entire edition of said newspaper and not in any
supplement thereof for 2 successive weekly issues thereof, the
date of the first publication being the 21 day of
March 1990 and the date of last publication being the
28 day of March 1990

(Signed)

State of Idaho

County of Power

On this 28 day of March in the year of
1990, before me, a Notary Public, personally appeared Erma
Crompton, known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first duly sworn,
declared that the statements therein are true, and acknowledged to me that
she executed the same.

MICROFILMED
JUL 11

Brett Compton
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: June 8, 1993

Application for water right

Published in: The Power County Press,
Mar. 21, 28, 1990.

NOTICE OF APPLICATION FOR
TRUST WATER RIGHT

35-08335

ROTH RANCHES
761 HUTCHINSON
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NWNW Sec 32 T 06S R
29E

Use: IRRIGATION (5,600 CFS)
Total Diversion: (5,600 CFS)

Date Filed: 1/10/1984

In: T06S R29E S29 SWSW SESW
S32 NENW NWNW SWNW SENW
NWSW
280.0 ACRES TOTAL

35-08336

ROTH RANCHES
761 HUTCHINSON
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NWSW Sec 28 T 06S R
29E

Use: IRRIGATION (6,400 CFS)
Total Diversion: (6,400 CFS)

Date Filed: 1/10/1984

In: T06S R29E S20 NESE/NWSE
SWSE SESE
S29 NWNE SWNE NWSE SWSE
320.0 ACRES TOTAL

35-08337

ROTH RANCHES
761 HUTCHINSON
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NENE Sec 31 T 06S R
29E

Use: IRRIGATION (4,800 CFS)
Total Diversion: (4,800 CFS)

Date Filed: 1/10/1984

In: T06S R29E S30 SESW SWSE
SESE
S31 NENE NWNW SENW

APR - 2 1990

Department of Water Resources
Eastern District Office

OK TAZ

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08337 DATE 7/2/98 REVIEWER: SHARLA

NAME OK Change/OK
 Address OK
 SOURCE OK Does change clarify orig intended source? If no, Void permit
 POINT OF DIV chg ☒ Change (P39/P47) ☐ Add (P45/P42) Feds - P40
W32 (multiple in 1/4)
W36 (overlap)
W59 (subd. desc)

Overlaps: Right(s): 35-08335
 File reviewed ☐ Profile reports printed ☐

PLACE OF USE OK ☐ Change (P41/P47) ☐ Add (P41/P42) Feds - P43
W60 (subd. desc)
W27 (ppu acre limit)

Overlaps. Right(s): _____
 File reviewed ☐ Profile reports printed ☐

PD & PU amend (P37) Feds - P48

RATE OF DIV
 Permitted Rate 4.80 cfs
 Fee limit 5.00 cfs \$200.00
 Measured 7.09 cfs
 Theoretical 7.03 cfs

Recommended Total Div Rate 7.70 cfs

419 ac / 7.09 cfs
 = .0169 cfs/ac
 160 x 4 =

WATER USES	OK	Change (P46)	
<u>2.70</u> cfs	<u>640.0</u> af	Irrig -	overlap (R58-R61, R62-R65, R66-R69)
_____ cfs	_____ af		supp gw (WB7/065/079)
_____ cfs	_____ af		overlap spec. combined rts (W35)
_____ cfs	_____ af		<1acre (W31)
_____ cfs	_____ af	Domestic	(W01/WB5/070/071/075)
TOTALS <u>7.70</u> cfs	<u>640.0</u> af	Power	(W42 or W43/025/027/R22 or R23)
		Fish (042)	Fire (077) Wtr Quality (081/R07)

Flow rate 7.70 cfs X 214 days X 1.98 = 1144.0 af

REMARKS _____

ADD'L CONDITIONS ☐ Watermaster Control WD# _____
☐ GW Measurement/Measuring Device
☐ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority ☐ yes ☒ no

SRBA Claim NA

Adjust Memo rounded ac/volume
 Amend letters P39, P38
P47



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

August 31, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROTH RANCHES
534 TAYLOR
AMERICAN FALLS ID 83211

RE: WATER RIGHTS 35-08335/35-08337

Dear Water Right Holder(s)

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that water rights have been established in accordance with the permits referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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SEP 21 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located

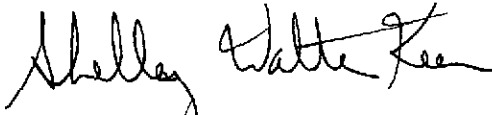
The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See

section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

For your records, I have also enclosed copies of your Applications for Amendment of Permit, which were approved.

If you have questions, please contact me at (208) 327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SWK:klt
Enclosures

MICROFILMED

SEP 21 1998

CERTIFICATE OF MAILING

I hereby certify that on the **31st** day of **August, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDERS (Approved Licenses)** to the person(s) listed below:

Water Rights 35-08335/35-08337

**ROTH RANCHES
534 TAYLOR
AMERICAN FALLS ID 83211**


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 21 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

July 29, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ROTH RANCHES
534 TAYLOR
AMERICAN FALLS ID 83211

RE: WATER RIGHTS 35-08335/35-08337

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permits referenced above prior to issuing water right licenses. By issuing licenses, the Department confirms that water rights have been established in compliance with the terms of the permits. The examiner who verified your water use reported that the point(s) of diversion developed is in a location other than what was described on your permits. Therefore, before licenses can be issued, your permits must be amended to depict your water use as it was actually developed.

The enclosed Application for Amendment forms depict the point(s) of diversion and other information as it will appear on the licenses when they are issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with the \$100.00 filing fee (\$50 each) within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208)327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

AUG 21 1998

MEMORANDUM

TO: Files 35-08335, 35-08336 and 35-08337

FROM: Sharla

DATE: July 23, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit Nos 35-08335, 35-08336 and 35-08337 are as follows:

C DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use

35-08335:

T6S, R29E, S29 - SWSW (39 acres) SESW (27 acres)
S32 - NENW (40 acres) NWNW (39 acres)
SWNW (39 acres) SENW (35 acres)
NWSW (40 acres)
TOTAL = 259 acres

35-08336:

T6S, R29E, S20 - NESE (27 acres) NWSE (26 acres)
SWSE (40 acres) SESE (39 acres)
S29 - NWSE (9 acres) SWSE (17 acres)
TOTAL = 158 acres

35-08337:

T6S, R29E, S30 - SWSE (40 acres) SESE (40 acres)
S31 - NENE (40 acres) NWNE (40 acres)
TOTAL = 160 acres

H RECOMMENDATIONS

35-08335:

Irrigation	4/1 - 10/31	4 39 cfs	1036.0 afa
------------	-------------	----------	------------

35-08336:

Irrigation	4/1 - 10/31	3.16 cfs	632.0 afa
------------	-------------	----------	-----------

The capacity of the well was measured at 7.95 cfs; 158 acres are served under this right and 153 other acres in Section 29 under 35-07255 (7.95/311 acres = 0.025 cfs/acre). An inch/acre has been allowed on this license with a condition limiting the diversion from this well to 7.95 cfs in combination with 35-07255.

MICROFILMED

SEP 21 1998

35-08337:

Irrigation

4/1 - 10/31

2.70 cfs

640.0 afa

The number of acres per $\frac{1}{4}$ are rounded to the nearest whole number on rights for irrigation of 5 acres or more; the volumes have been adjusted accordingly.

Examiner: Don Simpkins

Exam Date: June 4, 1996

MICROFILMED

SEP 21 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

APR 09 1998

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 35-08337

1 Owner: ROTH RANCHES Phone No. (208) 226-5655

Current Address: 534 TAYLOR, AMERICAN FALLS, IDAHO 83211

2. Accompanied by: SID ROTH EXAM DATE: 6/4/94

Address: 4001 ROTH RD, AMERICAN FALLS, ID 83211 Phone No. (208) 226-2166

Relationship to Permit Holder: PARTNER

3. Source: GROUNDWATER tributary to NONE

B. OVERLAP REVIEW

1 Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: 35-08335 (OTHER PERMIT)

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp	Rge	County	Method of Determination/Remarks
		NW	NE	NW	32	06S	29E	POWELL	U.S.G.S. TOPO MAP/NAPP PHOTO

2. Place(s) of Use:

Indicate Method of Determination ON SITE INSP.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	29E	30															40	39.5	79.5
"	"	31	39.5	40															79.5

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TOTAL 159 ACRES

APR 21 1998

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APR 21 1998

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JUN 1 1997

2. Measurements: SEE ATTACHMENTS

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
POLYSOLIC FLOW METER	TYPE-BYTE	FLUK	DT-P	740263		1996
PRESSURE GAGE (DOXER)					0-60	66-68751

