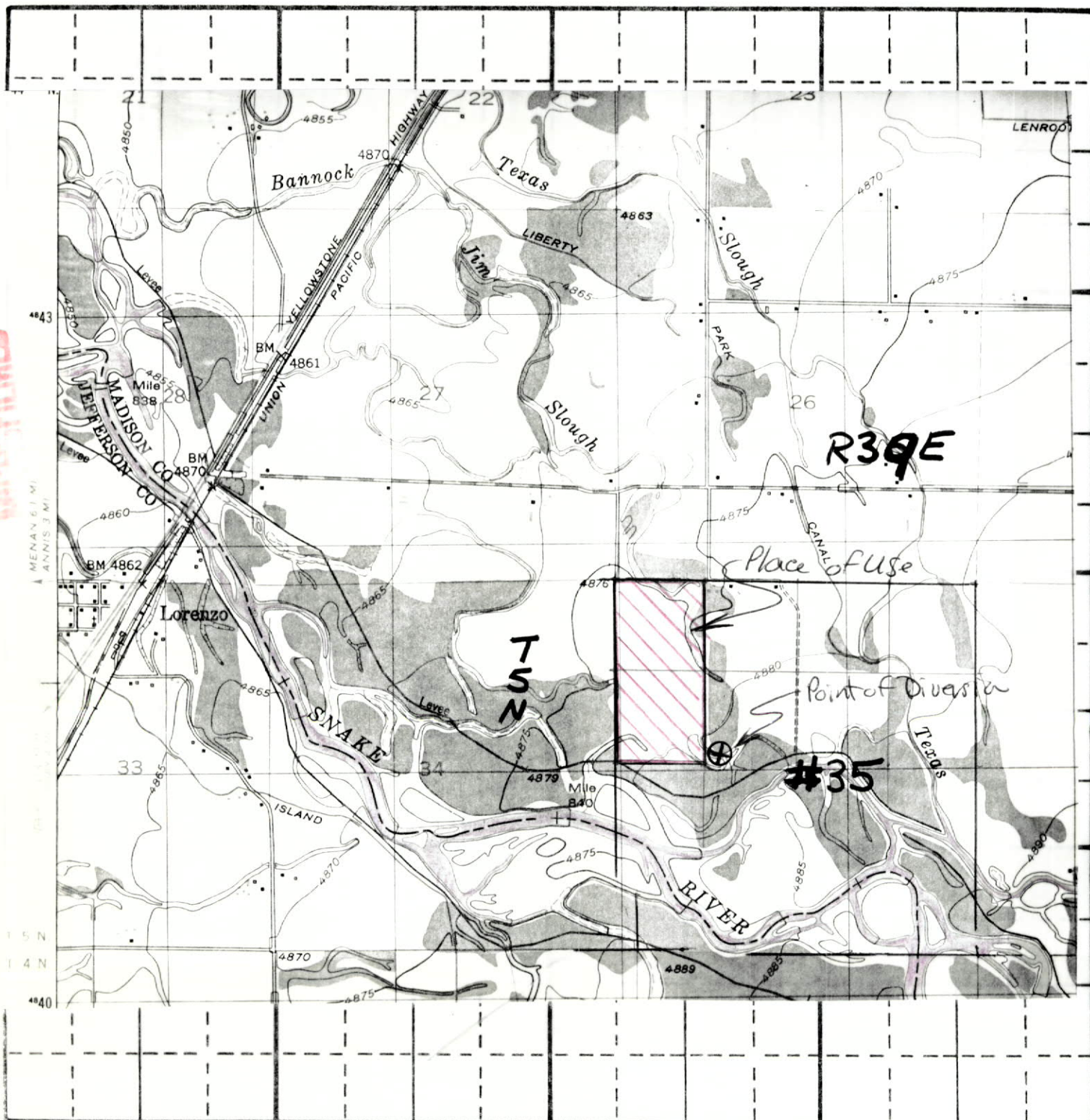


c. Describe the lands or place of use to which the right will be transferred:

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

Total number of acres to be irrigated _____

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



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

THE JEFFERSON STAR

RIGBY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Jefferson } ss

I, Bruce Porter
being first duly sworn, depose and say, that I am
the printer of THE JEFFERSON STAR, a weekly
newspaper printed and published weekly at
Rigby, Jefferson County, Idaho; and I do
solemnly swear that the

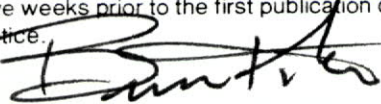
Notice Of Proposed Change of Water Right.

a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on March 23, 1983
and the last publication having been made

on March 30, 1983.
Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes; that it has at least two
hundred bona fide subscribers living within the
county of publication; and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.



~~~~~

Subscribed to and sworn to before me  
this March 31, 1983

Jeri Danner  
Notary Public.

(SEAL)

My commission expires Life

RECEIVED

APR 15 1983

Department of Water Resources  
Eastern District Office

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 01-0161

NOTICE IS HEREBY GIVEN that Richard  
Roth, Idaho Falls, Idaho, has applied to the  
Department of Water Resources for a change  
in the point of diversion and place of use of  
the waters of Bannock Jim Slough tributary to  
Snake River. The right sought to be changed  
is evidenced by decree No. 01-0161 to  
Fredrick Roth in case of Rexburg Irrigation  
Co. vs. Teton Irrigation Canal Co. in Sixth  
Judicial District Court, Fremont County and is  
recorded as follows:

AMOUNT: 3.00 CFS, PRIORITY: 6-1-  
1902, POINT OF DIVERSION: Not specified  
in Decree.

The water is used to irrigate 80 acres  
within the W $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 35, T. 5N, R.  
39E, B.M.

#### TO BE CHANGED AS FOLLOWS:

The water will be diverted within the  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 35, T. 5N, R. 39E, B.M.  
