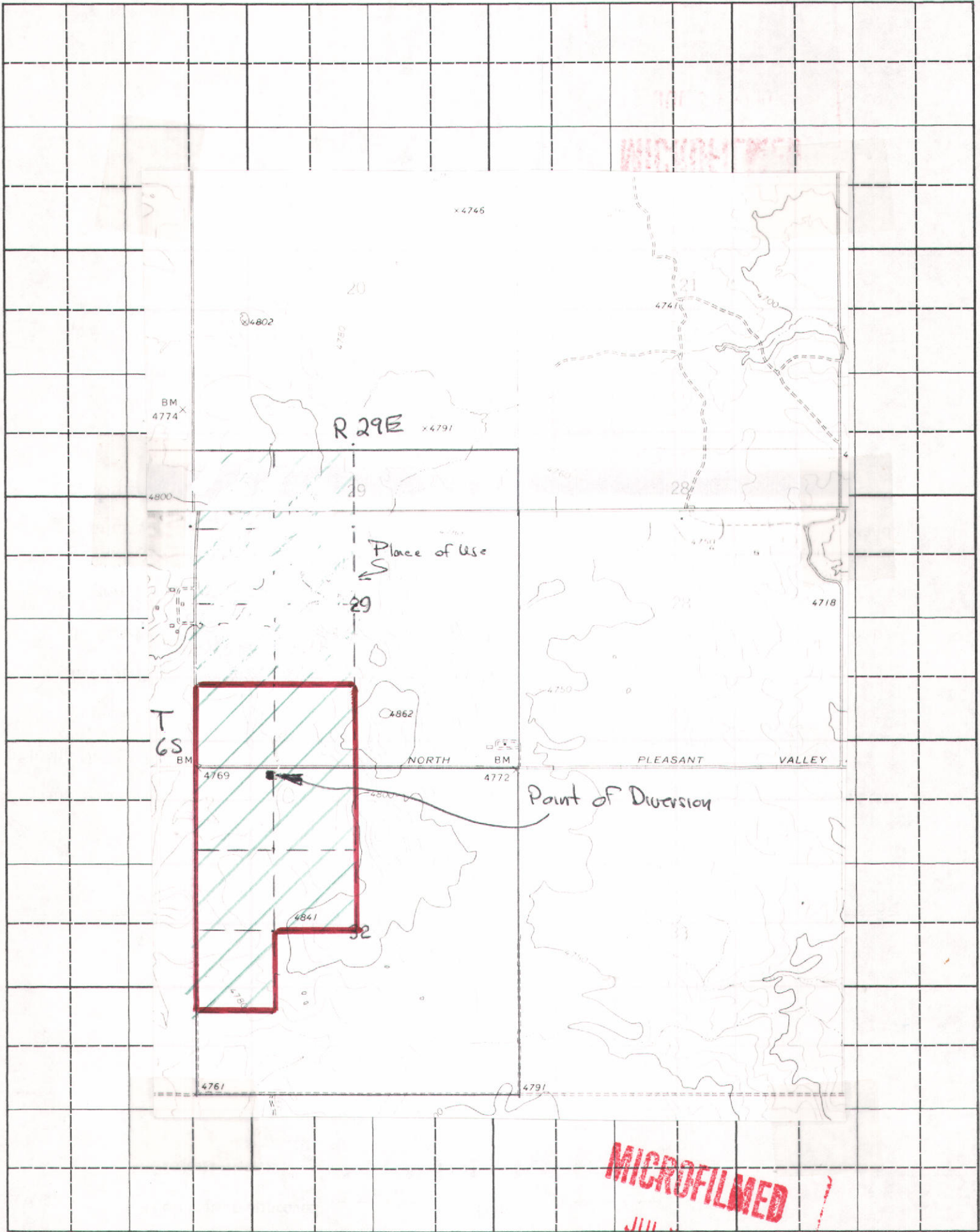


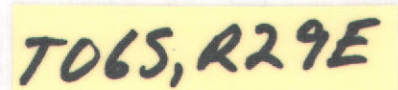
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Alan L. Roth
(Applicant)



GICAL SURVEY

T66S, R29E

7000m.E.



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SEP 21 1998

35-08335

077-377

96

#5E1
Roth Ranches

See Map
E-9

R-29E

12" MAIN
LINE CONTINUES

PLACE OF USE →

WHEEL LINE

NOT ILLUSTRATED

Roth Rd.

POINT OF DIVERSION

HEL 878.2

12" MAIN
LINE

NEW
PILOT

LOCK
PILES

10" MAIN
LINE

NOT
I.R.R.

Winters Rd.

LAKES

HEL 9118.8

#52
Boondox Farms
Partnership

HEL 272.9

HEL 1047

HEL 62

HEL 49

HEL 113

HEL 4131.2

HEL 757

HEL 117

HEL 91287

HEL 5.9

HEL 1278.4

North Pleasant Valley Rd.

35-08335

T06S, R29E

See Map

F-9

See Map
F-10

#5E1
Roth Ranches

HEL 1290

HEL 1428

HEL 136.9

#174
John Kugler

Classen Rd.

