

DATE: 12/08/97
PAGE: 1

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

AJ0749NP
No. R57-11513

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/08/97
PAGE: 2

Comments: Date: 09/27/1996 User-ID: KWALKER Subject: COPIED FROM REMARKS
THE DESCRIPTION OF PLACE OS USE ABOVE (#10) IS A DESCRIPTION OF
THE LAND THE JOHNSONS IRRIGATE PURSUANT TO WATER RIGHTS NOS.
57-00003 & 57-00004. THE RESERVOIR IN WHICH THEY STORE THIS
WATER AND FROM WHICH THEY IRRIGATE IS LOCATED ON PROPERTY OWNED
BY A THIRD PARTY (SE 1/4, SW 1/4, TWP 3N R1G 6W, SEC 11). THE
JOHNSONS HAVE AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF
THE RESERVOIR, DAM & DITCHES LOCATED AT 3N, 6W, SEC 11 LISTED
ABOVE IN NO. 10.
ATTACHMENTS:
JUDGEMENT, JOHNSON V. EVANS
GRANT OF EASEMENT

Audit: 12/08/97 KWALKER

STAFF TIME LOG

LATE CLAIMS

Claim No(s). A57-11513

[illegible]

Remarks: EXP

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 57-00003 & 57-00004
STOCKWATER, 31 RANGE CATTLE

Dates:

Exam Made Date: 09/05/1996

Verified Date:

Objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments:

Date: 09/27/1996 User-ID: KWALKER Subject: COPIED FROM REMARKS
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ATTACHMENTS:

JUDGEMENT, JOHNSON V. EVANS
GRANT OF EASEMENT

Audit:

09/27/96 KWALKER

CLAIM NUMBER: A57-11513

9905
NOV 1996

Stage: BENEFICIAL USE
OWYHEE County ✓

Tributary to: SES ✓

T03N R06W S11 ✓ SF SESH

IRRIGATION STORAGE

ES

SM

ES

~~57~~
~~57~~

POU County: Owyhee

Other Rights: 57-00003, 57-00004

Remarks: GEN

to comment

**JUDGEMENT, JOHNSON V. EVANS
GRANT OF EASEMENT**

EXP. 24

con E24:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:28:15
09/05/96

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A57-11513

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:28:15
09/05/96

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-11513

LAST: JOHNSON
ADDRESS: RT 2 BOX 90
CITY: HOMEDALE
PHONE NUMBER: 208-337-4128

FIRST: ERNEST C
STATE: ID ZIP: 83628

OWNER CODE: C

LAST: JOHNSON
ADDRESS: RT 2 BOX 90
CITY: HOMEDALE
PHONE NUMBER: 208-337-4128

FIRST: BETTE J
STATE: ID ZIP: 83628

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

FIELD
EXAMINER
Y(✓) N()

DATABASE
Y

B/U claim

CLAIM REMARKS: GEN

THE DESCRIPTION OF PLACE ~~BE~~ USE ABOVE (#10) IS A DESCRIPTION OF
THE LAND THE JOHNSONS IRRIGATE PURSUANT TO WATER RIGHTS NOS.
57-00003 & 57-00004. THE RESERVOIR IN WHICH THEY STORE THIS
WATER AND FROM WHICH THEY IRRIGATE IS LOCATED ON PROPERTY OWNED
BY A THIRD PARTY (SE 1/4, SW 1/4, TWP 3N RING 6W, SEC 11). THE
JOHNSONS HAVE AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF
THE RESERVOIR, DAM & DITCHES LOCATED AT 3N, 6W, SEC 11 LISTED
ABOVE IN NO. 10.

ATTACHMENTS:

JUDGEMENT, JOHNSON V. EVANS
GRANT OF EASEMENT

CONTACT PERSON: _____

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 9/5/96

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: Betty Johnson

PHONE NUMBER: () 337-4128

RELATIONSHIP TO CLAIMANT: Same

DIRECTIONS TO PROPERTY / NOTES:

Hwy 19 towards Adrian, Oregon - 2 miles past
Ore-Ida (on left) to Smith Slide Rd. turn left
Go to Sage Rd. 1/2 mile to 1 lane bridge
turn right 1/8 mile in - white gates

A. AJ CLAIM: # A57-11513 PRIORITY DATE: 05-10-1960 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

NOTES:

Judgement & Decree issued 5-9-1960 - Grant of Easement to construct & maintain dam & reservoir (already in existence when grant was issued) on 3-6-1952. - see these documents below claim.

RECOMMENDED PRIORITY DATE:

5-10-1960

REVIEWED BY

PCW

DATE

9-26-96

see notes below PCW 2/2/1997

Y() N()

Y() N()

Y() N()

N/A() Y() N()

N/A() Y() N()

N/A() Y() N()

N/A() Y() N()

N/A() Y() N()

Y() N()

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	DIVERSION NAME	DIVERSION NUMBER
A57-11513	03N	06W	11	SE	SW			OWYHEE		
OTHER AJ CLAIMS WITH SAME AJ POD										
A PREFIX										
R PREFIX										
A57-00003										57-00003
A57-00004										57-00004

SOURCE: UNNAMED STREAM

TRIB: SUCCOR CREEK

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM)

AJ FIELD EXAM

(DATE OF FIELD EXAM)

NAME OF EXAMINER

OTHER (DESCRIBE IN NOTES BELOW)

9-5916
Layla Walker & Maria Minicucci

F06

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (_____)

TWP.	RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	POD	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
03N	06W	11								OWYHEE		
3N	6W	11	SE	SE	SE	SW				OWYHEE		
SOURCE: unnamed stream										TRIB: Succor Ck.		

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

Reservoir (410' x 189' x 10' deep) impounds water, diverted into 2 ditches which delivers water to place of use.

