

07/21/2003

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

RIGHT NUMBER: 25-10139

NAME AND ADDRESS: JOEL JOHNSON  
222 N YELLOWSTONE  
RIGBY ID 83442

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS  
1.200 AFY

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

PRIORITY DATE: 09/19/1957

POINT OF DIVERSION:

T04N R39E S19 SWNESW Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.040 CFS

1.20 AFY

Domestic use is for 1 home.

PLACE OF USE:

DOMESTIC Within JEFFERSON County

T04N R39E S19

NESW

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 is not a determination of historical beneficial use.

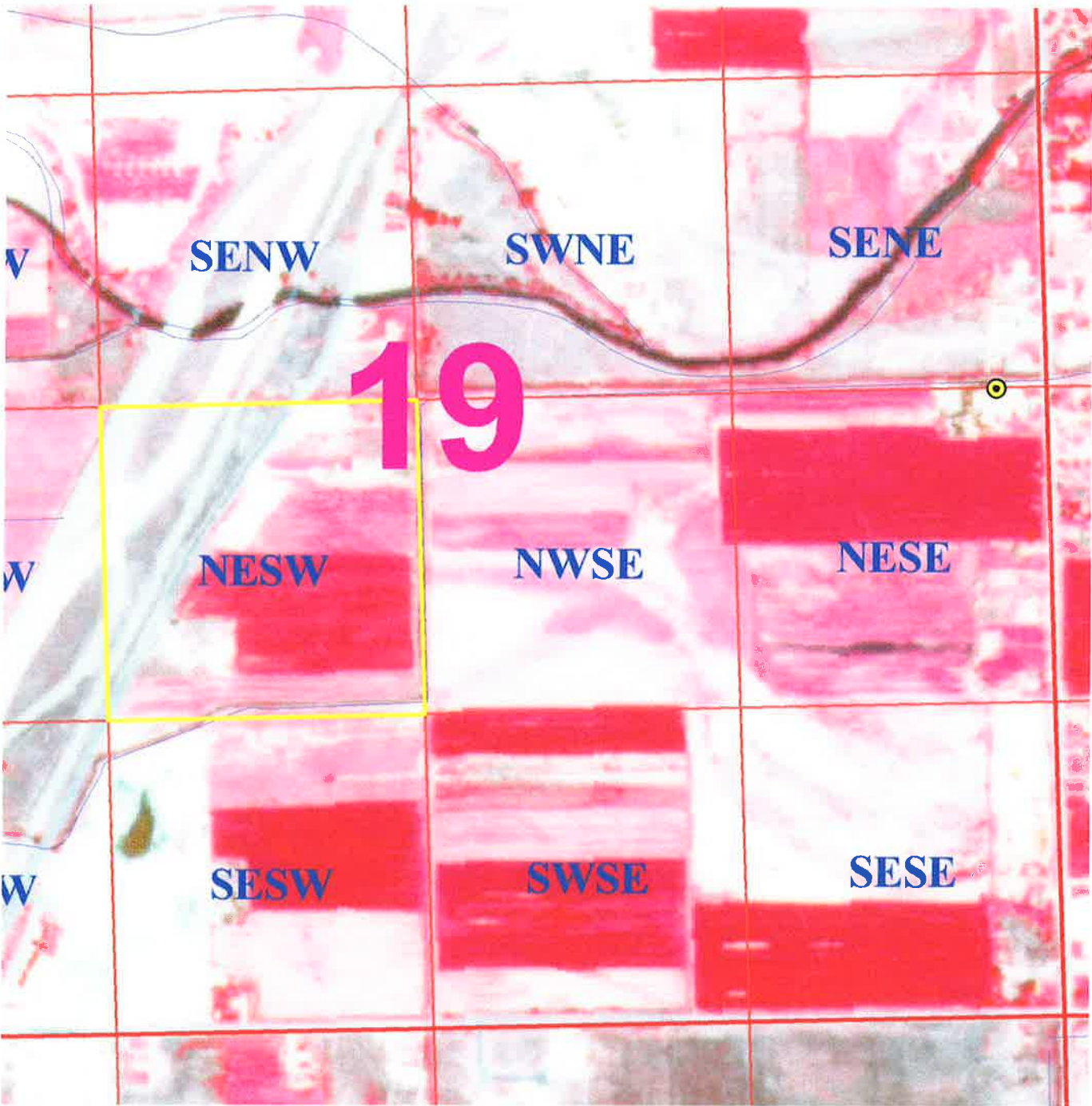
EXPLANATORY MATERIAL: Beneficial Use

Water Right 25-10139

SCANNED  
NOV 05 2004  
FILED

Water Right Claim Number 25-10139  
Township , 4N39E

12/27/2000



 Irrigated Area

 Place of Diversion

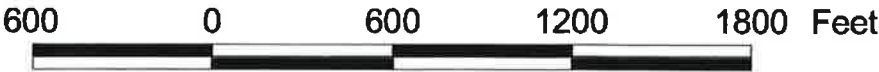
 Section Line

 Quarter Section Line

 Roads

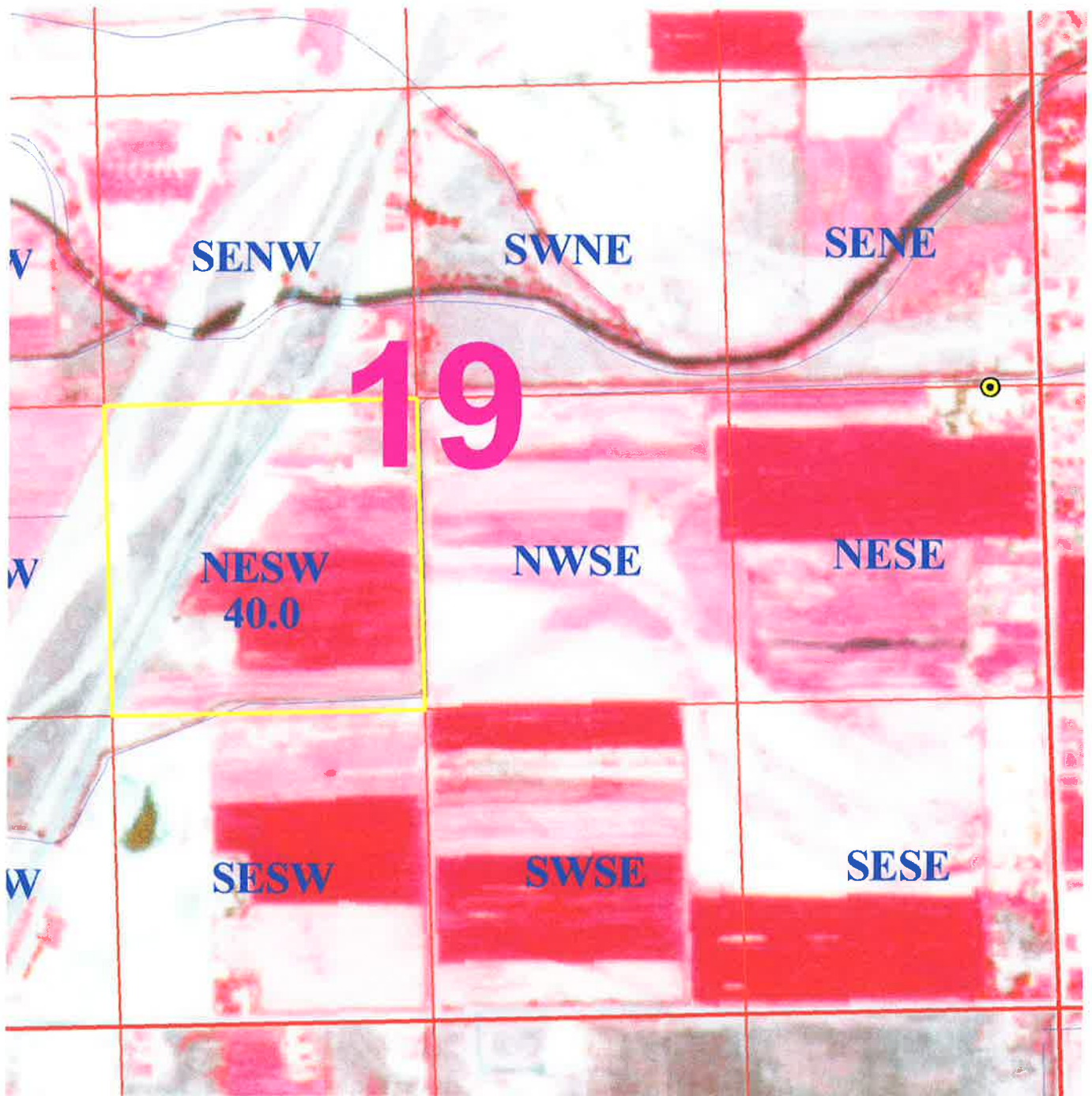
 Streams and Canals

### Legend



Water Right Claim Number 25-10139  
Township , 4N39E

12/27/2000



| Legend                                                                              |                    |                                                                                     |                      |                                                                                      |                    |
|-------------------------------------------------------------------------------------|--------------------|-------------------------------------------------------------------------------------|----------------------|--------------------------------------------------------------------------------------|--------------------|
|  | Irrigated Area     |  | Section Line         |  | Roads              |
|  | Place of Diversion |  | Quarter Section Line |  | Streams and Canals |

600 0 600 1200 1800 Feet



Spatial  
Dynamics





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

July 21, 2003

Joel and June Johnson  
222 N. Yellowstone  
Rigby, Idaho 83442

Re: Snake River Basin Adjudication Claim No. 25-10139

Dear Mr. and Mrs. Johnson.

Thank-you for taking the opportunity to meet with me this past Friday, July 18, 2003. It helped sort out the meaning behind your adjudication claim. Accordingly, my understanding of the disposition of the property is as follows:

- The property is now currently owned by four separate owners. They are:
  - Jana and Scott Mugleston, 232A N. Yellowstone Hwy.
  - Joel and June Johnson (yourselves), 234A Yellowstone Hwy.
  - Corey and Jenney Wadsworth, 234 N. Yellowstone Hwy.
  - Doug James, 232 N. Yellowstone Hwy.
- All four owners share one common well. GPS Site Tag No. A0011951. Estimated at 1 ½ hp.
- Three of the four owners are for domestic use. The fourth is a commercial use.
- No irrigation, other than yard/garden areas around homes has existed.

Given this information, I feel that we should separate the owners out for separate adjudication claims to a water right. Therefore, this water right claim will likely be recommended solely on the basis of your ownership of the 234A N. Yellowstone residence. Please find enclosed a copy of the adjudication preliminary recommendation.

I intend to send a letter to the other owners encouraging them to file new claims for their portion of the water right.

If you have any questions, please feel free to call me at (208) 745-7424.

Sincerely,

W. Roger Warner  
Adjudication Specialist

Enclosures: preliminary recommendation for water right no. 25-10139.

SCANNED

NOV 05 2004

PROFILED



NOV 05 2004

PROFILED



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

June 21, 2002

RE: Investigation of Water Right Claims in the Snake River Basin Adjudication

Dear Claimant:

The Idaho Department of Water Resources (IDWR) is commencing its Snake River Basin Adjudication (SRBA) investigation of water rights in the Blackfoot River, Willow Creek and South Fork of the Snake River Drainages. This investigation is a major effort, and IDWR has hired a contractor, Intrepid Engineering Services, to assist us with this task.

The purpose of this letter is to advise you that personnel from Intrepid will make an effort to contact claimants to arrange for conducting a field investigation and obtain information about your water use. IDWR requests that you provide Intrepid with access to your water diversion system so that their personnel can conduct this field examination. Intrepid will be gathering information on the rate of flow, diversion location and place of use of your water rights. Information collected during this process will be reported to IDWR and used by a Senior Water Resource Agent to prepare a recommendation on the water right.

The process of adjudicating water rights is straightforward for most people, resulting in the issuance of decreed water rights. Experience has shown that water users who work with our agency early in the process to ensure that their recordings are correct have a better experience than those who wait until IDWR has filed its findings with the SRBA Court. Thus, we encourage you to work with our staff and with Intrepid to ensure that the results accurately reflect your water uses.

If you have sold your property, we request that you forward this letter to the purchaser. The new owner is responsible for advising IDWR of the change in ownership so future correspondence will be mailed to the correct party. If you are unable to forward this letter, please send any information regarding a new owner to our Eastern Regional Office located at 900 N Skyline Dr, Idaho Falls, ID, 83402, Attention: Jennifer Crabtree (208) 525-7161.

