

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 1-226B
Date Received: 6/20/2002
Receipt No:
Received By:

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

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: DRY BED Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:

Headgate for the Kite-Nord Ditch.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.2	

7. Total Quantity Appropriated is:
0.2 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	14.5
			NW NE		10.5
				Section Acres	14.5
				Total Acres	14.5

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:
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: _____

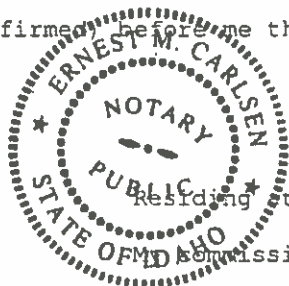
For Individuals:

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

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

State of Idaho)
County of Bonneville) SS.

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



Ernest M. Carlsen
Notary Public
Adabo Falls
My Commission Expires 8-21-2009

11/14/2006

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

RIGHT NUMBER: 1-226B **DISALLOWED**

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

SOURCE: DRY BED TRIBUTARY: SNAKE RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:
T04N R40E S29 NENENW 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	0.200 CFS

PLACE OF USE: IRRIGATION in JEFFERSON County
T04N R40E S30 NENE 14.50

14.5 ACRES TOTAL

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

Change in use; insufficient evidence of date of change.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Change in use, insufficient evidence of date of change: This is included for a claim that is proposed to be disallowed because use of the water right was changed without prior IDWR approval and the claimant did not submit sufficient evidence from which the date of the change could be determined. The date of change is necessary to determine if the right may be claimed as changed without prior IDWR approval, and if the change will result in injury to other water right holders.

SCANNED

MAR 9 2007



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

March 27, 2008

Special Master Terrence Dolan
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RECEIVED
MAR 31 2008
Department of Water Resources
Eastern Region

RE: SRBA Subcase No. 01-226B (Johnson)

Dear Special Master Dolan:

Please find attached an Amended Director's Report for water right no. 01-226B. As the initial hearing for Basin 01, Part 2 has not yet occurred, the claimant filed an amended claim in accordance with Rule 10.f of Administrative Order 1. Thus, the attached Amended Director's Report takes into consideration the amended claim.

Please set the standard objection and response deadlines for this Amended Director's Report.

If you have any questions regarding this Amended Director's Report, please contact me at 287-4810.

Sincerely,

A handwritten signature in black ink, reading "Andrea L. Courtney".

Andrea L. Courtney
Deputy Attorney General, IDWR

cc: Nathan Olsen
Jefferson County Courthouse
Michael Holliday

Wydell Johnson came to the office today to discuss claim 1-226B. Claim 1-226B was filed on 6/20/2002 and was disallowed in the Director's Report. On 12/29/2006 Ernie Carlsen assisted the claimant in the preparation of an amended claim. On 1/8/2007 the claimant filed a motion to amend his claim and an objection to the Director's Report.

The claim was recommended to be disallowed because, according to Water District 1 records, this right has always been delivered via the Kite and Nord Canal, but there was no way to irrigate the claimed place of use from that canal. Also the claimed place of use was not consistent with the place of use as described on Transfer 912, which is the basis of this claim.

The O. J. Nord vs. Lynn Crandall decree gave 1.60 cfs to Nord for use on the NESE of section 19. The water was diverted from the Kite and Nord ditch. Transfer 912 (1-226B) moved 0.20 cfs of right 1-226 to the NWNE of section 30 with no change in the point of diversion.

In his objection to 1-226B Wydell stated that the place of use should be 10.5 acres in RP04N40E300620A. This parcel is located within the decreed place of use and is consistent with his amended claim. If the court accepts the late claim, it appears to me that IDWR should recommend 1-226B as described in the amended claim with the exception of the number of acres irrigated. The total parcel size is 10.5 acres, but only 8.6 acres are being irrigated.

If 1-226B is recommended to the claimant, Kite and Nord's water right no. 1-10022 would need to be reduced by 0.20 cfs since water right 1-226B was included along with other rights in the Director's Report for 1-10022. During the preparation of amended claim 1-226B, several representatives of the Kite-Nord Canal Co. were present. They seemed to be in agreement with the claimant that 1-226B rightfully belonged to the claimant, even though it is carried through their canal system.

Mr. Johnson stated that the claimed place of use was irrigated from the Kite-Nord Canal until about 3 or 4 years ago. Since then he has been irrigating the property out of the north branch of the Rudy Canal.

SCANNED

NOV 02 2007



8.6 AC

POU FOR CLAIM
AS AMENDED.

19 20
30 29

SCANNED
NOV 22 2007

11/14/2006

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:

Water right number: 1-226B

WYDELL JOHNSON

181 N 4600 E

RIGBY ID 83442

Telephone Number: (208)538-7333

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: 11/22/06 SIGNATURE: Wydehl Johnson

Please print your name: Wydehl Johnson

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED

MAR 19 2007

PROFILED

Kmo
12/5

NOTES

10-116-06

01-2240 was decreed to Oscar Nord. He transferred 0.2 cfs to NWNE of Sec 30 leaving 1.4 cfs on the original property in 1958. Wydell Johnson claims the transferred portion in an adjacent AQ since 1960 and through a different POI. Kite and Nord Ditch also claim this right in combination with 01-2240A.

Water District Records show that this right is delivered through the Kite and Nord Ditch, which cannot irrigate the claimed land. If Mr. Johnson owned this right, then it would have been delivered through the Rudy Canal according to the WD records. Disallow.

KM

SCANNED

MAR 19 2007

PROFILED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

MR. OSCAR J. NORD, of
Rt. # 2, Rigby, Idaho

For a Transfer of Water Right
in Water District No. 36,
County of Jefferson, State of
Idaho.

ORDER NO. 912

GRANTING TRANSFER

WHEREAS, On the 11th day of September, 1958, at the Department of Reclamation, of the State of Idaho, at Boise, Idaho, this matter of the application of Oscar J. Nord, of Rt. # 2, Rigby, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more efficient beneficial use and that no one will be injured thereby.

NOW, THEREFORE, IT IS ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed, at Boise, Idaho, this 25th day of September, 1958.

GED. M. CARTER
State Reclamation Engineer

SCANNED

MAR 19 2007

SCANNED

MAR

MICROFILMED

PROCESSED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 912.

THIS IS TO CERTIFY, That Oscar J. Nord, of Rt. # 2, Rigby, Idaho, is the owner of and using a certain water right bearing date of priority of June 1, 1890, for 1.6 cubic feet per second of the waters of the South Fork of Snake River, County of Jefferson, State of Idaho, decreed to Oscar J. Nord by decree of C. J. Taylor of the Ninth Judicial District of the State of Idaho, in and for the County of Jefferson, in the case of

Oscar J. Nord

vs.

Lynn Grandall,

said decree bearing date of August 31, 1945, District No. 36, and in the County of Jefferson, State of Idaho, and being appurtenant to the following described lands, to-wit:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, Township
4 North, Range 40 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume No. 6 of Decrees, at Page 1121.

That said Oscar J. Nord has become the owner of said water right by means conveyance.

And, that now upon the application of Oscar J. Nord, of Rt. # 2, Rigby, Idaho, for the transfer of 0.2 cubic feet per second (10 miner's inches) of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted the right to the use of 0.2 cubic feet per second (10 miner's inches) of the waters of the South Fork of the Snake River upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED, shall become appurtenant, by this certificate, for irrigation purposes are described as follows, to-wit:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, Township
4 North, Range 40 East, B.M.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amount, to-wit:

0.2 cubic feet per second, bearing
date of priority of June 1, 1890.

SCANNED

MAR 19 2007

PRC

That the water right hereby transferred has heretofore been conducted from the South Fork of the Snake River with the point of diversion in the NE $\frac{1}{4}$ of Section 28, Township 4 North, Range 40 East, B.M., through the Kite and Nord ditch.

That the water right hereby transferred will hereafter be conducted to the last above described lands with no change in point of diversion through the Kite and Nord ditch.

That the right to the use of the aforesaid hereby confirmed is restricted to the land or place of use last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 25th day of September, 1958.

GEO. N. CARTER
State Reclamation Engineer

SCANNED

MAR 19 2007

PROFILE

Water Right
Suffix

Priority
CFS

Canal or Pump

Comments

01-00196

1893-04-30

B 3.640 Great Western Canal
C 78.360 Woodville Canal
D 3.500 Great Western Canal
Sum 85.500

TR 1673, Woodville Canal - Harder
Includes 3 additional pumps and a siphon.
TR 2833, G.F. Thompson

01-00201

1903-06-01

5.000 Hill Pettinger Canal
Sum 5.000

01-00202

1916-01-22

12.000 Anderson Canal
Sum 12.000

Anderson Canal to Poplar Irrigation

01-00209

1900-10-11

3,000.000 Twin Falls Southside Canal
Sum 3,000.000

01-00210

1900-10-11

A 54.000 Northside Twin Falls Canal
B 346.000 Northside Twin Falls Canal
Sum 400.000

01-00211

1903-03-26

A 1,070.120 Minidoka Canals
B 655.880 Minidoka Canals
Sum 1,726.000

01-00212

1905-10-07

2,250.000 Northside Twin Falls Canal
Sum 2,250.000

01-00213

1908-06-16

350.000 Northside Twin Falls Canal
Sum 350.000

Limited 3,000 total cfs with 01-00210 & 01-00212.

01-00214

1908-08-06

A 620.000 Minidoka Canals
B 380.000 Minidoka Canals
Sum 1,000.000

01-00223

1891-06-01

6.000 Ferguson Pump
Sum 6.000

01-00225

1888-06-01

2.400 Mattson-Craig Canal
Sum 2.400

01-00226

1890-06-01

A 1.400 Kite & Nord Canal
B 0.200 Kite & Nord Canal
Sum 1.600

01-00227

1888-06-01

2.000 Harrison Canal
Sum 2.000

SCANNED

MAR 19 2007

PROCESSED

Notes

Claim A01-00226B

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

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

3/ GPS data - 2679381
1386010

File name - 01-26B
GPSTag# A0012281

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

PROFILED
SCANNED

NOV 10 2004

A01-00226 B

GPS Tag



THIS IS NOT
THE RUDY.
IT IS THE
KITE & NORD.
MWH

Headworks of Rudy Canal

PROFILED

SCANNED

NOV 10 2004

A01-00226B



Headworks of Rudy Canal

PROFILED

SCANNED

NOV 10 2004

Redwater

P.O.U.

THIS MAP SHOWS
POU PRIOR TO
AMENDMENT OF
CLAIM.

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 1-226B
Date Received: 6/20/2002
Receipt No: E027886
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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: DRY BED Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:

Headgate for the 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	0.2	

7. Total Quantity Appropriated is:
0.2 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
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PROFILED



04N	40E	30	NE	NE	IRRIGATION	14.5
					Section Acres	14.5
					Total Acres	14.5

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:

Though transfer 912 indicates this right was diverted through the Kite and Nord and used on the NWNE Sec 30, Wydell Johnson, son of Narvel Johnson, has diverted this water from the Rudy Canal since 1960 for the irrigation of 14.5 acres in the NENE Sec 30 T4N R40E. Narvel Johnson purchased the right from Oscar Nord.

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 X 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): R. W. J. Johnson Date: 6/20/02

Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 20th
of June 2002

Wendy J. Murphy

Notary Public

Residing at Idaho Falls

My commission Expires 6/23/06

