

02/02/2006

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

RIGHT NUMBER: 22-10713

NAME AND ADDRESS: RENEE J JOHNSON
975 WIDDISON LN
REXBURG ID 83440

BUD L JOHNSON
975 WIDDISON LN
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1970

POINT OF DIVERSION: T06N R39E S25 SWNENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE: DOMESTIC Within MADISON County

T06N R39E S25 NENW

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

09/19/2006

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: 22-10713

RENEE J JOHNSON
975 WIDDISON LN
REXBURG ID 83440
Telephone Number: (208)356-3407

BUD L JOHNSON
975 WIDDISON LN
REXBURG ID 83440
Telephone Number: (208)356-3407

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: OCT 9, 2006

SIGNATURE:

Renee J. Johnson

Please print your name:

Renee J. Johnson

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

KMS
10/20

09/14/2005

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.

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RENEE J JOHNSON
975 WIDDISON LN
REXBURG ID 83440
Telephone Number: (208)356-3407

BUD L JOHNSON
975 WIDDISON LN
REXBURG ID 83440
Telephone Number: (208)356-3407

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: Jan. 3, 2006 SIGNATURE: Renee J. Johnson
Please print your name: Renee J. Johnson

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

RECEIVED
JAN 09 2006
Department of Water Resources
Eastern Region

Kmt
1/9

Affidavit of Renee J. Johnson

RECEIVED

JUN 29 2005

Department of Water Resources
Eastern Region

State of Idaho,)
)ss.:
County of Madison.)

I, Renee J. Johnson, being first duly sworn, make the following affidavit.

1. I am an adult, competent to testify, and make this affidavit based upon my own knowledge and recollections.

2. Since the death of my husband, Bud Lee Johnson, August 14, 2003, I am the sole owner of the property at 975 Widdison Lane, Rexburg, ID 83440, (208) 356-3407. The land was bought as community property by us from Clem L Thompson and his wife, Janeal L. Thompson on February 8, 1971.

3. Prior to our purchase of the property, the land had been irrigated by a diversion ditch along the east edge of the acre. The water for the ditch was obtained from the Rexburg Irrigation Company, whose canal passes along the south side of the acre. We subsequently surrendered our rights in the canal and the ditch was filled in. All of the water used on the acre was pumped from a sand point well on the northeast corner of the acre.

4. In the early spring of 1971 we planted trees and a garden before starting to build the house. There is no statement of record from a commercial well driller on the property because we did not hire one. My husband and my brother, J. Harvey Jackman, dug a hole on the northeast corner of the acre and then began in the bottom of it to pound a sand point by hand. Ground water was successfully obtained from this well to irrigate the trees and ground by April of 1971.

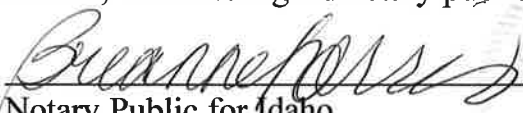
5. The house was completed after the well was dug. The well was connected to the pump in the basement of the house. The water has been used for domestic and irrigation purposes on the acre.

DATED this 28th day of June, 2005.



Renee J. Johnson

SUBSCRIBED AND SWORN before me, the undersigned notary public this day and year first above written.



Notary Public for Idaho
Residing at Rexburg
Commission Expires: 5/17/10

Affidavit of Diann Johnson Flores

RECEIVED

JUN 29 2005

Department of Water Resources
Eastern Region

State of Idaho,)
)ss.:
County of Madison.)

I, Diann J. Flores, being first duly sworn, make the following affidavit.

1. I am an adult, competent to testify, and make this affidavit based upon my own knowledge and recollections.

2. I am the daughter of Bud and Renee Johnson, who owned property to the west of Rexburg, Idaho. Renee Johnson still owns the property located at 975 Widdison Lane.

3. When I was a child I remember living in Rexburg and that my parents bought land upon which to build a house. We moved to the house when I was around 9 years old, which would have been in 1972. I remember that quite well because of how different it seemed to me not to be able to walk to school for 5th grade.

4. Before the house was built, I distinctly recall a hot summer day. Dad had dug a well on the property. He had planted trees which we had to irrigate with pails of water. I remember standing on the edge of the well, which very deep to a 3rd or 4th grader. Dad was standing in the hole and dipping the bucket into water at the bottom. He would hand up the pail to one of us and we'd carry it through the weeds and thistles to the trees we needed to water. It seemed like we made the trip back and forth a thousand times.

5. I could not tell you the date on which my father dug the well. It would have been a year or so before 1972. Trees were planted and the well was dug before the house itself was started.

DATED this 17th day of June, 2005.


Diann Johnson Flores

SUBSCRIBED AND SWORN before me, the undersigned notary public this day and year first above written




Notary Public for Idaho
Residing at Rexburg
Commission Expires: 10-1-10

RECEIVED
JUN 29 2005
Department of Water Resources
Eastern Region

Sugar City Idaho
27 June 2005

Water Master, State of Idaho

Gentlemen,

In 1970 or 71 Bud and Renee Johnson decided to build a house on Widdison Lane in the Widdison Addition in Rexburg Idaho. Their contractor agreed to let Bud work on the house as sweat equity. Bud ask me, Harvy Jackman, to help on my days off and after work.

One of the first project that we did was to sink a well in order to have water on the work site.

We had helped Jay Huber drive a well on his property, so we didn't have any doubt that we could do it on Bud's lot.

We drove the well, using a sand point, in the Northeast corner of the lot in order to have it as far from the sewer drain field as possible. The septic tank and drain field was to be on the southwest side of the house.

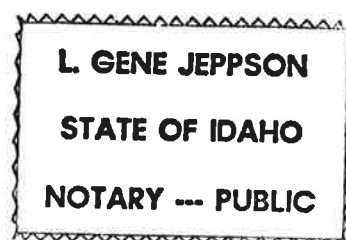
After we finished the well, the man who dug the basement, also dug the trench to run the water line to the house.

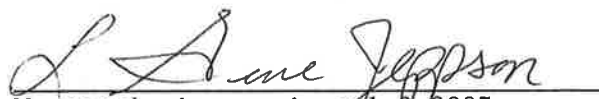
Yes I can affirm that Bud an I did drive the well ourselves, before the house was finished.


J. Harvy Jackman

State of Idaho)
) ss
County of Madison)

Subscribed and affirmed before me this 27th day of June, 2005.




My commission expires 1-8-2007

June 8, 2005

**BUD L JOHNSON
975 WIDDISON LN
REXBURG ID 83440**

FINAL NOTICE

PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10713

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of JAN 01, 1970, from GROUNDWATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

A22-10713

7/13/04 Centurion 603525 Map says "See bank Widdison
"Addition"

Widdison Addition map - unclear

could be 603525-2838

2880

looks like this is the one
2875



Bud Lee Johnson

975 Widdison Ln

Lexburg 83440

Joe

MAILED
2-24-04

February 24, 2004

**BUD L JOHNSON
1691 W 190 S
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10713

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of JANUARY 1, 1970, from A WELL.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

Log for claim 22-10713

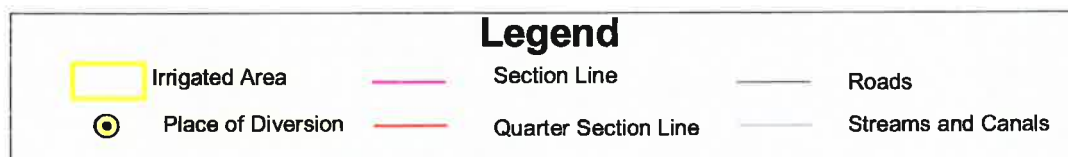
Spatial Dynamics BTD

7/13/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n39e	25	NENW	1	2.1	Indiscernible
Totals:			1	2.1	

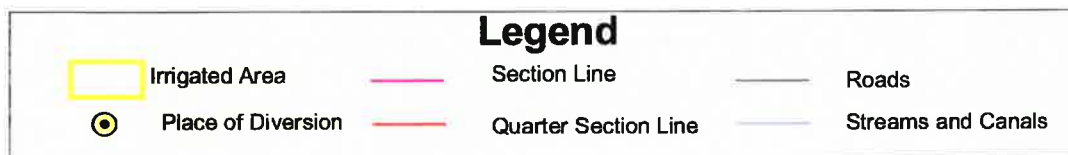
Water Right Claim Number 22-10713
Township , 6N39E

07/13/2001



Water Right Claim Number 22-10713
Township , 6N39E

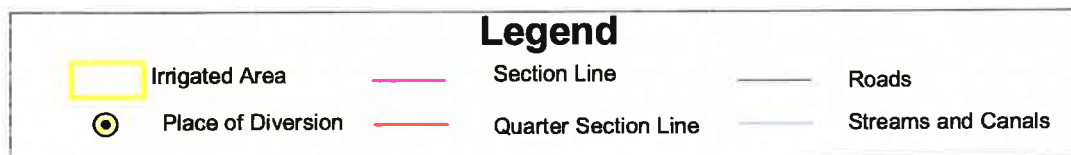
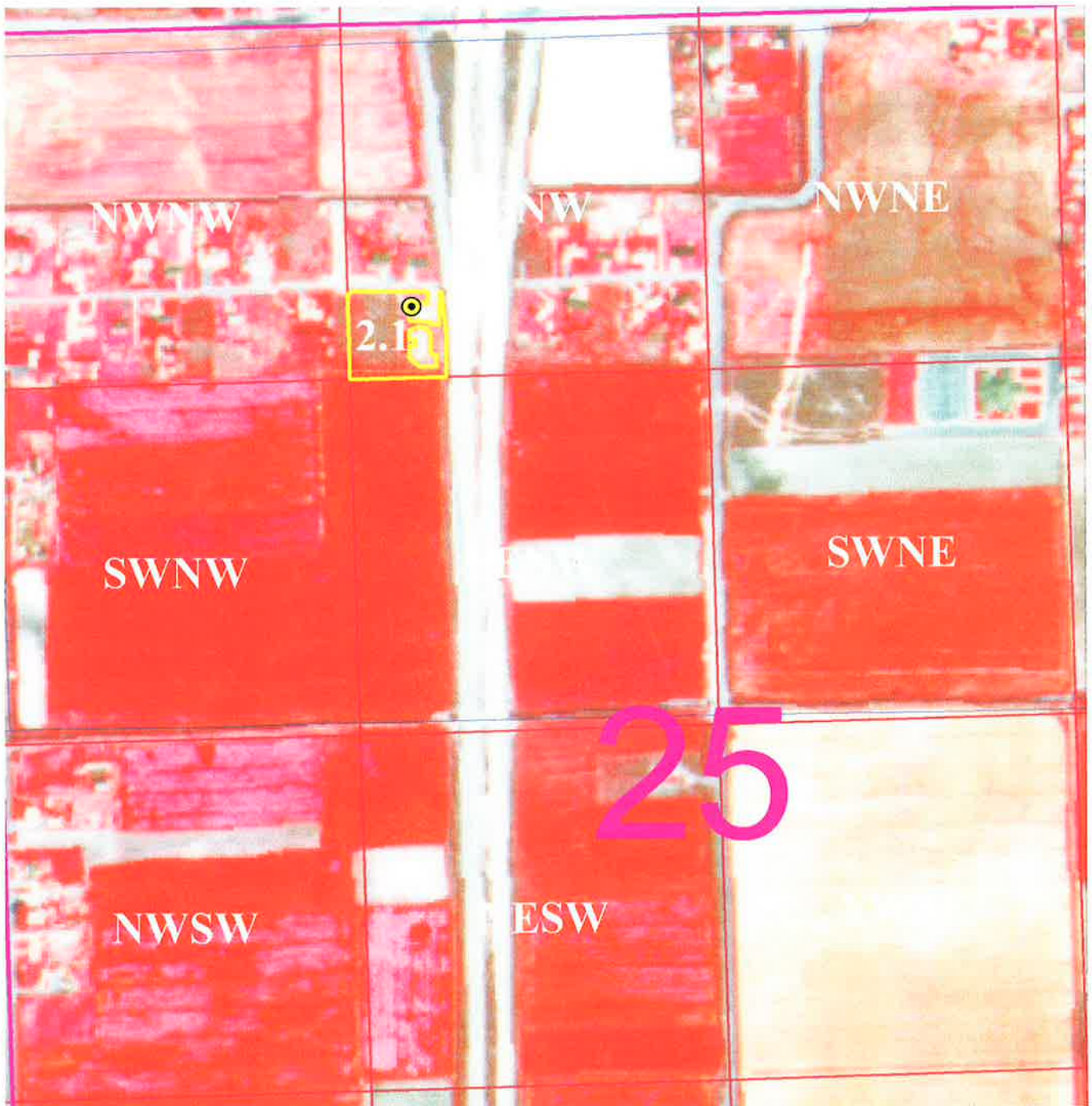
07/13/2001



SPATIAL
DYNAMICS

Water Right Claim Number 22-10713
Township , 6N39E

07/13/2001



SPATIAL
DYNAMICS

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

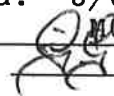
IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-10713

Date Received: 8/05/1988

Receipt No: 1000852

Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BUD L. JOHNSON 208-356-3407
Address: 1691 W. 190 S.
REXBURG, ID 83440

OR

Name: RENEE J. JOHNSON 208-356-3407
Address: 1691 W. 190 S.
REXBURG, ID 83440

2. Date of Priority: JAN 01, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	39E	25	SW	NE	NW		MADISON

5. Description of diverting works:
WELL, 51' DEEP, 1/2 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.030		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
ONE DOMESTIC HOUSEHOLD

A22-10713

Page 1

Date: 08/05/88

A2210713



REPROFILMED

NOV 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	25	NE	NW		IRR	1.0
			NE	NW		DOMEST	
					Section Acres		1.0
					Total Acres		1.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE

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 Individuals:

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

Signature of Claimant(s): + Bud S. Johnson Date: + Aug 5, 1988

Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 5 day

of Aug 19 88

Seal

John Dale Carlson
Notary Public

Residing at Bain Id.

My Commission Expires 6/7/94



Bud L. Johnson T6N R39E SECTION 25 SW NE NW