

04/16/2004

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

RIGHT NUMBER: 25-12323
NAME AND ADDRESS: E BRAYTON WIGHT
392 W 33 N
IDAHO FALLS ID 83401
L GENENE WIGHT
392 W 33 N
IDAHO FALLS ID 83401

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.120 CFS
4.000 AFY

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/12/1948

POINT OF DIVERSION:

T02N R38E S6 SWSWSW Lot 7 Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/01 10/31	0.030 CFS 4.00 AFY

PLACE OF USE: STOCKWATER Within BONNEVILLE County
T02N R38E S06 SWSW
DOMESTIC Within BONNEVILLE County
T02N R38E S06 SWSW
IRRIGATION Within BONNEVILLE County
T02N R38E S06 Lot 7 SWSW 1.0

1 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.

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

EXPLANATORY MATERIAL: Beneficial Use

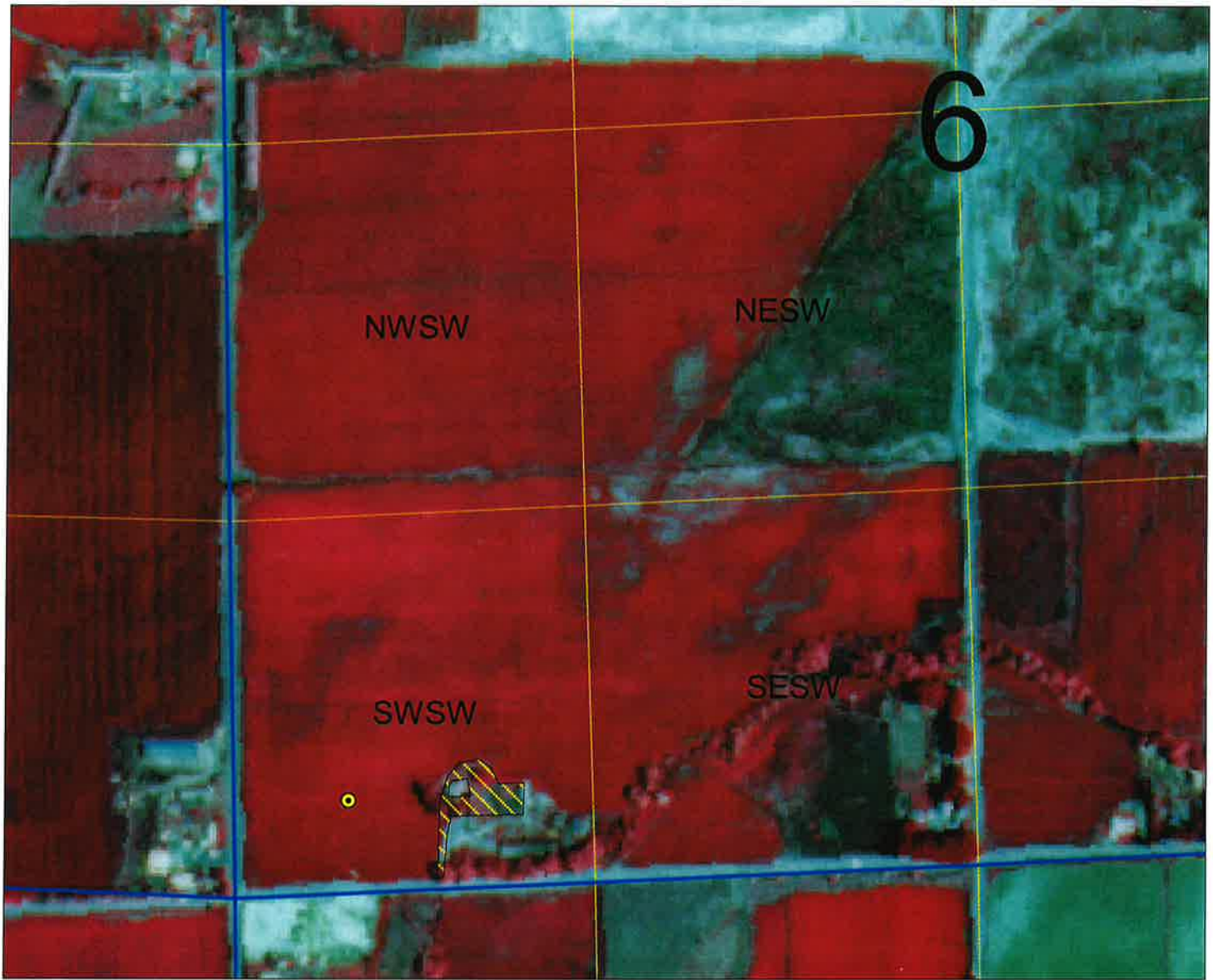


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-12323



1320 0 1320 Feet

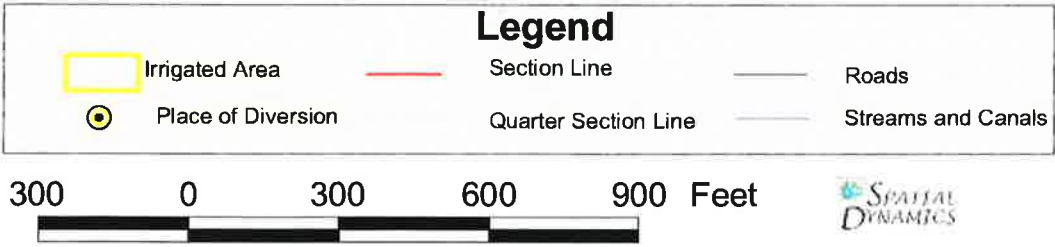
- Place of Use
- Point of Diversion
- Sections
- QQ



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: April 2004

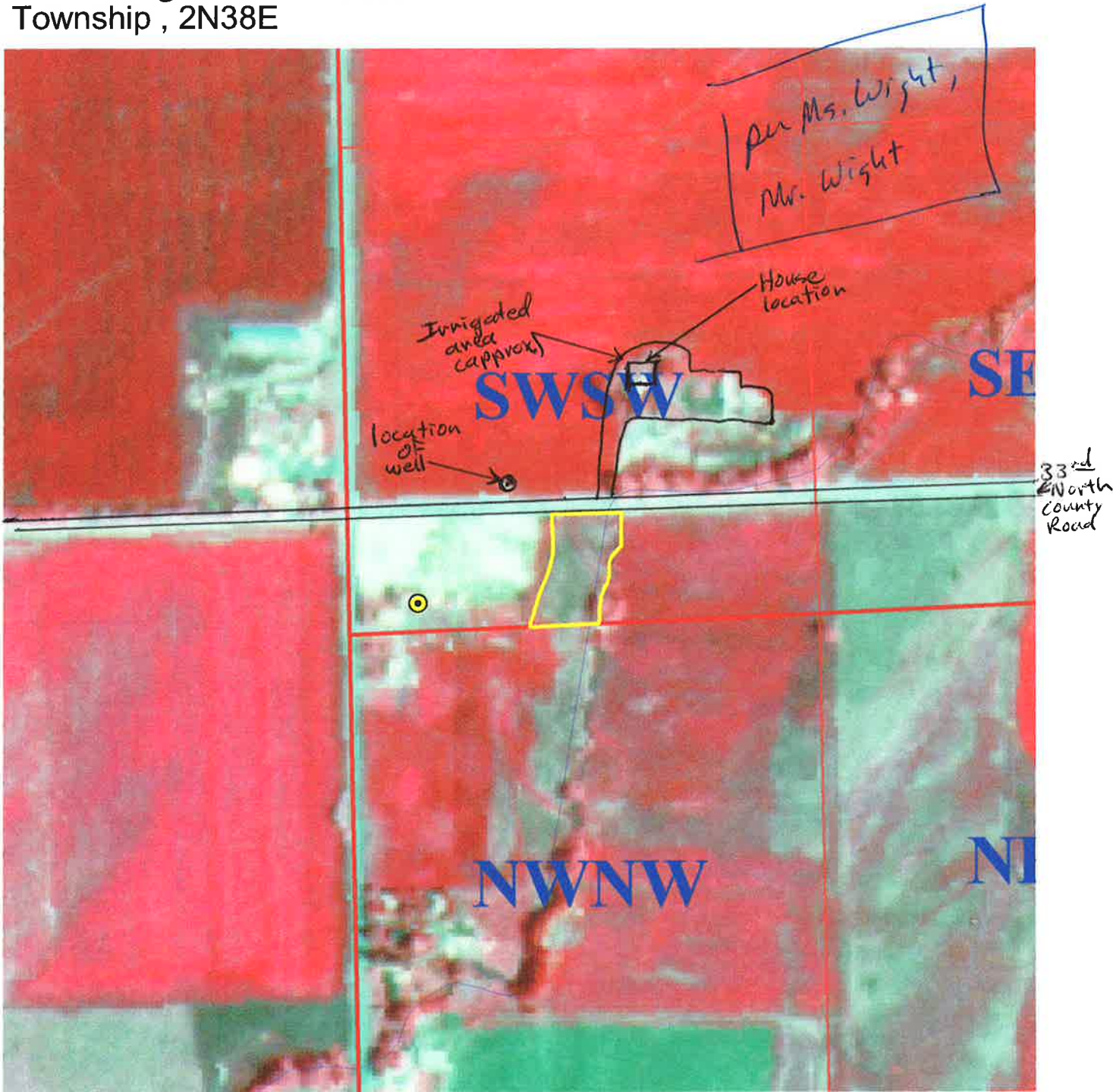
Water Right Claim Number 25-12323
Township , 2N38E