A. ROOT WATER RIGHT NUMBERS: A57-11513

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
03N	06W	11	SE	SE	1	JOHNSON, ERNEST C	A57-11513 /	- /	42.0		
			SE	SE		FERGUSON, JIM	A57-10649 /	- /			
			SE	SE		FERGUSON, JIM	57-10649 /	- /			
03N	06W	14	NW	NE		JOHNSON, ERNEST C	A57-11513 / 30.0	- /	39.0		
			NW	NE		JOHNSON, ERNEST C	57-00004 / 26.0	- /			
			NW	NE		JOHNSON, ERNEST C	A57-00003 / 30.0	57-00003 / 30.0			
			NW	NE		JOHNSON, ERNEST C	57-00003 / 26.0	- /			
			NW	NE		JOHNSON, ERNEST C	57-07271 / 9.0	57-07271 / 9.0			
			NW	NE		SUCCOR CREEK WATER CONTROL DIS	57-07571 /	57-07571 /			
03N	06W	14	NE	NW		JOHNSON, ERNEST C	A57-11513 / 37.0	- /	37.0		
			NE	NW		JOHNSON, ERNEST C	57-00004 / 24.0	57-00004 / 22.0			
			NE	NW		JOHNSON, ERNEST C	A57-07271 / 30.0	57-07271 / 24.0			
			NE	NW		JOHNSON, ERNEST C	57-07271 / 24.0	- /			
			NE	NW		JOHNSON, ERNEST C	A57-00004 / 22.0	- /			
			NE	NW		JOHNSON, ERNEST C	A57-00003 / 15.0	57-00003 / 15.0			
			NE	NW		JOHNSON, ERNEST C	57-00003 / 24.0	- /			
			NE	NW		SUCCOR CREEK WATER CONTROL DIS	57-07571 /	57-07571 /			
03N	06W	14	NW	NW	1	JOHNSON, ERNEST C	A57-11513 / 13.0	- /	10.0		
			NW	NW		JOHNSON, ERNEST C	A57-00004 / 13.0	57-00004 / 13.0			
			NW	NW		JOHNSON, ERNEST C	A57-10037 /	- /			
			NW	NW		JOHNSON, ERNEST C	57-10037 /	- /			
			NW	NW	1	JOHNSON, ERNEST C	57-00004 / 7.0	- /			
			NW	NW	1	JOHNSON, ERNEST C	A57-07271 / 10.0	57-07271 / 7.0			
			NW	NW	1	JOHNSON, ERNEST C	57-07271 / 7.0	- /			
			NW	NW	1	JOHNSON, ERNEST C	57-00003 / 7.0	- /			
			NW	NW		SUCCOR CREEK WATER CONTROL DIS	57-07571 /	57-07571 /			

ADDITIONAL POU FOUND

TOTAL ACRES A57-11513

80.00

128.00

POU COUNTY: OMYHEE

57/57

no overlapping rights in SE SW 26 24

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-11513	UNNAMED STREAM	JOHNSON, ERNEST C				
A57-00003	UNNAMED STREAM	JOHNSON, ERNEST C	0.900	0.020	15.00	0.18
57-00003	UNNAMED STREAM	JOHNSON, ERNEST C	0.900	0.015		
57-00004	UNNAMED STREAM	JOHNSON, ERNEST C	0.240	0.004		
A57-00004	UNNAMED STREAM	JOHNSON, ERNEST C	0.700	0.020		
A57-07271	SUCCOR CREEK	JOHNSON, ERNEST C	0.800	0.020	180.00	4.50
57-07271	SUCCOR CREEK	JOHNSON, ERNEST C	0.800	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A57-11513	STOCKWATER STORAGE	JOHNSON, ERNEST C	FROM 01-01 TO 12-31		15.00 AF/A
A57-11513	STOCKWATER FROM STORAGE	JOHNSON, ERNEST C	FROM 01-01 TO 12-31		15.00 AF/A
A57-10649	DOMESTIC	FERGUSON, JIM	FROM 01-01 TO 12-31	0.040 CFS	
A57-10649	STOCKWATER	FERGUSON, JIM	FROM 01-01 TO 12-31	0.020 CFS	
57-10649	DOMESTIC	FERGUSON, JIM	FROM 01-01 TO 12-31	0.040 CFS	
57-10649	STOCKWATER	FERGUSON, JIM	FROM 01-01 TO 12-31	0.020 CFS	
A57-10037	DOMESTIC	JOHNSON, ERNEST C	FROM 01-01 TO 12-31	0.040 CFS	
57-10037	DOMESTIC	JOHNSON, ERNEST C	FROM 01-01 TO 12-31	0.040 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 57-00003, 57-00004

← decreed rights
same source

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☒) Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A(☒) Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: ☒ ORTHOPHOTOQUAD, IDWR NO. X52; ☒ TOPOGRAPHIC QUAD, IDWR NO. X52-1967;

☒ NAPP, IDWR NO. X52 NE; ☒ ASCS PHOTO; () OTHER _____

NOTES:

Change verified during exam in
1991 in 57-00003 & 57-00004. Also used
ASCS photo & NAPP.

RECOMMENDATIONS:

TOTAL ACRES: 57 N/A()

REVIEWED BY: KW DATE: 9-26-96

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A57-11513 IRRIGATION STORAGE	FROM 01-01 TO 12-31		15.00 AF/A
A57-11513 IRRIGATION FROM STORAGE	FROM 03-15 TO 11-15		15.00 AF/A
A57-11513 STOCKWATER STORAGE	FROM 01-01 TO 12-31		15.00 AF/A
A57-11513 STOCKWATER FROM STORAGE	FROM 01-01 TO 12-31		15.00 AF/A
TOTAL DIVERSION RATE/VOLUME			15.00 AF/A

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?			Y(✓) N()
D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?		N/A(✓) Y() N()	
* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.			
E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?			Y(✓) N()
F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?			Y(✓) N()
G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?			Y(✓) N()
* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.			
H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?		N/A(✓) Y() N()	
* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.			
I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?		N/A(✓) Y() N()	
J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?		N/A(✓) Y() N()	
* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.			
K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?		N/A(✓) Y() N()	

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS
A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(✓) Y() N()
B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A(✓) Y() N()
* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.
C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(✓)
* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.
D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N(✓)

