

June 21, 2004

Judge Melanson
SRBA District Court
Twin Falls, ID 83303

2004 JUL -2 AM 10:37
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

Roxanne Brown of Water Resources in Boise, Idaho advised us to ask the Court to correct clerical errors made on Water Right 35-0285 in the Adjudication Decree dated July 22, 2003. Kari Lynn Townsend of Boise discovered these errors while processing this Water Right for Transfer of Ownership. Water Right descriptions for Point of Diversion and Place of Use in the Decree did not match the legal descriptions of the Warranty Deed. The Township Range and Section descriptions are correct. The Quarter descriptions are in error.

Previous Water Right Documents including those submitted to the Court for Adjudication September 4, 2001 and the Notice of Receipt #C058697 from the court dated December 27, 2001 are correct in the descriptions. Also the description is correct in the letter to the claimant dated February 18, 2003 from the Director of Water Resources. These errors as they appear in the Judication Decree of July 22, 2003 and the corrections as they should be are as follows:

Point of Diversion (as stated) T01N R36E S01 NENW Within Bonneville County

(should state) NWNE

Place of Use Irrigation Within Bonneville County
(as stated) T01N R36E S01 NENE 29.0 NENW 38.0
NESW 37.0 NESE 37.0

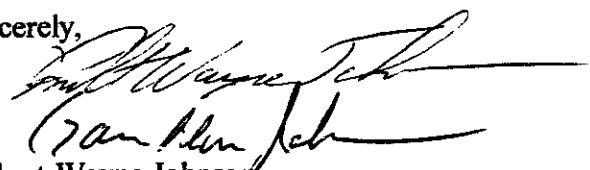
(should state) T01N R36E S01 NENE 29.0 NWNE 38.0
SWNE 37.0 SENE 37.0

141.0 Acres Total

For your information we are attaching a copy of the letter from Kari Lynn Townsend and a copy of the Adjudication Decree. Also attached is a signed copy of the Warranty Deed covering the purchase of this farm by Robert Wayne Johnson and Gary Alan Johnson.

Please advise us of what further action needs to be taken to correct this situation enabling us to proceed with the Transfer of Ownership. Our address is 8021 W 1700 So., Idaho Falls, ID 83402. We can be reached by phone at (208)524-5801 or (208)523-6507.

Sincerely,


Robert Wayne Johnson
Gary Alan Johnson



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

June 9, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ROBERT W & JODIE M JOHNSON
GARY A & RHONDA M JOHNSON
317 SPRINGWOOD LN
IDAHO FALLS ID 83404

RE: Change in Ownership of Decreed Water Right 35-2805

Dear Interested Parties:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

☒ **Evidence of Water Right Ownership:** copy of (signed) Warranty Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

☒ **Legal Description of Property**

During our review of the documentation you submitted we found some discrepancies between that documentation and the legal description of the place of use for the water right(s) indicated in your notice. The decreed water right includes 141 acres in 4 different $\frac{1}{4}$ $\frac{1}{4}$'s. The only matching lands between your unsigned deed and the decreed water right are 29 acres in the NENE. I have enclosed a copy of the decreed water right for your reference.

If you have purchased only those 29 acres out of the 141 acres listed in the decree, it will be necessary to split the water right. The filing fee required for a division of a water right is \$100.00. That would leave a balance of \$75.00 owed. I am returning the unsigned warranty deed with this letter.

Please furnish our office with a signed copy of a Warranty Deed or a Title Policy or Contract of Sale along with the balance of the filing fee (if a split of the water right is required). Please be sure to include adequate legal description of property (if NO split is required).

Because the Department cannot process the ownership change without proper documentation and fees, we will hold any action on your notice pending receipt of the necessary information and fees. If we do not receive the necessary information and fees **within 30 days** we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

Kari Lynn Townsend
Secretary

KLT:k

Enclosures

BONNEVILLE COUNTY RECORDER
1153388 MAY27 04 PM 4:35

AmeriTitle T-30732k

WARRANTY DEED

JANET R. JENSEN FULLMER, f.k.a. JANET R. JENSEN, a widow and JENSEN AND CARLSON FARMS, an Idaho General Partnership, as GRANTOR, for good and valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto ROBERT WAYNE JOHNSON and JODEE M. JOHNSON, husband and wife; and GARY ALAN JOHNSON and RHONDA M. JOHNSON, husband and wife, as GRANTEE, whose address is 317 Springwood Lane, Idaho Falls Id 83404, and Grantee's successors and assigns, all of the following described real property, to-wit:

Township 1 North, Range 36, East of the Boise Meridian, Bonneville County, Idaho.

