

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A25-12323
Date Received: 6/05/1989
Receipt No: E008811
Received By: Jpe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARIE M. JOHNSON 208-522-4177
Address: 392 W. 33N
IDAHO FALLS, ID 83401

AND/OR

Name: MAX H. JOHNSON FAMILY TRUST 208-522-4177
Address: 392 W. 33 N.
IDAHO FALLS, ID 83401

2. Date of Priority: JAN 12, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	38E	6	SW	SW	SW	7	BONNEVILLE

5. Description of diverting works:
256' DEEP 8" CASING WITH 1.5 HP SUB. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.050		
IRRIGATION	04/01	11/01	0.030		

7. Total Quantity Appropriated is:
0.120 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 2.5 Acre Feet Per Annum.

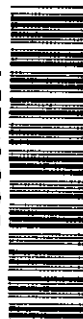
9. Non-irrigation uses:
D/ 1 HOUSE, S/ 125 SHEEP, 8 MILK COWS, 2 HORSES.

A25-12323

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Date: 06/05/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	38E	6	SW	SW		DOMEST	
			SW	SW		STOCK	
			SW	SW		IRR	1.0
						Section Acres	1.0
						Total Acres	1.0

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
PROGRESSIVE IRR. DIST. SHARES

14. Remarks:
ACRES IRR. ARE .8 ACRES.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Marie M. Johnson Date: 5 June 1989

Date: _____

State of Idaho)
County of Bonerville) SS.