T-6S

ROTH RANCHES

IRRIGATION

1 1/2



VIEW OF
POINT OF =
DIVERSION



VIEW SOUTH
PLACE OF
USE

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PERMIT
NM064

35-08335

ROTH RANCHES

IRRIGATION

272

VIEW
SOUTH WEST

PLACE OF
USE



VIEW WEST
PLACE OF
USE

MICROFILMED

SEP 21 1999

PERMIT
NUMBER

35-08335

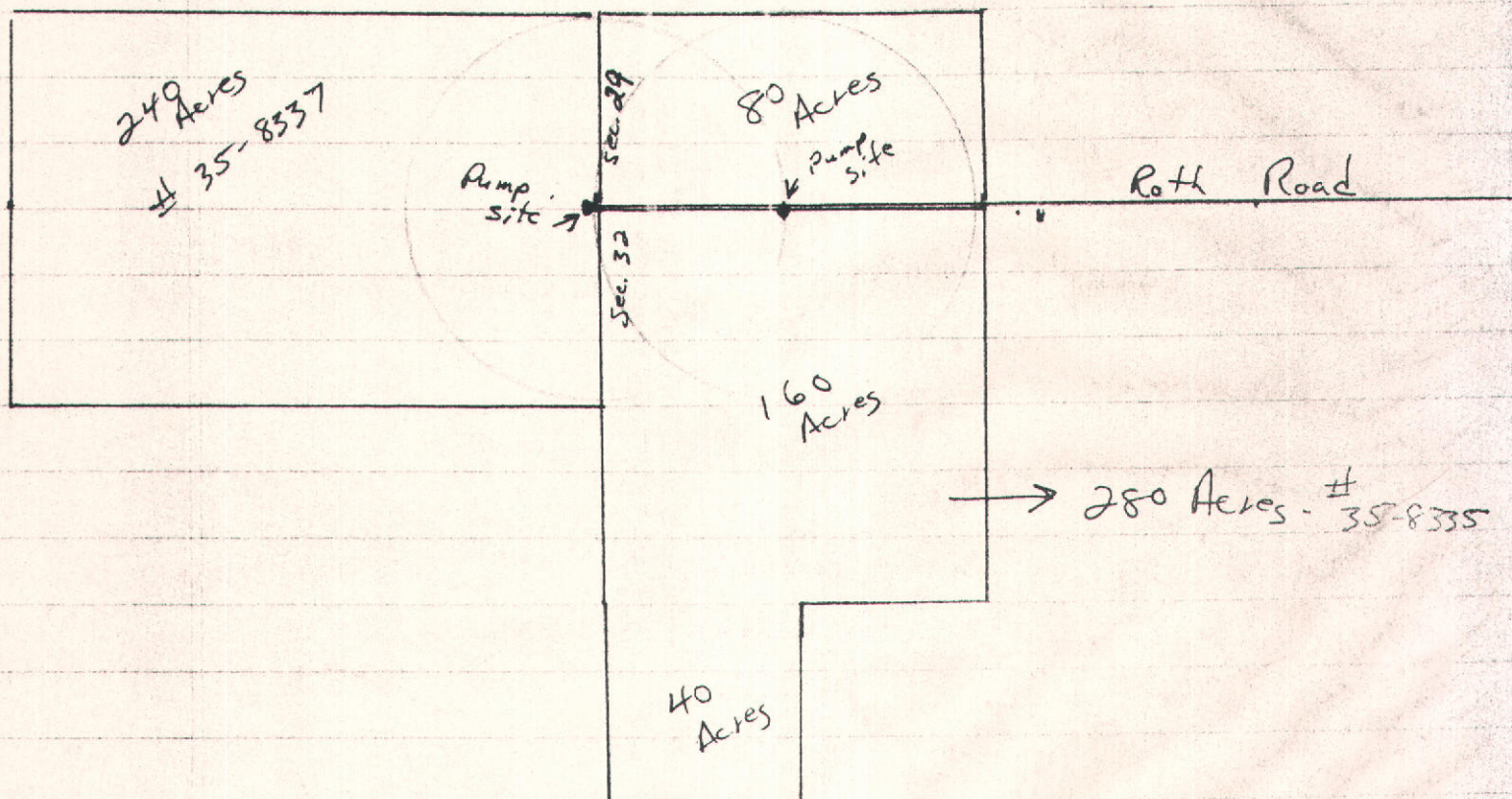
Application # 35-8337
Application # 35-8335

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

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APR 20 1990

Department of Water Resources



No existing Wells

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JUL 23 1990

1 inch = 1/4 mile

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 35-08335

Priority: January 10, 1984

Maximum Diversion Rate: 4.39 CFS
Maximum Diversion Volume: 1036.0 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 2, 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	4.39 CFS	1036.0 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	29	SWSW 39	SESW 27		66
		32	NENW 40	NWNW 39	SWNW 39	
			SESW 35	NWSW 40		193

Total number of acres irrigated: 259

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.

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SEP 21 1998

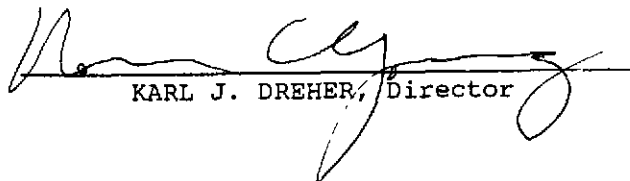
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-08335

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 35-08337 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, 1998.


KARL J. DREHER, Director

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SEP 21 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08335

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Idaho Department of Water Resources

Date of Priority: January 10, 1984

Maximum Diversion Rate: 4.39 CFS

Maximum Diversion Volume: 1036.0 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. 35-08335, 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	4.39 CFS	1036.0 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	29	SWSW 39	SESW 27		66
		32	NENW 40	NWNW 39	SWNW 39	
			SESW 35	NWSW 40		193

Total number of acres irrigated: 259

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.

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Roth Ranches by Ed L. Roth
(Signature)

SEP 21 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-08335

FOR DEPARTMENT USE ONLY

Preliminary check by SUK Fee = 5000 Receipted by LS # 1663144 Date 8/17/98

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. 35-08335 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 35-08337 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

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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. 35-08335 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): 280 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted. 5.60 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: \$ 225.00 (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)

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.

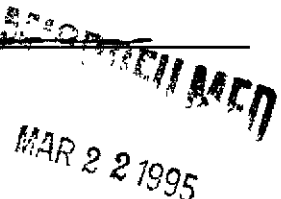
ORDER

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.

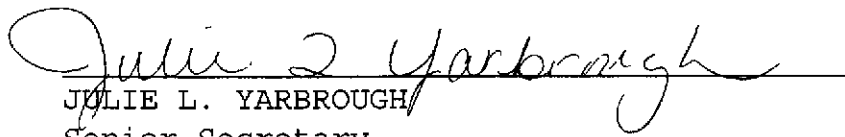

R. KEITH HIGGINSON
Director


MAR 22 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

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 22 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.

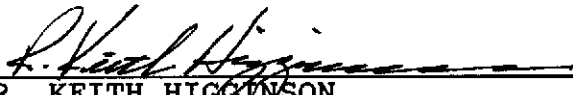
4. The department has properly notified the permit holder of requirements related to the department's order dated November 9, 1994 and the permit holder has failed to respond.

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

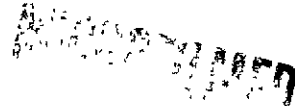
ORDER

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.



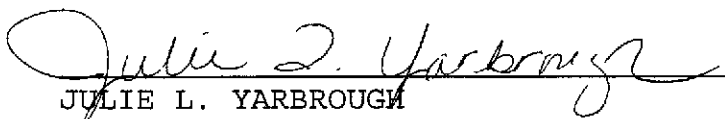
R. KEITH HIGGINSON
Director


MAR 22 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

FEB 22 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.

MAR 22 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

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:

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- 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.

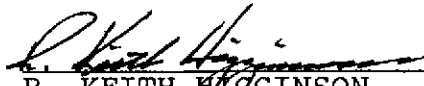
4. Before receiving approval for either additional time to complete a project under subparagraph 2.B.1) or a stay under subparagraph 2.B.2) above, the owner of the permit shall provide information to demonstrate compliance with the provisions of Sections 42-204, Idaho Code, with respect to commencing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

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08335

Proposed Priority: January 10, 1984 **Maximum Diversion Rate:** 5.60 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	5.60 CFS
------------	----------------	----------

LOCATION OF POINT(S) OF DIVERSION: NWNW 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	29	SWSW 40	SESW 40		80
		32	NENW 40	NWNW 40	SWNW 40	200
			SESW 40	NWSW 40		

Total number of acres irrigated: 280

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 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.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. 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.
6. 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.
7. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
8. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

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JUL 23 1990

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 35-08335

CONDITIONS/REMARKS:

9. 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.
10. 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.
11. The maximum rate of diversion for irrigation purposes under this permit shall not exceed 5.60 cfs.