Section 1:
Government Lots 1 and 2
S1/2 NE1/4

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

- a. Beginning at the Northeast Corner of Section 1, Township 1 North, Range 36 East of the Boise Meridian, Bonneville County, Idaho; running thence along the Section line S0°31'08"E 285.43 feet; thence S89°26'20"W 396.62 feet, running parallel to the North line of said Section 1; thence N0°31'08"W 285.43 feet to the North line of Section 1; thence N89°26'20"E 396.62 feet along said North section line to the point of beginning.
- b. That certain property conveyed to Bonneville County for roadway purposes by that certain Quitclaim Deed recorded in Book 7 at Page 56 of Deed Records, records of Bonneville County, Idaho.

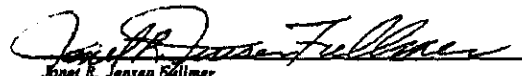
SUBJECT TO the 2004 and subsequent years general taxes and assessments, all existing patent reservations, easements, rights of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations.

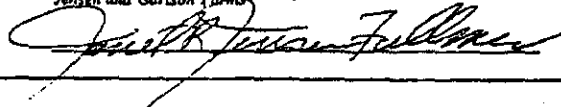
TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

Grantor, for himself and his successors and assigns, does hereby warrant and agree to forever defend the Grantee, and Grantee's successors and assigns, in the quiet and peaceful possession of said premises against the lawful claims of any and all persons.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: May 27, 2004


Janet R. Jensen Fullmer


Jensen and Carlson Farms


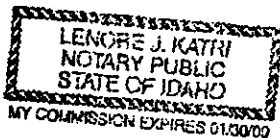
STATE OF IDAHO

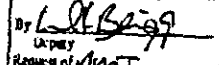
COUNTY OF Bonneville

On May 27, 2004, before me, the undersigned, personally appeared Janet R. Jensen Fullmer f.k.a. Janet R. Jensen

known to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

Notary Public for the State of Idaho
Commission Expiration Date: _____



INSTRUMENT NO.	1153388
DATE	5/27/04
INST CODE	15
DAMAGED PGS	0
FEE	6.00
STATE OF IDAHO) AS	
COUNTY OF BONNEVILLE)	
I hereby certify that the within	
instrument was recorded.	
Ronald Longene, County Recorder	
By	
LAPEL	
Request of	AMT

AmeriTitle

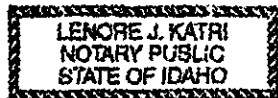
STATE OF IDAHO

COUNTY OF Bonneville

On May 27, 2004, before me, the undersigned, personally appeared
James R. Jensen, Father and Roger J. Carlson, known or identified to me to be the
partners in the partnership and the partners who subscribed said partnership name
to the foregoing instrument, and acknowledged to me that they executed the same
in their partnership name.

[Signature]

Notary Public for the State of Idaho
Commission Expiration Date: _____



MY COMMISSION EXPIRES 01/30/09

AmeriTitle

697 N. Capital Ave • P.O. Box 51499 • Boise Falls, ID 83405-1499 • (208) 324-6600

FILED

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-02805

2003 JUL 23 PM 11 24

NAME AND ADDRESS: JENSEN CARLSON FARMS
ATTN JANET R JENSEN
5750 S 55TH W
IDAHO FALLS, ID 83402

SOURCE: GROUND WATER

QUANTITY: 2.82 CFS
584.40 AFY

PRIORITY DATE: 01/06/1966

POINT OF DIVERSION: T01N R36E S01 NENW Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	2.82 CFS 584.40 AFY

PLACE OF USE:	Irrigation	Within Bonneville County
	T01N R36E S01 NENE 29.0 NESW 37.0	NENW 38.0 NESE 37.0
	141.0 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick
Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

COPY

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-2805

Comments:Dates and Other Information:

Licensed Date:
Decreed Date: 7/23/2003
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits: