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OCT 26 2010

DEPARTMENT OF
WATER RESOURCES

phone 208-841-3017
fax 208-906-8043
john@jmarshalllaw.com

John Marshall Law PLLC

575 W Bannock, Suite B
Boise, ID 83702

October 25, 2010

Via US Mail:

Diana Delaney
253 3rd Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: Amended Notices of Claim — Subcases 63-00180 and 63-00181

Dear Ms. Delaney:

Pursuant to the Court's *Order Conditionally Granting Late Notice of Claim for Water Right Claims 63-00180 and 63-00181*, please find the enclosed Amended Notices of Claim for claims 63-180 and 63-181.

Sincerely,



Shannon Marshall

Enclosures

cc: Parties on Docket Sheet service list

(Internet)

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OCT 26 2010

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHT TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

63-180

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) EG Johnson Farms, Inc. Phone (208) 722-5013
Mailing Address 24007 - Hwy 20-26, Parma, ID Zip 83660
2. Date of Priority (only one (1) per claim) June 1, 1869
3. Source of water supply (a) Boise River
which is tributary to (b) Snake River
4. a. Location of existing point of diversion is: Township 5N Range 5W Section 25,
1/4 of 1/4 of SE 1/4, Govt. Lot, 9 B.M., County of Canyon
Additional points of diversion if any: T5N, R5W, S30 SW; right currently left in river for mitigation
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Right currently left in the river for mitigation of rights
63-4036A, 63-4036B, 63-28751 and 63-32394.

6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For Mitigation purposes from 3/1 to 11/15 amount 3.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.5 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is (not applicable) acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	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	
05N	05W	25	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
		36		✓															

Total number of acres irrigated _____

11. In which county(ies) are lands listed above as place of use located? Canyon County

12. Do you own the property listed above as place of use? Yes ✓ No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as describe above.

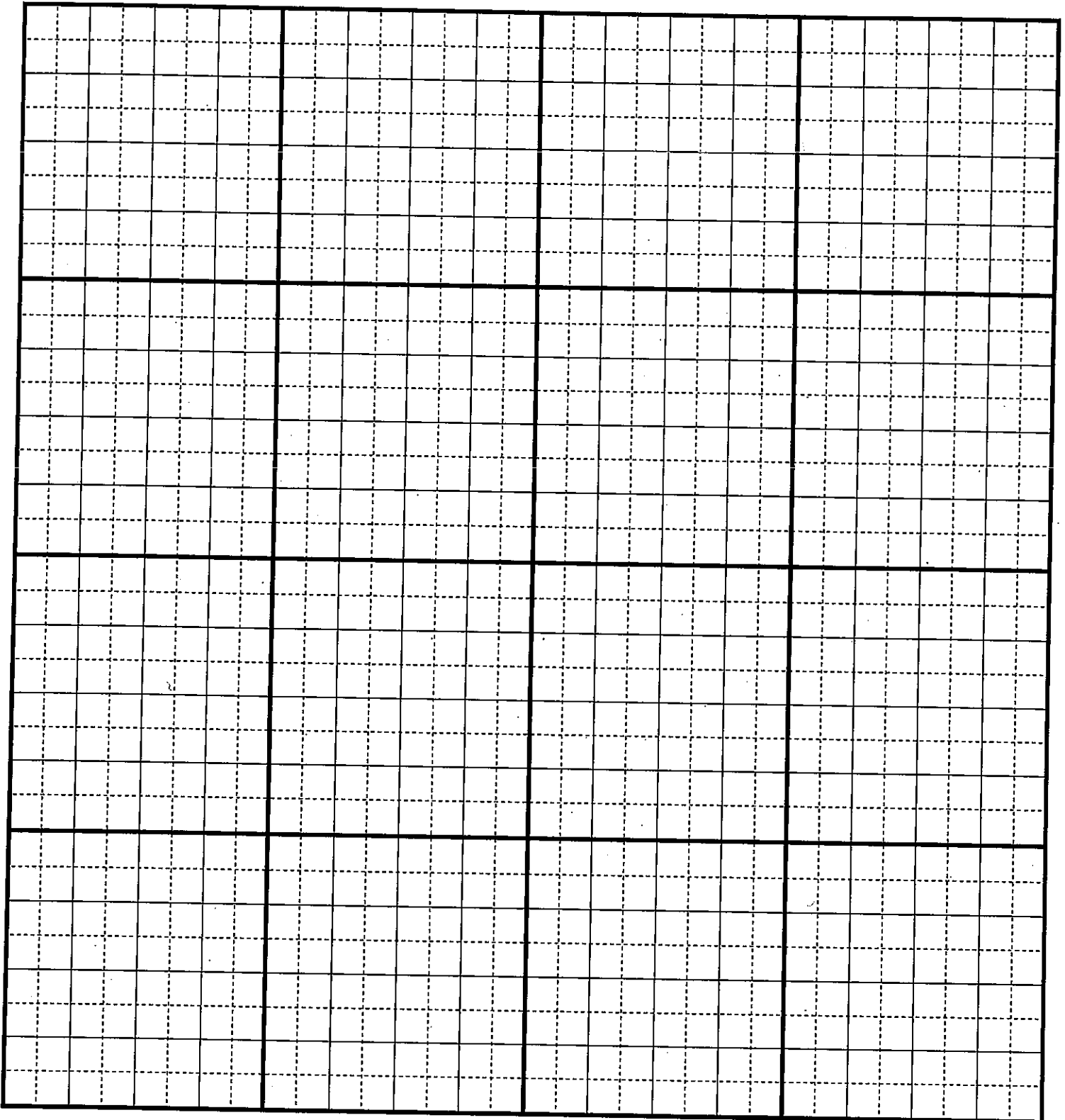
63-4036A, 63-4036B, 63-28751 and 63-32394 or None ()

14. Remarks:

1. This right includes a change in the purpose of use pursuant to I.C. § 42-1425 from irrigation to mitigation. This right mitigates the irrigation authorized under 63-4036A, 63-4036B, 63-28751 and 63-32394.

Last Name EG Johnson Farms, Inc. Ident. Number 63-180

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.
Scale: 2 inches equals 1 mile **Please see attached.**



Last Name EG Johnson Farms, Inc. Ident. Number 63-180

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒

If applicable provide IDWR Water Right Number 63-180

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Signature of Claimant(s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Jeff Johnson
Title _____

of EG Johnson Farms, Inc., that I have signed the foregoing
Organization _____

document in the space below as Director of EG Johnson Farms, Inc.
Title _____ Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Director, EG Johnson Farms, Inc. Date 10/25/10

State of Idaho/or _____)
_____) SS.

County of CANYON)

Subscribed and sworn (or affirmed) before me this

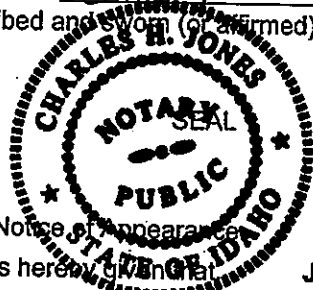
25 day of OCTOBER 2010

Notary Public

Residing at

My Commission Expires

31-JAN 2012



17. Notice of Appearance Please Print Name

Notice is hereby given that John M. Marshall will be acting as attorneys at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to us at the address listed below.

