

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: A63-08973
Date Received: 1/18/1990
Receipt No: W007716
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JANE JOHNSTON 208-722-6224
Address: 22410 TEN DAVIS RD.
PARMA, ID 83660
OR
Name: TOM M. JOHNSTON 208-722-6224
Address: 22410 TEN DAVIS RD.
PARMA, ID 83660

2. Date of Priority: JUN 30, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	04W	20	NE	NE			CANYON

5. Description of diverting works:
WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.640		148.50

7. Total Quantity Appropriated is:
0.640 C.F.S. (and/or) 148.50 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A63-08973

Page 1

Date: 01/18/90

MICROFILMED
AUG 24 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	04W	20	SW	NE		IRR	33.0
Section Acres							33.0
Total Acres							33.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

LIC. NO. 63-08697-SAME WELL, DIFF. ACRES & FARMERS COOP.

14. Remarks:

15. Basis of Claim: LICENSE

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: 0

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): [Signature] Date: 1-18-90

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of January 19 90

Seal

[Signature]
Notary Public

Residing at Mendocino ID

My Commission Expires 9-14-94

09/29/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63-8973

TOM M JOHNSTON
22410 TEN DAVIS RD
PARMA ID 83660
Telephone Number: (208)722-6224

JANE JOHNSTON
22410 TEN DAVIS RD
PARMA ID 83660
Telephone Number: (208)722-6224

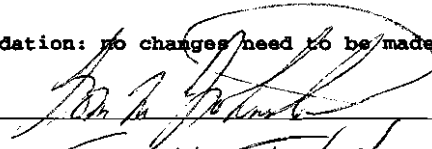
RECEIVED

OCT 23 2006

WATER RESOURCES
WESTERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: ~~no changes need to be made.~~

DATE: 9-30-06 SIGNATURE: 
Please print your name: Tom M Johnston

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

08/21/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-8973

NAME AND ADDRESS: TOM M JOHNSTON
22410 TEN DAVIS RD
PARMA ID 83660

JANE JOHNSTON
22410 TEN DAVIS RD
PARMA ID 83660

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.640 CFS
148.500 AFY

PRIORITY DATE: 06/30/1977

POINT OF DIVERSION:

T05N R04W S20 NENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

0.640 CFS

148.50 AFY

The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within CANYON County

T05N R04W S20 SWNE 33.00

33 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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Farmers Cooperative Irrigation Co., Ltd.



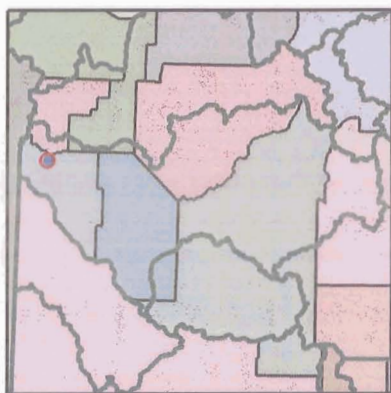
Idaho Department of Water Resources

SRBA Recommendation:

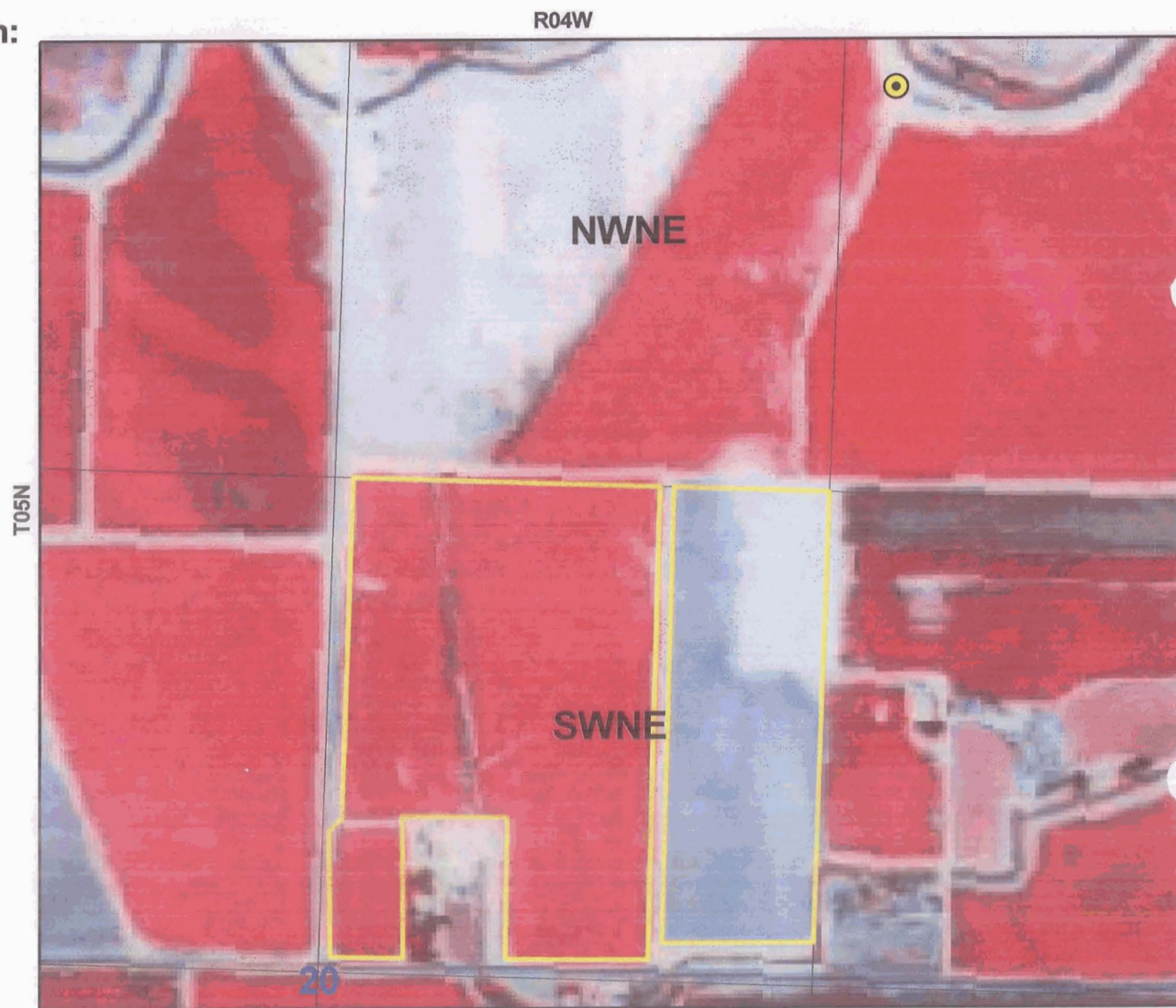
63-8973

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County
IDWR Basin 63



0 0.2 0.4 Miles

Prepared by S. Egbert
On Monday, August 21, 2006
1987/88 Aerial Photography

5/1/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page1

[illegible]

5/1/2006

Idaho Dept. of Water Resources Place of Use Comparison Report

Page2

[illegible]

Idaho Dept. of Water Resources Place of Use Comparison Report

Right	63 27874	MELVIN GOODSON,	GROUND WATER	05N04W20							X									0
Right	63 28039	LEROY S DUBORKO, LINDA R JENKINS,	GROUND WATER	05N04W20		X														0
Right	63 29990	PLEASANT BOUNDARIES,	GROUND WATER	05N04W20													X			0
Right	63 8669	MILDRED BROWN, THOMAS J BROWN,	GROUND WATER	05N04W20					34	34		35								103
Right	63 8697	LLOYD C COLLARD,	GROUND WATER	05N04W20	10	27														37
Right	63 8973	JANE JOHNSTON, TOM M JOHNSTON,	GROUND WATER	05N04W20			33													33
Rec	65 2433	UNITED STATES OF AMERICA ACTING THROUGH,	PAYETTE RIVER	05N04W20	X	X	X		X	X	X	X						X	X	0
Claim	63 4833	LINDA J STEPHENS, ROBERT K STEPHENS,	SAND HOLLOW CREEK	05N04W20										2			21	33	21	77
Rec	63 4833	LINDA J STEPHENS, ROBERT K STEPHENS,	SAND HOLLOW CREEK	05N04W20										2			21	33	21	77
Right	63 4833	ROBERT K STEPHENS, LINDA J STEPHENS,	SAND HOLLOW CREEK	05N04W20										2			21	33	21	77
Claim	63 4851	FARMERS COOPERATIVE DITCH CO,	SAND HOLLOW DRAIN	05N04W20	38	38	40	38	29	24	40	40	40	40	40	40	40	25	26	498
Rec	63 4851	FARMERS COOPERATIVE DITCH CO,	SAND HOLLOW DRAIN	05N04W20	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Claim	65 2900	BLACK CANYON IRRIGATION DIST,	TUNNEL NO 2 DRAIN	05N04W20	X	X			X	X										0
Rec	65 2900	BLACK CANYON IRRIGATION DIST,	TUNNEL NO 2 DRAIN	05N04W20	X	X	X		X	X	X	X							X	0