E. FLOW MEASUREMENT

MEASUREMENT METHOD N/A - see next page, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES x 0.02 CFS/ACRE = CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = 15.00 AF/A
ACRES x DIVERSION VOL. AF/A FOR AREA =
storage reservoir

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 57 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =

TOTAL CONSUMPTIVE USE 199.5 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

3.5 CON
D
4.5 FH

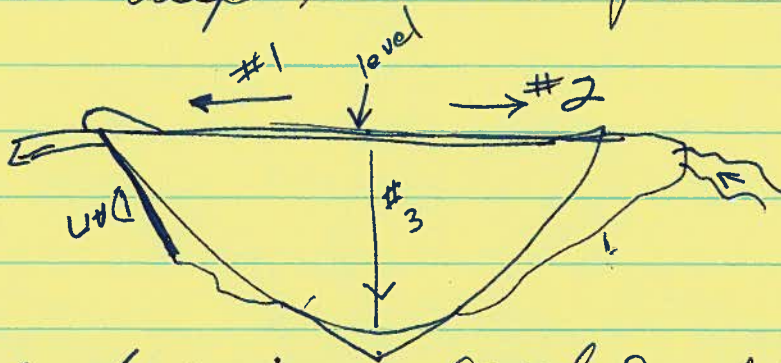
NOTES:

Sub measured size of Reservoir -
See next sheet, for measurements.
(12A)

pg. 12A

9-5-96

10' deep per Mrs. Johnson



$$\begin{array}{r} 410 \\ 190 \\ \hline 36900 \\ 410 \\ \hline 77900 \text{ ft}^2 \end{array}$$

Measured using level & rod -

$$\begin{array}{r} \#1 \text{ top } 13.65 \\ \text{bottom } 11.98 \\ \hline 1.67 \text{ feet} \times 100 = 167' \checkmark \end{array}$$

$$\begin{array}{r} \#2 \text{ top } 13.56 \\ \text{bottom } 11.13 \\ \hline 2.43 \text{ feet} \times 100 = 243' \checkmark \end{array} \quad 167' + 243' = 410' \checkmark$$

$$\begin{array}{r} \#3 \text{ Top } 13.14 \\ 11.25 \\ \hline 1.89 \times 100 = 189' \checkmark \end{array}$$

Surface Area =

$$\frac{1}{2} W \times L =$$

$$205' \times 189' = \frac{38745}{43560} = 0.889 \text{ Acres}$$

$$\begin{array}{l} \text{Capacity} = 0.889 \text{ ac} \times 10' \times 0.4 = 8.49 \text{ AF} \\ \text{or } = 0.889 \text{ ac} \times 10' = 8.89 \text{ AF} \end{array}$$

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION STORAGE	01-01 12-31		15.00	8.9	0.0	
IRRIGATION FROM STORAGE	03-15 11-15		15.00	8.9	0.0	199.5
STOCKWATER STORAGE	01-01 12-31		15.00	8.9	0.0	
STOCKWATER FROM STORAGE	01-01 12-31		15.00	8.9	0.0	
TOTAL FOR THIS RIGHT				8.9		199.5

NON-IRRIGATION USES CLAIMED: STOCKWATER, 31 ^{Range} HEAD CATTLE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: KW DATE: 9/26/90

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):
Limit consumptive use when combined w/ 57-00003 & 57-00004

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):
Stockwater, 31 range cattle

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED ☒ NEEDS REVIEW ☐
() ()
() ()
() ()

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

B. SPLIT WATER RIGHT REVIEW

N/A

ROOT WATER RIGHT NUMBER: 57-11513

DATABASE

TOTAL DIVERSION RATE OF WR SPLITS

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-------------------	-----------------------	----------------	------------------------	---------------	------------------	----------------

A57-11513

TOTAL CFS

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE

Y

FIELD EXAMINER

Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE:

DATE:

NAME OF FIELD EXAMINER:

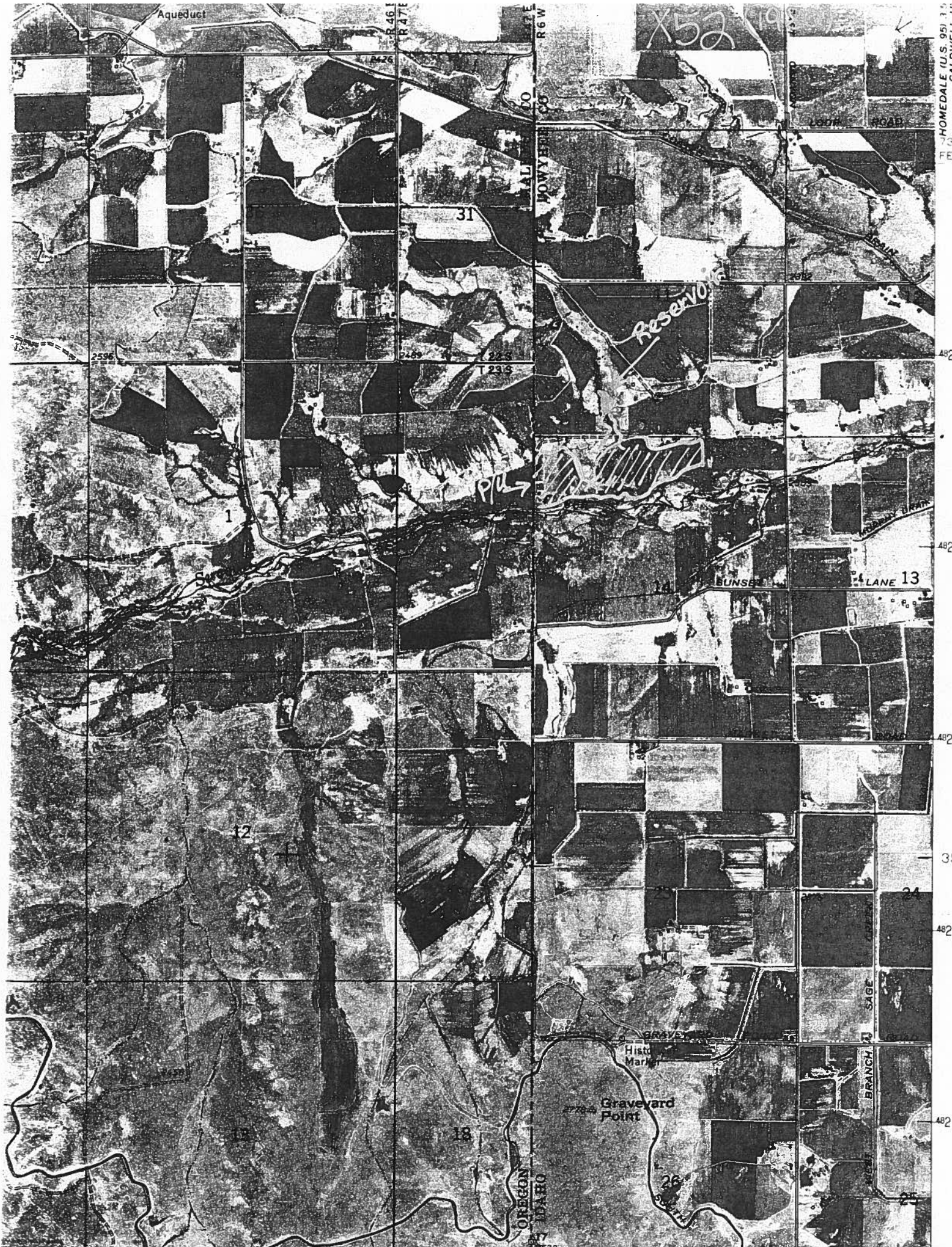
TITLE:

Ray Walker *9-26-96*
Ray Walker *Sr. Agent*

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1980</u> IDWR ID NO. <u>X52</u>	Y() N()
☒ TOPOGRAPHIC	DATE FIELD CHECKED <u>1967</u> IDWR ID NO. <u>X52</u>	Y() N()
☒ NAPP	DATE OF PHOTO <u>7-13-87</u> IDWR ID NO. <u>X52 NE</u>	Y() N()
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>'87 or '88</u>	Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO	Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO	Y() N()
☒ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY <u>5-14-31</u>	Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP	Y() N()
☐ OTHER	DATE	Y() N()
☐ OTHER	DATE	Y() N()
☐ OTHER	DATE	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED		
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAWN		
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>9-5-96</u>	<u>2</u>	
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☒ ~~FLOW MEASUREMENT~~ CALCULATIONS	DATE SYSTEM MEASURED <u>9-5-96</u>	<u>1</u>	<u>See pg. 12A in CVR</u>
☐ OTHER	DATE		
☐ OTHER	DATE		



HOME DALE (U.S. 95) 3.5
7.5
FE

496

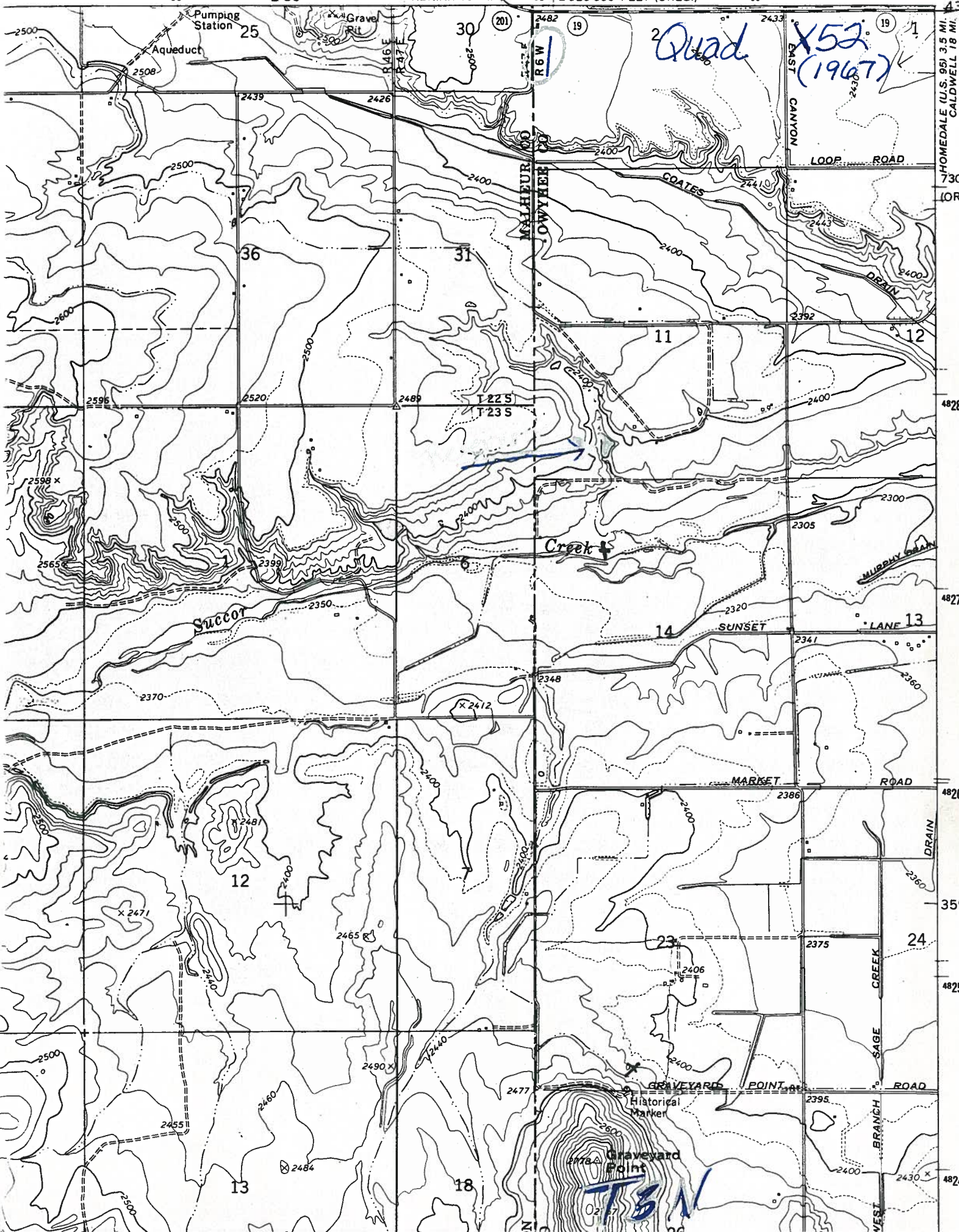
2'30"

NYSSA (U.S. 20 & 26) 23 MI.
ADRIAN 10 MI.