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 th day of June, 1990.

for R. Keith Higginson, Director

MICROFILMED

JUL 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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 NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32 Township 6S

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

4. Water will be used for the following purposes:

Amount 5.60 cfs TFR 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. 10.40 5.60 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 3 pivots

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: _____

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CONTINUED

agreement for lease of ground.

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

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

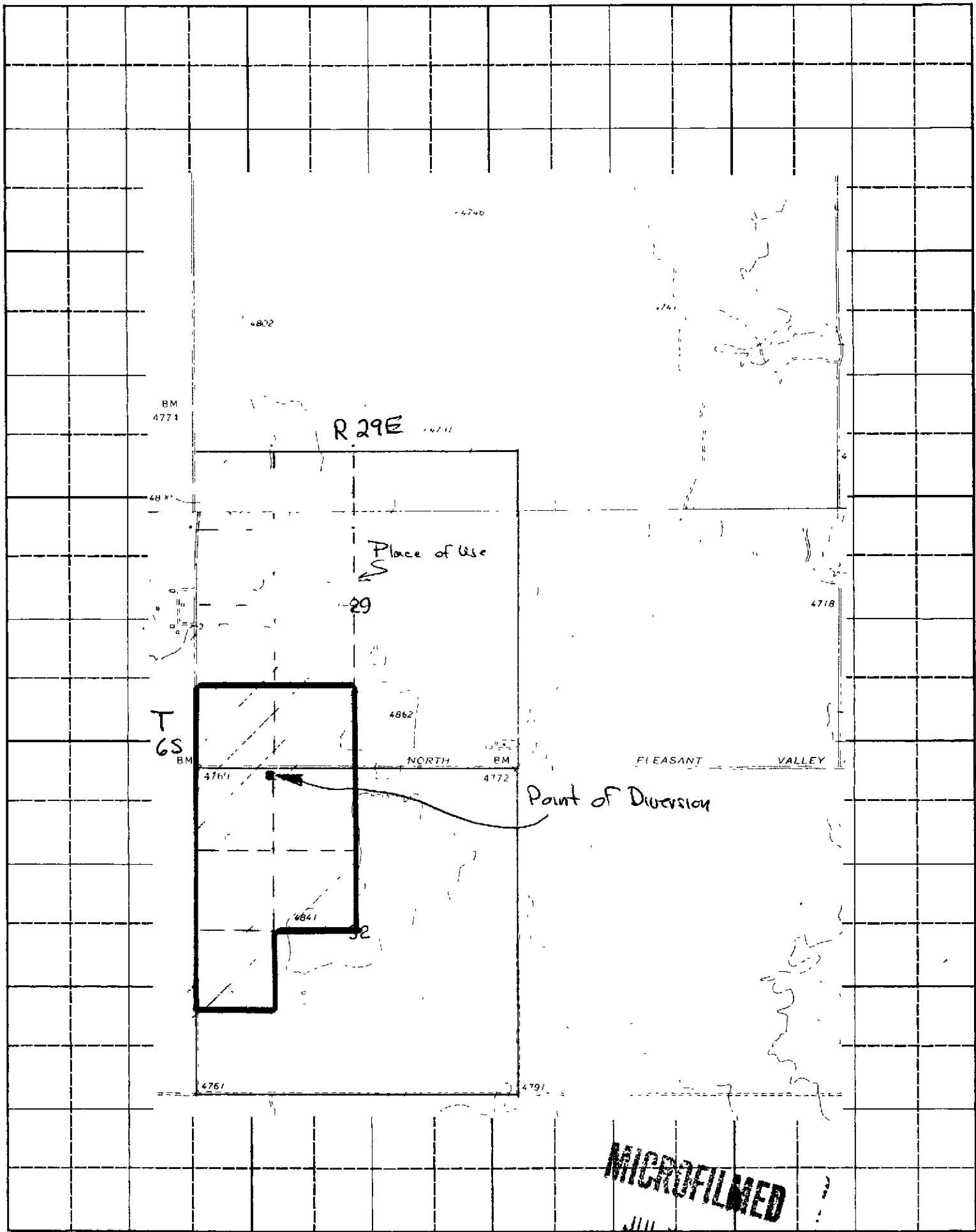
c. Describe any other water rights used for the same purposes as described above.

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.

[Signature]
(Applicant)

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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.

fore _____, 19 _____.

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

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 WJ Date 1/10/84 Time 4:05 pm
Preliminary check by KW Fee \$ 245.00
Received by BP Date 1/12/84 # 33402
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: none
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval by KW

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)

Erma Crompton

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.

0661 28 1990

NOTARIAL

Brett Crompton

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 SESE
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 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

APR - 2 1990

Department of Water Resources
Eastern District Office



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

ROTH RANCHES
534 TAYLOR
AMERICAN FALLS ID 83211

KARL J. DREHER
DIRECTOR

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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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

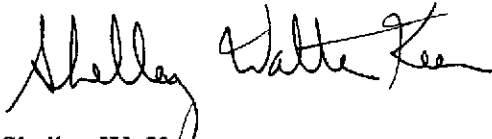
The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See

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 black ink, reading "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W. Keen
Water Rights Supervisor

SWK.klt
Enclosures

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



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

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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.

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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

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SEP 2 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08335 DATE 7/1/98 REVIEWER: SHARLA

NAME 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 1/4/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): 35-08337
 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 5.60 cfs
 Fee limit 6.00 cfs \$2250
 Measured 7.09 cfs
 Theoretical 7.03 cfs

Recommended Total Div Rate 4.39 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>W3.</u>	<u>4.38</u> cfs	<u>1036.0</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>4.38</u> cfs	<u>1036.0</u> af	Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)

259 x 4 =
 419 ac @ 7.09 =
 .0169 cfs/ac

Flow rate 4.39 cfs X 214 days X 1.98 = 1860.1 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 N/A

Adjust Memo rounded ac.
 Amend letters P39 P38
P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

APR 09 1998

Department of Water Resources

A. GENERAL INFORMATIONPermit No. 35-083351. Owner: ROTH RANCHESPhone No. (208)226-5655Current Address: 534 TAYLOR, AMERICAN FALLS, IDAHO 832112. Accompanied by: SID ROTHEXAM DATE: 6/4/94Address: 4001 ROTH RD, AMERICAN FALLS, ID 83211 Phone No. (208)226-2166Relationship to Permit Holder: PARTNER3. Source: GROUNDWATERtributary to NONE**B. OVERLAP REVIEW**1. Other water rights with the same place of use: NONE2. Other water rights with the same point of diversion: 35-08337 (OTHER PERMIT)**C. DIVERSION AND DELIVERY SYSTEM****1 Point(s) of Diversion:**

Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NE	NW	32	06S	29E	POWER	U.S.G.S. TOPO MAP/NAPP PHOTO

2. Place(s) of Use:Indicate Method of Determination ON SITE INSPECTION

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	29											39	27					66
"	"	32					39.5	39	39	34.5	40	40							152.192

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TOTAL 258 ACRES

SEE ATTACHMENTS & PHOTOS

- 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

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

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

1

2. Measurements: SEE ATTACHMENTS

E. NARRATIVE/REMARKS/COMMENTS

THIS IRRIGATION SYSTEM UTILIZES A 600 HP LIFT PUMP AND
A 200 HP BOOSTER PUMP TO PROVIDE WATER FOR TWO
PERMITS (35-08335 + 35-08337). WATER IS DISTRIBUTED
VIA A MANIFOLD SYSTEM AND 12" BURIED MAIN LINES.
A PIVOT, HAND LINES AND WHEEL LINES REDISTRIBUTE WATER
FOR IRRIGATION.

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

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SEP 21 1998

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SEAL

Date _____

Reviewer

Field Examiner's Name SIMPkins Date 2/6/98

I. AUTHENTICATION

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

2. Recommended Amendments

Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
18R16A710J	4/1	4.39 cfs	1,032 AFA
Totals:		4.39 cfs	1,032 AFA

1. Recommended Amounts

H. RECOMMENDATIONS

2. Volume Calculations for Other Uses:

$$V_{ir} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 198.258 \text{ Acres} \times 4 = 1032.4 \text{ AF}$$

$$V_{dr} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 4.3925 \times 214 \times 1.9835 = 1863.4 \text{ AF}$$

$$V = \text{Smaller of } V_{ir} \text{ and } V_{dr} = 1032.4 \text{ AF}$$

1. Volume Calculations for Irrigation:

G. VOLUME CALCULATIONS

Measured Method.

F. FLOW CALCULATIONS

F. FLOW CALCULATIONS

Measured Method.

THEORETICAL MAX. FLOW = 7.03 CFS

POLYSDIC MEASURED FLOW = 6.79 CFS

$35-08335 = 2584 \text{ CFS} \times 0.0170 \text{ CFS} = \boxed{4.39 \text{ CFS}}$

$35-08335 = 2584 \text{ CFS}$

$159 \text{ CFS} = \frac{417 \text{ CFS}}{7.09 \text{ CFS}} \sqrt{7.09 \text{ CFS}}$

0.0170 CFS/4 CFS

Additional Computation Sheets Attached

OVERLAP PD

FIELD EXAM NOTES

EXAM # 35-8335

DATE OF EXAM 6/5/96

PERMITEE NAME ROTH RANCHES

OTHER WATER RIGHTS SAME POD OTHER PERMIT (35-08336/337?)

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 200
STATIC H2O 530 WELL DEPTH _____ DYNAMIC PUMP _____
PSI GAGE TYPE _____ CHECK VALVE ☒ [N] GATE VALVE ☒ [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 # 17-02300-8/20-07
COLOR AND DESCRIPTION Light Blue Blue (Lies North/South)
8H 200-4 8" out
BOOSTER PUMP #2 HP _____ MAKE _____ SERIAL # _____
COLOR AND DESCRIPTION _____

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

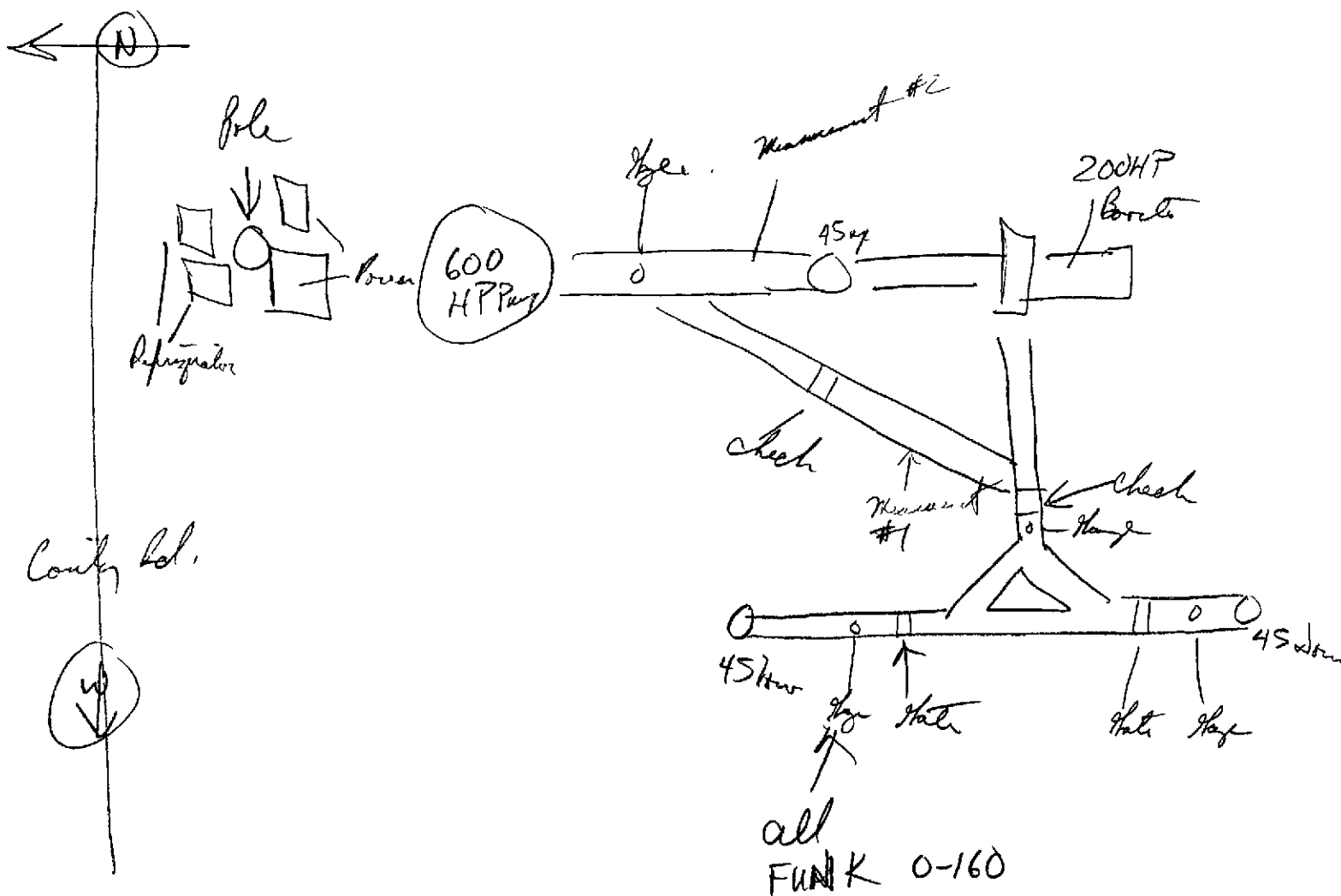
AA METER PIGMY METER WEIR OR FLUME BUCKET/WATCH _____/_____