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. [REDACTED]

Priority: June 30, 1977 Amount: .64 CFS 148.5 AF

This is to certify, that TOM M. JOHNSTON
JANE JOHNSTON

RT. 1 BOX 1075
PARMA, ID 83660

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated June 30, 1977, and has submitted proof to the Department of Water Resources on July 13, 1982, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.36 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 to 11/15	.64 cfs	148.5 af

LOCATION OF POINT OF DIVERSION(S): NENE , Sec. 20, Township 5N, Range 4W
Canyon County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
5N	4W	20	SWNE 33				33

Total number of acres irrigated: 33

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 27th day of January 1987.

Microfilm

JAN 30 1987

Acting for the

Director

[Signature]

Identification No. _____

Application No. 63-8973

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant DON G. &/or BETTY M. JOHNSTON Phone: 722-6285
post office address Route 1 Parma, ID
2. Source of water supply groundwater which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20 Township 5N
Range 4W B.M. Canyon County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.80 for irrigation purpose from 3-15 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.80 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
well and pump (turbine)

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 12 inches; proposed depth of well is 150 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ _____.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

● 40

[illegible]

Total number of acres to be irrigated 40

c. Describe any other water rights used for the same purposes as described above.

Farmer's Coop Ditch

9. a. Who owns the property at the point of diversion Lloyd C. Collard

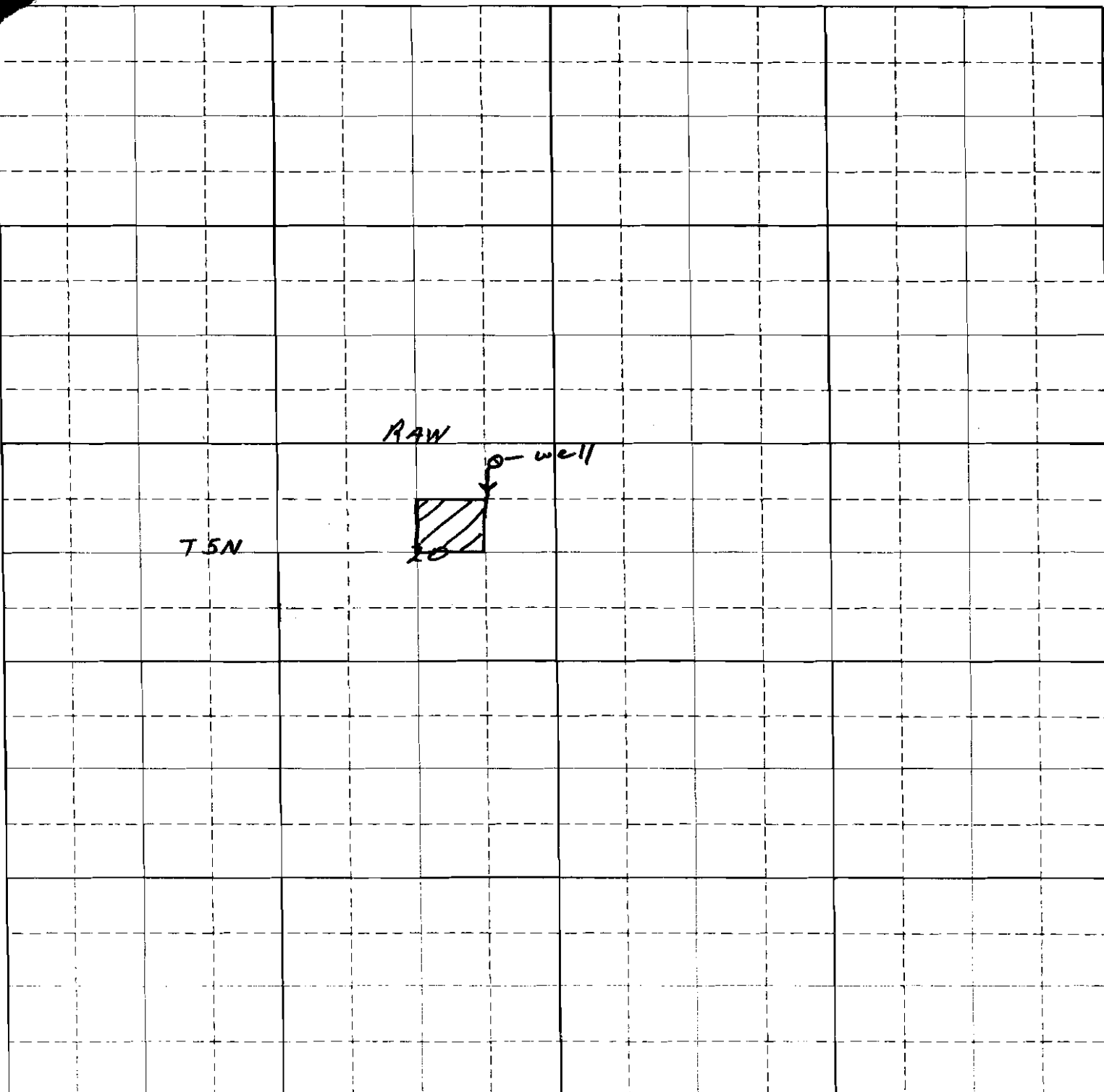
b. Who owns the land to be irrigated or place of use _____ Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.