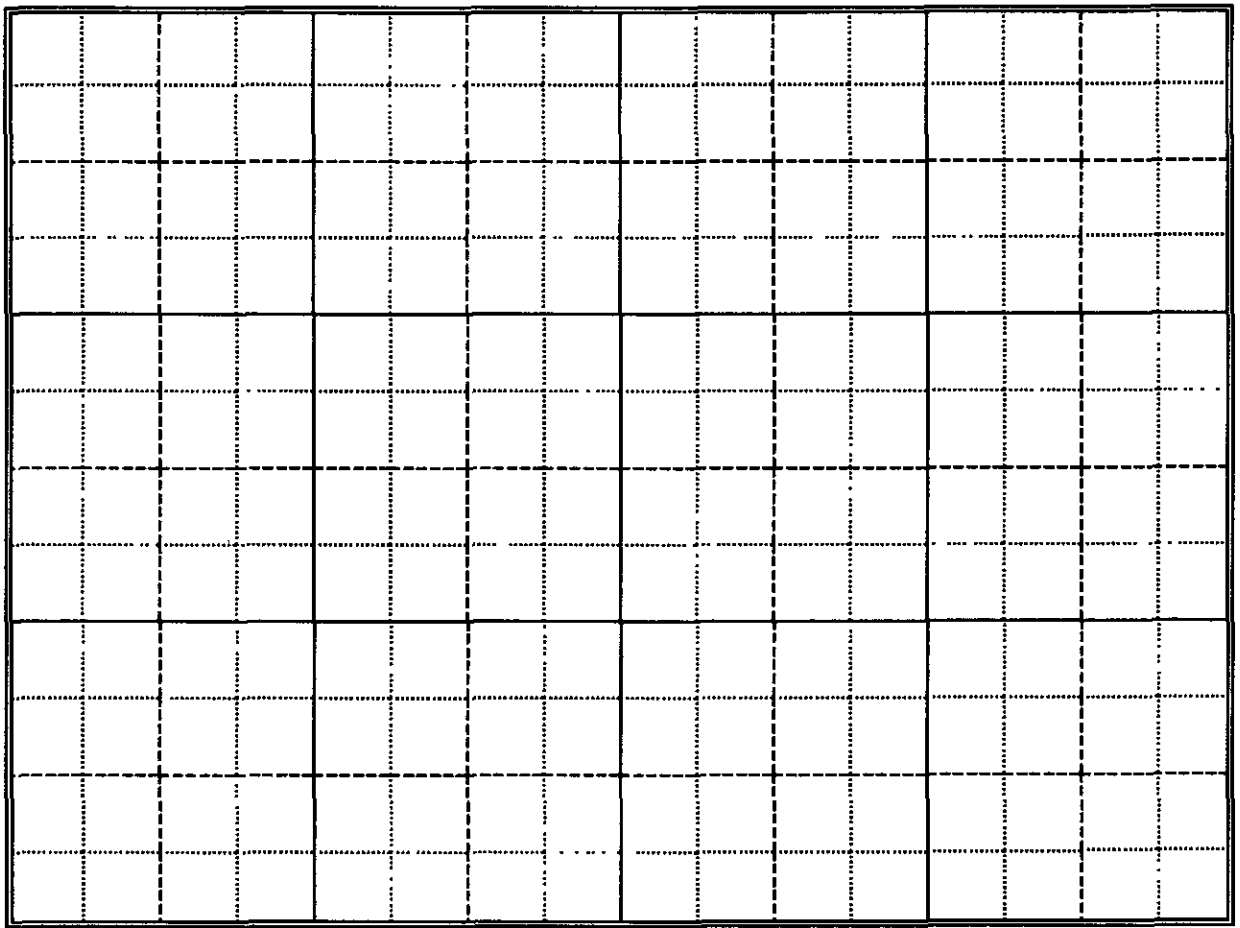
D. FLOW MEASUREMENTS

*Code to correspond with No. on map and aerial photo

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
LIFT PUMP	H.S. MOTOR	600	Y067/T12T188X103R1		12"
BOOSTER	MANITOWAL	200	19-02300-8/20-07		8"

4.

Scale: 1" = _____
Copy of USGS Quadrangle Attached Showing location(s) of _____
point(s) of diversion and place(s) of use (required).
Aerial Photo Attached _____
(required for irrigation of 10+ acres)
Photo of Diversion and System Attached _____



3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe l.d. as applicable. SEE ATTACHMENTS & PHOTOS

E. NARRATIVE/REMARKS/COMMENTS

THIS IRRIGATION SYSTEM USES A 600 HP LIFT PUMP AND
A 200 HP BOOSTER PUMP TO SUPPLY WATER TO TWO
(PERMITS) PLACES OF USE (35-08335 & 35-08337). WATER
IS DISTRIBUTED VIA A PILOT, WHEEL LINES AND PORTABLE
HAND LINES.

Have conditions of permit approval been met? ☒ yes ☐ no

MICROFILMED
DEC 21 1998

Measured Method:

THEORETICAL MAX. PUMP FLOW = 7.03 GFS
POLYSODIC MEASURED FLOW = 7.09 GFS

$$\begin{aligned} 35 - 0.8335 &= 25.8465 \\ 35 - 0.8337 &= 15.9463 \\ \hline 417 \text{ kPa} \\ &= 0.0170 \text{ cm}^3/\text{kPa} \end{aligned}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 1594c \times 4 = 6364ft$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.7025 \times 214 \times 1.9835 = 1,146.04ft$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 6364ft$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

12/16/70

Per
From

Period of Use

10/31

Rate of Diversion	Q (cfs)
0.00	1000
0.05	1000
0.10	1000
0.15	1000
0.20	1000
0.25	1000
0.30	1000
0.35	1000
0.40	1000
0.45	1000
0.50	1000
0.55	1000
0.60	1000
0.65	1000
0.70	1000
0.75	1000
0.80	1000
0.85	1000
0.90	1000
0.95	1000
1.00	1000

Annual Volume
V (a1a)

2. Recommended Amendments

Change P.D. as reflected above
Change P.U. as reflected above

_____	Add P.D. as reflected above
_____	Add P.U. as reflected above
_____	Other
_____	None

I. AUTHENTICATION

Field Examiner's Name 5147K105 Date 2/6/98

Reviewer _____
Date _____
SEAL _____

UNCLASSIFIED

$\frac{d}{dt} \left(\frac{1}{r^2} \right) = -\frac{2}{r^3} \frac{dr}{dt}$

MODE SELECT
INPUT

OUTER DIAMETER
12.7593 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.2161 IN

INNER LINING
? NO LING.

KIND OF FLUID
? ANOTHER

SOUND VELOCITY
1460 M/S-

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.898 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

06-10 10:3700 *R
+002.60 % AI2

MODE SELECT
TO CHECK

0464.1 MMSEC
099.63 % T0

06-10 10:3900 *R
+ MICRO 36PM

SEP 27 7:09 CFS

06-10 10:4400 *R
+ 3.180E 36PM

35-08337
bottle
+ 35-08335
on

35-08337

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Water District No. 1
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

BOOTH FALLS (KACQUES)
35-08335 + 35-08337
SONIC TAPE

MICROFILMED
SEP 21 1998

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = \frac{[(Hp)(8.814)(Eff)]}{\text{600 HP LIFT PUMP + 200 HP BOOSTER}} \div [Lift + (psi \times 2.308)]$$

$$Hp = \text{Horsepower} = \underline{800}$$

$$Eff = \text{Efficiency} = \underline{.7} \quad (\text{Usually } 70\%)$$

$$\text{Lift: (Static Level + Assumed Draw down)}$$

$$\text{Static Water Level} = \underline{530'} \text{ ft.}$$

$$\text{Assumed Draw down} = + \underline{20} \text{ ft.}$$

$$\text{Lift} = \underline{550}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \underline{66} \text{ psi}$$

$$Q_{cfs} = \left[\frac{800}{Hp} \times 8.814 \times \frac{.7}{Eff} \right] \div \left[\frac{550}{Lift} + \left(\frac{66}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{4,935.84} \right] \div \left[\underline{702.328} \right]$$

$$Q_{cfs} = \underline{7.027} \text{ cfs}$$

$$\text{POLYSONIC MEASURED FLOW} = \underline{6.94 \text{ CFS}} \\ \underline{7.09}$$

PERMIT NO. 35-08337
MICROFILMED

SEP 21 1998

FIELD EXAM NOTES

EXAM # 35-8335

DATE OF EXAM 6/4/96

PERMITEE NAME ROTH RANCHES

OTHER WATER RIGHTS SAME POD OTHER PERMIT (35-08336/8337?)