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USE BACK OF PAGE FOR SKETCH AND MEASUREMENTS OF SYSTEM

35-08335



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SEP 21 1948

35-08335

MODE SELECT
INPUT

OUTER DIAMETER
12.7598 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
+ 3.034E 3GPM

MM SELECT
TO CHECK

0464.1 MMSEC
099.1 % TO

06-10 10:3900 *R
+ 3.034E 3GPM

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06-10 10:4100 *R 1998
+ 3.180E 3GPM

35-08337
Booster Pump On
35-08335

35-08335

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

600 HP WFT PUMP + 200 HP BOOSTER

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

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

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

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

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

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

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

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

POLYSONIC FLOW MEASUREMENT = 6.990 CFS
7.09

PERMIT NO. 35-08335
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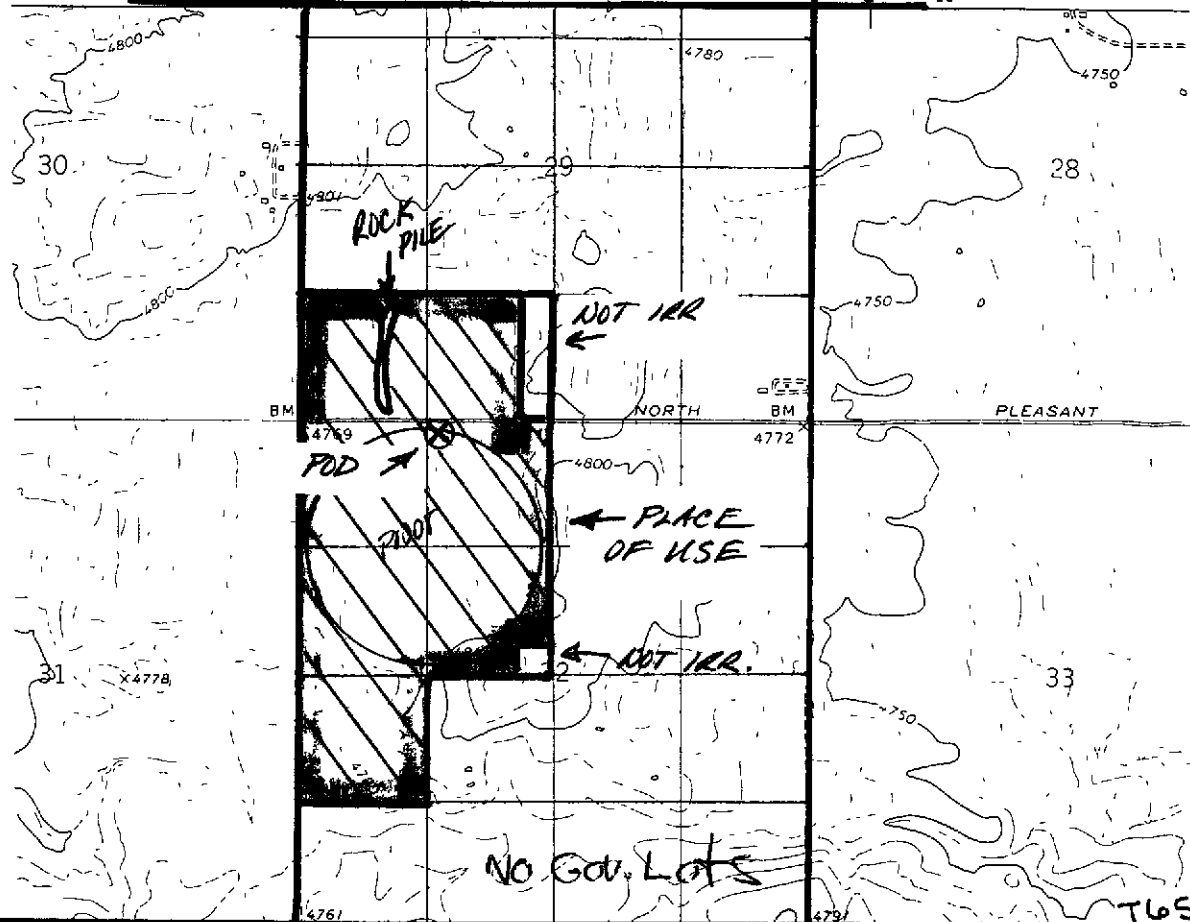
SEP 21 1948