Subscribed and sworn (or affirmed) before me this 5 day

of June 19 89

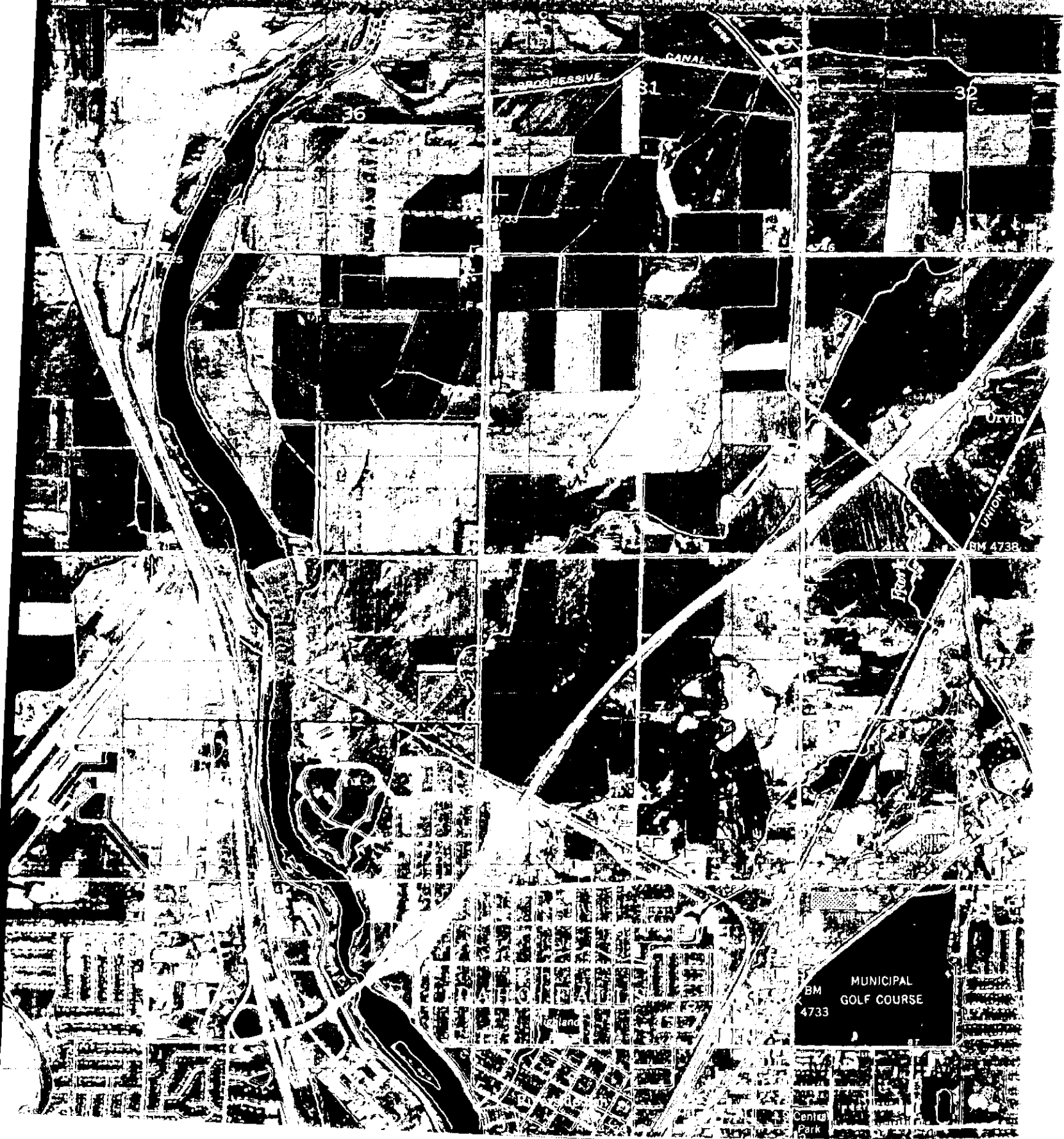
Seal

John Tal Carson
Notary Public

Residing at Bon ID

My Commission Expires 6/2/94

20-301
62



BM 4733
MUNICIPAL GOLF COURSE

Conita Park

Log for claim 25-12323

Spatial Dynamics CAT

12/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02n38e	6	SWSW	1	1.2	POD placement?
Totals:			1	1.2	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARIE M JOHNSON 392 W 33N IDAHO FALLS ID 83401 (208) 522-4177	01/12/1948	IRRIGATION STOCKWATER DOMESTIC	04-01 11-01 01-01 12-31 01-01 12-31	0.030 CFS 0.050 CFS 0.040 CFS	
					TOTAL DIVERSION:	0.120 CFS
C	MAX H JOHNSON FAMILY TRUST 392 W 33 N IDAHO FALLS ID 83401 (208) 522-4177			CONSUMPTIVE USE:		2.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T02N R38E S06 Lot07(SWSWSW)

BONNEVILLE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM
02N	38E	6	:	:	:	:	:	:	:	:	:	:	:	:	:	1.0
TOTAL ACRES															1.0	

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	
02N	38E	6	:	:	:	:	:	:	:	:	:	:	:	:	:	

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	
02N	38E	6	:	:	:	:	:	:	:	:	:	:	:	:	:	

POU County: BONNEVILLE

Non-Irrigation Uses: D/ 1 HOUSE, S/ 125 SHEEP, 8 MILK COWS, 2 HORSES.

Other Rights: PROGRESSIVE IRR. DIST. SHARES

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

25-13577 A25-13128 A25-13577

Other Water Rights Listing Overlapping Place(s) of Use:

A25-1338820

Remarks: GEN ACRES IRR. ARE .8 ACRES.

DATE: 10/24/00

PAGE: 167

Audit: 06/05/89 ESRBA 03/29/95 POST-STD

May 1, 1991

Marie M. Johnson
392 W. 33 N.
Idaho Falls, ID 83401

RE: Evidence of Priority

Dear Marie M. Johnson:

The Notice of Claim identified with the numbes shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

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Marie M. Johnson

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Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-12323
MARIE M. JOHNSON
392 W. 33N

IDAHO FALLS

JD 83401

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J. G. Andrew & Sons

Well-Drillers

Pump and Well Equipment Installed

Rt. 1, Idaho Falls, Idaho, Phone 054-11

Date January 12, 1948 19__

G. H. Johnson *Marie M. Max H Johnson*

East River Road *Family Trust*

Idaho Falls, Idaho

Quantity	Item	Amount	
256'	Drilling 8" well	\$1302	00
148'	6" casing and shoe	287	70
105'	4 1/2" casing and shoe	109	00
#915	Deep Well Head and Motor	321	40
1	287 Gal. galv. Pressure Tank	140	00
1	5808 Piping Package	37	50
188'	2 1/2" Galv Drop Pipe	141	00
190'	1 3/8" Wood Pump Rods	77	80
1	2 1/2" Well cylinder	23	00
	Pump Installation	40	00
1	2 Pole 30 AMP fuse switch	11	00
1	Manual start Switch	12	00
1	Hydrant (Murdock)	16	50
2	1" valves	7	00
1	4" Pump Bushing	1	10
1	1 1/2" well screen	1	80
1	2" Reducing L. Coupling	1	00
	Conduit	4	00
		\$2527	47
<i>Howard F. Anderson</i>			

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NOTICE NO. A25-12323

AFFIDAVIT OF MARIE M. JOHNSON

STATE OF IDAHO)
) SS.
COUNTY OF BONNEVILLE)

Marie M. Johnson being first duly sworn upon her oath deposes and says:

1. I am over the age of 21 and I am personally familiar with this matter, and all statements made herein are made upon my personal knowledge, unless otherwise stated that such statement is made upon information and belief.
2. I am a trustee of the Max H. Johnson Family Trust, which is the owner of record of certain real property and the water rights established in conjunction with such real property, which real property is located in Bonneville County, Idaho, and more specifically described as follows:

The South Half of the Southwest Quarter of the Southwest Quarter (the South half of Lot 7) of Section 6, Township 2 North, Range 38 East of the Boise Meridian.