OTHER WATER RIGHTS SAME POU NONE

PUMP #1 HP 600 MAKE US MOTOR SERIAL # Y067/T12T13ER103R-1
COLOR AND DESCRIPTION ALL GRAY (LIGHT)
OUTPUT DIAMETER 12" SYSTEM PRESSURE _____ PSI WELL DEPTH 700
STATIC H2O 530 WELL DEPTH _____ DYNAMIC PUMP _____
PSI GAGE TYPE _____ CHECK VALVE ☒ [Y] [N] GATE VALVE ☒ [Y] [N]

PUMP #2 HP 200 MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____
OUTPUT DIAMETER _____ SYSTEM PRESSURE _____ PSI WELL DEPTH _____
STATIC H2O _____ WELL DEPTH _____ DYNAMIC PUMP _____
PSI GAGE TYPE _____ CHECK VALVE [Y] [N] GATE VALVE [Y] [N]

BOOSTER PUMP #1 HP 200 MAKE MARATHON SERIAL # 19-02300-8/20-07
COLOR AND DESCRIPTION 8H 200-4 8" out
BOOSTER PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____

CIRCLE PIVOT ☒ [Y] [N] NUMBER OF TOWERS _____ PIVOT LENGTH _____
PRESSURE ☒ [H] [L]

WHEEL LINES 20 1/4 mile lines

HAND LINES [Y] [N] NUMBER OF LINES _____ LENGTH OF LINES _____
RAIN BIRDS PER LINE 32 NOZZEL DIAMETER 5.56PM
FLOW CONTROL

SURFACE WATER TYPE OF MEASUREING DEVICE _____

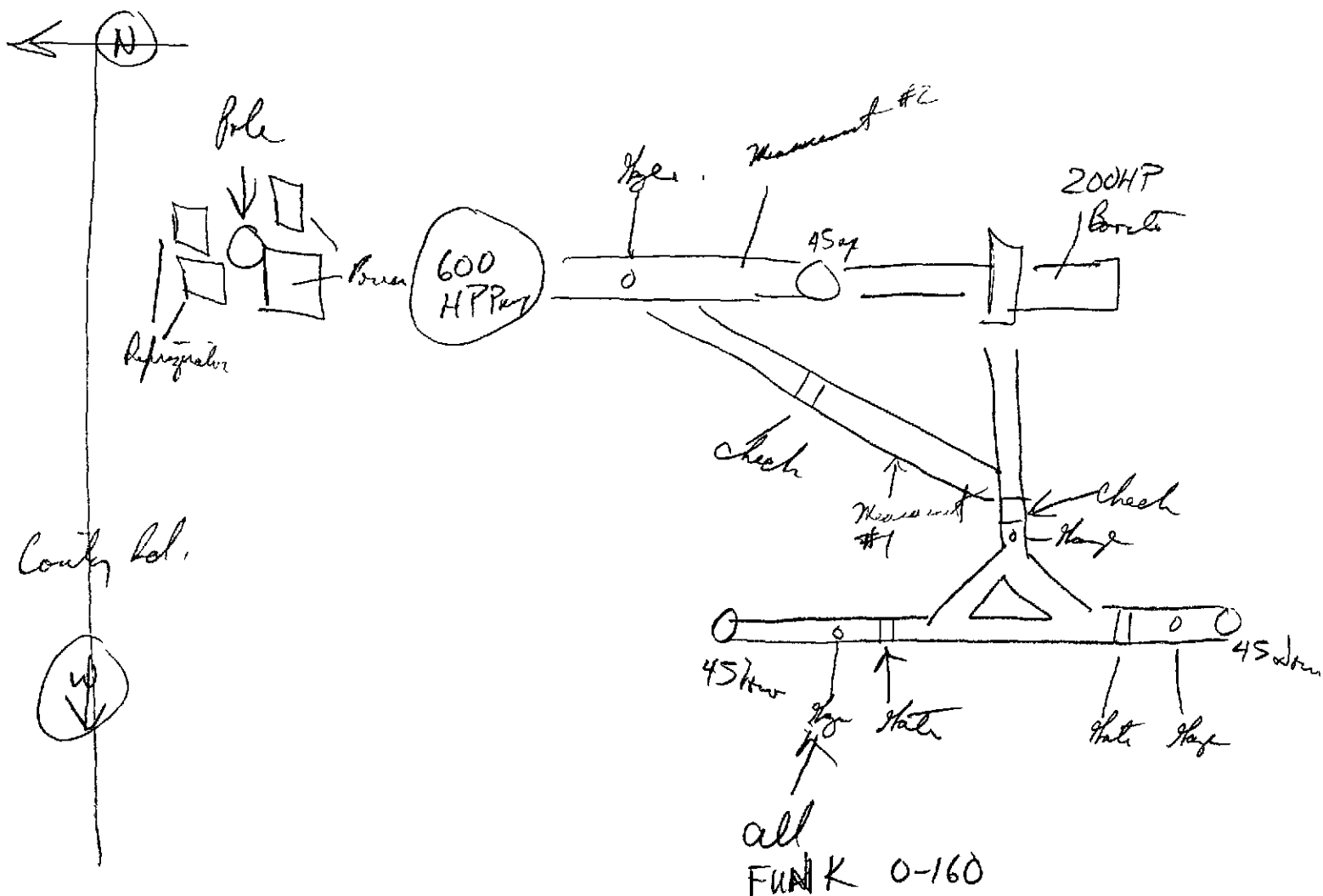
AA METER PIGMY METER WEIR OR FLUME BUCKET/WATCH _____/_____