12/07/2000



Water Right Claim Number 25-12323
Township , 2N38E

12/07/2000



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals

Legend

SPATIAL DYNAMICS

10:00am
Called claimant on 9/14/04
and talked to Brayton

SE- he said that the expanded
pav is where they water livestock
and that the 1 acre recommended
for irrigation is correct. I also
explained that the color aerial photos
don't line up just right and that
the POD is correct and he agreed

he now agrees with the recommendation

J. Ryan Mikesell

J. Ryan Mikesell

PROFILED

SCANNED

DEC 01 2004

Ryan

RECEIVED

04/16/2004

SEP 07 2004

NOTICE OF ERROR
REPLY

Department of Water Resources

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: 25-12323

E BRAYTON WIGHT
392 W 33 N
IDAHO FALLS ID 83401
Telephone Number: (208)528-9858

L GENENE WIGHT
392 W 33 N
IDAHO FALLS ID 83401
Telephone Number: (208)528-9858

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

1. point of diversion differs slightly from map. (see corrections on map)
2. place of use is larger - it extends further to the south and east.

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:

except for the above discrepancies, I agree with all other recommendations.

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

27 Aug, 04

SIGNATURE:

E. Brayton Wight, L. Genene Wight
Please print your name: E. Brayton Wight, L. Genene Wight

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

SCANNED

SEP 08 2004

FILED

A25-12323 Summary 8/28/03

- 1) Ownership & Address: correct
- 2) POD & POU - see my sketch on Spatial Dynamics layout. Claimant water farm ground from canal but area sketched on layout is watered from well. Well has GPS tag A0009375. My coordinates are 658327E 271281N, Waypoint 12323.
- 3) Water use: Claim appears correct.
- 4) Well capacity: see photo - opening well house seemed a bad idea. Pump circuit is 30 amp 230 V. Since claim < 0.20 cfs I didn't push it.
- 5) Photos: POU - 3 photos
POD - 1 photo
pump fuse box - 1 photo.
- 6) Priority: Documents appear adequate for 1/12/1948
Bye C. Contor

A25-12323 Field Inspection 8/28/03

~~No one else present - verbal permission for Mrs. Wight.~~

Mrs. Wight was at the house - didn't accompany me to POD. Stood on porch
I confirmed POW.

3 photos of POW

Well - GPS tag A0009375 - waypoint 12323

1 photo meter switch

1 photo POD

658,327 E
271,281 N

Per conversation, GW POW $\neq$ POW
from Willow Creek except for trees along
east.

A25-12323 Contact log

8/25/03 13:30 528-9858 msg on machine
sent. Thursday

Some of ground is leased - in barley -
yard out of willow creek - other water is in co.

* When no water in willow creek use well

Poplars along road - drip line

- all of yard

- garden plot

- Hares, ducks, other livestock.

- OK to inspect if no one is around

Thursday

August 18, 2003

E Brayton & L Genene Wight
392 W 33 N
Idaho Falls, ID 83401

Re: Water Right Adjudication Claim(s) A25-12323

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

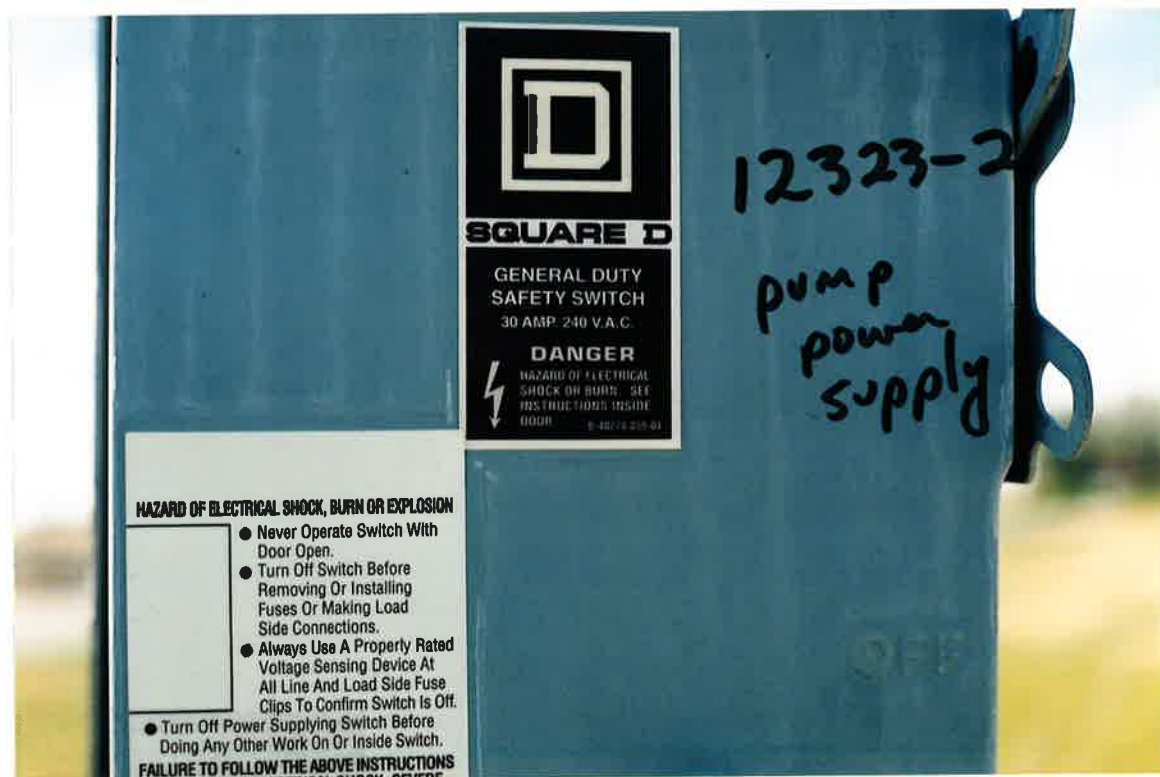
This letter is a follow-up to the inspection done by Intrepid Technology and Resources in 2002. I will be interested in documenting the changes you noted on the aerial photograph Intrepid mailed to you, and photographing the well and irrigated lands

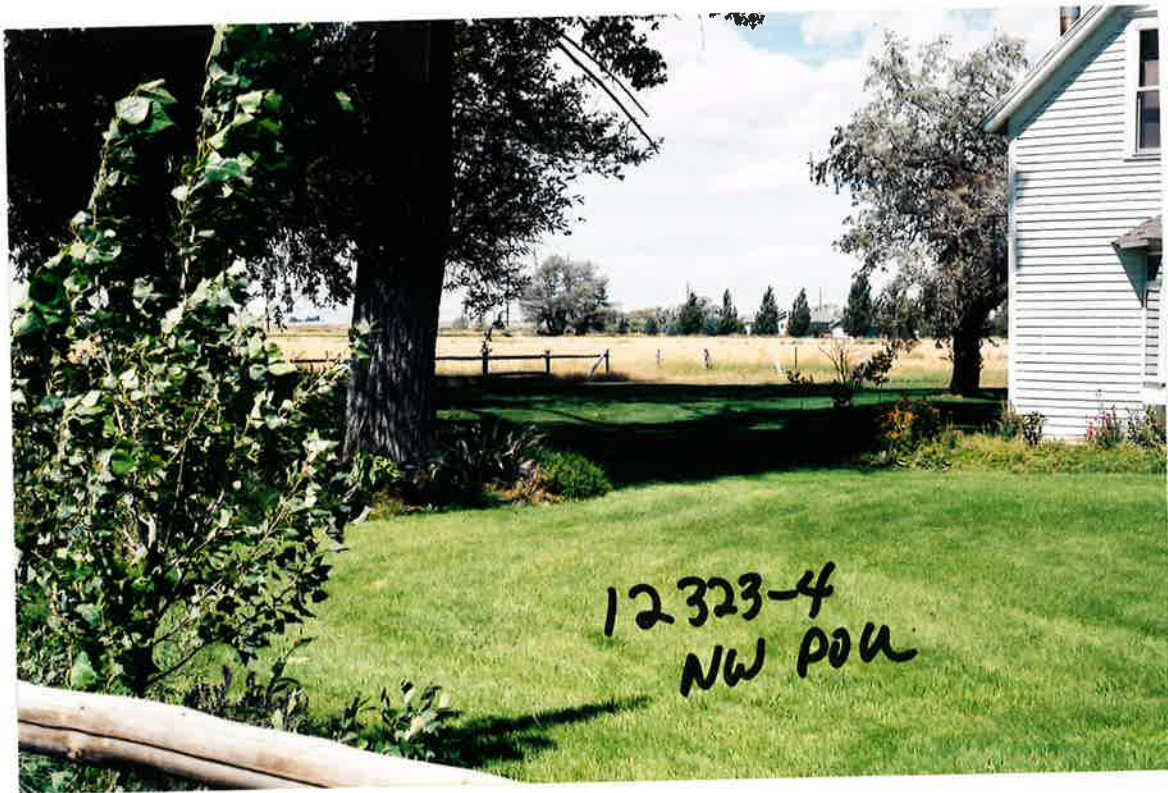
I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

Water Resources
Field Services
208 663 4667









State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 15, 2003

E BRAYTON & L GENENE WIGHT
392 W 33 N
IDAHO FALLS ID 83401

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 25-12323

Dear Mr. & Mrs. Wight:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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, 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
<u>25-12323</u>					

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25 -
- 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) are 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)

Max Johnson

4. New Owner/Claimant(s)

E. Brayton Wight L. Geneene Wight

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

New Mailing Address

392 W. 33rd N.

City, State and ZIP Code

Idaho Falls, Idaho 83401

New Telephone Number

208 528-9858

5. Date you acquired the property

1 Dec. 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1.** Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3.**
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4.** Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6.** Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). **If the water right(s) will not be split, skip Item 6 and go to Item 7.**
7. The new owner(s) must sign the form in the space(s) provided at **Item 7.** If an "and" connector is used at Item 4, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

WARRANTY DEED

GRANTOR, MARIE M. JOHNSON, a single woman, of Ogden, Utah, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto EARL BRAYTON WIGHT and LORNA GENENE WIGHT, husband and wife, of Salt Lake City, Utah, as GRANTEES, and to Grantees' heirs, assigns and successors forever, all of the following described real estate located in Bonneville County, Idaho:

Beginning at a point that is N.88°41'56"E. along the Section line 578.78 feet from the Southwest Corner of Section 6, Township 2 North, Range 38 East of the Boise Meridian; running thence N.88°41'56"E. 680.84 feet; thence N.0°53'22"W. 639.82 feet; thence S.88°41'56"W. 680.84 feet; thence S.0°53'22"E. 639.82 feet to the POINT OF BEGINNING.

TOGETHER WITH all improvements and appurtenances thereto, including the existing irrigation water rights of 1" per acre in the Progressive Irrigation Company.

SUBJECT TO such rights of way, easements, covenants, restrictions and zoning regulations as appear of record or use upon the premises.

ALSO SUBJECT TO existing County road Right-of-Way.

TOGETHER WITH the underground irrigation mainline system located on the above-described property. However, Grantor and her assigns retain an easement in and a right to use and maintain such underground mainline system which runs through the above-described property until such time as farming on the land serviced by such mainline system is discontinued. Grantees and their assigns will not erect any structure which restricts the normal use of said irrigation mainline system in conjunction with the surrounding farmland serviced by such mainline system, unless or until such time as farming is discontinued on the land serviced by such mainline system. Grantor will bear the expense of maintaining such mainline system, as long as such mainline system is being used by Grantor.

Grantor agrees to allow Grantees to use Grantor's irrigation system on the above-described property as long as the property is irrigated in strict conjunction with the other farm property using such irrigation system, and as long as such use does not unduly burden the irrigation system. If the current irrigation system is used by Grantees in conjunction with the

above-described property, Grantees shall pay their share of the costs for use and maintenance of such irrigation system.

Anytime after three (3) years from the date of the recording of this deed, Grantees shall have the option and right, at Grantees' sole discretion, to move or replace the irrigation mainline system located on Grantees' property, with an equivalent irrigation mainline system, to a mutually agreeable location on Grantor's property, with the cost of moving or replacing such mainline system to be borne entirely by Grantees. If this option is exercised, any permanent underground irrigation mainline system placed on Grantor's property by Grantees will become the sole property of Grantor. If this option is not exercised, the agreement otherwise stated in this deed concerning the underground mainline system shall remain in place.

The agreement stated herein concerning the underground irrigation mainline system is primarily for the benefit of Grantor. There shall be no obligation whatsoever on the part of Grantor to provide Grantees with an irrigation system, other than any obligation expressly stated in this deed. At such time as Grantor takes out of farming use all of the land serviced by the above-described segment of the underground irrigation mainline system, the agreement stated herein concerning the underground irrigation mainline system shall be void. It is understood that Grantees shall own all portions of the underground irrigation mainline system located on the above-described property. It is also understood that Grantees shall obtain no ownership interest whatsoever in any hand lines or in the 40 horsepower irrigation pump which services the irrigation mainline system on Grantor's property, pursuant to this deed or pursuant to the underlying transaction which resulted in this deed.

Grantees shall honor the existing 3-year lease currently in place concerning the above-described property for 1995, 1996 and 1997, or alternatively, shall indemnify Grantor for any damages which may occur, if such lease is not honored by Grantees.

It is expressly understood and agreed by the parties that the above-described property does not include any home building right(s) for a family dwelling other than the right that is appurtenant to the property in conjunction with the existing residence, unless and until the applicable zoning regulations are changed to provide for a greater density of home building on such

property than that which is currently stated in the applicable zoning regulations.

Grantor does hereby covenant to and with Grantees that she is the owner in fee simple of the above-described property, that said property is free from all incumbrances, and that Grantor, for herself, her heirs and assigns does hereby covenant, warrant and shall defend the quiet and peaceful possession of said premises by Grantees, their heirs and assigns forever against the lawful claims of all persons.

IN WITNESS WHEREOF, GRANTOR has hereunto subscribed her name to this instrument on this 1st day of December, 1995.