498 2 920 000 FEET (OREG.)

499

117°00'



HOME DALE (U.S. 95) 3.5 MI.
CALDWELL 18 MI.
730
OR
4828
4827
4826
35'
4825
4824

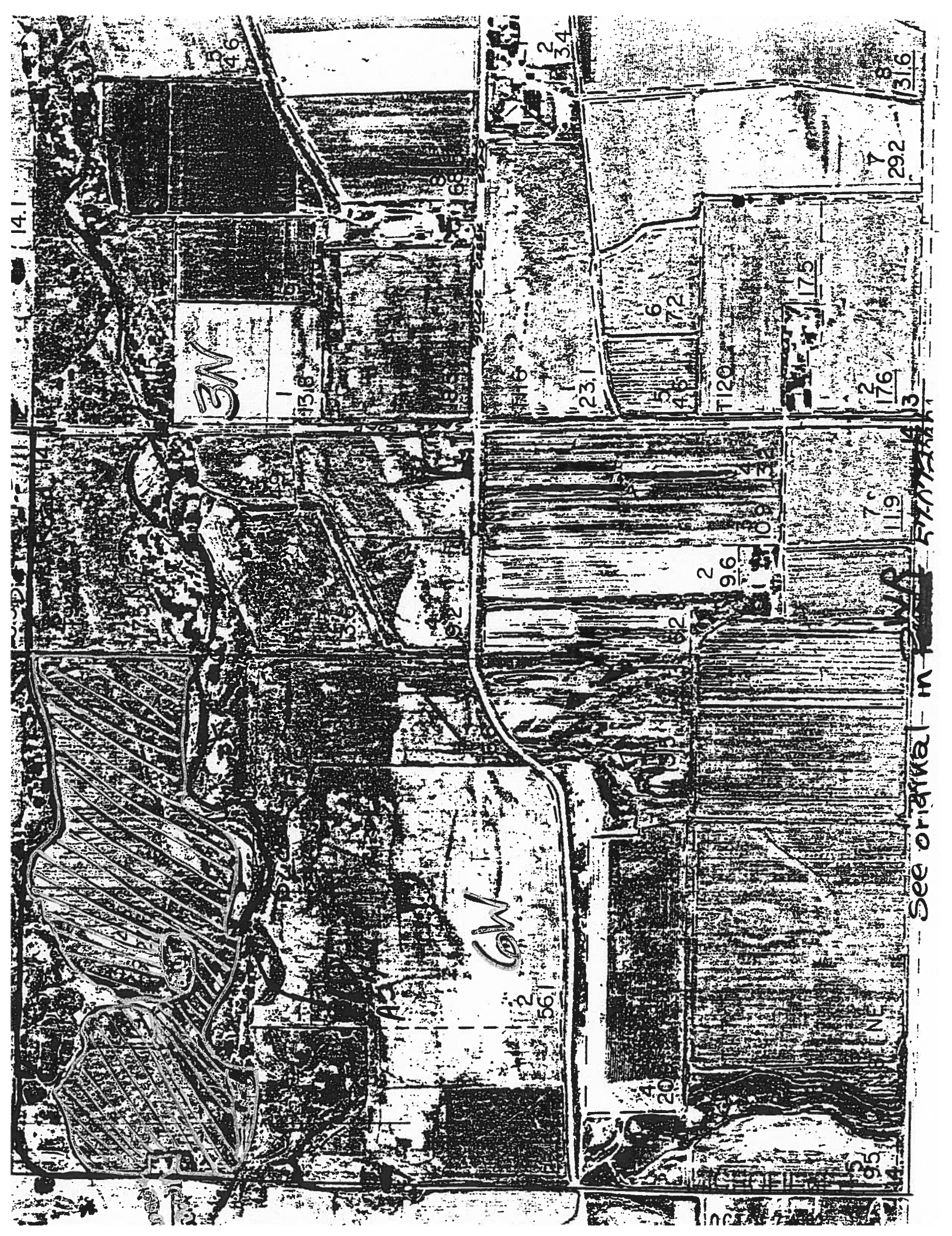
NAPP

7-13-87

X52 NE

Pond

000





PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS

9-5-1996

FILE NO(S).

A57-11513



Measurement
No. 1 from
level -
measuring
width of
reservoir

Inlet
to
reservoir
NESESW,
Sec. 11, T3N,
R6W





PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 9-5-1996

FILE NO(S). A57-11513



Reservoir
with
neighbor's
barn in
background.

JUL 18 1996

1996 JUL 16 PM 4:55

DISTRICT COURT-SRBA
TWINFALLS CO., IDAHO
FILED *Thut*

In Re SRBA

Subcase 57-11513

Case No. 39576

ORDER GRANTING MOTION TO FILE A LATE NOTICE OF CLAIM

A hearing on the *Motion to File a Late Notice of Claim* filed by Ernest and Bette Johnson was held July 16, 1996. As there was no opposition to the motion and for good cause appearing, IT IS ORDERED that the *Motion to File a Late Notice of Claim* is hereby **granted**.

IT IS SO ORDERED.

DATED July 16, 1996.