MICROFILMED

SEP 21 1998

USE BACK OF PAGE FOR SKETCH AND MEASUREMENTS OF SYSTEM

35-08337

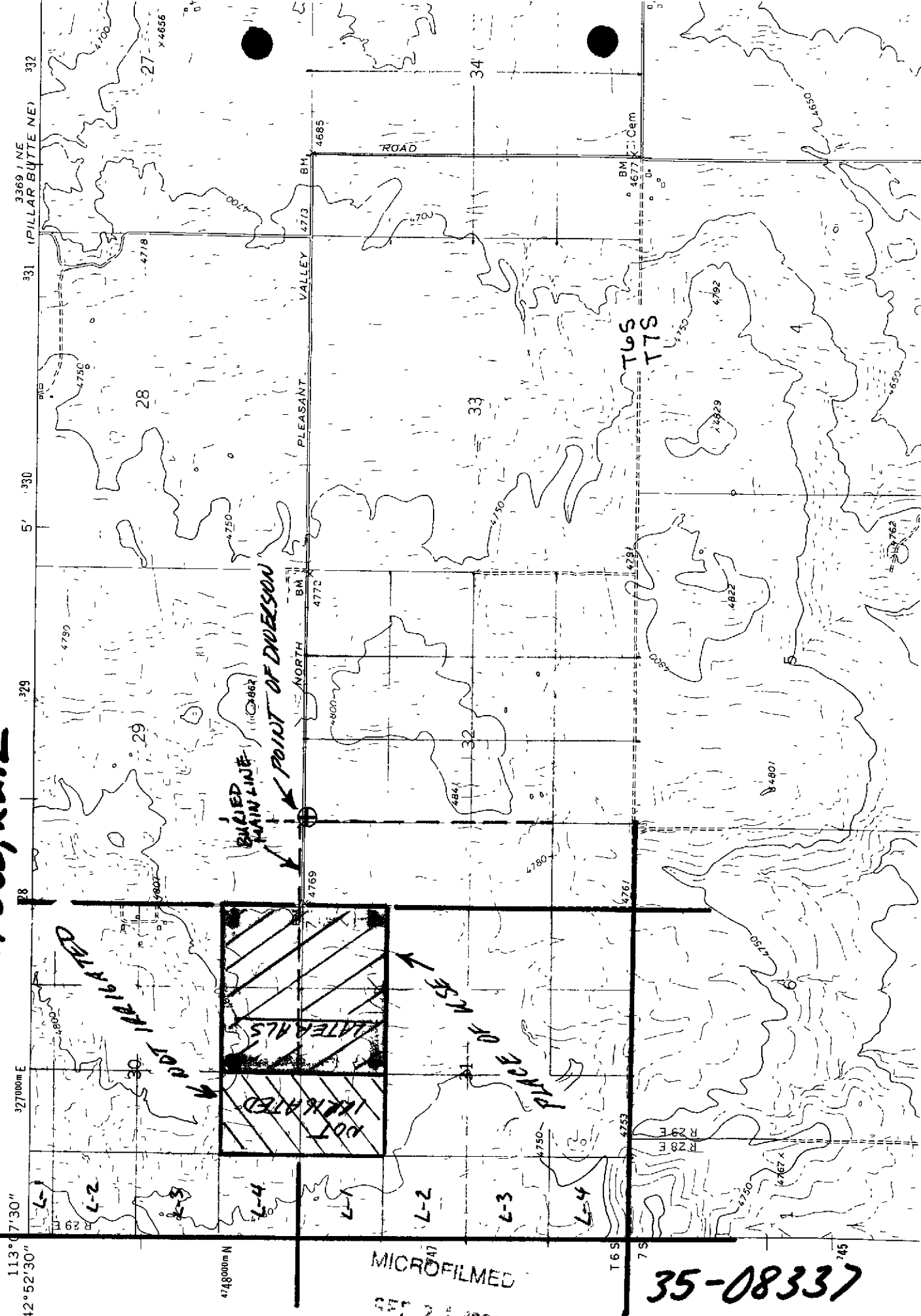


MICROFILMED
SEP 21 1996

35-08337

3369 1 NW
(PILLAR BUTTE)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
T065, R29E



MICROFILMED
APR 21 1998

35-08337

1231
Lance Funk

HEL
2 235.9

RB
HEL
6 155.7

Ralph
Breding

HEL
1 70.2

HEL
7 176.2

HEL
8 116.5

CRP
8 11.3

HEL
10 12.0
30 29

Lance Funk
(Lance Davis)

T065, R29E

Winters Rd.