Marie M. Johnson
MARIE M. JOHNSON

STATE OF IDAHO

COUNTY OF BONNEVILLE

} ss.

On this 1st day of December, 1995, before me, the undersigned, a Notary Public for Idaho, personally appeared MARIE M. JOHNSON, a single woman, 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 hereunto set my hand and affixed my official seal on this 1st day of December, 1995.

Denise M. Coyle
Notary Public for Idaho
Residing at Idaho Falls ID
My Commission Expires 02/27/98

Memo to File: The following letter date November 6, 2002, was sent out to the claimants and no response was received back to Intrepid.

November 6, 2002

Dear Sir or Madam:

Intrepid Technology and Resources, Inc. (ITR) has been contracted by the Idaho Department of Water Resources (IDWR) to verify information in the State's records regarding the enclosed claim(s). This letter is being sent to the address of record for the enclosed claim(s).

In June or July of 2002, ITR employees visited the point(s) of diversion for the claim(s) in question. The purpose of this letter is to follow up on that visit, and ask for your input to verify the boundary of the area irrigated by each point of diversion. IDWR has supplied the enclosed maps and/or aerial photographs. The points of diversion (wellheads, dams, etc.) are indicated as circles. The irrigated areas are traced with bright yellow lines.

Please take the time to review the map, and correct any inaccuracies by marking changes on the map, and sending the map and claim file back to us in the enclosed postage-paid envelope.

If the claim is no longer in use, please note it on the claim file and return it to us in the enclosed envelope.

This applies only to the enclosed claim file. Water rights or claims not included with this package will be dealt with separately. Please DO NOT mark wells, diversions, or irrigated areas not specifically addressed in this package.

If you have any questions about the letter itself or how to respond, please call Doug Larsen or myself at 208-529-5337. We will be happy to discuss it with you.

Sincerely,

Shaun Dustin, PE
Intrepid Technology & Resources, Inc.



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 23-27

RIGHT ID 25 12323
POD ID 160538
Folder No. A2512323
Claim Status In Use
IDTMEAST 658320
IDTMNORTH 271297
GPSID A0009375

Diversion Description

256' DEEP 8" CASING WITH 1.5 HP SUB. PUMP.

Assumptions

Assume diversion description is accurate. Assume pressure head.

Invoice

2000-055-23-27-0

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missing)
Phase-III (Complete w/issues)

Linked

photos\25-12323-001.JPG photos\25-12323-003.JPG

Photos

photos\25-12323-002.JPG

GPS Accuracy (ft)

17 Feet

Date (M/D/Y)

07-25-02

Time

18:25

Flow Rate (CFS)

0.03

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP 1.5

Pressure Head (psi) 30

Elevation Head (ft) 256

Motor Mfg

Motor Serial #

Pump Type Submersible

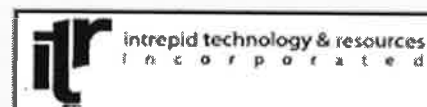
Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

This Form and the associated query are the exclusive intellectual property of Intrepid Technology Resources Inc. , and may not be copied, modified, or distributed without the express written consent of Intrepid Technology and Resopurces, Inc.



FOLDER NO. A2512323

SCANNED

AUG 01 2001

Log for claim 25-12323

Spatial Dynamics CAT

12/7/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02n38e	6	SWSW	1	1.2	POD placement?
Totals:			1	1.2	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARIE M JOHNSON 392 W 33N IDAHO FALLS ID 83401 (208) 522-4177	01/12/1948	IRRIGATION STOCKWATER DOMESTIC	04-01 11-01 01-01 12-31 01-01 12-31	0.030 CFS 0.050 CFS 0.040 CFS	
TOTAL DIVERSION:					0.120 CFS	
C	MAX H JOHNSON FAMILY TRUST 392 W 33 N IDAHO FALLS ID 83401 (208) 522-4177			CONSUMPTIVE USE:		2.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T02N R38E S06 Lot07(SWSWSW)

BONNEVILLE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	SUM		
02N	38E	6	:	:	:	:	:	01	:	:	:	:	:	1.0		
TOTAL ACRES													1.0			

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac			
02N	38E	6	:	:	:	:	:	S	:	:	:	:	:			

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac			
02N	38E	6	:	:	:	:	:	D	:	:	:	:	:			

POU County: BONNEVILLE

Non-Irrigation Uses: D/ 1 HOUSE, S/ 125 SHEEP, 8 MILK COWS, 2 HORSES.

Other Rights: PROGRESSIVE IRR. DIST. SHARES

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
25-13577 A25-13128 A25-13577

Other Water Rights Listing Overlapping Place(s) of Use:
A25-1338820

Remarks: GEN ACRES IRR. ARE .8 ACRES.