Samuel O. Hunsaker

DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

RECEIVED

CERTIFICATE OF MAILING

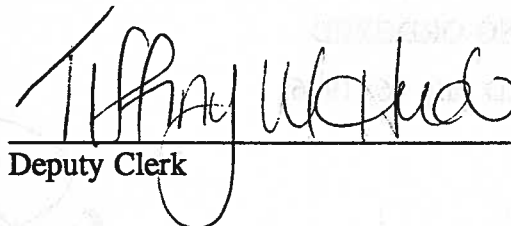
I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE A LATE CLAIM** was mailed on July 17, 1996, with sufficient first-class postage to the following:

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

The United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83724

Idaho Department of Water Resources
P O Box 83720
Boise, Idaho 83720-0098

Ernest and Bette Johnson
Route 2, Box 90
Homedale, ID 83628



Deputy 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A57-11513**
Date Received: 7/18/1996
Receipt No: C036135
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ERNEST C JOHNSON 208-337-4128
Address: RT 2 BOX 90
HOMEDALE ID 83628

AND

Name: BETTE J JOHNSON 208-337-4128
Address: RT 2 BOX 90
HOMEDALE ID 83628

2. Date of Priority: MAY 10, 1960

3. Source: UNNAMED STREAM Trib. to: SUCCOR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03N	06W	11	SE	SW			OWYHEE

5. Description of diverting works:
SMALL DAM, RESERVOIR, TWO HEADGATES, AND TWO DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			15.00
IRRIGATION FROM STORAGE	03/15	11/15			15.00
STOCKWATER STORAGE	01/01	12/31			15.00
STOCKWATER FROM STORAGE	01/01	12/31			15.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 15.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 31 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	06W	11	SE	SE		IRR S	
		14	NW	NE		IRR FS	30.0
			NE	NW		IRR FS	37.0
			NW	NW	1	IRR FS	13.0
						Section Acres	80.0
						Total Acres	80.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

57-00003, 57-00004

14. Remarks:

THE DESCRIPTION OF PLACE OS USE ABOVE (#10) IS A DESCRIPTION OF THE LAND THE JOHNSONS IRRIGATE PURSUANT TO WATER RIGHTS NOS. 57-00003 & 57-00004. THE RESERVOIR IN WHICH THEY STORE THIS WATER AND FROM WHICH THEY IRRIGATE IS LOCATED ON PROPERTY OWNED BY A THIRD PARTY (SE 1/4, SW 1/4, TWP 3N RNG 6W, SEC 11). THE JOHNSONS HAVE AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF THE RESERVOIR, DAM & DITCHES LOCATED AT 3N, 6W, SEC 11 LISTED ABOVE IN NO. 10.

ATTACHMENTS:

JUDGEMENT, JOHNSON V. EVANS
GRANT OF EASEMENT

15. Basis of Claim: BENEFICIAL USE

**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 457-11513Date Received 7-18-96Receipt Number CO 36135

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

RECEIVED

JUL 18 1996

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) ERNEST C. & BETTE J. JOHNSON Phone (208) 337-4128Mailing Address Route 2 Box 90, Homedale, Idaho Zip 836282. Date of Priority (Only one (1) per claim) May 10, 19603. Source of water supply (a) Un-named stream
which is tributary to (b) Succor Creek4. a. Location of existing point of diversion is: Township 3N Range 6W Section 11,
SE 1/4 of SW 1/4 of 1/4, Govt. Lot, B.M., County of Owyhee

Additional points of diversion if any: _____

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 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 enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. The diversion works consist
of a small dam, reservoir, two headgates, and two ditches.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation storage purposes from 1-1 to 12-31 amount 15 or 15

For Irrigation from storage purposes from 3-15 to 11-15 amount 15 or 15

For Stockwater storage purposes from 1-1 to 12-31 amount 15 or 15

For Stockwater from storage purposes from 1-1 to 12-31 amount 15 or 15

7. Total quantity claimed (a) 15 (cfs) and/or (b) 15 (acre feet)

8. Total consumptive use claimed is 15 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater 30 HD COW - CALF 1 Bull

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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	6W	14		30			15												45
6W	6W	14					22	13											35
3N	6W	11																Storage	

Total number of acres Irrigated 80

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

12. Do you own the property listed above as place of use? Yes X 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 described above.

Water rights 57-00003 & 57-00004 or None ()

14. Remarks:

The description of place of use above (#10) is a description of the land the Johnsons irrigate pursuant to Water Rights Nos. 57-00003 & 57-00004. The reservoir in which they store this water and from which they irrigate is located on property owned by a third party (SE 1/4, SW 1/4, Twp 3N Rng 6W, Sec 11). The Johnsons have an easement for the construction and maintenance of the reservoir, dam & ditches located at 3N, 6W, Sec 11 listed above in No. 10.