T065, R29E

28

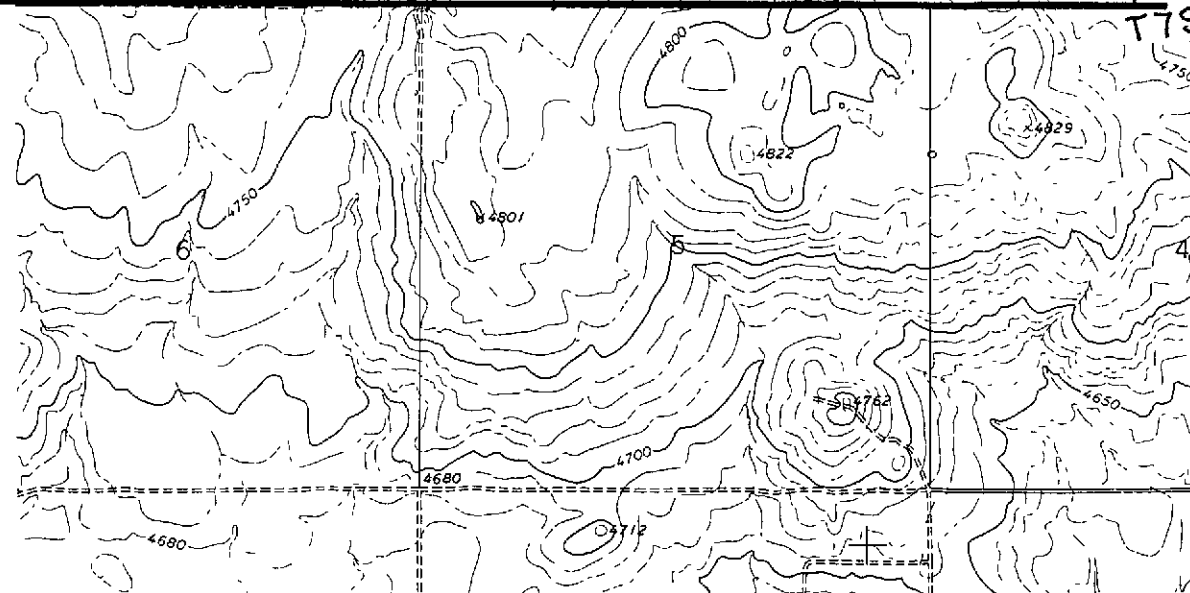
5

330



765

778



SEP 2 1998

35-08335

h-29E

Roth Ranches

SEE MAP

PLACE OF USE →

12" MAIN LINE CONTINUES

#52

BRONDOX FARM

DISPOSITION

HEL 9

1287

HEL 4

1312

HEL 2

72.9

10-27

62

NEW

HEL 9

115.8

LATEARS

WILMERS RD

HEL 1

1078.4

North Pl

T065, R29E

Point of Diversion

12" MAIN LINE NEW PILE

LOCK PILES

10" MAIN LINE

NOT L.R.

HEL 13

6.9

HEL 12

1290

Roth Ranches

#52

N

35-08335

John H. H. H.

Classen Rd

North Pl

33

29 28

3 33

10

ROTH RANCHES

IRRIGATION

15/2

VIEW OF
POINT OF =
DIVERSION



VIEW SOUTH
PLACE OF
USE



MICROFILMED
SEP 27 1998

PERMIT
NUMBER

35-08335

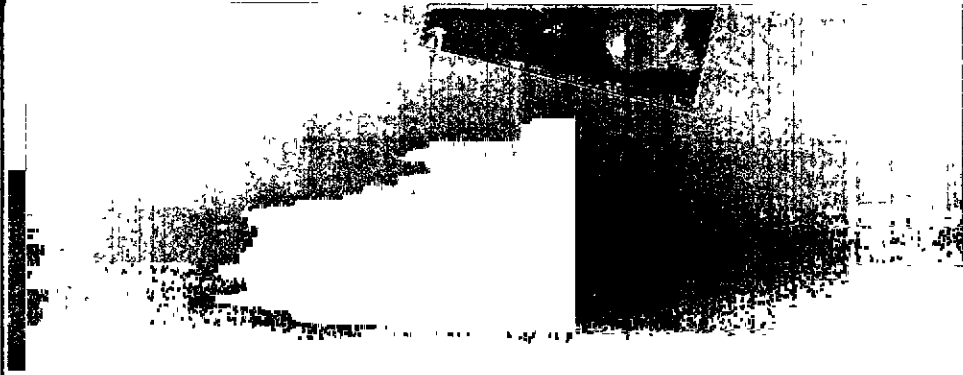
ROTH RANCHES

IRRIGATION

272

VIEW
SOUTH WEST

PLACE OF
USE



VIEW WEST
PLACE OF
USE

MICROFILMED

SEP 2 1964

PERMIT
NUMBER

35-08335

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 35-08335 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?
yes Copy in the file? Drilling Permit No. 35 90-E-0069-000
200.00 Amount paid for permit yes Correct?
yes Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

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

PRIORITY CALCULATION

Date proof received	_____
Date proof due	_____
No. of days late	_____
Priority Date	_____
New Priority Date	_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address 534 Taylor Proof Made 2-27-95
Am. 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 22 1995

Post-It™ brand

Fax Transmittal Memo 7672

To ID Dept. of Water Resources
 Company
 Location Attn: Julie

Fax # 327-7866

Comments

Telephone #

No. of Pages

Today's Date

Time

From Boomer & Laggis
 Company Maren
 Location Dept. Charge

Fax # 226-2578

Telephone # 226-2568

Original
Disposition:☐ Destroy☐ Return☐ Call for pickup

Re: Proof of Beneficial Use - Roth Ranches

Boomer & Laggis

ATTORNEYS-AT-LAW

P.O. Box 70

American Falls, Idaho 83211

(208) 226-2562

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)
 RE: ROTH RANCHES PERMITS NOS. 35-08335,)
 35-08336, 35-08337)

AFFIDAVIT OF
 SID ROTH

AFFIDAVIT OF SID ROTH

STATE OF IDAHO)
) ss.
 County of Power)

MAR 2 2 1995

SID ROTH, having been first duly sworn, does depose
 and state the following:

1. I am an owner/operator of Roth Ranches. My
 father is Theodore Roth, and has in the past received and
 overseen all matters concerning water rights and permits
 for the ranch.

2. My father has been extremely ill in recent months, requiring lengthy hospitalization and continuing medical treatment. Due to his illness, I have recently taken over supervision of the water issues for the ranch.

3. I received on February 20 a letter from the Idaho Department of Water Resources dated February 14 and

RECEIVED

MAR 22 1995

Boomer & Laggis

ATTORNEYS-AT-LAW

P.O. Box 70

American Falls, Idaho 83211

(208) 226-2562

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
RE: ROTH RANCHES PERMITS NOS. 35-08335,
35-08336, 35-08337

PETITION FOR
RECONSIDERATION

Roth Ranches does hereby petition the department for reconsideration of the Final Order entered on water permit Nos. 35-08335, 35-08336, and 35-0337, on the grounds and for the reasons stated in the Affidavit of Sid Roth, attached hereto and incorporated herein by reference.

DATED: This 27 day of February, 1995.

ROTH RANCHES

Sid Roth
Sid Roth

RECEIVED

FEB 2 1995

Final Order cancelling our water permits for Roth Ranches Nos. 35-08335, 35-08336, and 35-08337, due to Roth Ranches' failure to file proof of beneficial use or respond to the department in connection with an earlier order of which I was not aware. After receipt of this correspondence, I looked through my father's papers while he was in the hospital and found other letters from the Department of Water Resources, along with proof of beneficial use forms, which had not been completed or returned. I have completed the forms and enclose them herewith.

4. The permits in question have been developed and used for irrigation since 1991 at the latest.

5. On behalf of Roth Ranches, I am filing a petition for reconsideration of the cancellation of the above-numbered permits on the basis of excusable neglect as specified herein.

DATED: This 27 day of February, 1995.


