

RECEIVED

MAY 22 2002

Department of Water Resources

2002 MAY 20 PM 4:14

DISTRICT COURT-SRBA  
TWIN FALLS CO, IDAHO  
FILED 2474

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

In Re SRBA

Case No. 39576

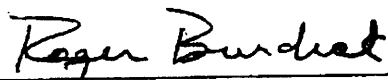
)  
) ORDER OF PARTIAL DECREE  
)  
) For Water Right 35-07593A & 35-07593B  
)

On March 21, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-07593A and 35-07593B is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED May 20, 2002

  
\_\_\_\_\_  
ROGER S. BURDICK  
Presiding Judge  
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

2002 MAY 20 PM 02:00  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

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

|                |   |                           |
|----------------|---|---------------------------|
| In Re SRBA     | ) | CERTIFICATE OF MAILING    |
|                | ) |                           |
| Case No. 39576 | ) |                           |
| _____          | ) | Water Right(s): 35-07593A |

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE  
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-07593A was mailed  
on May 20, 2002, with sufficient first-class postage prepaid  
to the following:

DIRECTOR OF IDWR  
PO BOX 83720  
BOISE, ID 83720-0098

J WARD JOHNSON  
MARY V JOHNSON  
246 HARTERT DR.  
IDAHO FALLS, ID 83404

ROBBIN GLATZ  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
05/20/02



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

June 13, 2001

J WARD JOHNSON  
MARY V JOHNSON  
246 HARTERT DR  
IDAHO FALLS ID 83404

RE: Transfer #5579 (water right 35-2585 and 35-7593) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Johnson:

On February 11, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5579, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Cheri Vandermeulen  
Records Clerk

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

In Re SRBA

Case No. 39576

)  
)  
)  
)  
)

**Water Rights:** 35-2585, 35-2585A,  
35-2585B, 35-7593, ~~35-7593A~~, 35-  
7593B

**NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☒ I.C. § 42-222 transfer **5579**

- |                                                          |                                                   |
|----------------------------------------------------------|---------------------------------------------------|
| <input checked="" type="checkbox"/> point of diversion   | <input checked="" type="checkbox"/> place of use  |
| <input checked="" type="checkbox"/> period of use        | <input checked="" type="checkbox"/> nature of use |
| <input checked="" type="checkbox"/> split of water right | <input type="checkbox"/> change in ownership      |
| <input checked="" type="checkbox"/> other: Quantity      |                                                   |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 13, 2001

Ewert Carlson  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on June 15, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:  
J WARD JOHNSON  
MARY V JOHNSON  
246 HARTERT DR  
IDAHO FALLS ID 83404

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record

JEFFREY C FEREDAY

GIVENS PURSLEY LAW OFFICE

PO BOX 2720

BOISE ID 83701-2720

JERRY RIGBY

PO BOX 250

REXBURG ID 83440

JOHN K SIMPSON

ROSHOLT ROBERTSON & TUCKER

PO BOX 2139

BOISE ID 83701

TERESA STURM

HOPKINS RODEN CROCKETT HANSEN

& HOOPES PLLC

PO BOX 51219

IDAHO FALLS ID 83405-1219

5. One copy each to:

Chief Natural Resources Division

Office of the Attorney General

PO Box 44449

Boise ID 83711-4449

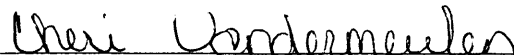
6. One Copy to:

United States Dept of Justice

Environment & Natural Resource Div

550 West Fort Street MSC 033

Boise ID 83724



Signature of person or attorney mailing the form

### TRANSFER APPLICATION STAGE

1) Recommended rights being transferred (from Part 2). Check IWTRS for partial decrees.

- |    |           |    |
|----|-----------|----|
| 1. | 35 - 2585 | 4. |
| 2. | 35 - 7593 | 5. |
| 3. |           | 6. |

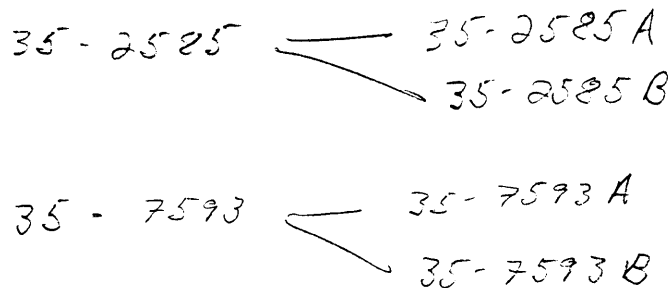
\*2) Overlapping recommended rights before and after proposed change. Check IWTRS for partial decrees.

