

11/01/2007

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

RIGHT NUMBER: 1-71F

NAME AND ADDRESS: WYDELL JOHNSON
181 N 4600 E
RIGBY ID 83442

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.608 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:

T04N R40E S29 NENW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.608 CFS

PLACE OF USE: IRRIGATION in JEFFERSON County

T04N R40E S30	NENE	15.00	T04N R40E S30	NWNE	0.20
---------------	------	-------	---------------	------	------

15.2 ACRES TOTAL

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

Recommended as Right Nos. 1-71B, 1-71C, and 1-71E.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Recommended as Right No. _____: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The condition indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.



Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com
E-MAIL: rharris@holdenlegal.com

September 30, 2008

Ernie Carlsen
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Settlement of SRBA Objections Relating to Water Right No. 1-71.

Dear Ernie:

This letter is intended to inform you that the parties in the above numbered subcase have reached a resolution as to how Water Right No. 1-71 should be allocated to each party. Just to provide some brief background, 1-71 was originally recommended to three different parties: Table Rock Estates Irrigation Association, R. Gene Scott, and Table Rock Development, LLC. Early this year, Mr. Wyatt Johnson filed a Motion to Set Aside Partial Decree based on some work that Michael Holliday performed indicating that 1-71 was perhaps recommended incorrectly. Based on the evidence provided by Mr. Holliday, the Court set aside the Partial Decrees, and the parties began negotiating potential resolution of the matter. The original right was for a total of 0.8 cfs. The parties have agreed that Mr. Johnson should receive 0.5 cfs of the original water right, and that the remaining 0.3 cfs should be split amongst the remaining parties as follows: 0.23 cfs to go to Table Rock Estates Irrigation Association, 0.06 cfs to go to Mr. Gene Scott, 0.01 cfs to go to Table Rock Development.

Please prepare SF5s evidencing the above agreement. Copies of this letter are being provided to counsel for Table Rock Development, LLC, and Mr. Wyatt Johnson. If they have any concerns with this request, they can certainly contact you. However, based upon our previous discussions, the parties are all in agreement. Once we receive the SF5s, we will have them signed and this matter can be resolved. Please let me know if you have any questions or concerns.

RECEIVED

OCT 01 2008

Department of Water Resources
Eastern Region

Established in 1896

Ernie Carlsen
Idaho Department of Water Resources
September 30, 2008
Page 2 of 2

Best Regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

c: Table Rock Estates Irrigation Associations
Gene Scott
Nathan Olsen
Jim Archibald

G:\WPDATA\RLH\14830 Scott, Gene\Ernie Carlsen ltr 093008 wpd.cdv

March 19, 2008

Rudy Canal Co.

I, Wydell Johnson wish to have up to 50 inches of 1890 water transferred into the Rudy Canal. This water will be used for irrigation purposes on 25 acres.


Wydell Johnson

Approved by: 
Pres. John Price

cm w/ Wydell on 7/28

RECEIVED

JUL 15 2008

Department of Water Resources
Eastern Region

DATE: March 19, 2008

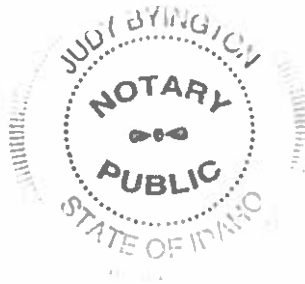
TO: Department of Water Resources
Eastern District Office Idaho Falls, Idaho

Mike Holliday,

I, Rob Johnson take no interest in the water of Wydell Johnson that is in the Kite and Nord canal.

Signed: _____

Rob Johnson



State of Idaho
County of Jefferson
On this 19 day of March, 2008, Rob Johnson
personally appeared before me,
[Signature] who is personally known to me,
____ whose identity I verified on the basis of _____
____ whose identity I verified on the oath administered to _____
a credible witness,
to be the signer of the foregoing document, and to do so he acknowledged that he was the
[Signature]
Notary Public
My Commission Expires 10-4-2008

To Whom it Concern

We would like to transfer
the 40 inches of water
from Seal Ditch
to the Kite & Nord
Ditch

R DuWayne Scott

12-24-06

This 40" appears to be
water right 01-00071C.
which show 0.80 cfs
in the name of Wydell
Johnson.

Wydell Johnson came to the office today to discuss late claim 1-71F. On 12/29/2006 Ernie Carlsen assisted the claimant in the preparation of the claim. On 1/8/2007 the claimant filed a motion to file late notice of claim. The court granted the motion and forwarded the claim to IDWR on 4/19/2007. Claim 1-71F was disallowed in the Director's Report filed in November 2007 because water right 1-71 had already been fully recommended between claims 1-71B, 1-71C, 1-71D, 1-71E, and 1-10022.

Right 1-71 was originally decreed in the Rexburg decree to Frederick Hatfield. The right was for 3.20 cfs and the place of use was the north half of the NE quarter of section 30. Transfer 819 moved 1.60 cfs off the NWNE quarter leaving it with high water rights only. Transfer 819 left 1.60 cfs on the NENE quarter.

Upon further investigation into the history of this right, I have discovered additional information that may have an impact on the allocation of right 1-71. It appears that Mr. Johnson may have a legitimate claim to 0.80 cfs of this right based on my conversation with him and the additional information I gleaned through my research. However this 0.80 cfs has already been recommended (or partially decreed) to Gene Scott, Table Rock Development, and Table Rock Irrigation Association.

Prior to Transfer 819, apparently an unrecorded transfer took place. The 1936 Water District 36 book shows 0.80 cfs of the Hatfield right delivered to the Steele ditch. The books from 1942 through 2002 show 0.80 cfs of the Hatfield right delivered to the Cheney ditch. Some handwritten notes in the 1942 book show that in 1921, 0.80 cfs of the Hatfield right was moved from the Kite and Nord to the Steele, then to the Cheney by verbal orders of Rulen Johnson (former owner was Durant).

During our meeting today, I asked Wydell to tell me what he knew about the history of the irrigation of the land that appeared on his claim. He told me that his grandfather, King Durant, irrigated the claimed acreage via the Steele and Cheney ditches from the 1940's through the 1960's. Wydell indicated that water in the ditch was shared with another water user, R. Dewayne Scott. Some time in the 1960's he stopped using those ditches because it was difficult to get the water down the over 2 miles of ditches. Wydell said that there was an agreement at that time to get the water delivered via the Rudy Canal, and that this land is still irrigated today from the Rudy. Mr. Johnson stated that the claimed place of use has been irrigated with wheellines for the past 4 or 5 years.

Although the land described in claim 1-71F is located within the decreed place of use, the water district records show delivery of this right through the Cheney Canal, and the claimant says that he is getting this water via the Rudy Canal.

If 1-71F is recommended to the claimant, the following claims would need to be disallowed since they are competing claims with this right: 1-71B, 1-71C, and 1-71E. Also the following rights would require adjustments to their combined acreage remarks: 1-35B, 1-35C, 1-35E, 1-177A, 1-177C, 1-177D, 1-10017, 1-10470, and 1-10494.

CLAIMS							remarks
Basin Sequence	Suffix	Priority Date	Rate(cfs)	Source	Water Use(s)	Owner(s)	
1	71 B	1890-06-01	0.65	DRY BED	IRRIGATION	TABLE ROCK ESTATES IRR ASSOC INC (Current)	
1	71 C	1890-06-01	0.15	DRY BED	IRRIGATION	SCOTT, R GENE (Current)	
1	71 D	1890-06-01	1.44	SNAKE RIVER	IRRIGATION	NEW SWEDEN IRRIGATION DIST (Current)	
1	71 E	1890-06-01	0.09	DRY BED	IRRIGATION	TABLE ROCK DEVELOPMENT LLC (Current)	
1	71 F	1890-06-01	0.8	SNAKE RIVER	IRRIGATION	JOHNSON, WYDELL (Current)	
1	10022	1890-06-01	0.8	SNAKE RIVER	IRRIGATION	KITE-NORD DITCH	
			3.93				
DIRECTOR'S REPORT							
1	71 B	1890-06-01	0.62	SNAKE RIVER	IRRIGATION	TABLE ROCK ESTATES IRR ASSOC INC (Current)	has a partial decree
1	71 C	1890-06-01	0.15	SNAKE RIVER	IRRIGATION	SCOTT, R GENE (Current)	based on T819
1	71 D	1890-06-01	1.44	SNAKE RIVER	IRRIGATION	NEW SWEDEN IRRIGATION DIST (Current)	has a partial decree
1	71 E	1890-06-01	0.03	SNAKE RIVER	IRRIGATION	TABLE ROCK DEVELOPMENT LLC (Current)	late claim rec
1	71 F	1890-06-01	disallowed	SNAKE RIVER	IRRIGATION	JOHNSON, WYDELL (Current)	
1	10022	1890-06-01	0.8	SNAKE RIVER	IRRIGATION	KITE-NORD DITCH	
			3.2				
PROPOSED SETTLEMENT THRU SRBA							
1	71 D	1890-06-01	1.44	SNAKE RIVER	IRRIGATION	NEW SWEDEN IRRIGATION DIST (Current)	based on T819
1	71 F	1890-06-01	0.8	SNAKE RIVER	IRRIGATION	JOHNSON, WYDELL (Current)	
1	10022	1890-06-01	0.8	SNAKE RIVER	IRRIGATION	KITE-NORD DITCH	
			3.2				
WATER RIGHTS							
1	71 B	1890-06-01	0.8	SNAKE RIVER	IRRIGATION	CHENEY DITCH (Current)	
1	71 C	1890-06-01	0.8	SNAKE RIVER	IRRIGATION	JOHNSON, WYDELL (Current)	
1	71 D	1890-06-01	1.6	SNAKE RIVER	IRRIGATION	BURKE, W G (Current); PICKERING, W W (Current)	
			3.2				

(Butler Island Tr. 408, Warren Johnson 1.6,
W. Johnson 2.0, J. Weber 1.64)

Cert # 324 to G.W. & Kennedy 0
Cert # 623 to [unclear] - 2.
Cert # 278 to Riffy - 5.
" # 289 to Riffy - 2.1
" # 295 to James [unclear] - 2.0
" # 306 to James [unclear] - 0.8
" # 339 to Harrison - 1.2
" # 408 to Still - 5.24
" # 529 to Harrison - 0.40
" # 565A to Palisade - 1.00

Warren L. Johnson 1.6
William Johnson 2.0
J. Weber 1.64

562 June 1, 1887 - 3.2 (To F.
484 June 1, 1887 + 7.98 (L. 1st
473 June 1, 1887 - 0.46 (L. 1st
457 June 1, 1887 1.50 (L. 1st
436 June 1, 1887 0.86 (L. 1st
285 June 1, 1887 0.64 (L. 1st
~~# 401~~ 0.36 (L. 1st
402 " 1, " 0.96 (L. 1st
" 31.57

285 June 1, 1888 0.64 (L. 1st
401 " " 0.36 (L. 1st
402 " 1, " 0.96 (L. 1st
436 " " 0.80 (L. 1st
+ 9.57 (Profr. [unclear] Tr. 233 12.0

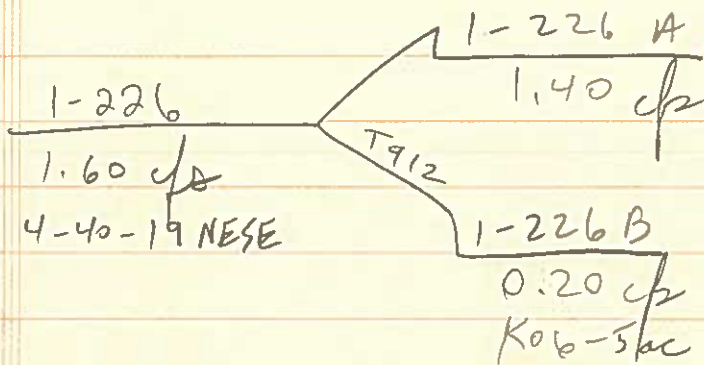
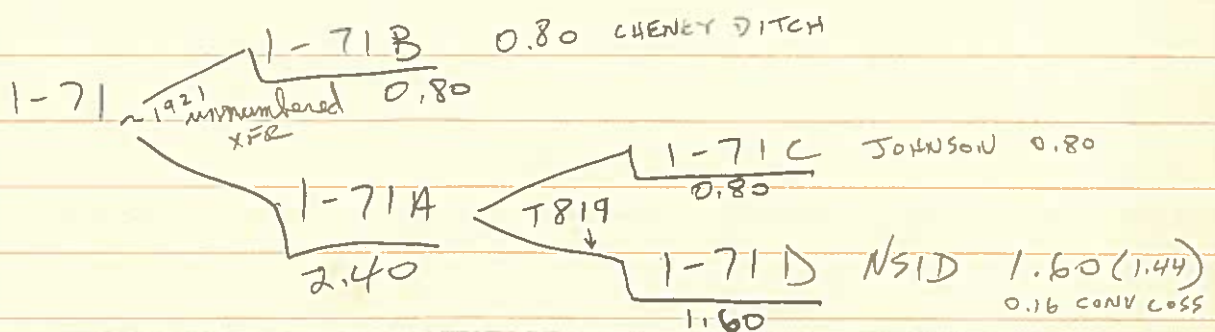
June 1, 1889 (O.H. [unclear] Tr. 231 12.0
See order coming

In 1918, last of rights
showed 9.6 acct in K. & N.
In 1921 report Baldwin
paid 0.8 into State leaving
8.8 in K. & N.

Kyle & Nord Ditch
Angeline F. Hatfield June 1, 1890 3.2
" J.O. Nord June 1, 1890 4.8
less 0.80 Hatfield transfer
to State and then to
Cheney.

Hatfield in K & N }
Dutton 1.6 acct
Dutton 0.8
Bal. in Cheney = 0.8

E.M. Parsons 320 acct
J.O. Nord 120 " in K & N
Hatfield 80 "



5/14/1954 T819 pulled ~~1.60~~ 1.60 cfs off of the NWNE of sec 30 and left it w/ high water only.

T819 would have left 1.60 cfs on NENE

1938 book shows 0.80 cfs of Hatfield right in STEELE
 1942 " shows 0.80 " " " " CHENEY
 1976 " " " " " " "

WD had no regard for POU

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 1-71B

WATER RIGHT NUMBER: 1-71B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FREDERICK HATFIELD
	, ZZ
Current Owner	CHENEY DITCH
	, ZZ

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion
SNAKE RIVER

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	
04N	40E	30	X	X															
			DEGREE																

Conditions of Approval:

- YDELL JOHNSON OF RIRIE SAYS THIS RT. IS ON HIS GROUND AND COMES THRU KITE & NORD DITCH NOW. HE SAYS HIS DAD ARRANGED THIS.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 1-71C

WATER RIGHT NUMBER: 1-71C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FREDERICK HATFIELD
	, ZZ
Current Owner	WYDELL JOHNSON PO BOX 366 RIRIE, ID 83443

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	NE1/4NW1/4	Sec. 29, Twp 04N, Rge 40E, B.M.
JEFFERSON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	40E	30	X																

Conditions of Approval:

1. TRANS. #819 LEFT THIS RT. ON THE LISTED P/U.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 1-71D

WATER RIGHT NUMBER: 1-71D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	W W PICKERING
Original Owner	, ZZ FREDERICK HATFIELD
Current Owner	, ZZ W G BURKE
	, ZZ

T 819

Priority Date: 06/01/1890
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.600 CFS	
	<u>Total Diversion:</u>	1.600 CFS	

Location of Point(s) of Diversion

SNAKE RIVER	NE1/4NE1/4	Sec. 35, Twp 04N, Rge 37E, B.M.
JEFFERSON 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	
02N	37E	6											X	X			X		
													L 7						
02N	37E	7	X	X	X	X	X	X	X	X									
								L 1	L 2										
02N	37E	8					X	X	X	X									

Conditions of Approval:

1. P/U EXCLUDES 62 AC. EMBRACED WITHIN THE BOUNDARIES OF THE NEW SWEDEN IRRIGATION CO.

Notes

Claim A01-00226B

1/ Exam done on 4-27-04 with claimant:
Laydell Johnson

2/ P.O.D is Rudy Canal with redirection with
10 hp pump on place of use

3/ GPS data - 2679381 File name - 01-26B
1386010 GPSTag# A0012281

4/ Exam done by Harold W. Jones of
Water Rights Contracting Services

PROFILED
SCANNED

NOV 10 2004



Reduction

P.O.U.

Wetland

01-0305 22-0290 ✓	Hna		
01-0306 22-0291 ✓	Hanson, Alfred	120 inches.	Sept. 1, 1898. North Leigh Creek.
	Hansen, Andrew O.	80 inches.	June 1, 1896. Teton Creek.
	Harman, D. R.		Wearyrick Ditch Company.
	Harmon, Mrs. Charles.		The Farmers Friend Canal Company.
01-0307 21-0057 ✓	Harrigfeld Canal & Irrigation Company.	3,000 inches.	Aug. 4, 1900. Fall River.
01-0308 21-0058 ✓	Harrigfeld Canal & Irrigation Company.	4,000 inches.	May 1, 1906. Fall River.
	Harris, R. E.		Enterprise Canal Company.
01-0309 1-069 ✓	Harrison Canal & Irrigating Company	12,000 inches.	July 12, 1890. South Fork of Snake River.
01-0310 1-070 ✓	Harrison Canal & Irrigating Company.	8,000 inches.	Jan. 9, 1895. South Fork of Snake River.
01-0311 22-0292 ✓	Harrop, Samuel	200 inches.	June 1, 1891. Leigh Creek.
	Hart, J. W.		Anderson Canal Company.
	Hartvigsen, Mary		Watson Slough Irrigation Company.
01-0312 21-0059 ✓	Harwood, Spencer	160 inches.	Nov. 19, 1902. Sheridan Creek and a small tributary.
	Haskins, R. F.		Enterprise Canal Company.
01-0313 22-0293 ✓	Hatch, Hyrum	160 inches.	June 1, 1894. Trail Creek.
01-0314 22-0294 ✓	Hatch, Lemoine	40 inches.	Sept. 1, 1901. Spring Creek.
01-0315 22-0295 ✓	Hatch, Mary E.	40 inches.	July 15, 1896. Trail Creek.
	Hatch, William		Trego Ditch Company.
01-0316 1-071 ✓	Hatfield, Frederick	160 inches.	June 1st 1890. Snake River. Trans 19-
01-0317 21-0060 ✓	Hathaway, John	205 inches.	June 10, 1887. Fall River. Trans 123 (P.D.)
01-0318 21-0061 ✓	Hathaway, William	240 inches.	June 10, 1887. Fall River.
21-0602 ✓	Hawley, C. B.		May 1, 1884. 3/5th of the flow of Elkhorn and Hawley Springs, up to 210 inches.
01-0319 22-0296 ✓	Hawley, E. L. and Grace	100 inches	Sept 5th, 1905 Hawley Springs (Permit)

MAY 1 3 1996

**Hatfield,
Frederick**

$\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 30, T. 4 N., R., 40 E., B.

M., containing 80 acres.

Hathaway, John

E $\frac{1}{2}$ of SW $\frac{1}{4}$ and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 19, T.

S N., R., 42 E., B. M., containing 160 acres

Hathaway, William

W $\frac{1}{2}$ of SW $\frac{1}{4}$, and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 19, T.

**S N., R., 42 E., B. M., containing 160
acres.**

Hawley, C. B.

Lots 3 and 5, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$,

NW $\frac{1}{4}$ of SE $\frac{1}{4}$, of Sec. 23, N $\frac{1}{2}$ of NE $\frac{1}{4}$, and

Lots 1 and 2 of Sec. 22, T. 4 N., R.,

40 E., B. M., containing 320 acres.

**Hawley, William L.
and Grace**

SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 19, and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of

Sec. 30, and Lot 5 of Sec. 30, T. 5 S.,

R. 32 E., B. M.,

✓ **Hearst, H. T.**

Unsurveyed, SW $\frac{1}{4}$ of Sec. 31, T. 6 N. R., 46

E., B. M.,

Hegsted, Victor

W $\frac{1}{2}$ of SW $\frac{1}{4}$, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 22.

NW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, and E $\frac{1}{2}$ of NE $\frac{1}{4}$

of Sec. 27, T. 5 N., R., 44 E., B. M.,

and SW $\frac{1}{4}$ of Sec. 26, T. 5 N., R., 44

E. B. M., containing 480 acres.

✓ **Hegsted, Victor C.**

N $\frac{1}{2}$ of N $\frac{1}{2}$ of Sec. 6, T. 6 N., R. 40 E. B. M.,

containing 160 acres.

Heise Canal.

Gavin, Bertha Heise

SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 30, T. 4 N., R., 41 E.,

B. M.

Heise, Blanche

W $\frac{1}{2}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of NE $\frac{1}{4}$

of Section 31, T. 4 N. R. 41 E., B. M.

Heise, R. C.

E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 25, T. 4 N., R., 40 E. B.

M.

Hendrickson, Adolphus

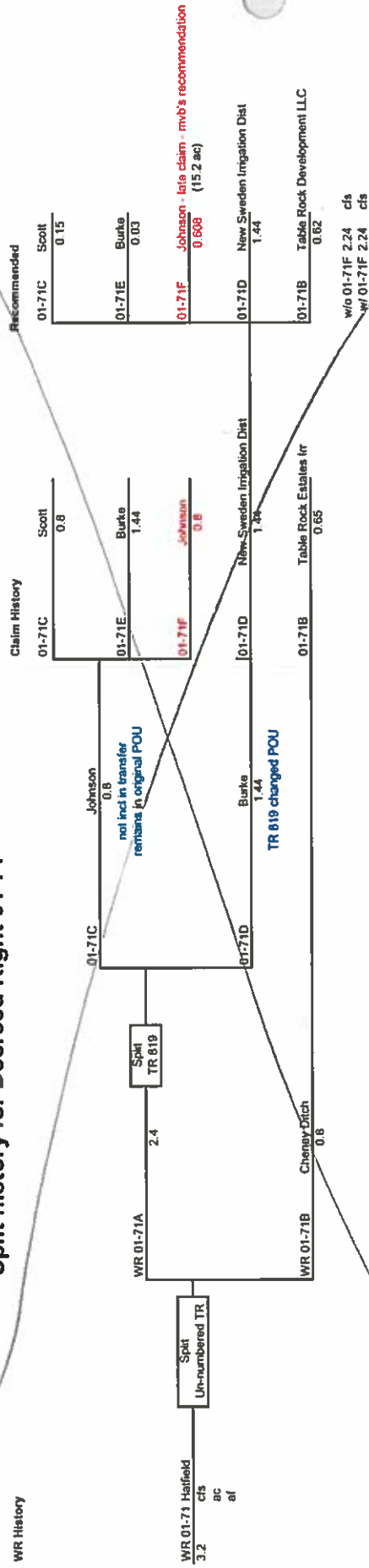
S $\frac{1}{2}$ of NW $\frac{1}{4}$ and Lots 3 and 4 of Sec. 1,

T. 6 N., R., 44 E., B. M.

MAY 1 3 1908

Split history for Decreed Right 01-71

WR History



*Last updated 5-21-2007 (mvanbussum)
For digital copy of Excel spreadsheet file. See Monica Van Bussum

Claim No(s). 1-71F

Claim No(s). 1-71F

[illegible]

RECEIVED

APR 23 2007

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH 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 1-71F
Date Received: 12/29/2006
Receipt No:
Received By:

CO83914 423-07
amp
E033129 7-14-2007

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

2007 JAN 8 PM 10 28
FILED
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

1. Name of Claimant(s)

WYDELL JOHNSON Phone: (208)538-7333
181 N 4600 E
RIGBY ID USA 83442

2. Date of Priority: 06/01/1890

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	40E	29	NE NW	JEFFERSON	

5. Description of diverting works: Rudy Canal

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.8	

7. Total Quantity Appropriated is:
0.8 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
04N	40E	30	NE NE	IRRIGATION	15

NW NE IRRIGATION 0.2
Section Acres 15.2
Total Acres 15.2

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

Water is delivered through Rudy Canal.
Transfer 819 left this right on the place of use.
In the 1960's the point of diversion for this right was changed from the Steel
Ditch to the Rudy Canal, per a statement by R Dwayne Scott.

15. Basis of Claim: Decreed

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: _____

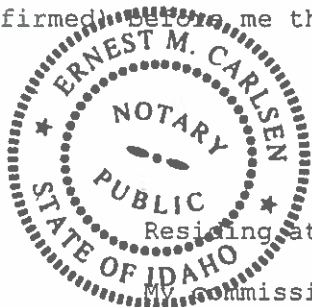
For Individuals:

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

Signature of Claimant(s): Wendell Johnson Date: 12-29-06

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 29 of December 29, 2006



Ernest M. Carlsen
Notary Public
Albino Falls
Residing at
My Commission Expires 8-21-2009

RECEIVED
APR 23 2007
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
APR 19 2007	
By _____	Clerk
_____	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 SRBA

Subcase: 01-00071F

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On January 8, 2007, Wydell Johnson filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on April 17, 2007. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated April 19, 2007.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on April 19, 2007, with sufficient first-class postage to the following:

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

WYDELL JOHNSON
181 N 4600 E
RIGBY, ID 83442
Phone: 208-521-7011

ORDER

Page 1 4/19/07

FILE COPY FOR 00142

Deputy Clerk

SCANNED

APR 24 2007