HEL
3 292.0

HEL
2 77.6

HEL
1 46.0

RAIL
PILES

Roth Ranches

HEL
4 22.8

25 30
30 31

HEL
1 79.8

30 29
31 32

8" MAIN
LINE

10" MAIN
LINE

POINT
OF
DIVERSION

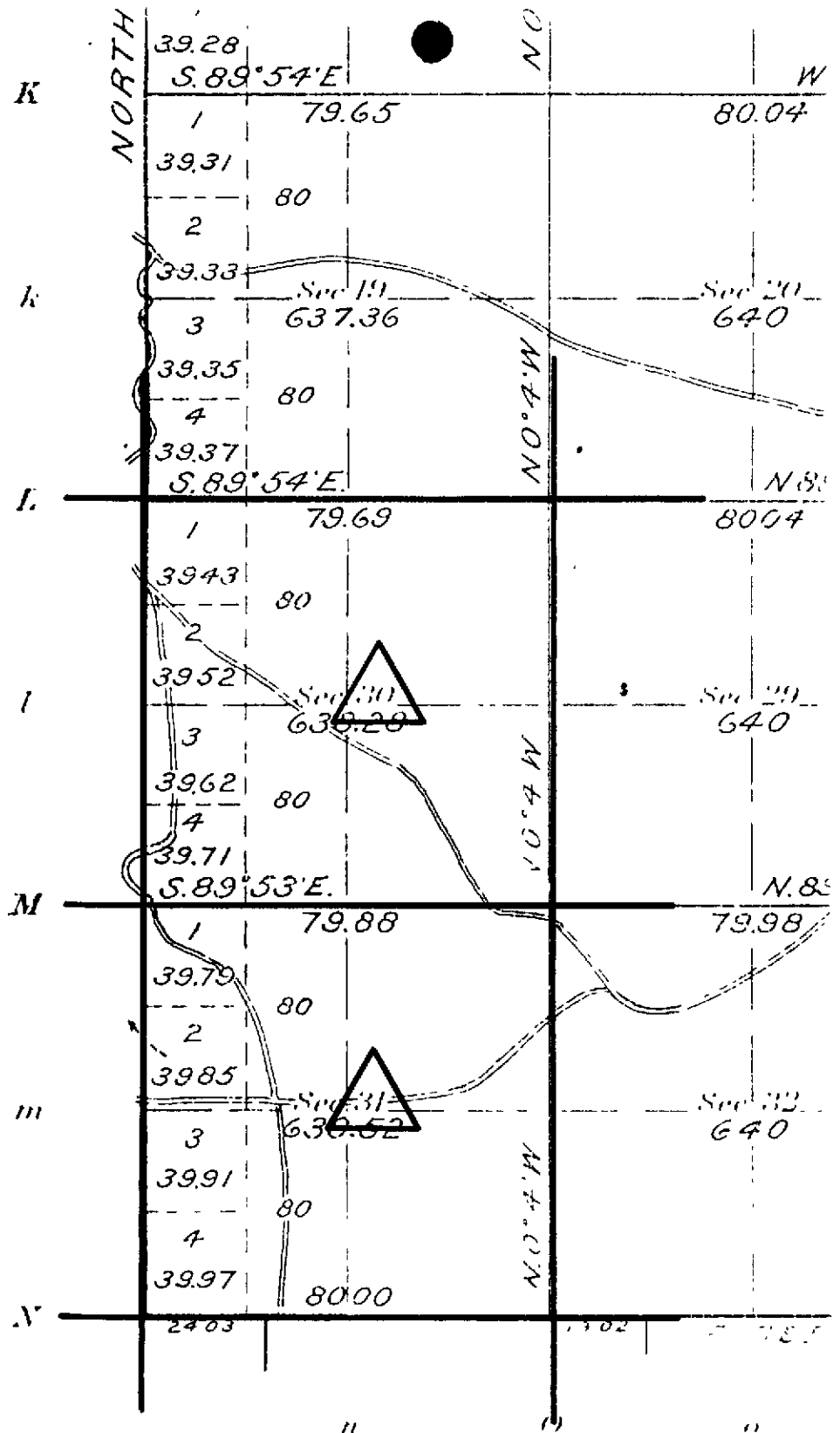
NOT
INSULATED

NOT
INSULATED

HEL
2 188.3

HEL
1 20.8

35-08337



MICROFILMED
SEP 21 1998

Surveys Designated	By Whom Surveyed	No.	Gr.
N. & W. Boundaries	Thos. Walter Davis & Fred D. Spottford	12	Mar
E. Boundary, rel			Mar
Subdivisions			Mar
E. Boundary		19	Jan
Standard	James Spottford	2	Aug

35-08337

ROTH RANCHES

IRRIGATION

15/2

POINT OF
DIVERSION

35-08335

+

35-08337



MICROFILMED

SEP 21 1998

PERMIT
NUMBER

35-08337

ROTH RANCHES

IRRIGATION

212

VIEW
SOUTHWEST

PLACE OF
USE

VIEW WEST
PLACE OF USE

MICROFILMED
SEP 21 1998

PERMIT
NUMBER

35-08337

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 35-08337 Reviewed by [Signature] Date 2-28-95

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
no Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
yes Drilling permit required?
no Copy in the file? Drilling Permit No. 35-90 E-0069-000
200.00 Amount paid for permit yes Correct?
no Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
200.00 Amount Submitted
yes Correct?
yes Required?
yes Installed?
 Waiver requested?

PRIORITY CALCULATION

Date proof received	<u> </u>
Date proof due	<u> </u>
No. of days late	<u> </u>
Priority Date	<u> </u>
New Priority Date	<u> </u>

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address 534 Taylor Proof Made 2-27-95
Om Falls, Id. 83211



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 8, 1995

ROTH RANCHES
534 TAYLOR
AMERICAN FALLS ID 83211

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NOS. 35-08335, 35-08336 & 35-08337

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use forms submitted for the above referenced permits.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls, at (208) 525-7161.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

c: IDWR - Region

RECEIVED

MAR 23 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 1, 1995

RE: Permit Nos. 35-08335, 35-08336, 35-08337 in the
name of Roth Ranches

Dear Interested Parties:

I have enclosed a copy of the **ORDER** which rescinds
the order dated February 14, 1995, and reinstates the
above referenced permit.