3. On or before January 12, 1948, the drilling of a well was completed on the above-described property. Such well was drilled by J. G. Andrew & Sons for G. H. Johnson. A copy of the invoice billing G. H. Johnson for the drilling of such well is attached hereto and incorporated herein as Exhibit "A." G. H. Johnson was my predecessor in

interest in the above-described property and water right. I personally obtained this Exhibit from Howard F. Andrew, who drilled the well. He signed the invoice to validate it as a true copy of his business records.

4. The water from this well was immediately put to use by G. H. Johnson on the above-described property upon drilling the well. I was personally living in the home located on the above-described property at the time such well was drilled, and at the time such water was immediately put to use. The water was immediately put to use by a ten-person household for domestic use and for stock water, and later that spring (approximately June of 1948) was put to use to irrigate approximately one acre of lawn and garden. Since that time, this water right has been used for stock water for up to 125 head of sheep, eight milk cows, and two horses upon the above-described real property.
5. My husband, Max. H. Johnson, and I purchased the above-described real property from the estate of Esther Johnson (the surviving spouse of G. H. Johnson) in 1967, and obtained the water right described above, with such real property. The real property and water right were transferred into the Max H. Johnson living trust in June of 1986.
6. On April 26, 1950, a one-half interest in the above described well was sold to Ancel Haroldsen. A copy of

the document showing such sale is attached hereto and incorporated herein as Exhibit "B." It is my information and belief that such water right was later transferred by Ancel Haroldsen to Melvin and Jackie Haroldsen, and that thereafter, a portion of that water right was transferred by Melvin and Jackie Haroldsen to Darrell and Marilyn Beck. It is my information and belief from personal observation that Ancel Haroldsen immediately put the water right to domestic use upon obtaining it from G. H. Johnson and Esther Johnson in April of 1950.

FURTHER AFFIANT SAYETH NOT.

DATED this 7 day of June, 1991.

Marie M. Johnson
Marie M. Johnson

Subscribed and sworn to before me this 7 day of June,
1991.

Brandi L. Leach
Notary Public
Residing at: Edwards Falls
My Commission Expires: 2-28-95

SEAL

J. G. Andrew & Sons

Well-Drillers

Pump and Well Equipment Installed

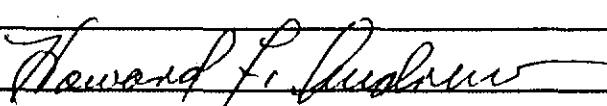
Rt. 1, Idaho Falls, Idaho, Phone 054-11

Date January 12, 1948 19__

G. H. Johnson

East River Road

Idaho Falls, Idaho

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1	6608 Piping Package	37	50
188'	2" Galv Drop Pipe	141	00
190'	1 3/8" Wood Pump Rods	77	90
1	2 1/2" Well cylinder	23	00
	Pump Installation	40	00
1	2 Pole 30 AMP fuse switch	11	00
1	Manual start Switch	12	00
1	Hydrant (Murdock)	16	50
2	1" valves	7	00
1	4" Pump Bushing	1	10
1	1 1/2" well screen	1	50
1	2" Reducing L.	1	00
	Conduit	4	00
		\$2527	47
			

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E A S E M E N T

THIS INDENTURE, Made this 24th day of April, 1950 whereby the said Gustav Henry Johnson and Esther Maria Johnson, husband and wife, of Bonneville County, State of Idaho, for themselves and their heirs, executors, administrators and assigns, and for the consideration of the payment of one half of the expense of drilling and putting into operation a culinary well, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto ANCEL HAROLDSEN of Bonneville County, State of Idaho, an undivided one half interest in the culinary well located on the property of said Gustav Henry Johnson and Esther Maria Johnson which is described as follows, to-wit:

South West Quarter of the South West Quarter
(SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Six (6), Township two (2)
North Range Thirty-eight (38) East of Boise
Meridian in Bonneville County, State of Idaho.

That said Ancel Haroldson shall have the right of egress and ingress to repair or otherwise keep said well in operation and for the purpose of supplying himself with culinary water.

IN WITNESS WHEREOF, We have hereunto set out hands and seals the day and year first above written.

Gustav Henry Johnson (SEAL)
Esther Maria Johnson (SEAL)
Grantors
Residing at Idaho Falls, Idaho

STATE OF IDAHO)
 : SS
COUNTY OF BONNEVILLE)

I DO HEREBY CERTIFY,

on this 26 day of April in the year 1950, before me
John Terebaun, a Notary Public, in and for
said County and State, personally appeared Gustav Henry Johnson
and Esther Maria Johnson, husband and wife, known to me to be the
persons whose names are subscribed to the within and foregoing
instrument and acknowledged to me that they executed the same.

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

My commission expires:

Sept 23 - 1950

John Terebaun
Notary Public
Residing at Idaho Falls, Idaho