Signature

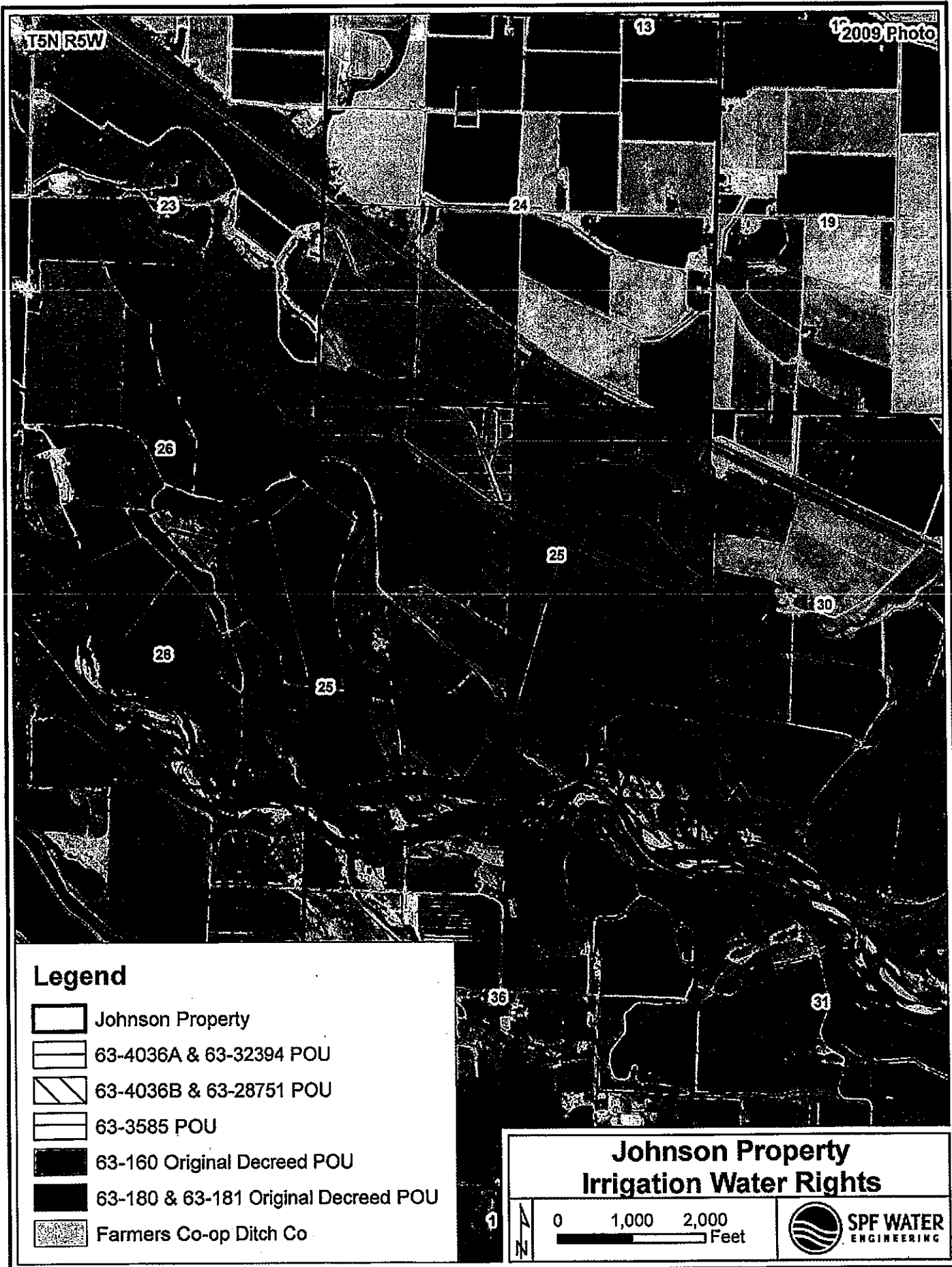
John M. Marshall, John Marshall Law PLLC

Address 575 W Bannock St, Boise, ID 83702

Telephone 208-991-2701

Date _____

Last Name EG Johnson Farms, Inc. Ident. Number 63-180



CERTIFICATE OF MAILING

I certify that on October 25 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies postage prepaid and addressed as follows:

1. Original to:

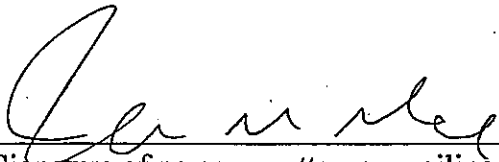
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

(Internet)