SID ROTH

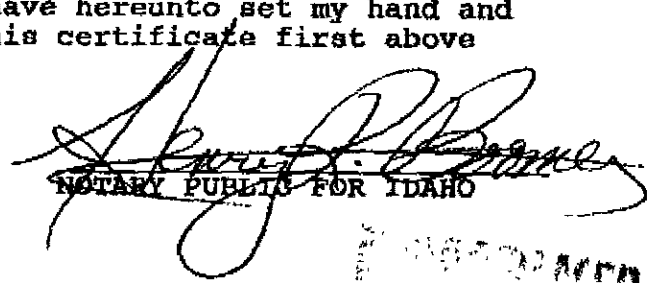
STATE OF IDAHO

County of Power

)
) ss.
)

On this 27 day of February, 1995, before me, a Notary Public in and for said State, personally appeared SID ROTH, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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


NOTARY PUBLIC FOR IDAHO

MAR 2 2 1995

(SEAL)

Residing at: American Falls
Commission expires: 9/23/99

MAR 22 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 2 2 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

MAR 22 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 22 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. 35-08335

Certified Mail No. 141762

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

RECEIVED

MAR 22 1995

200 Fee

Drilling Permit No. 35-90-F-069
Water Right Permit No. 35-08335
Injection Permit No. 35-08335

✓

RECEIVED

AUG 20 1990

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

Department of Water Resources

RECEIVED

AUG 12 1990

Department of Water Resources
Eastern District Office

1. Applicant (please print) Roth Ranches

2. Mailing Address 761 Hutchison American Falls, ID 83211

Telephone 226-2216

☒ Well Owner () Well Operator () Other, specify _____

3. Proposed well location NE 1/4 NW 1/4, or Gov't Lot No. _____

Sec. 32, Twp. 6S, Rge. 29E, County Power

Street Address of Well Site West on Roth Road

Lot, block and subdivision _____

4. Proposed use of well:

- () Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

- ☒ Non-Domestic. Any beneficial use not included within the definition of domestic. irrigation 250 acres

() Injection

- () Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells. _____

5. Well construction information:

A. ☒ New well () Deepen () Replace - See Condition 9

B. Proposed Surface Diameter 18" Proposed Maximum Depth 550 to 600 ft

C. Anticipated bottom hole temperature:

- ☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212° or more (Geothermal well)

6. Construction Start Date 10-1-90 MAR 22 1995

7. Anticipated Well Driller Ken Vetter Drilling Co

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Theresa J. Roth, for Roth Ranches Date 8-15-90

Title _____

(Owner, Firm Representative, Other)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is approved

Date 8-16-90

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

David W. Jones For Ron Carlson
Signature of Authorized Department Representative

Eastern Regional Manager
Title

Receipt No. EOL5138 Received by PB Fee \$200.00 Date 8-16-90

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESUSE TYPEWRITER OR
BALLPOINT PEN

WELL DRILLER'S REPORT

JUL 26 1991

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

Department of Water Resources

1. WELL OWNER

Eastern District Office

226-2216

Name Ted ROTH RANCHAddress 761 HUTCHINSON
AMERICAN FALLS, ID. 83201Owner's Permit No. 35-90-E-06935-08335

2. NATURE OF WORK

- ☒
- New well
- ☐
- Deepened
- ☐
- Replacement
-
- ☐
- Abandoned (describe method of abandoning) _____

3. PROPOSED USE

- ☐
- Domestic
- ☒
- Irrigation
- ☐
- Test
- ☐
- Municipal
-
- ☐
- Industrial
- ☐
- Stock
- ☐
- Waste Disposal or Injection
-
- ☐
- Other _____ (specify type)

4. METHOD DRILLED

- ☒
- Rotary
- ☒
- Air
- ☐
- Hydraulic
- ☐
- Reverse rotary
-
- ☐
- Cable
- ☐
- Dug
- ☐
- Other _____

5. WELL CONSTRUCTION

Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>250</u> inches	<u>18"</u> inches	<u>1.5</u> feet	<u>21.5</u> feet
<u>1250</u> inches	<u>14"</u> inches	<u>636</u> feet	<u>756</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

Was casing drive shoe used? ☐ Yes ☒ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☒ TorchSize of perforation 1 1/4 inches by 8 inches

Number	From	To
<u>300</u> perforations	<u>636'</u> feet	<u>756'</u> feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size N/A Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel N/A

Placed from _____ feet to _____ feet

Surface seal depth 20' Material used in seal: ☐ Cement grout☒ Puddling clay ☒ Well cuttingsSealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☐ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld _____

☐ Cemented between strataDescribe access port 2" ACCESS

MAR 22 1995

7. WATER LEVEL

WATER SQUINTING IN AT 462'
474' - 485' - 498' - 512'Static water level 516 feet below land surface.Flowing? ☐ Yes ☐ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ PlugTemperature _____ °F. Quality Good

8. WELL TEST DATA

- ☒
- Pump
- ☐
- Bailer
- ☐
- Air
- ☐
- Other _____

Discharge G.P.M.

Pumping Level

Hours Pumped

3500560'1

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
20"	0	8	DIRT		✓
20"	8	20'	SOLID LAVA GRAY		✓
18"	20'	28'	SOLID GRAY LAVA		✓
18"	28'	35'	broken lava		✓
18"	35'	63'	solid lava rock		✓
18"	63'	113'	soft solid lava rock		✓
18"	113'	122'	broken lava with some clay		✓
18"	122'	230'	solid lava rock		✓
18"	230'	285'	Broken up lava rock		✓
18"	285'	297'	Solid soft lava rock		✓
18"	297'	380'	Solid lava rock		✓
18"	380'	340'	Hard lava rock		✓
18"	340'	485'	Solid lava rock		✓
18"	485'	520'	Soft lava		✓
18"	520'	585'	Lava cinder solid		✓
18"	585'	600'	Red ginger		✓
16"	600'	635'	SOLID GRAY LAVA		✓
16"	635'	675'	BROKEN LAVA		✓
16"	675'	687'	SEMI BROKEN LAVA		✓
16"	687'	670'	BROKEN LAVA		✓
16"	670'	655'	SOLID LAVA		✓
16"	655'	735'	BROKEN LAVA RED CINDERS		✓
14"	735'	756'	BLUE CLAY		✓
14"	756'	-	GRAY SAND		✓

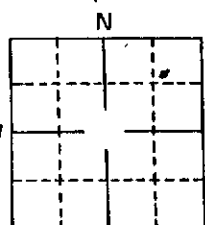
DRIVE SHOE ON TOP +
BOTTOM OF 14" LINER.

10.

Work started 02/02/91 finished 03/16/91

6. LOCATION OF WELL

Sketch map location must agree with written location.



Subdivision Name _____

Lot No. MA Block No. 05MICROFILMED
MAR 25 1992County POWERNE 1/4 NE 1/4 Sec. 32 T. 6 S. R. 29 E.

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

VOLLMEIER WELL DRILLINGFirm Name _____ Firm No. 383407 ECOSTARAddress _____ Date 03/19/91Signed by (Firm Official) Remond Holman

and

(Operator) Remond Holman

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

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

ROTH RANCHES
761 HUTCHINSON
AMERICAN FALLS, ID 83211

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P35-08335

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.

MICROFILMED

JUL 20 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

MICHAEL

JUL 20 1990

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: KCW

APPLICATION NUMBER: 35 8335

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.

Field check by: _____

Date: _____

Comments: _____

- ☐ 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.

*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. 35-7825
☒ 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? 01-705.
1-10-1984 Date of priority recommended.
Special conditions of approval or cover letter. _____

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

By: _____ Date: _____

STATE OFFICE REVIEW.

P05, P23, P03, P17 26 46 51 52 53 28 (irrig., 5.60cfs)
04 016

- ☐ See attached sheet for more information.

By: KCW

Date: 4-24-90

FEB 15 1990

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-------	-----	-----	-----	--------------	---------------	-------

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.

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JUL 20 1990

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APR 20 1990

APP # 35-8335
280 Acres

Department

Resources

4,5,3,1,3, EQUIPMENT , will be 1 turbin pump, 1 mile main line
14 wheel lines equiped with flow control nozzles.

#4,5,3,2,1, SCHEDULED USE, from May 1 to November 1- 6 months
20 hrs. running time per day maximum.

CONSUMPTIVE USE- 3 acre ft per acre, application
rate $3\frac{1}{2}$ 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
1 mile main line
14 wheel lines- $\frac{1}{4}$ mile each.

Approximate cost= \$224,000

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Application # 35-8337

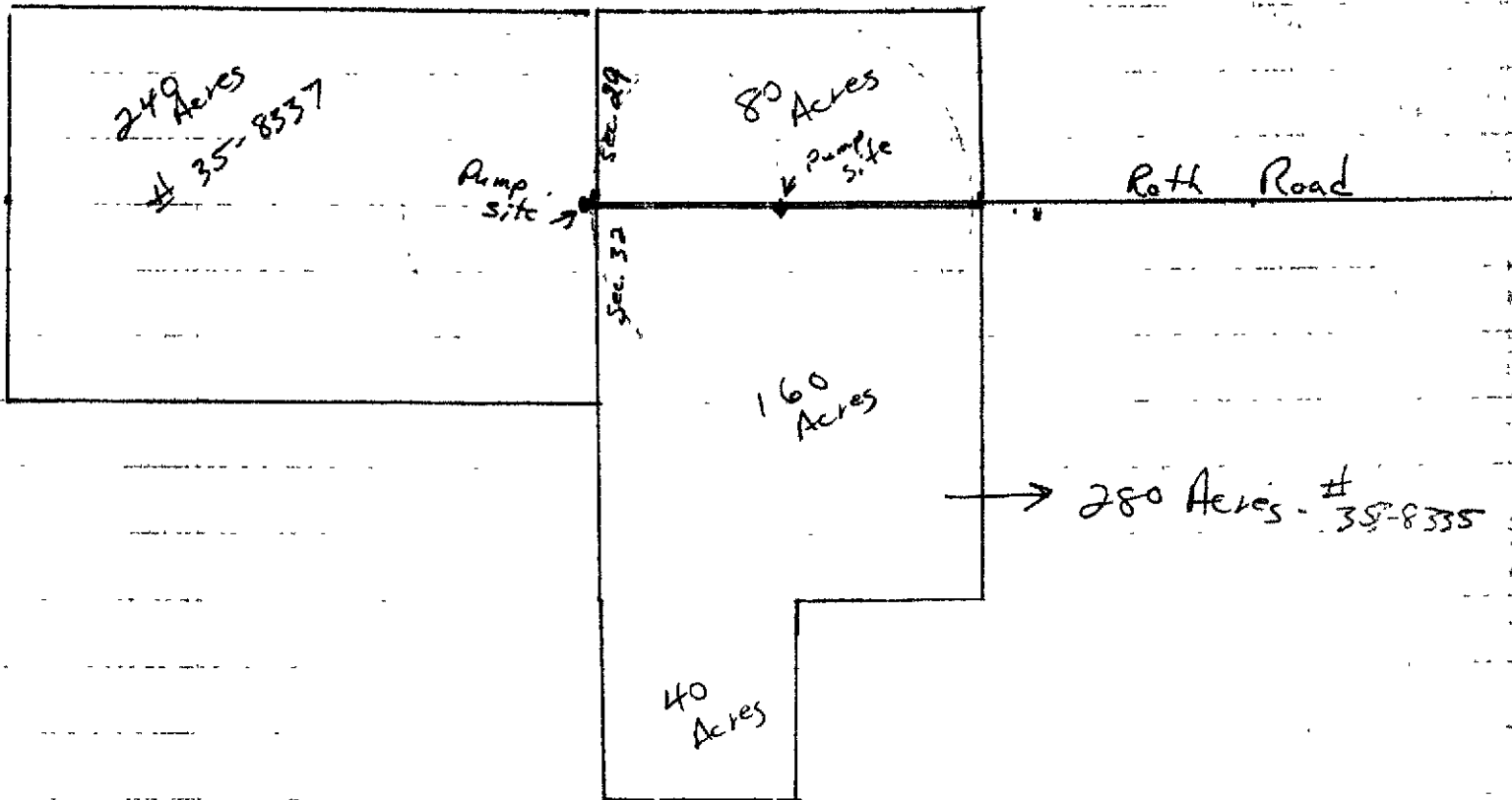
→ Application # 35-8335

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

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APR 20 1990

Department of Water Resources



No existing Wells

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1 inch = 1/4 mile

JUL 23 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

April 16, 1990

Roth Ranches
761 Hutchinson
American Falls, ID 83211

Re: Application for Permit No. 35-8335

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. 35-8335 which proposed the diversion of 5.60 cubic feet per second of water from a groundwater source for the irrigation of 280 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

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JUL 20 1990

Enclosures
cc: Region

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
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.

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JUL 24 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

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

NOTED
APR 10 1990

JUL 2 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. 35-8335

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

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JUL 20 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

REC
FEB 28 1990
Department of Water Resources

Application No. 35-8335

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.

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. 280

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.

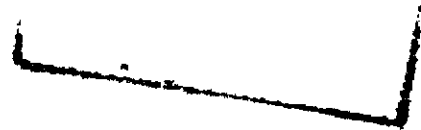
Applicant Theda J Roth Roth Ranches Date 3/1/90

RECEIVED
JUL 23 1990

[illegible]

DECLASSIFIED

JUL 23 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. 35-8335

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 25 1990

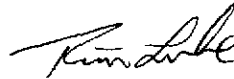
Page 2

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

MICROFILMED

JUL 23 1990

35-8335

ROTH RANCHES

761 HUTCHINSON, AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Date Filed: 01/10/1984

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

Use: IRRIGATION (10.40 CFS)

In: NENW NWNW SWNW SENW NESW NWSW SWSW SESW Sec 29 T 06S R 29E NENW NWNW SWNW
SEnw NWSW Sec 32 T 06S R 29E FOR 520 ACRES

RECORDED

JAN 11 1984