Jefferson County and used to irrigate 80  
acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$  Sec. 35, T. 5N, R.  
39E, B.M.

Any protest against approval of the above  
proposed change of water right must be filed  
with the Idaho Department of Water  
Resources, 150 Shoup Ave., Suite 15,  
Idaho Falls, Idaho, 83401, on or before April  
11, 1983.

A. KENNETH DUNN  
Director

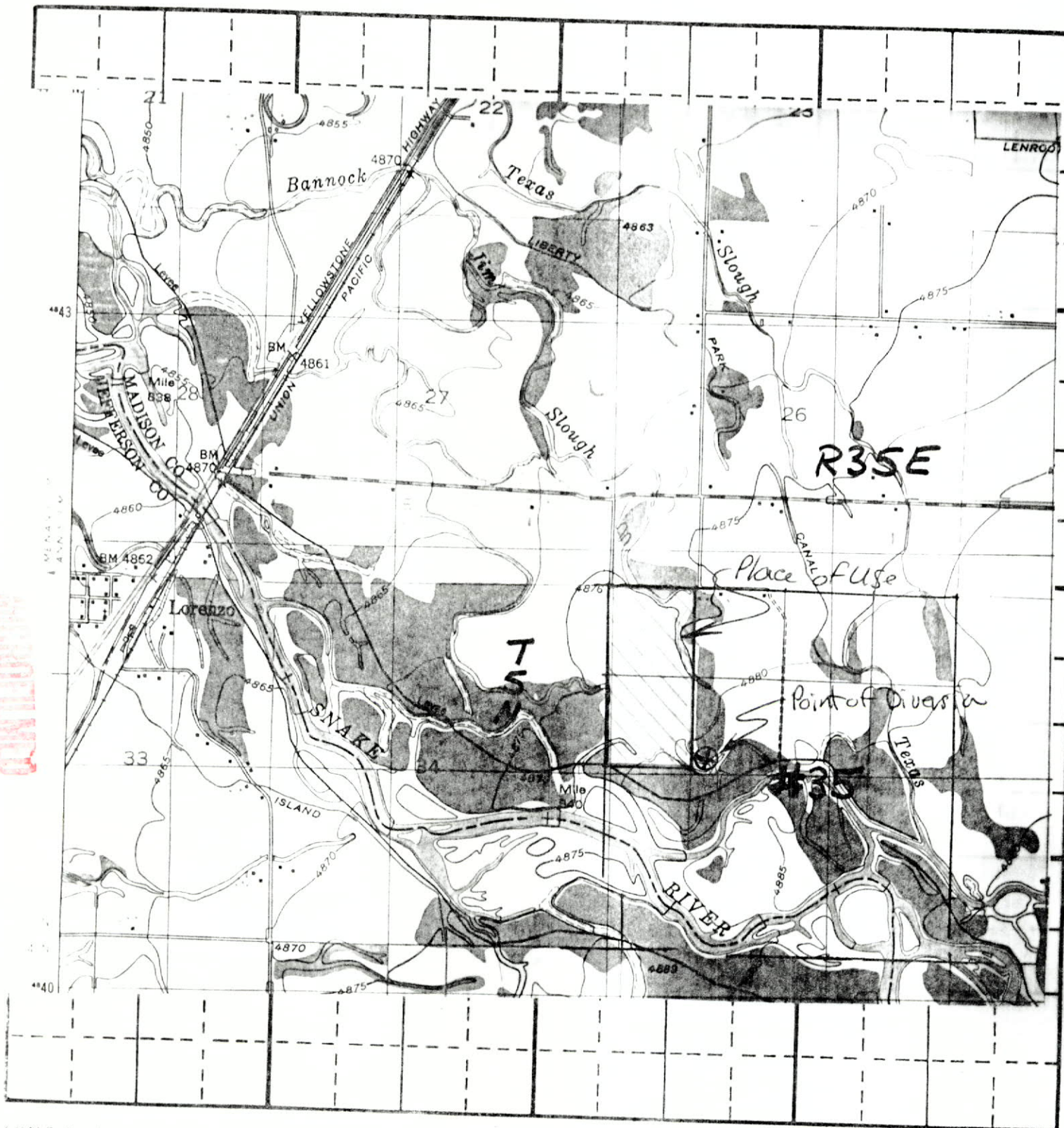
Publ. March 23, 30, 1983RS.

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

[illegible]

Total number of acres to be irrigated \_\_\_\_\_

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



SCALE 2 inches equal 1 mile Draw plan in ink.