RECEIVED

OCT 26 2010

DEPARTMENT OF
WATER RESOURCESIN 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 RIGHT TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

63-181**AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant(s) EG Johnson Farms, Inc. Phone (208) 722-5013
Mailing Address 24007 - Hwy 20-26, Parma, ID Zip 83660
2. Date of Priority (only one (1) per claim) June 1, 1874
3. Source of water supply (a) Boise River
which is tributary to (b) Snake River
4. a. Location of existing point of diversion is: Township 5N Range 5W Section 25,
1/4 of 1/4 of SE 1/4, Govt. Lot, 9 B.M., County of Canyon
Additional points of diversion if any: T5N, R5W, S30 SW; Right currently left in river for mitigation
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____
1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
Including the dates of any changes or enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Right currently left in the river for mitigation of rights
63-4036A, 63-4036B, 63-28751 and 63-32394.

6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For Mitigation purposes from 3/1 to 11/15 amount 2.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.2 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is (not applicable) acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number Of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	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	
05N	05W	25	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
		36		✓															

Total number of acres irrigated _____

11. In which county(ies) are lands listed above as place of use located? Canyon County

12. Do you own the property listed above as place of use? Yes ✓ No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as describe above.

63-4036A, 63-4036B, 63-28751 and 63-32394

or None ()

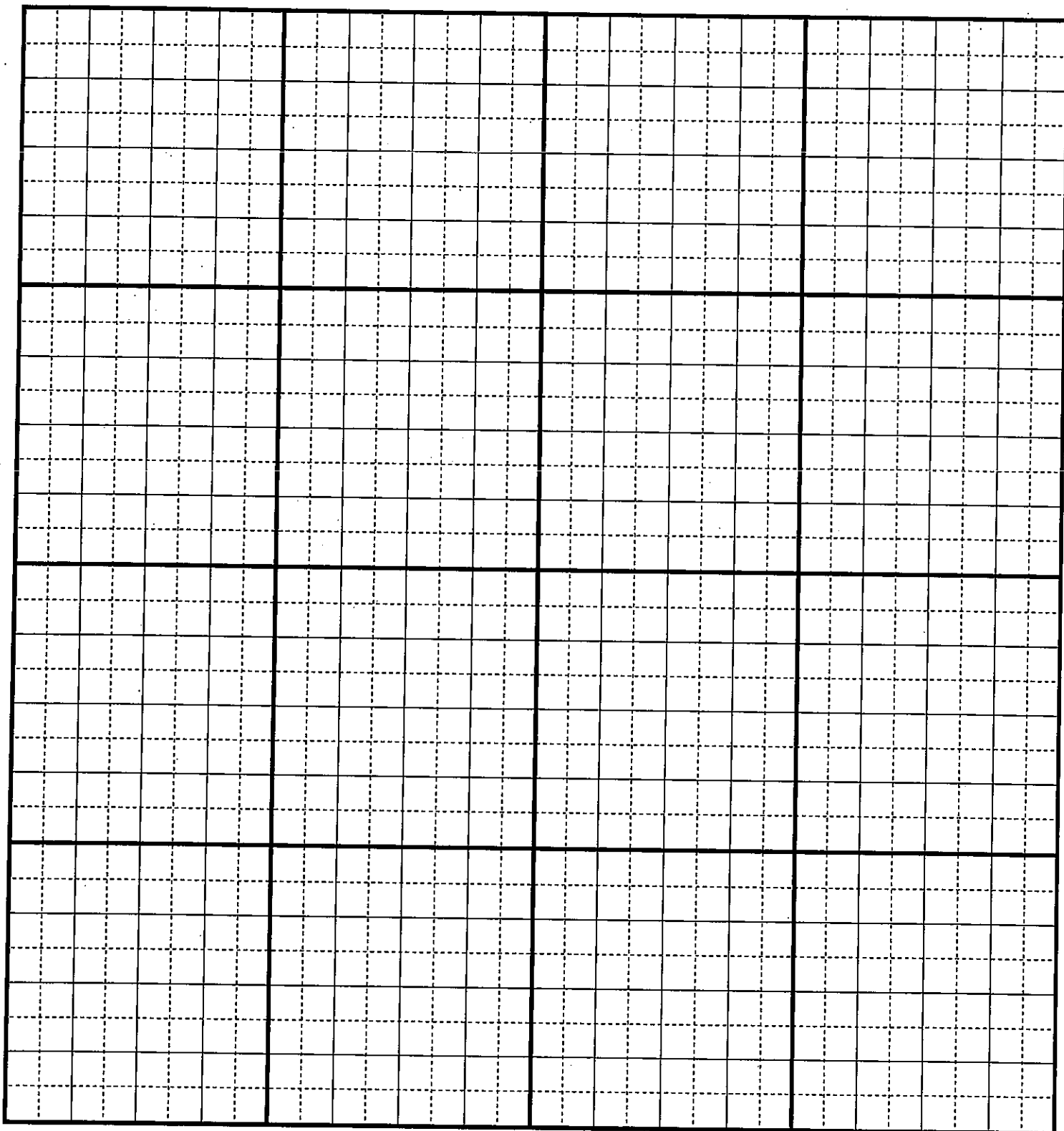
14. Remarks:

1. This right includes a change in the purpose of use pursuant to I.C. § 42-1425 from irrigation to mitigation. This right mitigates the irrigation authorized under 63-4036A, 63-4036B, 63-28751 and 63-32394.

Last Name EG Johnson Farms, Inc.

Ident. Number 63-181

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.
Scale: 2 inches equals 1 mile **Please see attached.**



Last Name EG Johnson Farms, Inc. Ident. Number 63-181

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒

If applicable provide IDWR Water Right Number 63-181

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Signature of Claimant(s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Jeff Johnson Title _____

of EG Johnson Farms, Inc. Organization _____, that I have signed the foregoing

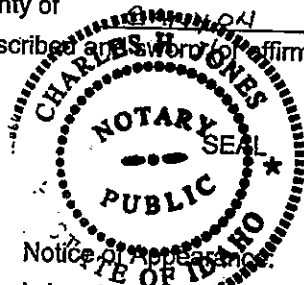
document in the space below as Director Title _____ of EG Johnson Farms, Inc. Organization _____

and that the statements contained in the foregoing document are true and correct

Signature of Authorized Agent _____
Title and Organization Director, EG Johnson Farms, Inc. Date 10-25-10

State of Idaho/or _____)
_____) SS.

County of _____)
Subscribed and sworn to (affirmed) before me this 25 day of OCTOBER 2010