- |    |     |    |
|----|-----|----|
| 1. | N/A | 4. |
| 2. |     | 5. |
| 3. |     | 6. |

### TRANSFER APPROVAL STAGE

NAP sent  
11-9-99

\*1) Pedigree for parents and splits (children) due to approved transfer



\*2) Any additional overlapping recommended rights

- |    |     |    |
|----|-----|----|
| 1. | N/A | 4. |
| 2. |     | 5. |
| 3. |     | 6. |

\* To be completed by agent

CS 2/16/01

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5579  
WATER RIGHT NO(S). 35-02585B/35-07593B

RECEIVED

FEB 17 2000

Department of Water Resources  
Eastern Region

This is to certify that: J WARD JOHNSON  
246 HARTERT DR  
IDAHO FALLS ID 83404

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

| <u>BENEFICIAL USE</u>                                       | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL VOLUME</u> |
|-------------------------------------------------------------|----------------------|-----------------------|----------------------|
| Right No. 35-02585B :<br>STOCKWATER<br>Priority: 01/04/1960 | 01/01 to 12/31       | 0.86 CFS              | 222.4 AF             |
| Right No. 35-07593B :<br>STOCKWATER<br>Priority: 03/22/1976 | 01/01 to 12/31       | 0.23 CFS              | 97.2 AF              |
| TOTAL:                                                      |                      | 1.09 CFS              | * 268.0 AF           |

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 26, Township 02N, Range 36E  
BONNEVILLE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

02N 36E 26

NENW

SENE

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5579  
WATER RIGHT NO(S). 35-02585B/35-07593B

CONDITIONS OF APPROVAL AND REMARKS

3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- \* 4. Rights 35-02585B and 35-07593B when combined shall not exceed a total annual maximum diversion volume of 268.0 af.

Dated this 11<sup>th</sup> day of February, 2000.

  
Chief, Water Allocation Bureau

## MEMORANDUM

TO: Rights 35-02585 & 35-07593  
 FROM: Pam Skaggs/State Office *28*  
 SUBJECT: Transfer 5579  
 DATE: February 11, 2000

Transfer 5579 changes the point of diversion, place and nature of use under a portion of Rights 35-02585 and 35-07593, splitting each right into Parts A and B. The transfer also removes 5 acres from BLM land to remove an objection in the SRBA.

The applicant is converting 67 acres of irrigated land to a feed lot for 15,000 beef cattle. The water previously used for irrigation on these acres will be changed to stockwater use for the cattle. The proposed change in nature of use will result in a reduction of consumptive use. No expansion of use will occur through this transfer.

Expedited drilling permit 35-99-E-0131-000 was issued on 11-24-99 for this transfer. Season of use was adjusted to year round stockwater use, and diversion volume identified according to current standards. Recommended conditions include measuring and annual reporting, combined right limits and standard transfer conditions.