TEMPORARY TRIPLICATE

T5N R39E

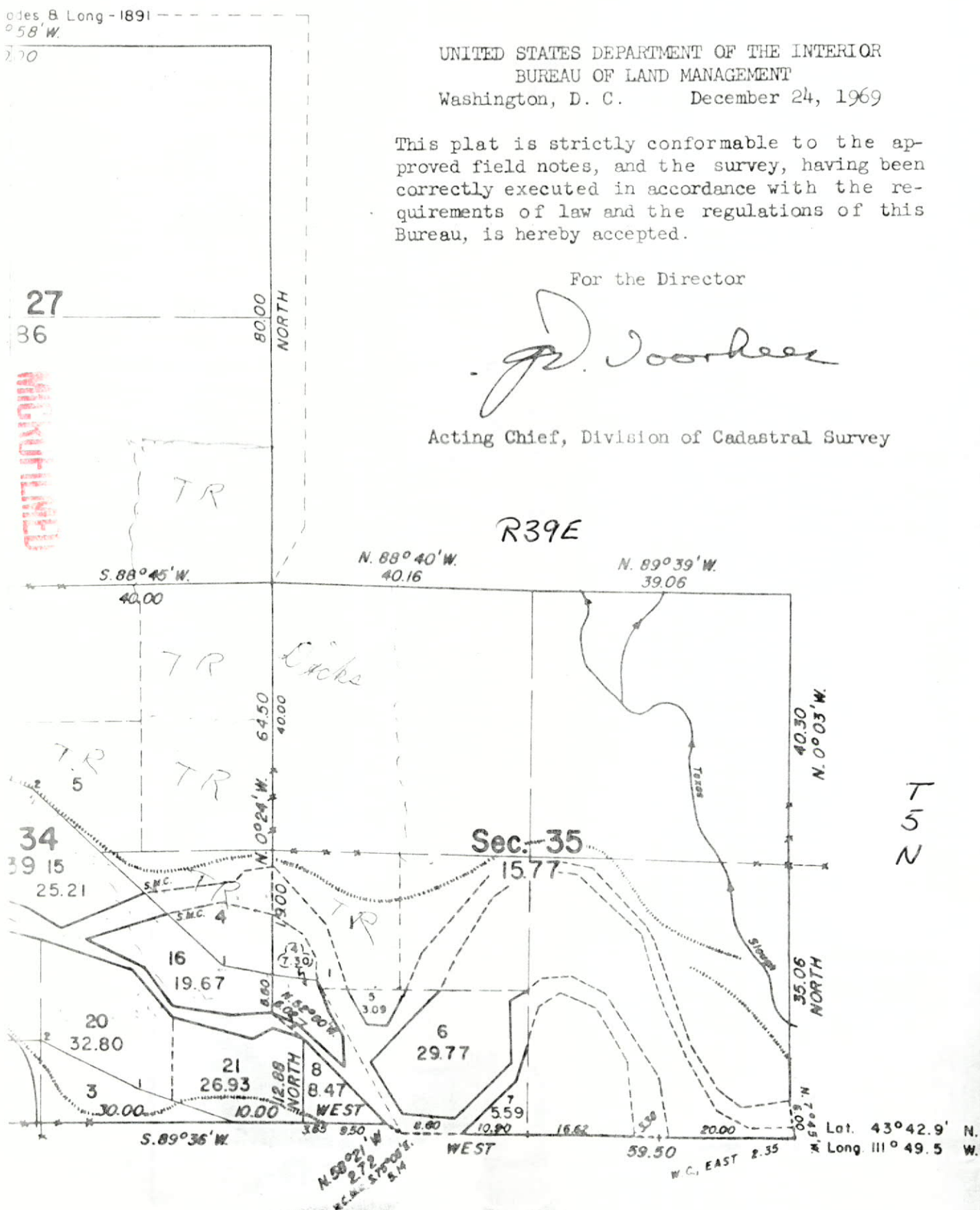
Reference should be made to Sheet No. 1,  
for survey information.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D. C.      December 24, 1969

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Acting Chief, Division of Cadastral Survey



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**APPROVED****APPLICATION FOR TRANSFER OF WATER RIGHT****To Change the Point of Diversion and/or the Place of Use**Name of applicant Richard Roth Phone 524-5005Post Office address 4125 Greenwillow Lane, Idaho Falls, ID 83401**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. 01-0161 Decreed to Fredrick Roth  
(Name)  
in case of Rexburg Irrigation Co. vs Teton Irrigation Canal Co.  
dated in \_\_\_\_\_ in Sixth Judicial Dist. county of Fremont  
(Name of court)
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

**2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**3. Source of water** Bannock Jim Slough tributary to Snake River**4. Date of priority** June 1, 1902**5. Water is used for the following purposes:**

amount 3.00 cfs for irrigation purposes from 4/1 to 11/.  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

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

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

**8. Lands irrigated or place of use:**

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

Total number of acres to be irrigated 80**9. Describe any other water rights used for the same purpose as described above** None**10. To your knowledge** \_\_\_\_\_ any portion of this water right undergone a period of five or more consecutive years  
No

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

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

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

Total number of acres to be irrigated \_\_\_\_\_

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

1. General Information

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

2. Change in point of diversion

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

3. Change in place of use

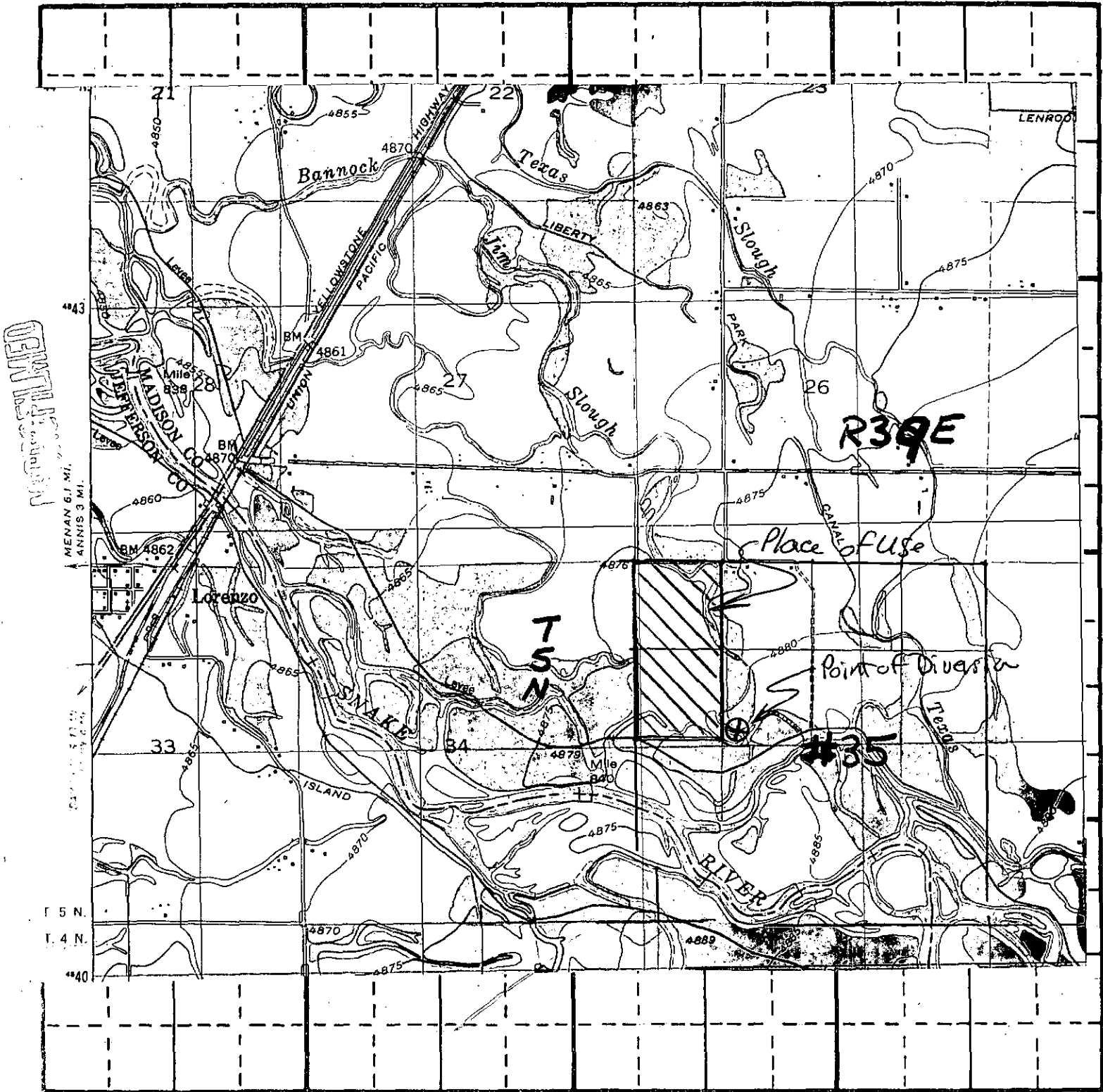
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes \_\_\_\_\_ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b.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

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

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

Total number of acres to be irrigated \_\_\_\_\_

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



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

D. REMARKS

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

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

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



Richard Roth  
(Signature of Applicant)

Subscribed and sworn to before me this 8<sup>th</sup> day of March, 1983

Randall D. Carls  
(Notary Public)

My commission expires 2/14/84

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Use of water under this right is subject to control by the watermaster of State Water District No. 01, Snake River.

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

RECORDED

Witness my hand this 24<sup>th</sup> day of June, 1983

L. Glen Saxton  
L. GLEN SAXTON, Chief Operations Bureau

FOR DEPARTMENT USE ONLY

|                                                      |                                        |                        |
|------------------------------------------------------|----------------------------------------|------------------------|
| Received by <u>BDC</u>                               | Date <u>3/8/83</u>                     | Protest filed by _____ |
| Prelim. check by <u>Kew</u>                          | Fee <u>50.00</u>                       |                        |
| Receipted by <u>BP</u>                               | Date <u>3/8/83</u> # <u>25470</u>      |                        |
| Published in <u>High Star</u>                        | Copies of protest forwarded by _____   |                        |
| Pub. dates <u>3/24 - 3/31/83</u>                     | Hearing held by _____ Date _____       |                        |
| Watermaster recommendation requested on <u>WD #1</u> | Recommended for <u>approval</u> denial |                        |
| rec'd. <u>2-18-83</u>                                | by <u>Jim</u>                          |                        |

REPORT  
FEB 27 1911  
OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT  
OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

\*\*\*\*\*  
\*\*\*\*\*

Rexburg Irrigation Company, et al.,

PLAINTIFFS,

-VS-

Teton Irrigation Canal Company, et al.,

DEFENDANTS.

DECREE.

file 205-a

This cause coming on to be heard this 12th day of  
1910, upon the report of F. J. Cowen, Referee heretofore appointed  
for the purpose of taking the testimony and making recommendations  
as to Findings of Fact, Conclusions of Law and Decree, to be entered  
herein, and the said F. J. Cowen, having filed his report of the  
testimony taken, and his recommendations as to Findings of Fact  
Conclusions of Law, which have heretofore been adopted, and the  
respective plaintiffs and defendants and cross-complainants appearing  
herein by their respective counsel, and the Court being fully informed  
advised in the premises, and having ordered that judgment be  
given in accordance with the report and recommendations of the said  
Referee for the reason of the law and the Report and Findings  
and Conclusions of Law aforesaid.

It is ordered, Adjudged and Decreed, that the several parties  
plaintiffs and defendants herein named, do have judgment respectively  
for a right to use, for irrigation and other purposes, the following  
number of inches of water, each fifty inches thereof to be equivalent  
to a flow of one cubic foot per second, as prescribed by the law

~~01-0003~~ 01-156

Riley, J. H. 156  
and J. T. 156  
Joseph Morgan,  
George Rasmussen  
and O. Wheeler

1,200 inches. June 1, 1902. ✓

South Fork of the  
Snake River.

Ririe, David

The Farmers' Friend  
Canal Company.

Ritter, Philip

The Farmers' Friend  
Canal Company.

~~01-0655~~ 1 157 ✓ *Trans. 2325*

Riverside Ditch  
Company

500 inches. June 1, 1885. ✓

Snake River.

~~01-0657~~ 1 158 ✓ *Trans. 2325*

Riverside Ditch  
Company.

4,500 inches. June 1, 1887. ✓

Snake River.

Robinson, Amos

The Farmers' Friend  
Canal Company.

Robinson, Lee S.