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

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

cc: IDWR - Region

MAR 23 1995



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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 14, 1995

RE: In the Matter of Application for Permit Nos. 35-08335, 35-08336 & 35-08337 in the name of Roth Ranches

Dear Interested Party:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.

(3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.

(5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed

APPROVED

MAR 23 1995

a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or

- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

MAR 23 1995



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

November 9, 1994

ROTH RANCHES
761 HUTCHINSON
AMERICAN FALLS ID 83211

RE: Water Right No. 35-08337

Certified Mail No. 141757

Dear Water Right Holder(s):

Enclosed is a copy of an Order for Temporary Stay of Development and Notice of Formal Proceedings in connection with the above referenced water right permit. Also enclosed is a form and instructions for filing proof of beneficial use of water.

If you have questions related to the order and its effect upon your permit, please feel free to contact the department.

Sincerely,

A handwritten signature in cursive script that reads 'L. Glen Saxton'.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MAR 23 1995

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 327-7900
June 29, 1990

ROTH RANCHES
761 HUTCHINSON
AMERICAN FALLS, ID 83211

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P35-08337

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

RECEIVED

JUL 29 1990

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

JUL 26 1987

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

35 8337

INITIAL REVIEW BY: _____

KCW

APPLICATION NUMBER: _____

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO.

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising.
Final date for protests: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: _____
☐ Application published correctly. If not, record action taken. _____
☒ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 01-P05
01-10-1984 Date of priority recommended.
Special conditions of approval or cover letter. _____

*App. in TRUST area - Trust Water
OK to allow 5 yrs. to develop*

By: _____

Date: _____

STATE OFFICE REVIEW:

P05, P23, P03, P17

46 51 52 53 26 01G

- ☐ See attached sheet for more information.

By: _____

KCW

Date: _____

4-24-90

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
IDAHO STREAM CODE INDEX						

MEMORANDUM

TO: FILE/APPLICATION NO.s 35-8335, 8336 & 8337

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING/RULE 4,5,3 INFORMATION

DATE: 4-23-90

=====

Applicant, Roth Ranches, has submitted additional information as required under Water Appropriation Rule 4,5,3. for the above referenced trust water applications. The applicant has provided sufficient information for each of the rules.

The three applications are eligible for approval subject to trust water conditions. There has been no prior development under the three applications. All acreage under the applications is trust water acreage.

MICROFILMED

JUL 2 5 1990

RECEIVED

APR 20 1990

APP # 35-8337

240 Acres

Department of Water Resources

4,5,3,1,3, Equipment will be 1 turbine pump, 3/4 mile main line
12 wheel lines equipped with flow control nozzles.

4,5,3,2,1, SCHEDULED USE, From May 1 to November 1, 6 months
20 hours running time per day maximum.

CONSUMPTIVE USE- 3 acre ft. per acre, Application
rate 3 1/2 acre ft. per acre.

#4,5,3,2,2. Clay and lava from 0 feet to approximately 600 ft.