Notary Public _____

Residing at Meridian, Idaho

My Commission Expires 31-Jan-12

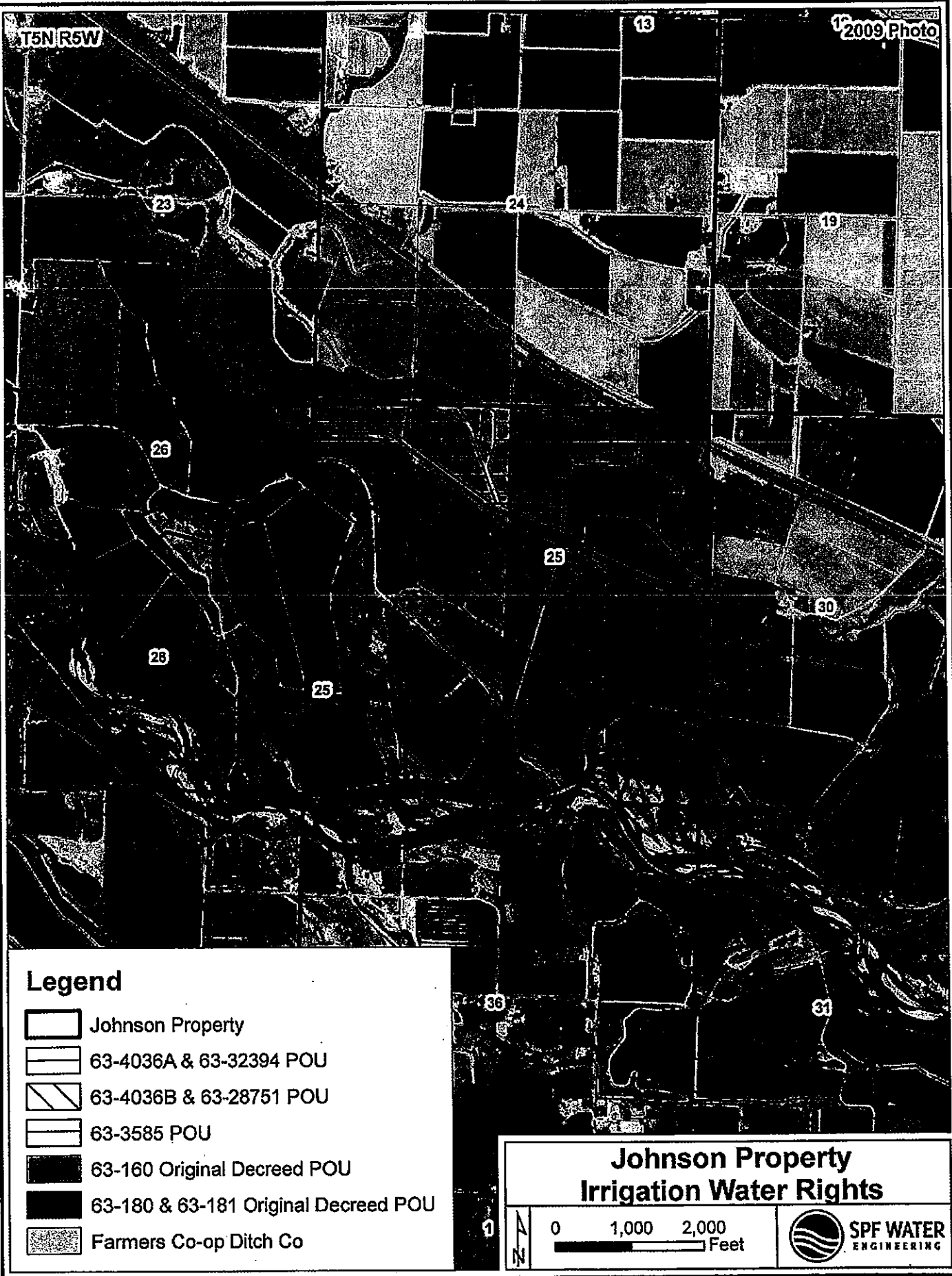
17. Notice of Appearance
Notice is hereby given that, John M. Marshall Please Print Name
_____ will be acting as attorneys at law on
behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing
above should be mailed to us at the address listed below.

Signature _____
Address John M. Marshall, John Marshall Law PLLC
575 W Bannock St, Boise, ID 83702
Telephone 208-991-2701
Date _____

Last Name EG Johnson Farms, Inc. Ident. Number 63-181

T5N R5W

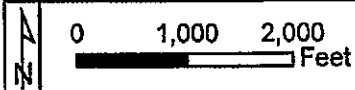
2009 Photo



Legend

-  Johnson Property
-  63-4036A & 63-32394 POU
-  63-4036B & 63-28751 POU
-  63-3585 POU
-  63-160 Original Decreed POU
-  63-180 & 63-181 Original Decreed POU
-  Farmers Co-op Ditch Co

Johnson Property Irrigation Water Rights



CERTIFICATE OF MAILING

I certify that on October 25 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies postage prepaid and addressed as follows:

1. Original to:

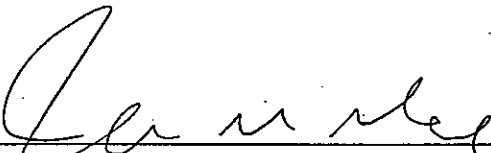
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form