The Farmers' Friend  
Canal Company.

Robinson, S. T.

The Farmers' Friend  
Canal Company.

~~01-0658~~ 22 0484 ✓

Robertson, A. I.

87 inches. Apr. 1, 1890. ✓

Trail Creek.

~~01-0659~~ 22 0485 ✓

Robertson, A. I.

10 inches. June 1, 1896. ✓

Springs on place.

~~01-0660~~ 21 0089 ✓

Rogers, Caroline  
M. and Walter A.

220 inches. July 15, 1902. ✓

Moose Creek.

~~01-0661~~ 22 0486 ✓

Rogers, Orson T.

200 inches. Jan. 18, 1905. ✓

Badger Creek.

Romrell, Alfred

Good Luck Canal  
Company.

Romrell, Joseph

Good Luck Canal  
Company.

Roose, Albert

The Farmers' Friend  
Canal Company.

~~01-0662~~ 1 159 ✓

Rostan, C. E.

100 inches. June 1, 1886. ✓

South Fork of the  
Snake River.

~~01-0663~~ 1 160 ✓

Rostan, C. E.

100 inches. June 1, 1888. ✓

South Fork of the  
Snake River.

~~01-0664~~ 1 161 ✓ *Trans. 2810*

Roth, Frederick

150 inches. June 1, 1902. ✓

Bannock Jim Slough.

~~0665~~ 22 0487 ✓

Rousche, Jacob

90 inches. June 1, 1897. ✓

North Leigh Creek.

~~0666~~ 22 0488 ✓

Rousche, Jacob

35 inches. June 1, 1899. ✓

North Leigh Creek.

~~0667~~ 22 0489 ✓

Rousche, Jacob

160 inches. June 1, 1899. ✓

North Leigh Creek.

Roundy, J. C.

(Sold to Samuel Har  
rop.)

Row, Eliza S.

160 inches. Sept. 26, 1902. ✓

Sheridan Creek. *Trans. 576.*

# THE JEFFERSON STAR

RIGBY, IDAHO

## AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }  
County of Jefferson } ss

Bruce Porter

I, Bruce Porter,  
being first duly sworn, depose and say, that I am  
the printer of THE JEFFERSON STAR, a weekly  
newspaper printed and published weekly at  
Rigby, Jefferson County, Idaho; and I do  
solemnly swear that the

### Notice Of Proposed Change of Water Right.

a copy of which notice appears attached here-  
to, was published in the regular and entire issue  
of said newspaper, and not in any

supplement issue thereof for two  
consecutive issues, the first publication hav-

ing been made on March 23, 1983  
and the last publication having been made

on March 30, 1983.

Further, that said newspaper is one of general  
circulation in said county; that it is a legal  
newspaper, conforming to legal specifications  
under the Idaho Statutes; that it has at least two  
hundred bona fide subscribers living within the  
county of publication; and that it has been  
continuously and uninterruptedly published in said  
county during a period of seventy-eight con-  
secutive weeks prior to the first publication of the  
said notice.

*[Signature]*

Subscribed to and sworn to before me  
this March 31, 1983

*[Signature]*  
Notary Public.

(SEAL)

My commission expires Life

RECEIVED

APR 15 1983

Department of Water Resources  
Eastern District Office

### NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 01-0161

NOTICE IS HEREBY GIVEN that Richard  
Roth, Idaho Falls, Idaho, has applied to the  
Department of Water Resources for a change  
in the point of diversion and place of use of  
the waters of Bannock Jim Slough tributary to  
Snake River. The right sought to be changed  
is evidenced by decree No. 01-0161 to  
Fredrick Roth in case of Rexburg Irrigation  
Co. vs. Teton Irrigation Canal Co. in Sixth  
Judicial District Court, Fremont County and is  
recorded as follows:

AMOUNT: 3.00 CFS, PRIORITY: 6-1-  
1902, POINT OF DIVERSION: Not specified  
in Decree.

The water is used to irrigate 80 acres  
within the W $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 35, T. 5N, R.  
39E, B.M.

#### TO BE CHANGED AS FOLLOWS:

The water will be diverted within the  
SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 35, T. 5N, R. 39E, B.M.  
Jefferson County and used to irrigate 80  
acres within the W $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 35, T. 5N, R.  
39E, B.M.

Any protest against approval of the above  
proposed change of water right must be filed  
with the Idaho Department of Water  
Resources, 150 Shoup Ave., Suite 15,  
Idaho Falls, Idaho, 83401, on or before April  
11, 1983.

A. KENNETH DUNN  
Director

Publ. March 23, 30, 1983RS.

MICROFILMED



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

July 19, 1983

RE: Transfer of Water Right No. 01-0161

Richard Roth  
4125 Greenwillow Lane  
Idaho Falls, Id 83401

Dear Mr. Roth

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (transfer No. 01-0161). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely

DAVID R. TUTHILL JR., P.E.  