### Change in Nature of Use Evaluation

|                                    | Rate            | Acres                    | Div. Vol.          | C.U. Vol.        |
|------------------------------------|-----------------|--------------------------|--------------------|------------------|
| <b>35-02585</b>                    | <b>3.62 cfs</b> | <b>234.0</b>             | <b>(936.0 afa)</b> | <b>702.0 afa</b> |
| <b>Part A</b>                      | <b>2.76 cfs</b> | <b>178.4</b>             | <b>(713.6 afa)</b> | <b>535.2 afa</b> |
| <b>Part B</b>                      | <b>0.86 cfs</b> | <b>Stock (55.6)</b>      | <b>222.4 afa</b>   | <b>3.9 afa</b>   |
| <b>After</b>                       | <b>3.62 cfs</b> | <b>178.4</b>             | <b>936.0 afa</b>   | <b>539.1 afa</b> |
|                                    |                 |                          |                    |                  |
| <b>35-07593</b>                    | <b>0.97 cfs</b> | <b>258.0</b>             | <b>(409.8 afa)</b> | <b>409.8 afa</b> |
| <b>Part A</b>                      | <b>0.74 cfs</b> | <b>196.8</b>             | <b>(312.6 afa)</b> | <b>312.6 afa</b> |
| <b>Part B</b>                      | <b>0.23 cfs</b> | <b>Stock (61.2)</b>      | <b>97.2 afa</b>    | <b>1.1 afa</b>   |
| <b>After</b>                       | <b>0.97 cfs</b> | <b>196.8</b>             | <b>409.8 afa</b>   | <b>313.7 afa</b> |
|                                    |                 |                          |                    |                  |
| <b>*****</b>                       | <b>Combined</b> | <b>Right</b>             | <b>Limits</b>      | <b>*****</b>     |
| <b>35-02585 &amp;<br/>35-07593</b> | <b>4.59 cfs</b> | <b>282.0</b>             | <b>1128.0 afa</b>  | <b>846.0 afa</b> |
| <b>Part As</b>                     | <b>3.50cfs</b>  | <b>215.0</b>             | <b>860.0 afa</b>   | <b>645.0 afa</b> |
| <b>Part Bs</b>                     | <b>1.09 cfs</b> | <b>Stock (67.0)</b>      | <b>268.0 afa</b>   | <b>5.0 afa</b>   |
| <b>As &amp; Bs Total</b>           | <b>4.59 cfs</b> | <b>Stock &amp; 215.0</b> | <b>1128.0 afa</b>  | <b>650.0 afa</b> |

**Stage: LICENSE**

**BONNEVILLE County**

ME

**Pou County: BONNEVILLE**

**Other Rights: 35-02585**

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
35-02585 35-07593 X35-02585A

| Other Water Rights Listing Overlapping Place(s) of use: |           |          |                     |
|---------------------------------------------------------|-----------|----------|---------------------|
| 01-00372                                                | 01-02009B | 35-02585 | 35-07593 X35-02585A |

Conditions of Approval:  
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO  
SECTION 42-1425, IDAHO CODE.

Remarks: GEN

USE OF THIS RIGHT WITH RIGHT NO. 35-02585A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.50 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 860 AF.

USE OF THIS RIGHT WITH RIGHT NO. 35-02585A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 196.8 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHT NO. 35-02585A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

**Dates:**

|                 |                    |            |
|-----------------|--------------------|------------|
| App. Received:  | Priority Date:     | 03/22/1976 |
| Proof Due Date: | Proof Made Date:   |            |
| Exam Made Date: | Exam Sent to S.O.: |            |
| Licensed Date:  |                    |            |

### Misc:

**Water District Number:**

**Field Exam Fee:**

Comments:

Date: 11/02/1993 User-ID: TAYLOR Subject: COPIED FROM REMARKS  
The maximum combined rate of diversion under this right & Right  
35-2585 shall not exceed 4.59 cfs.

Date: 11/02/1993 User-ID: TAYLOR Subject: COPIED FROM REMARKS  
The maximum combined rate of diversion under this right & Right  
35-2585 shall not exceed 4.59 cfs.

Date: 02/26/1998 User-ID: AUJ10-DS Subject: CONDITION H02/H03 UPDATE  
CONDITION CODES H02 AND H03 ADDED IF NOT ALREADY PART OF RECORD.

Date: 05/12/1998 User-ID: AUJ21-DS Subject: AUJ21 CONDITION UPDATE  
DELETED CONDITION CODE(S) H02 H03

Date: 06/15/1998 User-ID: AUJ10-DS Subject: AUJ10 CONDITION UPDATE  
CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART  
OF RECORD THRU

Date: 02/19/1999 User-ID: AUJ21-DS Subject: AUJ21 CONDITION UPDATE  
DELETED CONDITION CODE(S) A07

Date: 02/11/2000 User-ID: PSKAGGS Subject: TRANSFER 5579  
Transfer 5579 changes the point of diversion, nature & place of  
use under a portion of Rights 35-02585 & 35-07593, splitting each  
right into Parts A & B.

Audit: 02/14/00 PSKAGGS