

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: 63-32394

E G JOHNSON FARMS INC
C/O E G JOHNSON
24007 HWY 20-26
PARMA ID 83660
Telephone Number: (208)722-5829

RECEIVED

NOV 01 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:

10/21/06

SIGNATURE:



Please print your name:

Jeff Johnson, VICE PRESIDENT.

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

12/10/2006

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

RIGHT NUMBER: 63-32394

NAME AND ADDRESS: E G JOHNSON FARMS INC
C/O E G JOHNSON
24007 HWY 20-26
PARMA ID 83660

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 1.860 CFS

Right Nos. 63-4036A and 63-32394 are limited to a total combined diversion rate of 2.11 cfs.

PRIORITY DATE: 03/01/1938

POINT OF
DIVERSION: T05N R05W S25 NENE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	1.860 CFS

PLACE OF USE: IRRIGATION in CANYON County

T05N R05W S25	NENE	16.00	T05N R05W S25	NWNE	28.00
T05N R05W S25	SWNE	6.30	T05N R05W S25	SENE	21.00
T05N R05W S25	NENW	24.00	T05N R05W S25 Lot 6	NWNW	10.00
T05N R05W S25 Lot 5	SENW	0.10			

105.4 ACRES TOTAL

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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.

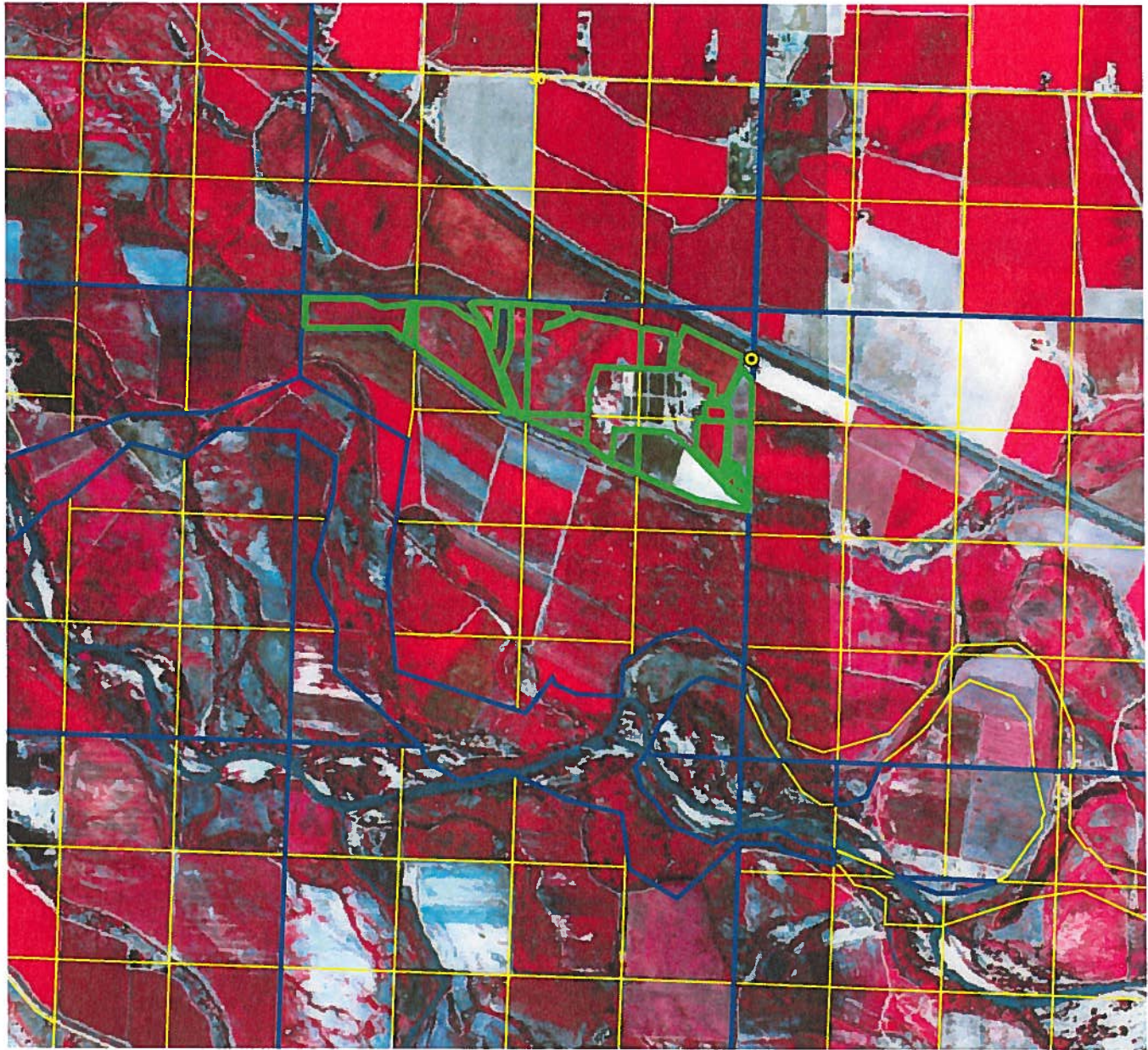
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

63-32394

05N 05W Sections 25



Total Irrigated
Acres: 105.4

-  POU
-  POD
-  Sections
-  Quarter/Quarter

1000 0 1000 Feet



IDWR
Prepared by: Lori Graves
Date: 08-15-06
1986-87 Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32394 V1

WATER RIGHT NUMBER: 63-32394 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	E G JOHNSON FARMS INC C/O E G JOHNSON 24007 HWY 20-26 PARMA, ID 83660 (208)722-5829

Priority Date: 03/01/1938
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.860 CFS	
	<u>Total Diversion:</u>	1.860 CFS	

Location of Point(s) of Diversion

WASTE WATER	NE1/4NE1/4	Sec. 25, Twp 05N, Rge 05W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
05N	05W	25	16.0	28.0	6.3	21.0	24.0	10.0		.1										105.4
								L 6		L 5										

Total Acres: 105.4

Conditions of Approval:

1. E51 Right Nos. 63-4036A and 63-32394 are limited to a total combined diversion rate of 2.11 cfs.
2. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32394 V1

Comments:

1. Igraves 8/15/2006 P/U

Comment: Property aka the Upper Home Place north of Sand Hollow Creek.

2. Igraves 8/15/2006 Parcel No.

Comment: Irrigated acres within Parcel No. R3904700000.

3. Igraves 8/15/2006 Overlaps

Comment: Sand Hollow Creek right 63-4036A is also used on the same acres. Both rights are limited to 2.11 cfs when combined.

4. Igraves 8/15/2006 Field Exam

Comment: This right is the result of a field exam conducted for right 63-4036A, at which time, the waste water had not been claimed. The waste water diversion was measured at 1.86 cfs during the exam, which alleviates another field visit.

5. Igraves 8/15/2006 Priority Date

Comment: An affidavit from Anne Goodson submitted for 63-4036A was also used for this right since both rights cover the same acres. Jeff Johnson stated that both sources have always been used together for irrigation since the property was developed.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

ADDITIONAL INFORMATION NEEDED FOR IRRIGATION FIELD EXAMS

Field Examiners, please complete the following checklist. Mark "unknown" or N/A if information doesn't apply or information is unavailable.

IF CURRENT OWNER DOES NOT MATCH PROOF REPORT PLEASE GIVE NEW OWNER CHANGE OF OWNERSHIP FORM TO COMPLETE.

63-4036A

1.) Pump information:

HouSP
DiverSion →

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
SAND Hollow Creek DiverSion	NO		NO Pump		

2.) Lift (distance from pump to water) N/A

3.) How was lift determined (well log, measurement, owner)? N/A

4.) Pressure against pump (this is checked using the owner's psi gauge, your gauge, or an estimate by owner) N/A

5.) Was a measurement made? yes If no can a measurement be made at a latter time? _____

6.) What type of measurement device was used? Pygmy meter's Aqua Calc.

7.) Is there a pump curve available for pump? N/A

8.) Please fill out the following:

Number of sprinklers _____

Sprinkler nozzle size _____

Number of Pivots (include gpm rating for each pivot) _____

Flood Irrigation: Q. Tches

9.) Please outline all acres irrigated on attached aerial photo. ☒ DONE

10.) Please clearly mark all points of diversion on map and GPS. ☒ DONE

11.) Please clearly mark all mainlines, ditches, and other conveyances.

☒ DONE

12.) Pictures taken of place of use and point of diversion. ☒ DONE

13.) Please show where and how water from other sources are diverted into the irrigation system.

FIELD EXAMINERS NOTES (descriptions, other uses, questions, ect.)

See ATTACHED memo

PLEASE NOTE:

WASTE WATER DIVERSION
WAS FOUND WITH
NO ACCOMPANYING
WATER RIGHT.

DATE EXAM CONDUCTED 7-21-06

FIELD EXAMINER

Michael A. Nelson

MEMORANDUM

TO: ADJUDICATION FILES 63-4036A

FROM: DANIEL A. NELSON

DATE: 8/3/06

SUBJECT: FIELD EXAMINATION

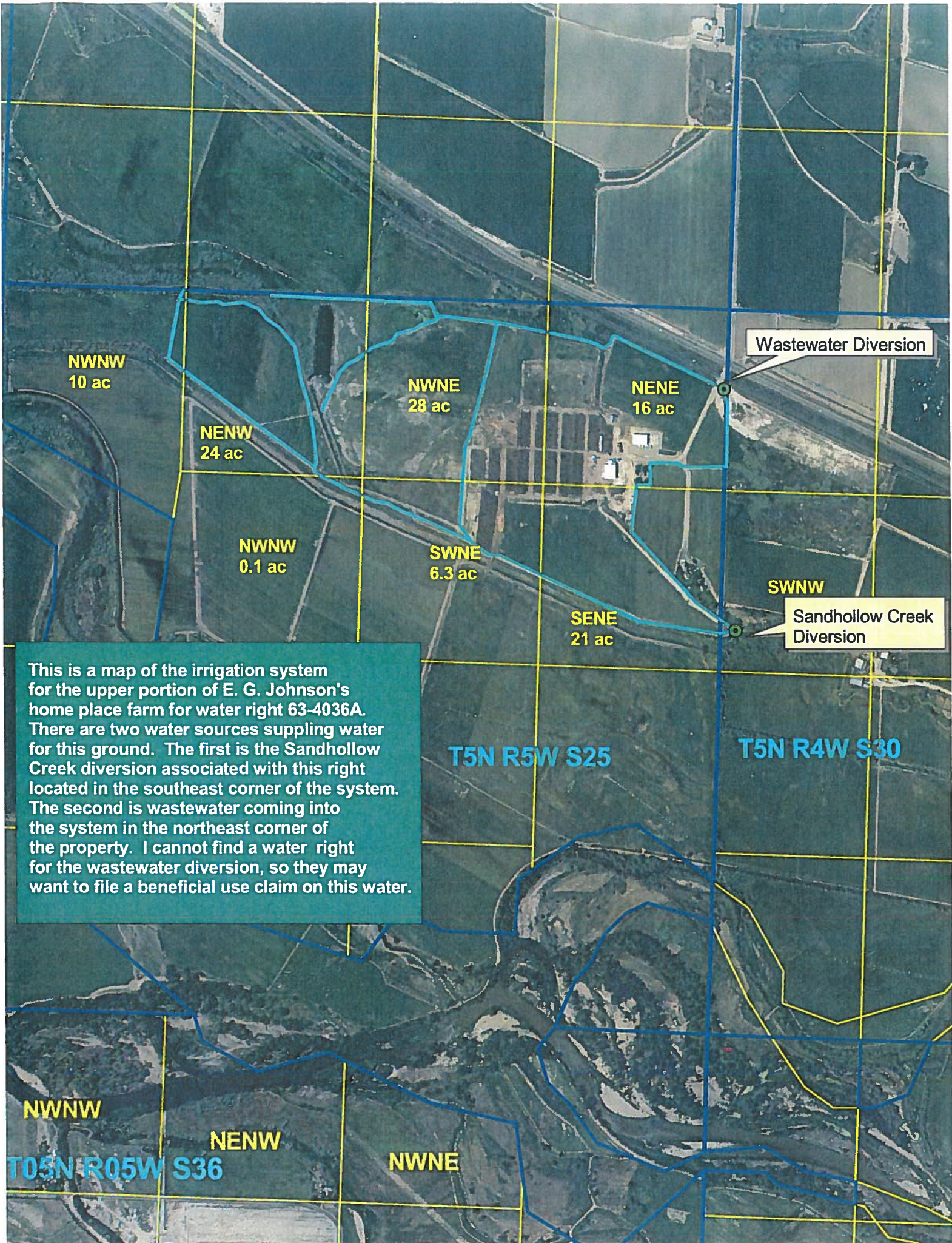
On 7/20/2006 and 7/21/2006, I field examined adjudication claim 63-4036A. This examination was made on the E. G. Johnson farm referred to by the owner as the Homeplace. During my field examination I found that this claim irrigates the lands north of Sandhollow Creek. Water rights 63-4036B and 63-28751 irrigate the lands south of Sandhollow creek through a separate, unconnected system.

The water on this farm are run through a series of ditches through the fields that flood irrigate pastures. No row crops were found on the property. The land in this area is very flat, so the owner has made the ditches wide and fairly deep so they can run the water in any direction by putting a dam in the ditch and backing the water up to the point where they want to use it.

The Sandhollow Creek diversion was measured at 6.44 cfs. I found 105.4 acres irrigated under this system, so there is over three times as much water being diverted above the standard inch or 0.02 cfs per acre. Therefore this right should be limited to 2.11 cfs and 474.3 afa.

I did find more acres than were claimed under this right. However, when the original statutory claim 63-4036 was split into 63-4036A and 63-4036B to denote the two systems, I believe an error occurred when trying to separate the acres. There are less acres irrigated under the 63-4036B than were listed on the claim, so the applicant should come in and amend these two rights to ensure that all of the lands are covered by a water right. We may also be able to do this through the recommendation as clarification of the split.

PLEASE NOTE: The owner also showed me a wastewater diversion that was irrigating these same lands. I did not find any water rights for this wastewater diversion, so the owner will need to file an adjudication claim for this diversion. I did take pictures and measured the wastewater diversion, so another field exam should not be needed. I found that 1.86 cfs of wastewater was being diverted. This water covers the same lands, so a new wastewater claim could be recommended for 1.86 cfs and 474.3 afa for 105.4 acres, and when new wastewater claim and 63-4036A are combined the total diversion rate should be limited to 2.11 cfs, 474.3 afa for 105.4 acres.



NWNW
10 ac

NENW
24 ac

NWNW
0.1 ac

NWNE
28 ac

SWNE
6.3 ac

SENE
21 ac

NENE
16 ac

SWNW

Wastewater Diversion

Sandhollow Creek
Diversion

T5N R5W S25

T5N R4W S30

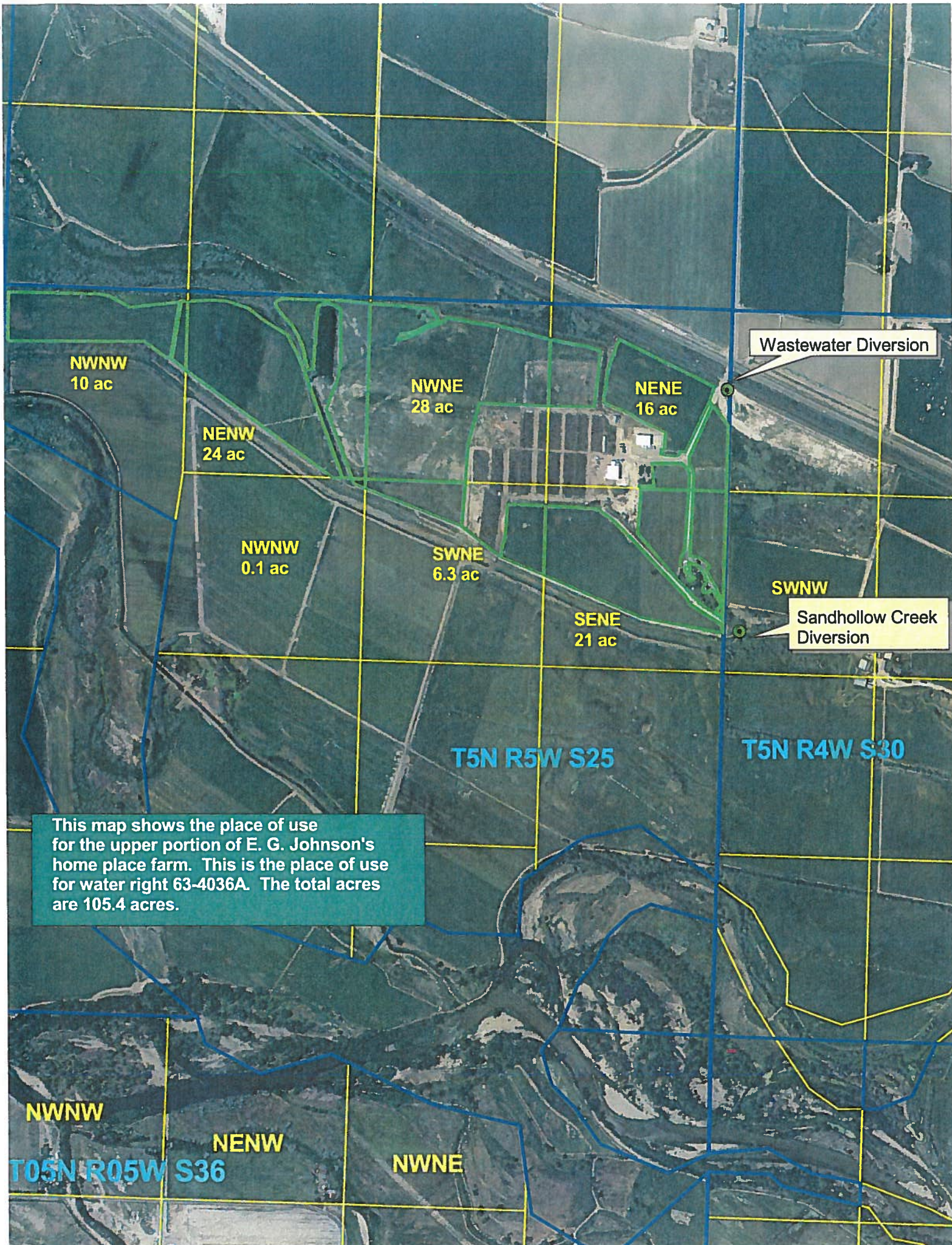
This is a map of the irrigation system for the upper portion of E. G. Johnson's home place farm for water right 63-4036A. There are two water sources supplying water for this ground. The first is the Sandhollow Creek diversion associated with this right located in the southeast corner of the system. The second is wastewater coming into the system in the northeast corner of the property. I cannot find a water right for the wastewater diversion, so they may want to file a beneficial use claim on this water.

NWNW

NENW

NWNE

T05N R05W S36



AgauCalc-5000 (tm) by JBS Instruments
Firmware Version AQCUG7b (c)1993,'94,'95,'96,'97, 1999

```
GAGE ID#, 0
DATE, 7/20/06
TRANSECT, 4
USER ID#, 0
STAFF HEIGHT, 0.00
GAGE HEIGHT, 0.00
METER ID#, 0
AQUACALC ID#, 0
METER TYPE, Pygmy ST1
METER CONST. C1, 0.9770
METER CONST. C2, 0.0280
METER CONST. C3, 0.9770
METER CONST. C4, 0.0280
METER CONST. C5, 1.0000
MEAS. SYSTEM, S.A.E. (English)
TOTAL STATIONS, 8
TOTAL WIDTH, 3.10
TOTAL AREA, 5.29
TOTAL DISCHARGE, 6.4392
MEAN VELOCITY, 1.21
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E. G. JOHNSON
SANDHOLLOW CREEK DIVERSION
UPPER HOME PLACE
DIVERSION BEHIND HOUSE/OFFICE
WATER RIGHT - 63-4036A

ST. Q)	,DIST	,DEPTH	,REVS	,TIME	,COS:VF	,LOC	,CLOCK	,VEL	,AREA	,FLOW(
1,00,	2.2,	0.00,	0,	0.0,	1.00,	.6,	0:00,	0.000,	0.000,	0.00
2,42,	2.5,	1.40,	38,	40.1,	1.00,	.6,	14:18,	0.954,	0.560,	0.53
3,20,	3.0,	1.60,	61,	40.4,	1.00,	.6,	14:35,	1.503,	0.800,	1.20
4,40,	3.5,	1.80,	49,	40.7,	1.00,	.6,	14:37,	1.204,	0.900,	1.08
5,00,	4.0,	2.00,	42,	41.8,	1.00,	.6,	14:39,	1.010,	1.000,	1.01
6,90,	4.5,	2.30,	39,	40.7,	1.00,	.6,	14:41,	0.964,	1.150,	1.10
7,00,	5.0,	2.20,	69,	40.2,	1.00,	.6,	14:42,	1.705,	0.880,	1.50
8,00,	5.3,	0.00,	0,	0.0,	1.00,	.6,	0:00,	0.000,	0.000,	0.00

AgauCalc 5000 (tm) by JBS Instruments
Firmware Version AQCUG7b (c)1993,'94,'95,'96,'97, 1999

```

GAGE ID#, 0
DATE, 7/19/06
TRANSECT, 2
USER ID#, 0
STAFF HEIGHT, 0.00
GAGE HEIGHT, 0.00
METER ID#, 0
AQUACALC ID#, 0
METER TYPE, Pygmy ST1
METER CONST. C1, 0.9770
METER CONST. C2, 0.0280
METER CONST. C3, 0.9770
METER CONST. C4, 0.0280
METER CONST. C5, 1.0000
MEAS. SYSTEM, S.A.E. (English)
TOTAL STATIONS, 8
TOTAL WIDTH, 3.50
TOTAL AREA, 2.40
TOTAL DISCHARGE, 1.8593
MEAN VELOCITY, 0.77

```

E. G. JOHNSON
UPPER HOME PLACE
WATER RIGHT UNKNOWN
WASTEWATER DITCH DIVERSION

ST. Q)	,DIST	,DEPTH	,REVS	,TIME	,COS:VF	,LOC	,CLOCK	,VEL	,AREA	,FLOW(
1, 00,	2.0,	0.00,	0,	0.0,	1.00,	.6,	0:00,	0.000,	0.000,	0.00
2, 46,	2.5,	0.40,	7,	47.0,	1.00,	.6,	15:23,	0.173,	0.200,	0.03
3, 88,	3.0,	0.80,	11,	40.0,	1.00,	.6,	15:24,	0.297,	0.400,	0.11
4, 79,	3.5,	1.30,	39,	40.6,	1.00,	.6,	15:26,	0.966,	0.650,	0.62
5, 72,	4.0,	1.30,	47,	40.4,	1.00,	.6,	15:27,	1.165,	0.650,	0.75
6, 74,	4.5,	0.60,	34,	40.0,	1.00,	.6,	15:29,	0.858,	0.300,	0.25
7, 34,	5.0,	0.40,	12,	40.5,	1.00,	.6,	15:31,	0.317,	0.200,	0.06
8, 00,	5.5,	0.00,	0,	0.0,	1.00,	.6,	0:00,	0.000,	0.000,	0.00

PHOTOGRAPHER AND DATE OF PHOTOS DANIEL A NELSON 7/19/2006

FILE NUMBER 63-4036A



The upper photo shows the Sandhollow Creek diversion for the upper acres of the Homeplace farm for E. G. Johnson.

The middle photo shows the diversion of the wastewater ditch that is also used on the upper acres of the Homeplace farm for E. G. Johnson

The photo below shows the entire Homeplace farm for E. G. Johnson



SEE CLAIM 63-4036B FOR FIELD NOTES

E.G. JOHNSON, D.V.M.

Johnson Research, LLC.

24007 Highway 20-26*Parma, ID 83660*(208) 722-5829*FAX (208) 722-5119

E-mail: egjohnson@frontiernet.net

June 20, 2006

Ms. Lori Graves
Sr. Water Resource Agent
Department of Water Resources
2735 Airport Way
Boise, ID. 83705-5082

RECEIVED

JUL 03 2006

WATER RESOURCES
WESTERN REGION

Dr. Ms Graves:

This letter is in response to your letter dated June 14, 2006 concerning:

- Claim Numbers A63-4537 (Kiesel Drain) that is supported by a 1931 priority date. This date is acceptable to us rather than the original 1928 priority date.
- Thank you for informing us that Claims A63-4534A, A63-4535, A63-4536 and A63-4537 listed in the name of SSI Land & Cattle are being changed under the name of Johnson Research, LLC.
- Please find attached the following documents regarding priority date of Claim A63-4036A for a right to cover 100 acres from Sand Hollow Creek. Affidavit from Anne Goodson who has lived in the area since 1937. Photo Map received from Terry Scanlin taken in 1939 of the subject property and comments from Terry Scanlin per his interpretation of the Photo.

We greatly appreciate all the help you have given us in getting the priority dates in compliance.

Sincerely,



E.G. Johnson D.V.M.

E.G. JOHNSON, D.V.M.

Johnson Research, LLC.

24007 Highway 20-26*Parma, ID 83660*(208) 722-5829*FAX (208) 722-5119

E-mail: egjohnson@frontiernet.net

June 19, 2006

IN THE MATTER OF
NOTICE OF CLAIM TO
A WATER RIGHT .

63-4036A

Owner: E.G. Johnson Farms
24007 Highway 2026
Parma, ID. 83660

RECEIVED

JUL 03 2006

WATER RESOURCES
WESTERN REGION

State of Idaho
County of Canyon

Priority Date:

Anne Goodson, 89, lives at 23220 Ten Davis Road, Parma, Idaho about 1 mile north east of the subject property, Boone Ranch. She moved to this area with her husband, Austin in 1937 when they rented a farm owned by Carl Gotsch that was located about one half mile north of the subject property on Gotsch Road. They harvested their first crops from the farm in 1938.

I asked her what she remembers about the Boone Ranch and how it was operated when they moved onto the Gotsch farm. She told me the property was farmed by John Yraguen ("Big John"), and that he thrashed grain with Austin and other neighbors. In her words, Big John brought a team of horses during thrashing and would help Austin and other neighbors with the grain harvest and they would all go to the Boone Ranch to help with the harvest there. Anne called me back and said 1938 would have been the first year they worked with John Yraguen during harvest. She said "she remembers it well because she cooked for a large crew but Big John always went home and never stayed for supper".

All of the grain grown in the area was irrigated. Anne Goodson is my mother-in-law and I prepared this affidavit for her approval and signature.

Anne Goodson

Anne G. Goodson

E.G. Johnson

E.G. Johnson
20 Jun 06

June 20th 2006

E.G. JOHNSON, D.V.M.

Johnson Research, LLC.

24007 Highway 20-26*Parma, ID 83660*(208) 722-5829*FAX (208) 722-5119

E-mail: egjohnson@frontiernet.net

June 19, 2006

Ms. Lori Graves
Sr. Water Resource Agent
Department of Water Resources
2735 Airport Way
Boise, ID. 83705-5082

RECEIVED

JUL 03 2006

WATER RESOURCES
WESTERN REGION

Dr. Ms Graves:

Please find the enclosed photo map from 1939 and the comments from Terry Scanlin regarding irrigation pertaining to Right Number 63-4036A. The detail of some of the fields are clear as they lay much the same today. It is also clear Sand Hollow Creek traversed the Ranch as it does today as it was the source of irrigation at the time. I cannot determine the exact point of diversion but the feeders ditches on the that supply the 80 acres just north of Sand Hollow and on the east side of the property are the same as they are today.

Sincerely,

E.G. Johnson D.V.M.

Ed G Johnson

From: "Jeff Johnson" <Jeff.Johnson@agribeeff.com>
To: <egjohnson@frontiernet.net>
Sent: Monday, June 19, 2006 5:54 PM
Attach: section_25_1939_imagery.pdf
Subject: FW: johnson 1939 imagery

RECEIVED

JUL 03 2006

WATER RESOURCES
WESTERN REGION

-----Original Message-----

From: Terry Scanlan [mailto:TScanlan@spfwater.com]
Sent: Friday, October 21, 2005 1:19 PM
To: Jeff Johnson
Subject: FW: johnson 1939 imagery

Jeff –

Attached is a 1939 photo. I'm not familiar with your property, so I'm not sure what I am looking at. However, it looks like most of the ground is irrigated (or at least subirrigated). The light areas look like non-irrigated gravel bars.

Terry

-----Original Message-----

From: Mike Martin
Sent: Friday, October 21, 2005 12:53 PM
To: Terry Scanlan
Subject: FW: johnson 1939 imagery

Terry,

Here it is...Forgot to attach it.

Mike

-----Original Message-----

From: Mike Martin
Sent: Friday, October 21, 2005 12:52 PM
To: Terry Scanlan
Subject: johnson 1939 imagery

Terry,

I have attached a pdf of section 25 with the 1939 imagery in the background.

Mike

Michael Martin, E.I.T.
SPF Water Engineering, LLC
600 E. River Park Lane, Suite 105
Boise, ID 83706
208.383.4140

6/20/2006



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 63-32394
Date Received: 8/14/2006
Receipt No: **W034595**
Received By:

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

1. Name of Claimant(s)

E G JOHNSON FARMS INC Phone: (208)722-5829
C/O E G JOHNSON
24007 HWY 20-26
PARMA ID USA 83660

2. Date of Priority: 03/01/1938

3. Source: WASTE WATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	05W	25	NE NE	CANYON	

5. Description of diverting works:

Dam, ditches

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	1.86	

7. Total Quantity Appropriated is:

1.86 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	05W	25	NE NE	IRRIGATION	16
			NW NE	IRRIGATION	28
			SW NE	IRRIGATION	6.3
			SE NE	IRRIGATION	21
			NE NW	IRRIGATION	24
			NW NW 6	IRRIGATION	10
			SE NW 5	IRRIGATION	0.1
Section Acres					105.4
Total Acres					105.4

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: 63-4036A

14. Remarks:

15. Basis of Claim: Beneficial Use

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: _____

For Organizations:

I do solemnly swear or affirm that I am Vice President of
_____ Title
E.G. Johnson Farms Inc., that I have signed the foregoing
Organization
document in the space below as Vice President of
_____ Title
E.G. Johnson Farms Inc and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Vice President E.G. Johnson Farms Inc
Title and Organization

Aug 21, 2006

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this
of Aug 2006

21st
Lon Guarnu
Notary Public

Residing at Boise

My commission Expires 6/18/2010