Supervisor, Water Allocation Section

DRT:jvv  
Enclosure

RECEIVED

DATE

4-13-83

RETURN TO:

FROM

TYPE OF ACTION:

Trans

IDENT. NO. (S):

01-0161

| ROUTE TO:                       | INITIAL |
|---------------------------------|---------|
| REG. OFFICES BUREAU CHF.        |         |
| WTR. DISTRIBUTION SUPV.         |         |
| PERMITS SEC. - SR. ANALYST      |         |
| LICENSING CLERK                 |         |
| OPERATIONS BUR. - SR. SECRETARY |         |
| 2 WTR. RIGHTS PROCESSING CLERK  | kw      |
| OTHER                           |         |
| 1 VAULT CLERK:                  | ✓       |
| Plat: P/D - USGS Map            |         |
| Take Proper Action:             |         |
| File:                           |         |
| Other:                          |         |
|                                 |         |
|                                 |         |
|                                 |         |
|                                 |         |
|                                 |         |
|                                 |         |

NOT RECORDED  
 NOT INDEXED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
To Change the Point of Diversion and/or the Place of Use

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

**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. 01-0161 Decreed to Fredrick Roth (Name)  
in case of Rexburg Irrigation Co. vs Teton Irrigation Canal Co.  
dated in \_\_\_\_\_ in Sixth Judicial Dist. county of Fremont  
(Name of court)
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

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

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

4. Date of priority June 1, 1902

**5. Water is used for the following purposes:**

amount 3.00 cfs for irrigation purposes from 4/1 to 11/  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

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

7. Location of original point of diversion is \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_  
Township \_\_\_\_\_ Range \_\_\_\_\_, B.M., in \_\_\_\_\_ County  
Additional points of diversion, if any \_\_\_\_\_

**8. Lands irrigated or place of use:**

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 5N   | 39E   | 35   |        |        |        |        |        |        |        |        | 40     | 40     |        |        |        |        |        |        | 80     |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

80  
Total number of acres to be irrigated \_\_\_\_\_

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

10. To your knowledge, has this water right undergone a period of five or more consecutive years  
No

DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. \_\_\_\_\_ cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion \_\_\_\_\_ ¼ \_\_\_\_\_ ¼, Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County  
Additional points \_\_\_\_\_

3. Place of use:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated \_\_\_\_\_

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

1. General Information

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

2. Change in point of diversion

Point of diversion SE ¼ NW ¼, Section 35 Township 5N  
Range 39E, B.M., Jefferson County  
Additional points \_\_\_\_\_

3. Change in place of use

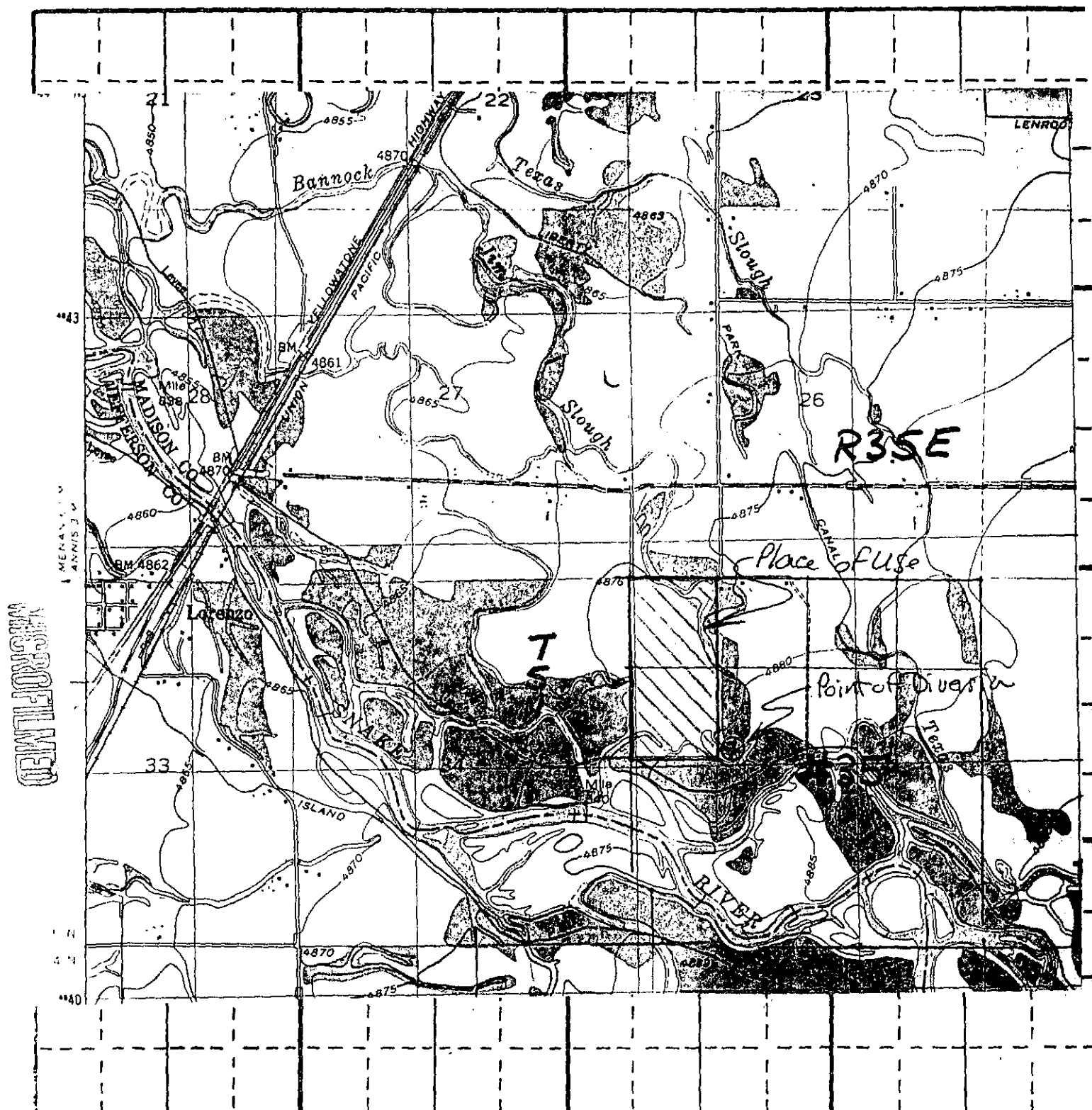
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes \_\_\_\_\_ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b.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

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

[illegible]

Total number of acres to be irrigated \_\_\_\_\_

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



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

REMARKS

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

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

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

Richard Roth  
(Signature of Applicant)

Subscribed and sworn to before me this 8<sup>th</sup> day of March, 1983

Ronald D. Carlson  
(Notary Public)

My commission expires 2/14/84

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_

FOR DEPARTMENT USE ONLY

|                                               |                                      |                             |
|-----------------------------------------------|--------------------------------------|-----------------------------|
| Received by <u>BDC</u>                        | Date <u>3/8/83</u>                   | Protest filed by _____      |
| Prelim. check by <u>Kaw</u>                   | Fee <u>50.00</u>                     | _____                       |
| Receipted by <u>BP</u>                        | Date <u>3/8/83</u> # <u>25470</u>    | _____                       |
| Published in <u>Righty Star</u>               | Copies of protest forwarded by _____ | _____                       |
| Pub. dates <u>3/24 &amp; 3/31/83</u>          | Hearing held by _____                | Date _____                  |
| Watermaster recommendation requested on _____ | Recommended for _____                | approval _____ denial _____ |
| _____ rec'd. _____                            | by _____                             | _____                       |

AFFIDAVIT

I, Thomas H. Roth                      being first duly sworn,

35, T. 5N, R. 39E, together with all water rights. In the Decree

Rexburg Irrigation Co. vs Teton Irrigation Canal Co. water right

No. 01-0161 decreed to Fredrick Roth decrees water to the

NW $\frac{1}{4}$ SW $\frac{1}{4}$  (Lot 1), Sec. 35, T. 5N, R. 39E. This water has always

been used in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 35, T. 5N, R. 39E. Therefore,

it is my belief that the decree is incorrect in listing the

NW $\frac{1}{4}$ SW $\frac{1}{4}$ , when in fact, it should read SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 35, T. 5N,

R. 39E.

Thomas H. Roth  
(Signature)

Subscribed and sworn to before me this 17<sup>th</sup> day of May, 19 83

*Cecilia Wray*  
(Notary Public)

Residing at Idaho Falls, ID  
My Commission Expires 6/15/85

INTER-DEPARTMENT MEMO — 1

FROM Keith C. Wilson

DATE May 17, 1983

TO File Water right 01-0161

SUBJECT Ownership SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec.35, T5N, R39E.

1. Jefferson County Assessor indicated that no land in Section 35 is within Jefferson County.
2. Madison County Assessor indicated that their records show that Thomas H. Roth is the owner of those lands in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec.35
3. Barb Klingenburg with BLM indicated that the majority of the other lands in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  are public lands managed by the BLM and has no claim to any decreed water.

RECORDED

*Keith C. Wilson*

SIGNATURE



110159

No.

WARRANTY DEED

Photographed

Frederick J. Roth

TO

Thomas H. Roth

Dated April 17, 1958

STATE OF IDAHO

County of Madison ss.

I hereby certify that this instrument was filed for record at the request of

Thomas H. Roth

at 15 minutes past 2

o'clock P. M., this 17

day of April, 1958

in my office and duly recorded in Book 193 of , at

page 67

J. J. McFarland

Ex-Officio Recorder

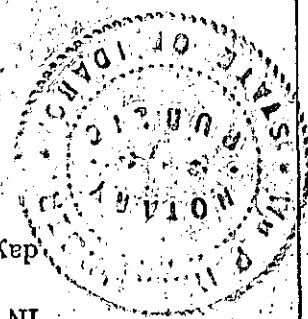
By Emma L. Perkins

Deputy

Fees \$1.50

Recorded in

RECORDED



My Commission Expires January 22, 1962

Residing at Rigby, Jefferson County, Idaho

Notary Public

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

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

On this 17th day of April, in the year 1958 before me Wm. P. Hemminger, a Notary Public in and for the State of Idaho, personally appeared Frederick J. Roth, a widower,

STATE OF IDAHO

ss.

WARRANTY DEED

THIS INDENTURE, Made this 17th day of April, 19 58  
by and between Frederick J. Roth, a widower,

of the County of Madison, State of Idaho, the part Y of the first  
part, and Thomas H. Roth, a single man,

of the County of Madison, State of Idaho, the part Y of the second  
part.

WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of  
Twenty-five Thousand (\$25,000.00) ----- DOLLARS  
lawful money of the United States of Amercia, to him in hand paid by part Y of the second  
part, the receipt whereof is hereby acknowledged, ha s granted, bargained and sold, and by these  
presents do es grant, bargain, sell, convey and confirm unto the said part Y of the second part  
and to his heirs and assigns forever, all the following described real estate, situate in the  
County of Madison, State of Idaho, to wit:

The Southeast quarter of the Southeast Quarter of  
Section 27 and the East half of the Northeast Quarter  
and the Northwest Quarter of the Northeast Quarter and  
Lots 4 and 5 of Section 34; and Lot 1 in Section 35,  
all in Township 5 North, Range 39 East Boise Meridian,  
Madison County, Idaho. Together with all ditch rights  
and water rights thereunto belonging or in anywise app-  
ertaining.

MICROFILMED



TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto be-  
longing or in anywise appertaining, and the reversion or reversions, remainder and remainders, rents,  
issues and profits thereof, and all estate, right, title and interest in and to the said property as well in  
law as in equity, of the said part Y of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, to-  
gether with the appurtenances, unto the part y of the second part, and to his heirs and  
assigns forever. And the said part y of the first part, and his heirs, the said premises  
in the quiet and peaceable possession of the said part Y of the second part, and his heirs  
and assigns against the said part Y of the first part and his heirs and against all and  
every person and persons, whomsoever lawfully claiming or to claim the same, shall and will WAR-  
RANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said part y of the first part ha s hereunto set his  
hand and seal the day and year first above written.

Signed, sealed and delivered in the  
presence of

*[Signature]*

*Frederick J. Roth* (SEAL)  
\_\_\_\_ (SEAL)  
\_\_\_\_ (SEAL)  
\_\_\_\_ (SEAL)

May 6, 1983

Richard Roth  
4125 Greenwillow Lane  
Idaho Falls, ID 83401

RE: Application for Transfer No. 01-0161

Dear Mr. Roth:

To facilitate approval of the application for transfer that you submitted, the Department would like some documentation that you are the holder, (owner), of this right.

Please submit the proof as soon as possible so that the proof can be included in the file before the file is forwarded to the State Office.

Sincerely,

KEITH C. WILSON  
Sr. Resource Agent

KCW:bp

E

April 12, 1983

RE: Application for Transfer No. 01-0161 ROTH  
Application for Permit No. 31-7383 BLM

Rigby Star  
P.O. Box 37  
Rigby, ID 83442

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on March 24 and 31, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY  
Adm. Secretary

INTER-DEPARTMENT MEMO — 1

FROM Lyle Swank/Assistant Watermasster

DATE March 21, 1983

TO File - Transfer No. 01-0161

SUBJECT

RECEIVED

During the past five years, Richard Roth has been the person we have contacted, or has contacted Water District No. 1 when water rights on the Hill-Pettinger Ditch has been cut. He has operated this ditch along with other duties normally assigned to a canal company officer, even though there is no official canal organization.

Lyle Swank  
SIGNATURE

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 01-0161

RECOMMENDATION OF WATERMASTER

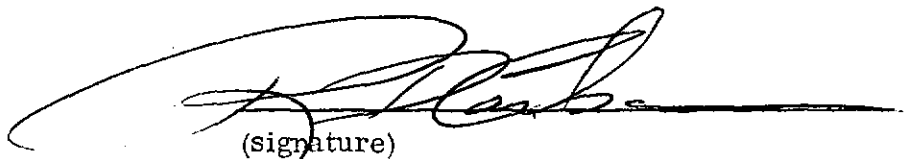
I, Ronald Carlson, watermaster of Snake River,  
of Water District No. 1, County of Bonneville, State of Idaho,  
whose address is 150 Sharp Suite 15 Idaho Falls  
have read the attached copy of the application for transfer of water right for \_\_\_\_\_  
Richard Roth, and to the best of my knowledge believe the  
(name)  
application to be true. ✓

A. I hereby endorse the above numbered Application for Transfer and recommend  
that the Director of the Department of Water Resources approve the transfer subject to  
the following conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-  
quested for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated at Idaho Falls, Idaho, this 18<sup>th</sup> day of March 1983.

  
(signature)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 01-0161

Notice is hereby given that Richard Roth, Idaho Falls, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Bannock Jim Slough tributary to Snake River. The right sought to be changed is evidenced by decree No. 01-0161 to Fredrick Roth in case of Rexburg Irrigation Co. vs. Teton Irrigation Canal Co. in Sixth Judicial District Court, Fremont County and is recorded as follows:

AMOUNT: 3.00 cfs

PRIORITY: 6-1-1902

POINT OF DIVERSION: Not specified in Decree

The water is used to irrigate 80 acres within the  $W\frac{1}{2}SW\frac{1}{4}$ , Sec. 35, T. 5N, R. 39E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the  $SE\frac{1}{4}NW\frac{1}{4}$ , Sec. 35, T. 5N, R. 39E, B.M. Jefferson County and used to irrigate 80 acres within the  $W\frac{1}{2}NW\frac{1}{4}$  Sec. 35, T. 5N, R. 39E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401, on or before April 11, 1983.

A. KENNETH DUNN

Director

Published in the Rigby Star on 3/24 & 3/31/83.

CONDITIONS OF APPROVAL FOR TRANSFER  
No. 2810

1. OIE

2. OS (OI, Snake River)

3. Water diverted under this right <sup>when combined with all other Rts.</sup> shall not exceed ~~0.04~~ <sup>0.04</sup> cfs/acre nor more than 3.5 acre-feet per acre/annum.

NOTED  
11/11/10

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: KC Wilson

1. Right number 01-0161 Applicant Richard Roth

2. Type of right: ☒ Decree ☐ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Other \_\_\_\_\_

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion. *Not stated*

c. ☒ Description of original place of use. *Not stated*

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use.

e. ☒ Check map (shows p.d. and p.u. after transfer).

f. ☒ Check for correct signature, notarization, and fee.

g. ☒ Check proof of ownership of right &/or land from which water is transferred. *See file - W.M. comments, Affidavit, Notes by K. Wilson,*

h. ☒ Check for expansion in use of right. Comments Does not appear to be an expansion

i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) 22-2225 (Groundwater Source)

j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 01 - Snake River

FINAL PROCESSING REVIEW BY: \_\_\_\_\_

1. ☒ Watermaster recommendation requested on 3-17-83 Received on 3-21-83

2. Is transfer published correctly? ☒ Yes ☐ No

3. ☒ Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions\* Transfer Order No. O/E, 05 (W.D. #1),

The maximum volume of water diverted under this transfer shall not exceed 3.5 acre feet per acre per year or 280.0 acre feet/annum.

4. By Erest Carlson Date May 18, 1983

Jim See attached sheet for conditions 6-10-83

\* All uses within Watermaster Districts require special conditions.

IDENT. NO. 01-0161

WATER RIGHT  
DATA ENTRY LOG

[illegible]