No. A25-12323

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

PAGE: 167

Audit: 06/05/89 ESRBA 03/29/95 POST-STD

May 1, 1991

Marie M. Johnson
392 W. 33 N.
Idaho Falls, ID 83401

RE: **Evidence of Priority**

Dear Marie M. Johnson:

The Notice of Claim identified with the numbes shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". 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 Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice 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 all of the 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 this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. **But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.**

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Marie M. Johnson

Page 2

Please submit the required evidence supporting the priority date by **June 3, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-12323
MARIE M. JOHNSON
392 W. 33N

IDAHO FALLS

ID 83401

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J. G. Andrew & Sons

Well-Drillers

Pump and Well Equipment Installed

Rt. 1, Idaho Falls, Idaho, Phone 054-11

Date January 12, 1948 19__

G. H. Johnson

Marie M. Max H Johnson

East River Road

Family Trust

Idaho Falls, Idaho

Quantity	Item	Amount	
256'	Drilling 8" well	\$1302	00
148'	6" casing and shoe	287	70
105'	4 1/4" casing and shoe	109	00
#915	Deep Well Head and Motor	321	40
1	227 Gal. galv. Pressure Tank	140	00
1	6808 Piping Package	37	50
188'	2 1/2" Galv Drop Pipe	141	00
190'	1 3/8" Wood Pump Rods	77	90
1	2 1/2" Well cylinder	23	00
	Pump Installation	40	00
1	2 Pole 30 AMP fuse switch	12	00
1	Manual start Switch	12	00
1	Hydrant (Murdock)	16	50
2	1" valves	7	00
1	4" Pump Bushing	1	10
1	1 1/2" well screen	1	50
1	2" Reducing L. cap	1	00
	Conduit	4	00
		\$2527	47

Howard F. Andrew

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NOV 11 1952

NOTICE NO. A 25-12323

AFFIDAVIT OF MARIE M. JOHNSON

STATE OF IDAHO)
) SS.
COUNTY OF BONNEVILLE)

Marie M. Johnson being first duly sworn upon her oath deposes and says:

1. I am over the age of 21 and I am personally familiar with this matter, and all statements made herein are made upon my personal knowledge, unless otherwise stated that such statement is made upon information and belief.
2. I am a trustee of the Max H. Johnson Family Trust, which is the owner of record of certain real property and the water rights established in conjunction with such real property, which real property is located in Bonneville County, Idaho, and more specifically described as follows:

The South Half of the Southwest Quarter of the Southwest Quarter (the South half of Lot 7) of Section 6, Township 2 North, Range 38 East of the Boise Meridian.

3. On or before January 12, 1948, the drilling of a well was completed on the above-described property. Such well was drilled by J. G. Andrew & Sons for G. H. Johnson. A copy of the invoice billing G. H. Johnson for the drilling of such well is attached hereto and incorporated herein as Exhibit "A." G. H. Johnson was my predecessor in

interest in the above-described property and water right. I personally obtained this Exhibit from Howard F. Andrew, who drilled the well. He signed the invoice to validate it as a true copy of his business records.

4. The water from this well was immediately put to use by G. H. Johnson on the above-described property upon drilling the well. I was personally living in the home located on the above-described property at the time such well was drilled, and at the time such water was immediately put to use. The water was immediately put to use by a ten-person household for domestic use and for stock water, and later that spring (approximately June of 1948) was put to use to irrigate approximately one acre of lawn and garden. Since that time, this water right has been used for stock water for up to 125 head of sheep, eight milk cows, and two horses upon the above-described real property.
5. My husband, Max. H. Johnson, and I purchased the above-described real property from the estate of Esther Johnson (the surviving spouse of G. H. Johnson) in 1967, and obtained the water right described above, with such real property. The real property and water right were transferred into the Max H. Johnson living trust in June of 1986.
6. On April 26, 1950, a one-half interest in the above described well was sold to Ancel Haroldsen. A copy of

the document showing such sale is attached hereto and incorporated herein as Exhibit "B." It is my information and belief that such water right was later transferred by Ancel Haroldsen to Melvin and Jackie Haroldsen, and that thereafter, a portion of that water right was transferred by Melvin and Jackie Haroldsen to Darrell and Marilyn Beck. It is my information and belief from personal observation that Ancel Haroldsen immediately put the water right to domestic use upon obtaining it from G. H. Johnson and Esther Johnson in April of 1950.

FURTHER AFFIANT SAYETH NOT.

DATED this 3 day of June, 1991.

Marie M. Johnson
Marie M. Johnson

Subscribed and sworn to before me this 3 day of June,
1991.

Brandi K. Leach
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 2-28-95

SEAL

J. G. Andrew & Sons

Well-Drillers

Pump and Well Equipment Installed

Rt. 1, Idaho Falls, Idaho, Phone 054-11

Date January 12, 1948 19__

G. H. Johnson

East River Road

Idaho Falls, Idaho

Quantity	Item	Amount	
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188'	2" Galv Drop Pipe	141	00
190'	1 3/8" Wood Pump Rods	77	90
1	2 1/2" Well cylinder	23	00
	Pump Installation	40	00
1	2 Pole 30 AMP fuse switch	12	00
1	Manual start Switch	12	00
1	Hydrant (Murdock)	16	50
2	1" valves	7	00
1	4" Pump Bushing	1	10
1	1 1/2" well screen	1	50
1	2" Reducing L. Coupling	1	00
	Conduit	4	00
		\$2527	47
	<i>Howard F. Andrew</i>		

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NOV 11 1992

E A S E M E N T

THIS INDENTURE, Made this 24th day of April, 1950 whereby the said Gustav Henry Johnson and Esther Maria Johnson, husband and wife, of Bonneville County, State of Idaho, for themselves and their heirs, executors, administrators and assigns, and for the consideration of the payment of one half of the expense of drilling and putting into operation a culinary well, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto ANCEL HAROLDSSEN of Bonneville County, State of Idaho, an undivided one half interest in the culinary well located on the property of said Gustav Henry Johnson and Esther Maria Johnson which is described as follows, to-wit:

South West Quarter of the South West Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Six (6), Township two (2) North Range Thirty-eight (38) East of Boise Meridian in Bonneville County, State of Idaho.

That said Ancel Haroldsen shall have the right of egress and ingress to repair or otherwise keep said well in operation and for the purpose of supplying himself with culinary water.

IN WITNESS WHEREOF, We have hereunto set out hands and seals the day and year first above written.

Gustav Henry Johnson (SEAL)
Esther Maria Johnson (SEAL)
 Grantors
 Residing at Idaho Falls, Idaho

STATE OF IDAHO)
) SS
 COUNTY OF BONNEVILLE)

I DO HEREBY CERTIFY,

on this 26 day of April in the year 1950, before me John Teubner, a Notary Public, in and for said County and State, personally appeared Gustav Henry Johnson and Esther Maria Johnson, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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

My commission expires:
Sept 23-1950

John Teubner
 Notary Public
 Residing at Idaho Falls, Idaho

EXHIBIT B

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 25-12323
Date Received: 6/5/1989
Receipt No: E008811
Received By:

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

1. Name of Claimant(s)

E BRAYTON WIGHT Phone: (208)528-9858
392 W 33 N
IDAHO FALLS ID USA 83401

L GENENE WIGHT Phone: (208)528-9858
392 W 33 N
IDAHO FALLS ID USA 83401

2. Date of Priority: 01/12/1948

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	38E	6	SW SW SW 7	BONNEVILLE	

5. Description of diverting works:

256' DEEP 8" CASING WITH 1.5 HP SUB. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.03	
STOCKWATER	1/01	12/31	0.05	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
'0.12 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
02N	38E	6	SW	SW	STOCKWATER	
			SW	SW	DOMESTIC	
			SW	SW	IRRIGATION	1
					Section Acres	1
					Total Acres	1

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:

ACRES IRR. ARE .8 ACRES.

15. Basis of Claim: Beneficial Use

SCANNED

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: A25-12323

Date Received: 6/05/1989

Receipt No: E008811

Received By: J. Re

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARIE M. JOHNSON

Address: 392 W. 33N

IDAHO FALLS, ID

83401

208-522-4177

AND/OR

Name: MAX H. JOHNSON FAMILY TRUST

Address: 392 W. 33 N.

IDAHO FALLS, ID

83401

208-522-4177

2. Date of Priority: JAN 12, 1948

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	38E	6	SW	SW	SW	7	BONNEVILLE

5. Description of diverting works:

256' DEEP 8" CASING WITH 1.5 HP SUB. PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.050		
IRRIGATION	04/01	11/01	0.030		

7. Total Quantity Appropriated is:

0.120 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

2.5 Acre Feet Per Annum.

9. Non-irrigation uses:

D/ 1 HOUSE, S/ 125 SHEEP, 8 MILK COWS, 2 HORSES.

A25-12323

Page

1

Date: 06/05/89

A2512323



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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	38E	6	SW	SW		DOMEST	
			SW	SW		STOCK	
			SW	SW		IRR	1.0
					Section Acres		1.0
					Total Acres		1.0

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:
PROGRESSIVE IRR. DIST. SHARES

14. Remarks:
ACRES IRR. ARE .8 ACRES.

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: 1

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): Marie M. Johnson Date: 5 June 1989
_____ Date: _____

State of Idaho)
County of Bonnerille) SS.

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

of June 19 89

Seal

John Dale Carson
Notary Public

Residing at Bon ID

My Commission Expires 6/2/94

34 340
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