Mr. Collard has granted an easement to the applicant subject to a yearly renewal].

10. Remarks

Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

+ Don L. Johnston
(Applicant)

Proposed Priority 6/30/77

Received by chs Date 6/30/77 Time 3:30

Preliminary check by EB Fee \$ 25.00

Receipted by if Date 6-30-77 # 8116

Publication prepared by if Date 7-7-77

Published in Idaho Tribune

Publication dates July 14 & 21

Publication approved if Date 7-29-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by if

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 63-8973, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

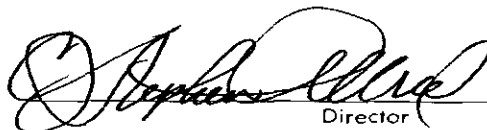
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 82.

c. Other: The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

2. Denial of said application is for the following reasons: _____

Witness my hand this 30 day of August, 19 77.


Director

JAN 26 1986

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

Department of Water Resources

63-86973

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:	10/2/82	JP	N/A
☐ Telephone call made (List Telephone No. used)	7/18/83 722-6285	JG	
☐ Appointment scheduled for: (Date, time, location)	7/20/83	JG	10:00 - 2 MI. W. NOTUS ON LON DAVIS RD. - 1 ST HOUSE ON RIGHT.

EXAMINATION

Date 7/20/83 Accompanied by DON JOHNSTON Total Q measured 1.36 CFS ✓
 Source G.W. Tributary to _____ Supp. annubar measurement sheet used? YES
 If source is surface water, estimate total flow of source _____
 Methods of measurement ANNUBAR # EAGLE EYE METER #091476 Meets permit requirements? YES

Measurement calculations:

SEE ATTACHED ANNUBAR SHEET FOR CFS CALCULATION

ALLOW 0.64 CFS - SEE REMARKS.

33 AC X 4.5 = 148.5 ✓ 1.98 X 245 X .64 = 310.5

WELL/DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	40	AMARILLO	SL40A	PEERLESS	233773	ANNUBAR	A-OK	

System Description PUMP & MOTOR W/6" PIPELINE INTO CEMENT CATCH BASIN. TWO OUTLETS ALLOW WATER TO FLOW INTO 63-8697'S SYSTEM & INTO THIS SYSTEM. LAND IS THEN IRRIGATED VIA SYPHON TUBES & GRAVITY FLOW.

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

IRRIGATION - 33 AC ✓

MICROFILMED

JAN 30 1987

Total

Irrigation requirement = 4.5 ✓ AFA/Acre

Q (cfs)

V (afa)

FROM

TO

~~6.64~~

148.5 ✓

3/15 ✓

11/15 ✓

~~0.66~~
0.64 cfs~~0.66~~
0.64 cfs

148.5 ✓

Remarks THIS WELL SERVES BOTH THIS PERMIT & PERMIT NO. 63-8697. 63-8697 IS FOR 37 AC MAKING THE TOTAL ACREAGE IRRIGATED FROM THIS WELL AT 70 ACRES. THE PROPORTIONATE AMOUNT ALLOWABLE PER ACRE WITH A 1.36 CFS TOTAL IS 0.0194 CFS. 0.0194 X 33 = 0.64 CFS FOR THIS PERMIT & 0.0194 X 37 = 0.72 CFS FOR 63-8697.

MAP (Attach Aerial Photo)

SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NE 1/4 NE 1/4, SEC. 20, TWP. 5N, RGE. 4W, B.M.