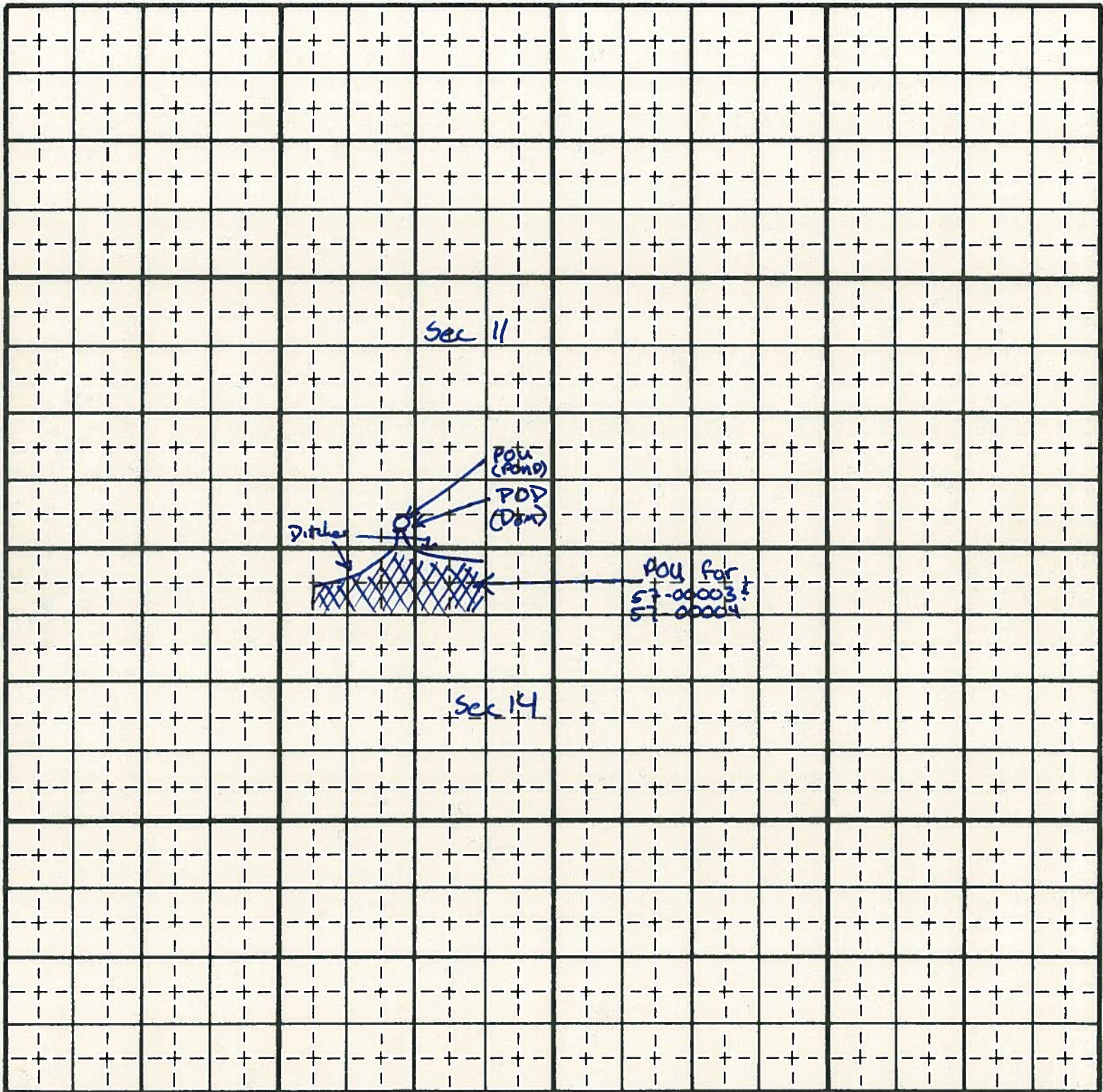
Last Name JOHNSON Ident No. 457-11513

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

3N6W



Last Name JOHNSON

Ident No. A57-11513

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 2

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

Signature of Claimant (s) Bette J Johnson Date 4-16-96

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 16 day of April 19 96

Notary Public Jennifer Carlson

Residing at Meridian, ID

My Commission Expires 9.3.99

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney 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 me at the address listed below.

Signature _____

Address _____

Date _____

Last Name JOHNSON Ident. Number AJ7-11513

Copies White-State, Yellow-Claimant

SUBMITTED w/
MOTION FOR LATE CLAIM
7-18-96

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF OWYHEE

ERNEST C. JOHNSON, et ux,) CIVIL ACTION # 2659
Plaintiffs,)
-vs- : JUDGMENT
ROSS A. EVANS, et ux,)
Defendants.)

Upon reading and filing the stipulation of the parties and
upon motion of plaintiffs for entry of judgment in conformity
with the stipulation of the parties and good cause appearing
therefore;

IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT:
plaintiffs, ERNEST C. JOHNSON and BETTY JOHNSON, husband and
wife, have a water right on the unnamed water course as set forth
in the State of Idaho water license #22566, to-wit:

STATE OF IDAHO
LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. 22566 Priority January 19, 1952 Amount .9 c.f.s.

THIS IS TO CERTIFY that ELMER G. MITCHELL - ERNEST C.
JOHNSON, Assignee, of Homedale, Idaho, made application for a
permit to appropriate the public waters of the State of Idaho,
dated January 19, 1952; that Permit No. 22566 was issued under said
application; that Certificate of Completion of works, with a
carrying capacity of 1.6 second feet, was issued thereunder on
February 27, 1952, showing that said works were completed on the
23 day of February, 1952; and that on the 10th day of February, 1952,
ERNEST C. JOHNSON of Homedale, State of Idaho, made proof to the
satisfaction of the State Reclamation Engineer of Idaho, of a right
to the use of the waters of an Un-named Stream a tributary of
Sucker Creek for the purpose of Irrigation under Use Permit No.
22566 of the Department of Reclamation, and that said right to the
use of said waters has been perfected in accordance with the laws
of Idaho, and is hereby confirmed by the State Reclamation Engineer
of Idaho and entered of record in Volume 10 of Licenses, at Page
6361, on the 25th day of June, 1958;

The right hereby confirmed dates from January 19, 1952;
The Point of Diversion is located in the SE 1/4, Sec. 11,
Tp. 3 N., R. 6 W., B.M. Owyhee County.

That the amount of water to which such right is entitled and
hereby confirmed, for the purposes aforesaid, is limited to an

1 amount actually needed and beneficially used for said purposes,
2 and shall not exceed .9 cubic feet per second.

Description and location of use:

3	TWP.	RANGE	SECTION	FORTY-ACRE TRACT	NO. ACRES DESCRIBED IN PERMIT	NO. ACRES ACTUALLY IRRIGATED
4						
5	3 N.	6 W.	14	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$	34 34	30 <u>15</u>

6 Total number of acres irrigated-45

7 The right to the use of the water aforesaid hereby confirmed
8 is restricted to the lands or place of use herein described, as
9 provided by the laws of Idaho.

10 WITNESS the seal and signature of the State Reclamation
11 Engineer, affixed at Boise, Idaho, this 1st day of July, 1958

(SEAL)

Geo. N. Carter

State Reclamation Engineer.

12 And State of Idaho water license No. 22566 (Supplemental),
13 to-wit:

14 STATE OF IDAHO

15 LICENSE AND CERTIFICATE OF WATER RIGHT

16 (supplemental)

Water License No. 22566 Priority March 26, 1953 Amount 0.7 c.f.s.

