

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: A29-10260
Date Received: 1/26/1990
Receipt No: MOO 5664
Received By: RR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENESE WHITE 208-648-7772
Address: 2679 KELLY TOPONCE ROAD
BANCROFT, ID 83217

2. Date of Priority: JUN 17, 1902

3. Source: KING CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	38E	15	SW	SE	SW		CARIBOU

5. Description of diverting works:
CEMENT HEADGATE, GRAVITY FLOW DITCH & SPRINKLING SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.260		

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

8. Total consumptive use is 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	38E	14	SE	SW		IRR	1.0
						Section Acres	1.0
		23	NE	NW		IRR	12.0
						Section Acres	12.0

A2910260



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NOV 16 1992

10. Place of Use: Continued

Total Acres 13.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

DELMO SMITH PURCHASED THE MAJORITY OF THIS ORIGINAL PROPERTY.
A PORTION OF THE ORIGINAL LAND (AND ASSOCIATED WATER) WAS
WITHHELD. THIS CLAIM IS FOR THE PORTION WHICH WAS WITHHELD;
DELMO SMITH OWNS THE BALANCE OF THE ORIGINAL PROPERTY.
ATTACHED IS A COPY OF THE GRANT OF EASEMENT WHICH DESCRIBES
THE WITHHOLDING OF THE WATER RIGHT FOR THIS PROPERTY.
THIS CLAIM IS BASED ON A PORTION OF THE ORIGINAL DECREED
RIGHT 29-00126; HOWEVER, DELMO HAS ALREADY FILED FOR THE
ENTIRE RIGHT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

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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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 4

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): X Denise L White Date: X 1-26-90

Date: _____

State of Idaho)
County of Caribou) ss.

Subscribed and sworn (or affirmed) before me this 26th day

of January 19 90

Helen Harrington
Notary Public

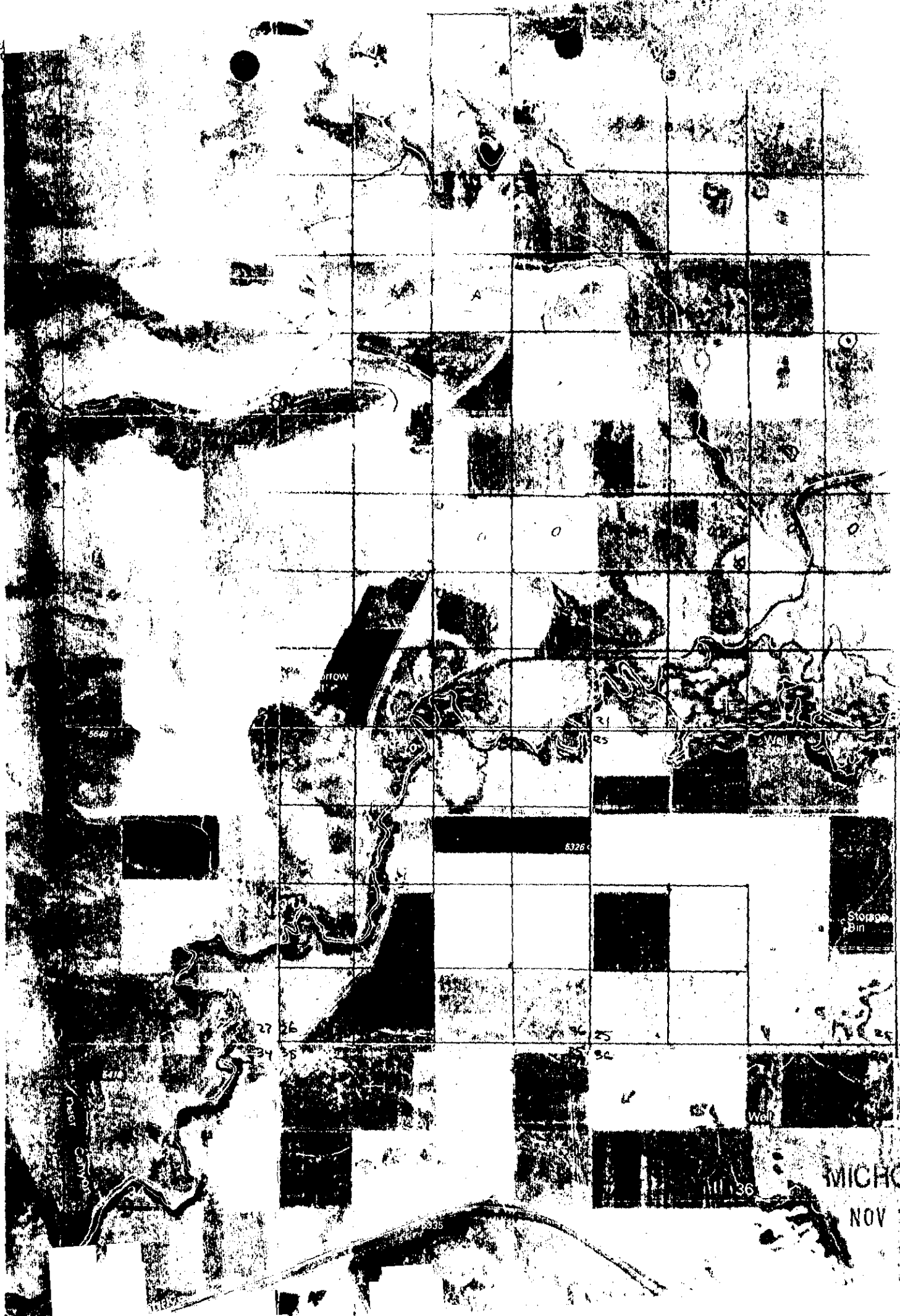
Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

DATE: 09/24/98
PAGE: 1

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

A29-10267



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Log for claim A29-10260

Spatial Dynamics BTD

6/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	14	SESW	1	6.5	Indiscernible
07s38e	23	NENW	12	8.5	Indiscernible
Totals:			13	15	

AJ5809NP
No. A29-10260

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 151

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALBERT C JOHNSON	06/17/1902	IRRIGATION	04-01 11-01	0.260 CFS	
C	PATRICIA A JOHNSON 2661 KELLY TOPONCE RD BANCROFT ID 83217 (208) 648-7191					
				TOTAL DIVERSION:	0.260 CFS	
				CONSUMPTIVE USE:		32.50 AFA

Water Source: KING CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T07S R38E S15 SWSESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

NE													NW				SW				SE																															
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	:	SUM																							
07S	38E	14	:									:									:							:	1.0																							
07S	38E	23	:							12		:									:							:	12.0																							
																									TOTAL ACRES																											13.0

POU County: CARIBOU

Other Rights: NONE

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

A29-00103 A29-00104 A29-00105 A29-00106 A29-00126 A29-07028 A29-10322

Remarks: GEN DELMO SMITH PURCHASED THE MAJORITY OF THIS ORIGINAL PROPERTY.
A PORTION OF THE ORIGINAL LAND (AND ASSOCIATED WATER) WAS
WITHHELD. THIS CLAIM IS FOR THE PORTION WHICH WAS WITHHELD;
DELMO SMITH OWNS THE BALANCE OF THE ORIGINAL PROPERTY.
ATTACHED IS A COPY OF THE GRANT OF EASEMENT WHICH DESCRIBES
THE WITHHOLDING OF THE WATER RIGHT FOR THIS PROPERTY.
THIS CLAIM IS BASED ON A PORTION OF THE ORIGINAL DECREED
RIGHT 29-00126; HOWEVER, DELMO HAS ALREADY FILED FOR THE
ENTIRE RIGHT.
**CHANGED OWNERSHIP PER REQUEST/JH/9-24-98*

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 01/26/90 MOBILE2 08/01/94 THOMPSON 03/29/95 POST-STD 09/24/98 JHOAGLAN



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 25, 1998

ALBERT & PATRICIA JOHNSON
2661 KELLY TOPONCE RD
BANCROFT ID 83217

RE: CHANGE OF OWNERSHIP FOR ADJUDICATION CLAIMS 29-10258, 29-10259,
29-10260

Dear Mr. & Mrs. Johnson:

On September 3, 1998, our office received the above-referenced request. The change of ownership for 29-10258 has been processed and is being sent to you under a separate mailing.

Our office cannot process 29-10259 because the property appurtenant to this claim is not conveyed in the warranty deed you submitted. However, claim 29-10260 is conveyed in the deed and this claim has been put in your name. A copy is enclosed.

If I may be of further assistance, please do not hesitate to call.

Sincerely,

Jennifer Hoagland
Technical Records Specialist

Enclosure

partial decree
filed
6/28/98

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
SEP 03 1998

Department of Water Resources
Eastern Region

1. Water Right Number(s) 29-10258 & 29-10259 ^{OK} ^{NO} \$ A29-10260 ^{OK}
Adjudication Claim Number(s) _____
2. The following REQUIRED information must be submitted with this form.
- X A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Denese White, a widow, Bancroft, ID
4. New Owner/Claimant(s) Albert C. Johnson and Patricia A. Johnson
Name connector (Check one): [] AND, [] OR, [] AND/OR
New Mailing Address P.O. Box 201 2661 Kelly to Ponce RD.
City, State and ZIP Code Bancroft, ID 83217
New Telephone Number (208) 648-7191
5. Date you acquired the property 6/28/96
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Albert C. Johnson Date Sept-1-98
Patricia A. Johnson Date Sept 1-98

- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

STATE OF IDAHO } 63 127600
County of Caribou }
I, _____, certify that this instrument was filed
at the request of Boise State Co
at 1:50 o'clock P M this 7 day of
April, 1986, in my office and duly
recorded in Microfilm Records
Merna W. Archibald
Deputy
Ex-Officio Recorder 6.00

GRANT OF EASEMENT
FLR Loan No. 189779-0

THIS AGREEMENT, made and entered into this 3 day
of April, 1986, by and between ROSE DENESE WHITE,
unmarried, hereinafter referred to as "Grantor", and THE
FEDERAL LAND BANK OF SPOKANE, a corporation, hereinafter
referred to as "Grantee".

WHEREAS, Grantor owns real property situated in Caribou
County, Idaho, more particularly described as follows:

Township 7 South, Range 38 East of the Boise Meridian
Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$

WHEREAS, Grantee owns real property adjacent to
Grantor's property situated in Caribou County, Idaho, more
particularly described as follows:

Township 7 South, Range 38 East of the Boise Meridian
Section 14: W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 15: SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 23: W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPTING
THEREFROM the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$

WHEREAS, Grantor desires to grant Grantee a 25 foot
wide easement across Grantor's property for an underground
irrigation pipeline, being 12.5 feet on each side of an
existing underground irrigation pipeline, supplying the
Grantee's property with irrigation water for farming
purposes, together with the right of ingress and egress to
repair, inspect, maintain and replace said pipeline.

NOW, THEREFORE, in consideration of the mutual
covenants and promises between the parties, and other
valuable and good consideration, the parties agree as
follow:

1. Grantor does hereby grant unto Grantee a 25 foot
wide easement across Grantor's property, being 12.5 feet on
each side of an existing underground irrigation pipeline,
for the purpose of an underground irrigation pipeline
to supply the Grantee's property with irrigation water for
farming purposes, together with a right of ingress and
egress to repair, inspect, maintain, and replace said
pipeline, said easement across Grantor's property being
further described as follows:

A 25 foot wide underground easement, being 12.5 feet
on each side of an existing underground irrigation
pipeline, and across the North 30 feet of the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 7 South, Range
38 East of the Boise Meridian.

2. Grantee shall from time to time, and at all times
hereafter, at its own cost and expense, repair and maintain,
in a proper, substantial and workmanlike manner, the above
described pipeline and easement.

3. Grantee shall not place any fence or structure on
or along said easement, shall promptly backfill any trench
made by it on the easement and repair any damage it shall do
to Grantor's property as a result of the exercise of its
rights under this easement including the restoration of
Grantor's property to its previous condition and including
the indemnification of Grantor for damage to Grantor's
properties, and shall indemnify the Grantor against any loss

or damage which shall be caused by the exercise of the rights of ingress and egress or by any wrongful or negligent act or omission of its agents or employees in the course of their employment.

4. Grantor reserves the right to use the easement for purposes which will not interfere with Grantee's full enjoyment of the rights hereby granted.

5. Said easement shall run with the lands herein above described and shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of the respective parties.

6. Grantor and Grantee agree that Grantor shall have the right to use water from said underground pipeline for the purpose of watering her lawn, shrubs, trees and garden at her home and real property adjoining the above described easement without cost to Grantor during the irrigation season and so long as Grantee maintains water in said irrigation pipeline.

DATED: the day and year first above written.

GRANTOR:

Rose Denese White
ROSE DENESE WHITE

THE FEDERAL LAND BANK OF
SPOKANE

By Dale H. Clark
Authorized Agent

STATE OF IDAHO)
) ss
County of Caribou)

On this 3 day of April, 1986, before me, the undersigned Notary Public, personally appeared ROSE DENESE WHITE, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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

Dale H. Clark
NOTARY PUBLIC FOR IDAHO
Residing at: Soda Springs
Comm. Expires: 1992

(SEAL)

MICROFILMED
APR 5 1986
COPY

STATE OF IDAHO)
) ss
County of FRANKLIN)

On this 4 day of APRIL, 1986, before me,
the undersigned Notary Public, personally appeared
DALE N. CLARK, known to me to be the ACTING AGENT of
the Federal Land Bank of Spokane, whose name is subscribed
to the foregoing instrument and acknowledged to me that said
corporation executed the same.

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

Brad Butters
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: SODA SPRINGS
Comm. Expires: LIFE

(SEAL)

DO NOT FILM

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COPY 1992