#4,5,3.4.2, 1 pump
3/4 mile main line
12 wheel lines- 1/4 mile each

Approximate cost=\$192,000

RECEIVED

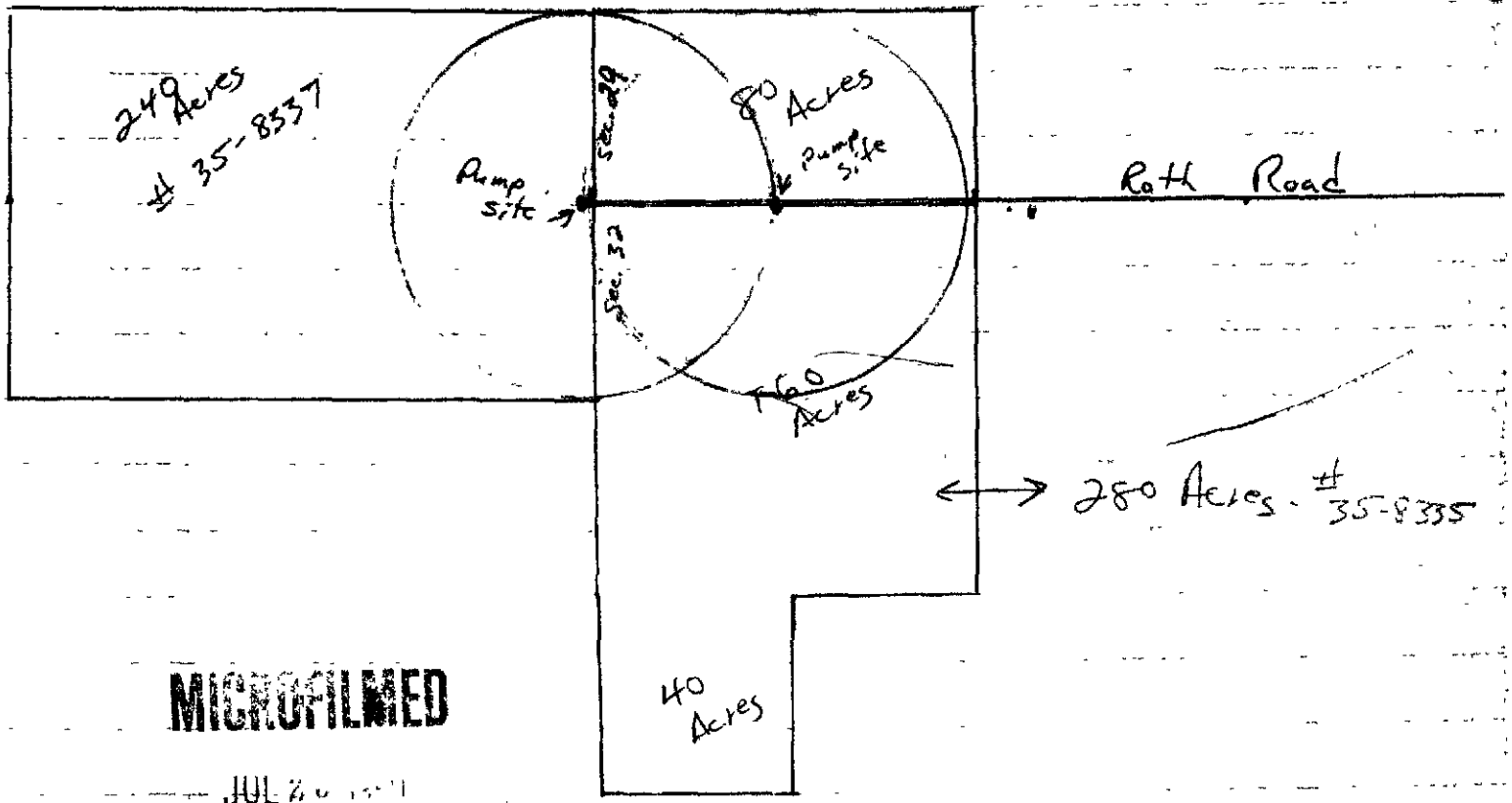
JUL 23 1990

→ Application #35-8337
Application #35-8335

Answers to questions 4, 5, 3, 1, 2

RECEIVED
APR 20 1990

Department of Water Resources



MICROFILMED

JUL 20 1991

No existing Wells

1 inch = 1/4 mile



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 16, 1990

Roth Ranches
761 Hutchinson
American Falls, ID 83211

Re: Application for Permit No. 35-8337

Dear Applicant(s):

NOTICE OF PENDING ORDER VOIDING APPLICATION

On January 10, 1984, you filed with the Department of Water Resources (Department) Application for Permit No. 35-8337 which proposed the diversion of 4.80 cubic feet per second of water from a groundwater source for the irrigation of 240 acres.

The Department mailed a letter and questionnaire to you on February 22, 1990 in connection with the application. The letter provided notice that the Department was reviewing the application in connection with development which was not complete prior to October 1, 1984. This letter further notified you that additional information outlined in Water Appropriation Rule 4,5,3 was required if the application proposed irrigation or more than 200 acres.

On March 13, 1990 the Department sent you a notice which requested that the information under Rule 4,5,3 be submitted to the Department within 30 days.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order voiding the application pursuant to Water Appropriation Rule 4,5,1. The Department may grant an extension of time in which to submit the information upon request and a showing of good cause. Requests for extensions must be in writing.

A copy of the rules and an outline to assist you with providing the necessary information has been provided with this letter. Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

TIM LUKE

Sr. Water Resource Agent

Enclosures
cc: Region

MICROFILMED

JUL 26 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 13, 1990

Power County Press
Box 547
American Falls, ID 83211

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 9, 1990.

Yours truly,

SHARLA CURTIS
Secretary

Encl.

MAIL ROOM

JUL 25 1990

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

35-08337

ROTH RANCHES
761 HUTCHINSON
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NENE Sec 31 T 06S R 29E

Use: IRRIGATION (4.800 CFS)
Total Diversion: (4.800 CFS)

Date Filed: 1/10/ 1984

In: T06S R29E S30	SESW	SWSE	SESE
S31	NENE	NWNE	NENW

240.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 9, 1990.

R. Keith Higginson, Director

Published 3/21/1990 & 3/28/1990

ACROFILMED

JUL 26 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 13, 1990

RE: Application for Permit No. 37-8337

Notice of Information Required by Water Appropriation Rule 4,5,3.

Dear Applicant:

The Department acknowledges receipt of the Trust Water Information Questionnaire for the above referenced application. On behalf of the Department, I wish to thank you for your cooperation in returning the questionnaire.

In the letter that accompanied the questionnaire, I informed you that you would need to submit additional information required by Water Appropriation Rule 4,5,3. if the undeveloped portion of the application exceeds 200 acres. The returned questionnaire indicates that you wish to pursue completion of the irrigation project as proposed under your application. The project includes more than 200 acres and is therefore subject to the additional information requirements of Rule 4,5,3. In particular, you must submit the information outlined in Rules 4,5,3,1. through 4,5,3,5 (copy attached).

The information must be submitted within 30 days of the date of this notice. Failure to submit the required information within the time period allowed may be cause for the Department to advance the priority of the application by the number of days that the information submittal is late. The Department may grant an extension of time in which to submit the information upon request and a showing of good cause. Requests for extension of time must be in writing. Please contact me at this office or call me directly at 327-7864 if you have any questions concerning the contents of this notice and/or the information requested under Rule 4,5.

Sincerely,

Tim Luke
Sr. Water Resource Agent

JUL 20 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
FEB 28 1990
Department of Water Resources

Application No. 35-8337

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No
b. If you are not the propoerty owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes No X
b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

3. Please state the number of acres you have irrigated under this application since October 1, 1984. none

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. 240

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant Ruth Randier

Date 3/1/90

RECEIVED

JUL 25 1990

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IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

5. REMARKS/COMMENTS:

[illegible]

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JUL 20 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 22, 1990

RE: APPLICATION FOR PERMIT NO. 35-8337

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3. thru 4,5,3,5, apply to your project if it is more than 200 acres).

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JUL 23 1990

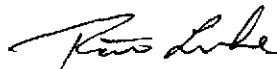
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

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