17 THIS IS TO CERTIFY that ELMER G. MITCHELL-Assignee- ERNEST C.
18 JOHNSON of Homedale, Idaho, made application for a permit to
19 appropriate the public waters of the State of Idaho, dated January
20 19, 1952; that Permit No. 22566 was issued under said application;
21 that Certificate of Completion of works, with a carrying capacity
22 of 1.6 second feet, was issued thereunder on February 27, 1952,
23 showing that said works were completed on the 23rd day of
24 February, 1952; and that on the 6th day of July, 1959, ERNEST C.
25 JOHNSON of Homedale, State of Idaho, made proof to the satis-
26 faction of the State Reclamation Engineer of Idaho, of a right
27 to the use of the waters of unnamed stream a tributary of Succor
28 Creek for the purpose of irrigation, under Use Permit No. 22566
29 of the Department of Reclamation, and that said right to the use of
30 said waters has been perfected in accordance with the laws of
31 Idaho, and is hereby confirmed by the State Reclamation Engineer
32 of Idaho and entered of record in Volume 11 of Licenses, at Page
6733, on the 20 day of August, 1959;

The right hereby confirmed dates from March 26, 1953;

The Point of Diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11,
Tp. 3 N., R. 6 W., B.M. Owyhee County.

That the amount of water to which such right is entitled and
hereby confirmed, for the purposes aforesaid, is limited to an
amount actually needed and beneficially used for said purposes,
and shall not exceed 0.7 cubic feet per second.

Description and location of use:

30	TWP.	RANGE	SECTION	FORTY-ACRE TRACT	NO. ACRES DE- SCRIBED IN PERMIT	NO. ACRES ACTUALLY IRRIGATED
31						
32	3 N.	6 W.	14	NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	34 12	22 <u>13</u>

Total acres to be irrigated:

35

1 The right to the use of the water aforesaid hereby confirmed
2 is restricted to the lands or place of use herein described, as
3 provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation
Engineer, affixed at Boise, Idaho, this 20th day of August, 1959

Geo. N. Carter
State Reclamation Engineer.

6 Which right is prior to and superior to any and all water
7 rights ^{IN THE SAID UN-NAMED STREAM ONLY} of the defendants, ROSS A. EVANS and MARY K. EVANS.

8 IT IS FURTHER ORDERED ADJUDGED AND DECREED THAT:
9 the defendants, ROSS A. EVANS and MARY K. EVANS are hereby
10 restrained and enjoined from doing any acts which will interfere
11 in any manner with the plaintiffs, ERNEST C. JOHNSON and BETTY
12 JOHNSON's use, appropriation and priority of eighty inches of
13 water from the un-named stream as set forth above.

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT:
15 the plaintiffs claim for damages as set forth in their complaint
16 on file herein be and the same is hereby dismissed with prejudice.

17 Dated this 9th day of MAY, 1960.

S/
District Judge

GRANT OF EASEMENT

THIS INDENTURE, made and entered into this 7th day of December, 1951, by and between ROSS A. EVANS and MARY K. EVANS, husband and wife, and WILLIS VERN EVANS and MINA LAVERN EVANS, husband and wife, the parties of the first part, and ELMER G. MITCHELL and OLIVE MITCHELL, husband and wife, the parties of the second part;

WHEREAS, the parties of the first part own that certain real property situated in the County of Owyhee, State of Idaho, and described as follows:

The Southeast Quarter of the Southwest Quarter of Section 11, Township 3 North, Range 6 West of the Boise Meridian, Idaho.

WHEREAS, the parties of the second part own that certain real property situated in the County of Owyhee, State of Idaho, and described as follows:

Lot 1 and the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 14, all in Township 3 North of Range 6 West of the Boise Meridian, Idaho.

WHEREAS, a well defined un-named water course runs in a general Northsouth direction approximately through the center of the above described real property belonging to the parties of the first part, and the parties of the second part have constructed a dam upon the above described real property belonging to the parties of the first part in said un-named water course approximately 500 feet North of the South line of the above described real property belonging to the parties of the first part;

WHEREAS, said dam is used to divert water into two ditches constructed by the parties of the second part upon the above described real property belonging to the parties of the first part for the purpose of conveying irrigation water to the above described real property belonging to the parties of the second part;

WHEREAS, one of said ditches commences at said dam and flows in a Southeasterly direction to the above described real property belonging to the parties of the second part, and the other of said ditches commences at said dam and flows in a southwesterly direction to the above described real property belonging to the parties of the second part;

WHEREAS, the parties of the first part have agreed to give the parties of the second part an easement for the construction and maintenance of said dam and said two ditches over the above described real property belonging to the parties of the first part.

NOW THEREFORE, in consideration of the concurrent conveyance of certain real property from the parties of the second part herein to the parties of the first part herein, and other good and valuable consideration paid by the parties of the second part to the parties of the first part, receipt of which is hereby acknowledged, the parties of the first part for themselves, their heirs, executors, administrators, successors and assigns, do hereby grant, sell and convey unto the parties of the second part, their heirs, and assigns forever, a perpetual easement and full and free right and authority to build, construct, reconstruct, maintain and repair the aforementioned dam and two ditches where the same are presently constructed and situated upon the above described real property belonging to the parties of the first part, subject, however, to the following conditions, to-wit:

The above described easement is appurtenant to the aforementioned real property belonging to the parties of the second part, and is appurtenant to that land only; this easement is subject to the equal right of the parties of the first part, their heirs and assigns, to an equal use of the water stored in said dam in order to water the stock of the first parties, their heirs and assigns, during the wintertime; the parties of the first part, their heirs and assigns, do further reserve the right to put a dam site on the same water course in a position above that of the parties of the second

STATE OF IDAHO)
COUNTY OF BANNOCK) ss

On this 24th day of March, 1952, before me, the undersigned, a notary public in and for said State, personally appeared Willis Vern Evens and Mina Lavern Evens, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

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



Henry J. Nelson
Notary Public for Idaho
Residing at Chino, Idaho