Place(s) of Use ✓

TWP.	RGE.	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	
5N	4W	20			33														33
																			33

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☒ None
☐ Other

Examiner's Signature Jan Green
 Checked by GLS
 Approved by Ray Walker

Date 10/19/83
 Date 1/15/86
 Date 10-7-86

RECORDED

JAN 30 1987

Overlap Review - Permit 63-8973

per VAX:

p/d - 63-8697 - same system -
also being licensed

p/u - 63-2878 - Wilson & Elijah Drain
Recommend R32

System as used:

70 acres / 1.36 cfs = 0.019 cfs/ac

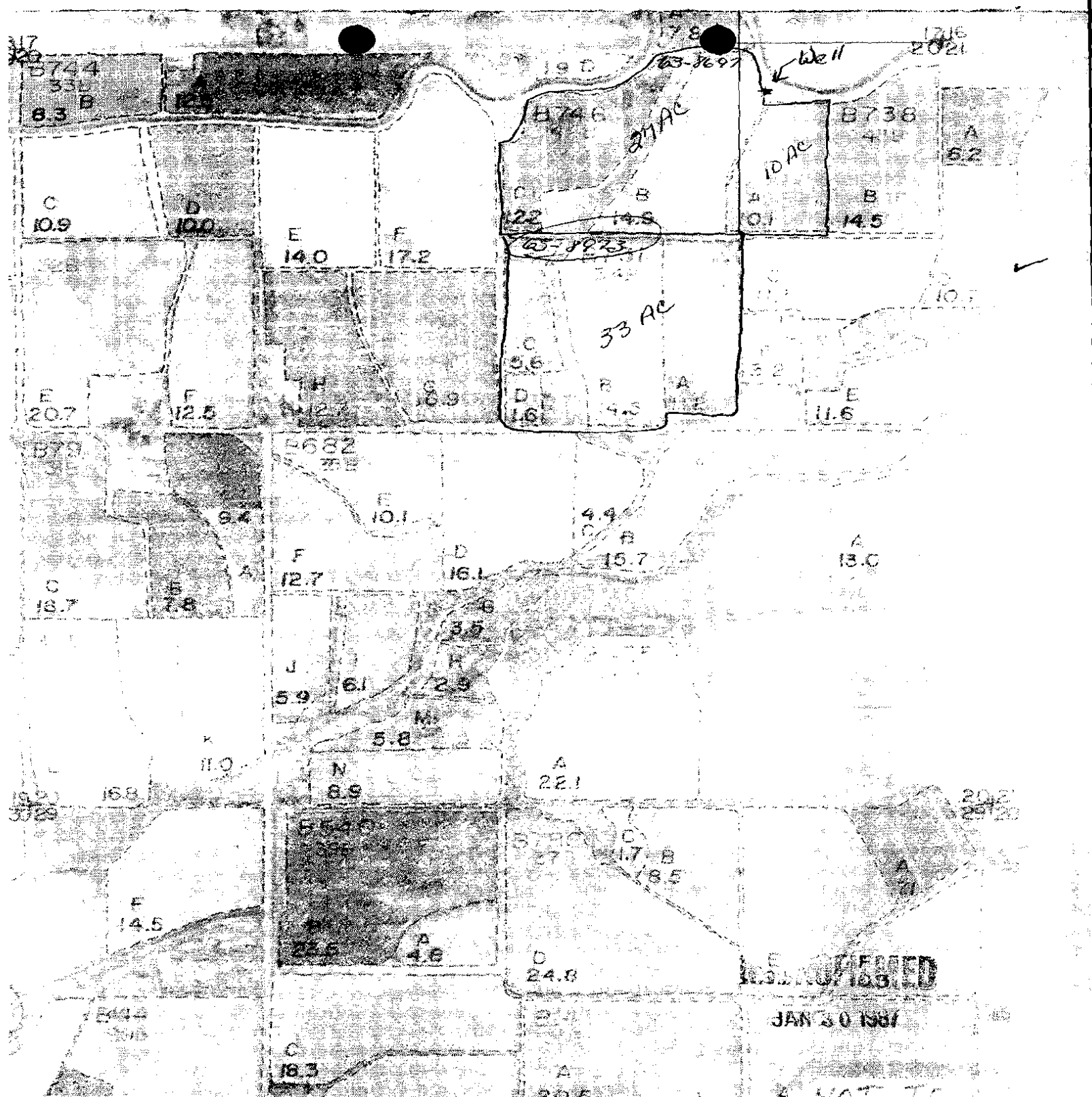
33 ac. $\times$ 0.019 = 0.62 ALLOW 0.64 cfs

Right 63-8697 0.72 cfs
Will not exceed Capacity = 1.36 cfs

kw

MICROFILMED

JAN 30 1987



RECEIVED

JAN 30 1987

UNIT 7