

01/02/2004

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

RIGHT NUMBER: 25-7065

NAME AND ADDRESS: DENA JOHNSON
6833 E IONA RD
IDAHO FALLS ID 83401

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS
35.000 AFY

PRIORITY DATE: 04/07/1975

POINT OF DIVERSION:

T01N R40E S34 SENESE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/01 11/01

QUANTITY
0.200 CFS
35.00 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R40E S34 NESE 1.7 T01N R40E S34 SESE 8.3

10 ACRES TOTAL

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

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: License

Water Right 25-7065

SCANNED

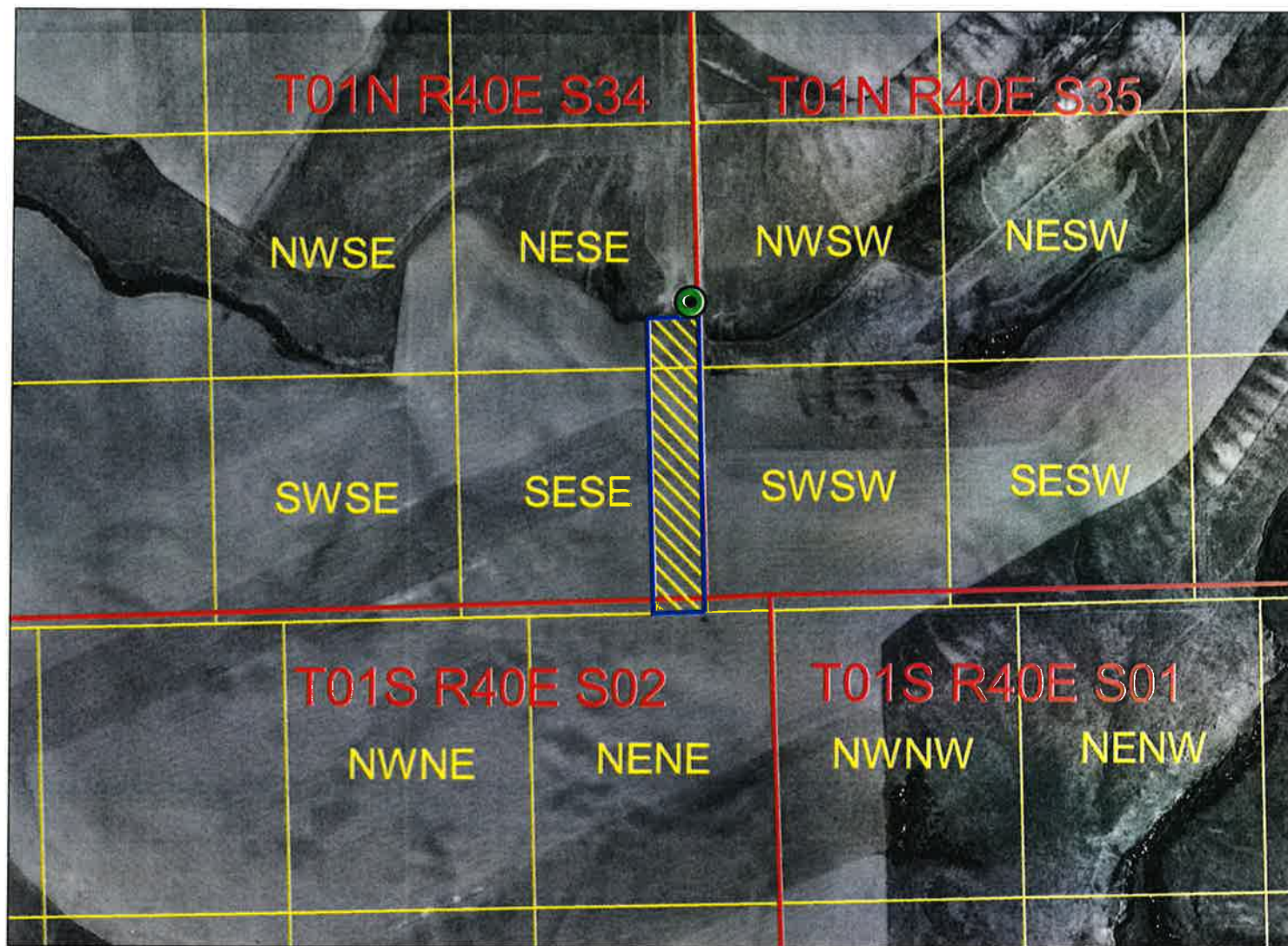
SEP¹ 27 2004

PROFILED



Department of Water Resources

Claim No.: 25-07065



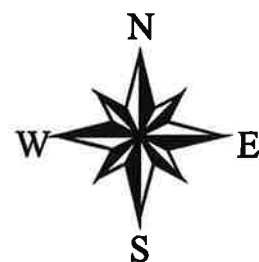
0 1320 2640 3960 5280 Feet

-  Point of diversion
-  Place of use
-  Sections
-  QQ

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SCANNED

SEP 27 2004



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by M. Holliday
Date: January 2004

SEP 27 2004

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PROFFLED

NOT TO SCALE

PROFFLED

96.0

97.5

92.0

1.275

34.35

0.3 miles

0.25 miles

Place of Use

N
1
T

N
1
T

R 40E

G-257

247.2

76.2

249.1

27.26
34.35

R 40E

28.22
33.34

66-14

25-706

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

Water Rights: 25-7065

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

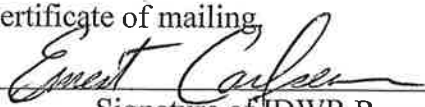
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 7, 2005


Signature of IDWR Representative

SCANNEL

JUL 22 2005

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CERTIFICATE OF MAILING

I certify that on July 15, 2005, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
DENA JOHNSON
6833 E IONA RD
IDAHO FALLS ID 83401

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
BLAINE SIMMONS
6453 E 1ST ST
IDAHO FALLS, ID 83401

4. One copy to:

Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

PROFILED

SCANNED
JUL 22 2005

07/08/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-7065

NAME AND ADDRESS: BLAINE SIMMONS
6453 E 1ST ST
IDAHO FALLS ID 83401

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.200 CFS
35.00 AFY

PRIORITY DATE: 04/07/1975

POINT OF
DIVERSION: T01N R40E S34 SENESE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/01 11/01

QUANTITY
0.200 CFS
35.00 AFY

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R40E S34 NESE 1.7 T01N R40E S34 SESE 8.3

10 ACRES TOTAL

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

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 - License

PROFILED

SCANNED
JUL 22 2005

July 14, 2005

BLAINE SIMMONS
6453 E 1ST ST
IDAHO FALLS ID 83401

RE: Notice of Change of Water Right Ownership (NCO) for 25-7065 and Notice
of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On June 28, 2005, the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Katy Jackson
Office Specialist 1

Enclosure

SCANNED
JUL 22 2005

PROFILED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

OK JC
6/30/05

RECEIVED

JUN 28 2005

Department of Water Resources
 Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	25-7065				
25-13968					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$75
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Dena Johnson

4. New Owner/Claimant(s)

Blaine Simmons

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

6453 E 1st ST

City, State and ZIP Code

Idaho Falls, ID 83401

New Telephone Number

(208) 589-2120

5. Date you acquired the property

April 27, 2005

PROFILED

SCAN

JUL 22 2005

1184121 APR27'05 PM 2 22

WARRANTY DEED

GRANTOR, DENA S. JOHNSON of Idaho Falls, County of Bonneville, State of Idaho, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby GRANT, BARGAIN, SELL and CONVEY unto , BLAINE A. SIMMONS and D. JANE S. SIMMONS, whose mailing address is 6453 E. First Street, Idaho Falls, 83401 County of Bonneville, State of Idaho as GRANTEES, and to grantees heirs and assigns forever, all of the following described real estate located in County, Idaho:

Tract 1:

Lots One (1), Two (2), Three (3), and Four (4) Section Two (2), Township One (1) South, Range 40 East, Boise Meridian, containing 189.52 acres, more or less.

Tract 2:

The Southeast Quarter of the Southwest Quarter, Section 27, Township 1 North, Range 40, EBM, in Bonneville County.

Tract 3:

The South half of the Northeast Quarter and the East half of the Northwest Quarter in Section 34, Township 1 North, Range 40, EBM, in Bonneville County.

Tract 4:

The south half of the southeast quarter; and beginning at the southeast corner of the northeast quarter of the southeast quarter, thence west 160 rods, thence northeast 113 rods, to the northeast corner of the northwest quarter of the southeast quarter of said section, thence southeast 113 rods, to the place of beginning; also beginning at the northeast corner of the southeast quarter of the southwest quarter of said section, thence south 80 rods, thence west 80 rods, thence northeast 113 rods to the place of beginning, all in Section 19, Township 1 North, Range 41 East of the Boise Meridian. Also, the SW1/4 of the NW1/4, Sec. 30, Tsp. 1 N., Range 41 E.B.M.

INSTRUMENT NO.	1184121
DATE	4-27-05
INST. CODE	205
IMAGED PGS	3
FEE	9-
STATE OF IDAHO) 59	
COUNTY OF BONNEVILLE	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	<i>[Signature]</i>
Deputy	DENA
Request of	JOHNSON

PROFILE

SCANNED

JUL 22 2005

Tract 5:

The Northwest Quarter of the Northeast Quarter; and the South Half of the Northeast Quarter, in Section 25, Township 1 North, 40 E.B.M.

Tract 6:

The Southeast Quarter of the Northeast Quarter in Section 33, and The West Half of the Northwest Quarter in Section 34, all in Township 1 North, Range 40 E.B.M., in Bonneville County, Idaho.

Tract 7:

The Southeast Quarter of Section 34, Township 1 North, Range 40 East Boise Meridian in Bonneville County, Idaho.

Tract 8:

The East Half of the Southwest Quarter; the Northwest Quarter of the Southwest Quarter; the Northwest Quarter of the Northeast Quarter, all in Section 34, Township 1 North, Range 40 East Boise Meridian in Bonneville County, Idaho.

Tract 9:

The Southeast Quarter of Section 27 and the Northeast Quarter of the Northeast Quarter of Section 34, all in Township 1 North, Range 40, E.B.M., in Bonneville County, Idaho.

TOGETHER with all improvements, water, water rights, ditches, ditch rights, easements, tenements, hereditaments and appurtenances thereto.

Grantor, for herself, her heirs and assigns does hereby covenant, warranty and shall defend the quiet and peaceable possession of said premises by the grantee, her heirs and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, Grantor has hereunto subscribed her name to this instrument this 27 day of April, 2005.


Dena S. Johnson

STATE OF IDAHO)
)ss.
County of BONNEVILLE)

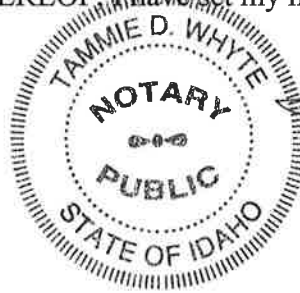
On this 27th day of April, 2005, before me, a Notary Public for Idaho, personally appeared

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SCANNED
JUL 22 2005

DENA S. JOHNSON, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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




Notary Public for Idaho

Residing at:

My Commission Expires:

Idaho Falls, ID
8-14-09

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JUL 22 2005

RECEIVED

SEP 17 2004

NOTICE OF ERROR
REPLY

01/02/2004

RECEIVED

SEP 17 2004

Department of Water Resources
Eastern Region

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: 25-7065

DENA JOHNSON
6833 E IONA RD
IDAHO FALLS ID 83401
Telephone Number: (208)523-4169

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:

9 12 04

SIGNATURE:

Dena Johnson

Please print your name:

Dena Johnson

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

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SEP 17 2004

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Water Right Number 25-7065

Recommended as Claimed

☐ Claimed as Beneficial Use, ☒ Claimed as Licensed, ☐ Claimed as Decreed

NOTES:

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that Thurman &/or Blaine Simmons &/or Rex Johnson

Beneficial Use Period of Use Rate of Diversion Annual Volume

Irrigation from April 1 to November 1 at 0.20 cfs and 35.0 acre feet

from _____ to _____ at _____ cfs and _____

from _____ to _____ at _____ cfs and _____

(both dates inclusive)

Subject, however, to the condition that no more than 0.20 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 35.0 acre feet per year, said waters to be diverted within the NE 1/4 Sec 34,
Twp 1N, Rge 40E in the County of Bonneville

Description and location of place of use:

[illegible]

Total number of acres irrigated 10

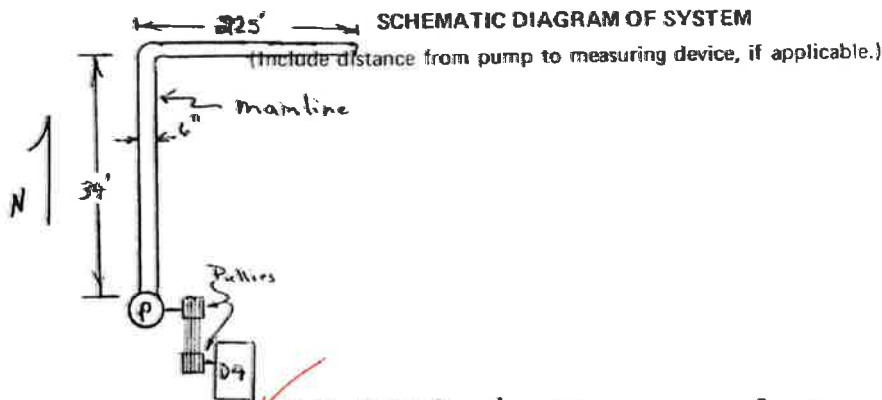
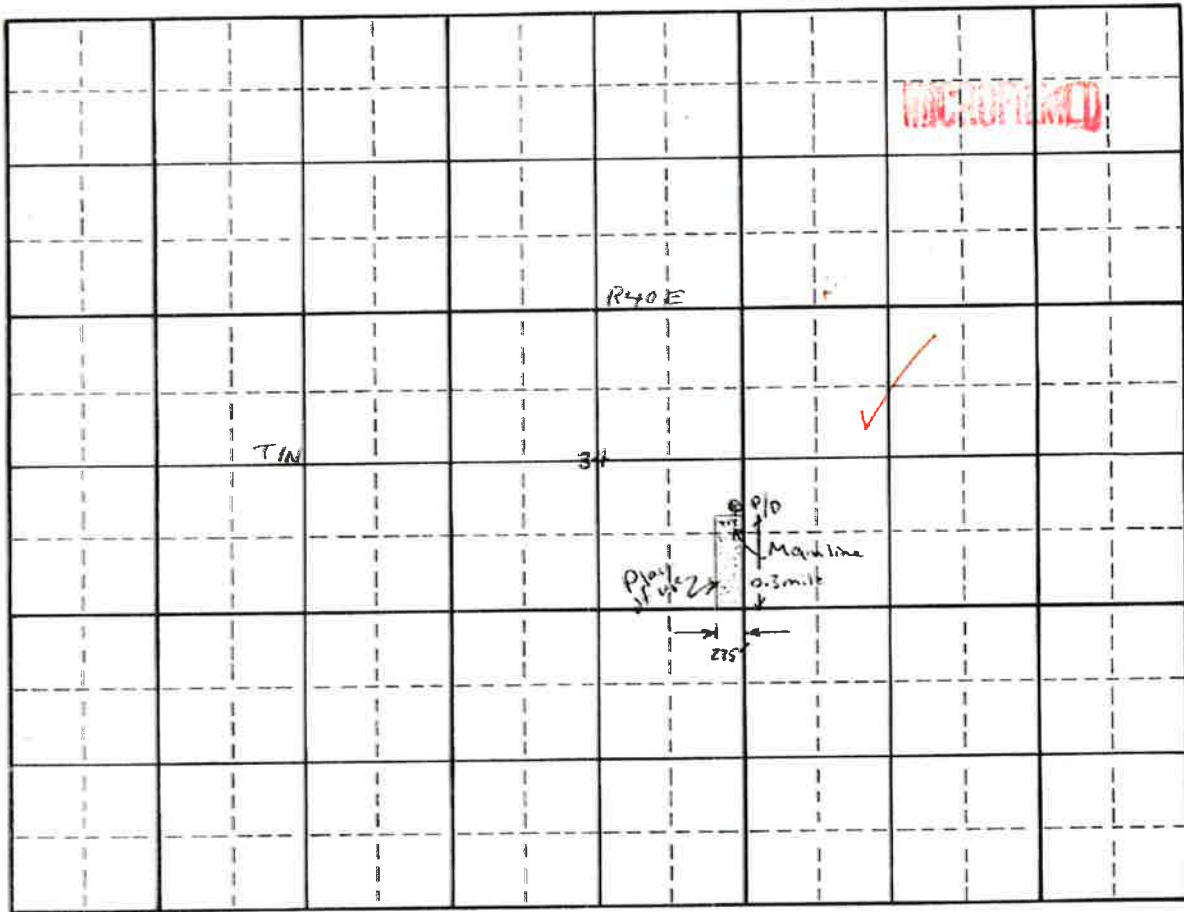
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7th day of

September, 19 84

Acting for the Director

MAP (Attach Aerial Photo)



Point(s) of diversion: NE 1/4 of SE 1/4 Sec 34 T1N R40E

Place(s) of Use: ✓ less acreage

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1 N	40 E	34													1.7			8.3	10.0 ✓
															2			8	

Recommended Amendments:

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature KC Wilson

Date 7-22-81

Checked by AW-Jerry

Date 8-6-81

Approved by Kay Walker

Date 8-6-84

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

25-705

Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 6-23-81 Accompanied by Mr Simmons + Mr Johnson Total Q measured 0.33 cfs ✓
If source is surface water, estimate total flow of source _____
Methods of measurement Pitot tube Meets Permit requirements? _____

Measurement calculations:
 $V = 10 \text{ ac} \times 3.5 \text{ afa}$
 $= 35 \text{ afa} \checkmark$

Using Rainbird Reference Chart
 32 Birds $\frac{5}{32}$ " dia @ 40psi
 $= 4.61 \text{ gpm} \times 32 = 147.52 \text{ gpm} \div 445.6$
 For 1" per acre
 $10 \text{ ac} \times 0.02 = 0.2 \text{ cfs}$
 $= 0.33 \text{ cfs} \checkmark$

$V = 0.2 \times 1.9835 \times 214$
 $= 84.9 \text{ afa} \checkmark$

[illegible]

System Description 04 Caterpillar Tractor, connected to 150hp Pump, by pulleys and belts, going to 34 foot long 6" mainline to laterals with 32 sprinklers

**Code with map on reverse side. Disregard code if only one.*

RECOMMENDED AMOUNTS

USE	Q (cfs)	V (afa)	FROM	TO
Irrigation ✓	0.2 cfs ✓	35 ✓	Apr 1 ✓	Nov 1 ✓
			214 days	
Total	0.20 cfs ✓	35 afa ✓		

Remarks

الحمد لله رب العالمين

GENERAL POWER OF ATTORNEY

I, Dena S. Johnson, of Bonneville County, State of Idaho, designate and appoint two of my daughters, Rexanne Nielsen and Judy Wilkins, both of Bonneville County, State of Idaho, jointly as my attorney in fact and agent (subsequently called "Co-Agents") to act in my name and for my benefit. I grant to my Co-Agents full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Co-Agents shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

1. General Grant of Power.

My Co-Agents shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, relating to any person, matter, transaction or property, real or personal, tangible or intangible, now owned or hereafter acquired by me, including, without limitation, the powers specifically enumerated in this instrument. Generally, my Co-Agents shall have power to do and perform all matters, transact all business, and make, execute and acknowledge all contracts, orders, deeds, mortgages, leases, assignments, assurances, and instruments of every kind which may be requisite or proper to effectuate the purposes of this general power of attorney.

2. Specific Powers.

Without in any way limiting the generality of the power and authority conferred upon my Co-Agents by this instrument, my Co-Agents shall have and may exercise each of the following specific powers:

- (a) Acquire and Sell. To acquire, purchase, exchange, grant options to sell, assign, release, convey, mortgage, hypothecate, lease and accept and take possession of real and personal property and interests therein, both tangible and intangible, upon such terms, conditions and covenants as my Co-Agents shall deem proper and to sign, seal, execute and deliver and acknowledge such deeds, leases, contracts, assignments, indentures, agreements, mortgages, deeds of trust, bills of sale, security agreements and related forms, exchange agreements, bills, bonds, notes, receipts, releases and satisfactions of mortgages, security interests and judgments and such other instruments in writing as shall be proper.

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SEP 27 2004

This shall specifically include the power to lease or sell, and to sign all leases, deeds, closing statements and any other necessary documentation relating to such lease or sale, or to mortgage or enter into deeds of trust, and sign all necessary documentation related to such mortgages or deeds of trust, as to any real property that I own or may hereafter acquire.

This shall specifically include the power to lease or sell, and to sign all leases, deeds, closing statement and any other necessary documentation relating such lease or sale, or to mortgage or enter into deeds of trust, and sign all necessary documentation related to such mortgages or deeds of trust, as to any real property that I own or may hereafter own.

- (b) Borrow and Deposit. To borrow moneys on my behalf and to sign, seal, execute, deliver and acknowledge on my behalf such promissory notes, bills, bonds, or other evidence of indebtedness and such mortgages, deeds of trust, security agreements, pledges, or other documents to secure the payment of borrowed funds as my Co-Agents shall deem proper. To make, receive and endorse checks and drafts, deposit and withdraw funds, acquire and redeem certificates of deposit, in banks, savings and loan associations and other financial institutions, and to release such mortgages, deeds of trust, or other security instruments as may be necessary or proper in the exercise of the rights and powers herein granted.
- (c) Collect and Pay. To forgive, request, demand, sue for, recover, collect, receive and hold all sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests, devises, notes, interests, stock certificates, bonds, dividends, certificates of deposit, annuities, pension, profit sharing, retirement, Social Security, Medicare, insurance, and other contractual benefits and proceeds, all documents of title, all property and property rights, real or personal, intangible and tangible, and demands whatsoever, liquidated or unliquidated, now or hereafter owned by, or due, owing, payable or belonging to me, or in which I have or may hereafter acquire an interest; to have, use, and take all lawful means and equitable and legal remedies and proceedings in my name and for the collection and recovery thereof including the enforcement of mortgages, deeds of trust and security instruments, and to adjust, sell, compromise, and agree for the same, and to execute and deliver for me, on my behalf, and in my name, all

endorsements, releases, receipts or other sufficient discharges for the same. To pay and discharge all debts and demands due and payable or which may hereafter become due and payable by me to any person or persons whomsoever.

- (d) Management. To maintain, repair, improve, invest, manage, insure, rent, lease, encumber, partition and in any manner deal with any real or personal property, tangible or intangible, or any interest therein, that I now own or may hereafter acquire, upon such terms and conditions as my Co-Agents shall deem proper, and to transfer any or all of my assets to the trustee of any revocable living trust which I may have created.
- (e) Motor Vehicles. To apply for a certificate of title upon, and endorse and transfer title to, any motor vehicle, and to represent in such transfer assignment that the title to said motor vehicle is free and clear of all liens and encumbrances except those specifically set forth in such transfer assignment.
- (f) Business Interests. To conduct or participate in any lawful business of whatever nature; to execute partnership agreements and amendments thereto; to incorporate, reorganize, merge, consolidate, recapitalize, sell, liquidate or dissolve any business; to elect or employ officers, directors and agents; to carry out the provisions of any agreement for the sale of any business interest or the stock therein; and to exercise voting rights with respect to stock, either in person or by proxy, and exercise stock options.
- (g) Taxes. To prepare, sign and file joint or separate income tax returns or declarations of estimated tax for any year or years; to prepare, sign and file gift tax returns with respect to gifts made by me for any year or years; to consent to any gift and to utilize any gift-splitting provision or other tax election; and to prepare, sign and file any claims for refund of any tax; to hire preparers and advisors and pay for their services; and to do whatever is necessary to protect my assets from assessments for income taxes and other taxes. The Co-Agents are specifically authorized to receive confidential information; to receive checks in payment of any refund of taxes, penalties, or interest; to execute waivers (including offers of waivers) of restrictions on assessment or collection of tax deficiencies and waivers of notice of disallowance of claims for credit or refund; to execute consents extending the

statutory period for assessment or collection of taxes; to execute closing agreements under Internal Revenue Code Section 7121, or any successor statute; and to delegate authority or substitute another representative with respect to all above matters.

- (h) Safe Deposit Boxes. To have access at any time or times to any safe deposit box rented by me, wheresoever located, and to remove all or any part of the contents thereof, and to surrender or relinquish said safe deposit box, and any institution in which any such safe deposit box may be located shall not incur any liability to me or my estate as a result of permitting my Co-Agents to exercise this power.
- (i) Margin Account. To buy, sell, and trade in securities of any nature, including short sales, on margin, and for such purposes to maintain and operate margin accounts with brokers, and to pledge any securities held or purchased by my Co-Agents with such brokers as securities for loans and advances.
- (j) Actions to Obtain Medicaid Benefits. To take any and all action necessary to qualify me for Medicaid benefits, including but not limited to transfer of assets to my spouse in conjunction with Medicaid qualification and entering into a marital agreement with my spouse in conjunction with such qualification.

3. Powers Not Granted.

Notwithstanding any other possible language to the contrary in this instrument, the Co-Agents are specifically NOT GRANTED the following powers:

- (a) To use my assets for the Co-Agents' own legal obligations (or that of either of them), including, but not limited to, support any dependent(s) of either of the Co-Agents;
- (b) To exercise any trustee powers under an irrevocable trust of which either or both of the Co-Agents is a settlor (or both are settlors) and I am a trustee;
- (c) To practice any profession or to exercise any professional judgment for which I am or may be licensed, either in my name or on my behalf; and
- (d) To exercise incidents of ownership over any life insurance policies which I own on life of either Co-Agent.

4. Revocability.

This power of attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my Co-Agents and (a) delivered to such person or institution or (b) filed with the recorder of Bonneville County, Idaho.

5. Interpretation.

This instrument is to be construed and interpreted as a general power of attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my Co-Agents.

6. Disability of Principal.

This Power of Attorney shall not be affected by my subsequent disability or incapacity.

7. Successor Co-Agent.

In the event one of my Co-Agents dies, is determined by a court of competent jurisdiction to be incapacitated, resigns, is removed or for any other reason is unable or unwilling to act I designate another of my daughters,

Teresa Stucki, as successor Co-Agent to act with the other of my originally named Co-Agents, as my Co-Agents with all of the powers referred to herein.

8. Third-Party Reliance.

Third parties may rely upon the representations of my Co-Agents as to all matters relating to any power granted to my Co-Agents, and no person who may act in reliance upon the representations of my Co-Agents or the authority granted to my Co-Agents shall incur any liability to me or my estate as a result of permitting my Co-Agents to exercise any power.

9. Governing Law.

This General Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

10. Counterparts.

This General Power of Attorney is executed in three (3) counterparts. Each executed counterpart and any true and correct photographic copy of this General Power of Attorney shall have the force and effect of the original.


Dena S. Johnson
Principal

DATED: 14 Feb 03

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 14th day of February, in the year 2003, before me, the undersigned, a notary public in and for the State of Idaho, personally appeared Dena S. Johnson, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same. I declare under penalty of perjury that the person whose name is subscribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.

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

(seal)

JGS



John G. Simmons
Notary Public for the State of Idaho
Residing at Bonneville County, ID
My Commission Expires: 2-20-2009

PROFILED

SCANNED

SEP 27 2004

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 25-7065
Date Received: 12/2/2003
Receipt No:
Received By: E029392
JC

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

1. Name of Claimant(s)

DENA JOHNSON Phone: (208)523-4169

6833 E IONA RD
IDAHO FALLS ID USA 83401

2. Date of Priority: 04/07/1975

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	40E	34	NE SE	BONNEVILLE	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.2	35

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 35 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
01N	40E	34	NE SE	IRRIGATION	2
			SE SE	IRRIGATION	8
				Section Acres	10

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Total Acres 10

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

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): Dena S. Johnson Date: 12-2-03

by Rexann Nielsen POA

Date: _____

State of Idaho)
County of Bonneville) SS.

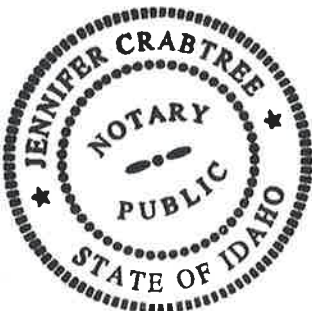
Subscribed and sworn (or affirmed) before me this 2nd
of Dec 20 03

Jennifer Crabtree

Notary Public

Residing at Idaho Falls, ID

My commission Expires 9/23/09



SCANNED

SEP 27 2004

PROFILED