Sincerely,

Ernest Carlsen  
Adjudication Section Supervisor  
Eastern Regional Office

SCANNED

NOV 05 2004

PROFILED



# IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 23-27



RIGHT ID 25 10139

POD ID 126515

Folder No. A2510139

Claim Status In Use

IDTMEAST 667963

IDTMNORTH 286452

GPSID A0011951

## Diversion Description

WELL & PUMP. Located inside pump house in a pit out in front of the house.

## Assumptions

Pressure head, and elevation 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\25-10139-001.JPG photos\25-10139-003.JPG

## Photos

photos\25-10139-002.JPG photos\25-10139-004.JPG

## GPS Accuracy (ft)

19 Feet

## Date (M/D/Y)

07-03-02

## Time

13:30

## Flow Rate (CFS)

0.08

## 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) 40

Elevation Head (ft) 20

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 Resources, Inc.*



FOLDER NO. A2510139

SCANNED

NOV 05 2004

PROFILED

**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.

SCANNED

AUG 01 2001

Log for claim 25-10139

Spatial Dynamics CAT

12/27/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT                        |
|----------------|-----|------|------------------|----------------|--------------------------------|
| 04n39e         | 19  | NESW | 2                | 40             | POD placement? / Indiscernible |
| <b>Totals:</b> |     |      | 2                | 40             |                                |

Point(s) of Diversion: T04N R39E S19 NESE JEFFERSON County

Place of use Legal Description for: IRRIGATION

|            | NE      |       |       |       |   | NW   |      |      |      |   | SW   |      |      |      |   | SE   |      |      |      |   |             |
|------------|---------|-------|-------|-------|---|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|-------------|
| T R S      | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | : | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : | SUM         |
| 04N 39E 19 | :       |       |       |       | : |      |      |      |      | : |      |      |      |      | : |      |      |      |      | : | 2.0         |
|            |         |       |       |       |   |      |      |      |      |   |      |      |      |      |   |      |      |      |      |   | 2.0         |
|            |         |       |       |       |   |      |      |      |      |   |      |      |      |      |   |      |      |      |      |   | TOTAL ACRES |

Place of use Legal Description for: COMMERCIAL

|            | NE      |       |       |       |   | NW   |      |      |      |   | SW   |      |      |      |   | SE   |      |      |      |   |
|------------|---------|-------|-------|-------|---|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|
| T R S      | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | : | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : |
| 04N 39E 19 | :       |       |       |       | : |      |      |      |      | : |      |      |      |      | : |      |      |      |      | : |
|            |         |       |       |       |   |      |      |      |      |   |      |      |      |      |   |      |      |      |      |   |

Place of use Legal Description for: DOMESTIC

|            | NE      |       |       |       |   | NW   |      |      |      |   | SW   |      |      |      |   | SE   |      |      |      |   |
|------------|---------|-------|-------|-------|---|------|------|------|------|---|------|------|------|------|---|------|------|------|------|---|
| T R S      | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | : | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : |
| 04N 39E 19 | :       |       |       |       | : |      |      |      |      | : |      |      |      |      | : |      |      |      |      | : |
|            |         |       |       |       |   |      |      |      |      |   |      |      |      |      |   |      |      |      |      |   |

POU County: JEFFERSON

Non-Irrigation Uses: DOMESTIC - 5 HOMES, COMMERCIAL - 2 BUSINESS

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
25-10075 25-10569 25-11251 25-12077 A25-10075 A25-10569 A25-11251 A25-11588

Other Water Rights Listing Overlapping Place(s) of Use:  
A01-00029 A01-00031 A01-00032 A01-00033 A01-00117P A01-00249 A01-00353 A01-10093 A25-04271

Remarks: GEN ADDRESS CHANGE BY CLAIMANT LETTER.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:  
Presumption Flag:

Audit: 08/30/88 MCC 03/29/95 POST-STD 04/13/95 RMCCARTH 12/17/96 SSHERMAN

AJ5809NP  
No. A25-10139

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/26/00  
PAGE: 114

| OWNER<br>CODE | NAME & ADDRESS            | PRIORITY<br>DATE | WATER USE     | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME   |
|---------------|---------------------------|------------------|---------------|-----------------------|-------------------|-----------------------|
| C             | JOEL A JOHNSON SR         | 01/01/1930       | IRRIGATION    | 04-01 11-01           | 0.050 CFS         |                       |
| C             | JOEL A JOHNSON JR         |                  | COMMERCIAL    | 01-01 12-31           | 0.040 CFS         |                       |
|               | 232 YELLOWSTONE HWY       |                  | DOMESTIC      | 01-01 12-31           | 0.110 CFS         |                       |
|               | RIGBY ID 83442            |                  |               |                       |                   |                       |
|               | (208) 745-9092            |                  |               |                       |                   |                       |
|               |                           |                  |               | TOTAL DIVERSION:      | 0.200 CFS         |                       |
|               | Water Source: GROUNDWATER |                  | Tributary to: |                       |                   | Stage: BENEFICIAL USE |



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNOR

December 10, 1996

KARL J. DREHER  
DIRECTOR  
RECEIVED

DEC 16 1996

Department of Water Resources

JOEL A JOHNSON SR  
JOEL A JOHNSON JR  
232 ~~8~~ YELLOWSTONE HWY  
RIGBY ID ~~83422~~ 83442 -mg typ

Re: Snake River Basin Adjudication (SRBA)  
Notice of Claim No. 25-10139  
Change of Address

A record changed. & R's record.  
12-17-1996

Dear Claimants,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim(s) can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.

Joel A Johnson Sr.  
Claimant Signature

April 25, 1991

NOTICE OF CLAIM A25-10139

Joel A. Jr. Johnson  
Route 4 Box 4010  
Rigby, ID 83422

**RE: Evidence of Priority**

Dear Mr. Johnson:

The Notice(s) of Claim identified with the number shown above you name has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) 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(s) 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(s) have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice(s) be decreed by the court if no evidence of a priority date is submitted.

**MICROFILMED**  
**NOV 07 1992**

Joel A. Jr. Johnson

Page 2

Please submit the required evidence supporting the priority date(s) by **May 28, 1991**, referencing all documents with the corresponding Notice number(s). 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

MICROFILMED  
NOV 07 1992

AFFIDAVIT

I, Joel A. Johnson Sr., have personal knowledge of the use of the well used under water right #A25-10139, and can verify that it was in use in the year 1957. I personally knew and was good friends with the people who owned the property in that year. The well in question was used by these people.



Joel A. Johnson Sr.  
232 N. Yellowstone Hwy.  
Rigby, Idaho 83442-5660  
(208) 745-6788

MICROFILMED  
NOV 6 7 1992

WARRANTY DEED RECORD—Jefferson County, Idaho

INSTRUMENT NO. 112926

**This Indenture**, Made this 25th day of September in the year of our Lord one thousand nine hundred and fifty seven, between Abram Ward and Polly P. Ward, husband and wife, of the County of Jefferson and State of Idaho the part ies of the first part, and Daryl Becker and Virginia Becker, husband and wife, of the County of Jefferson and State of Idaho the part ies of the second part.

WITNESSETH, That, the said part ies of the first part, for and in consideration of the sum of Two Thousand and no/100-----DOLLARS, lawful money of the United States of America, to them in hand paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said part ies of the second part, and to their heirs and assigns, forever, all the following described real estate, situated in

Jefferson County, State of Idaho, to-wit:

Beginning at a point which is West 796.9 feet and 150 feet North of the Southeast (SE) corner of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section Nineteen (19), Township Four (4) North Range Thirty-nine East of the Boise Meridian thence running North 250.0 feet; thence running West 290.0 feet to the East right of way line of the Yellowstone Highway; thence South 62° 13' West along said East right-of-way line a distance of 282.58 feet; thence East 421.68 feet, more or less, to the point of beginning.  
Containing a calculated area of 2.04 acres, more or less.  
\$2.20 in U.S.I.R. Stamps attached and cancelled.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profit thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said part ies of the first part.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances unto the said part ies of the second part, to their heirs and assigns forever. And the said part ies of the first part and their heirs, the said premises in the quiet and peaceable possession of the said part ies of the second part, their heirs and assigns, against the said part ies of the first part, and their heirs, and against all and every person and persons whosoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part ies of the first part ha ve hereunto set their hand sand seals, the day and year first above written.

Signed, Sealed and Delivered in the Presence of  
-----  
Abram Ward (SEAL)  
Polly P. Ward (SEAL)  
(SEAL)

STATE OF IDAHO, }  
County of Bonneville } ss. On this 26th day of September, in the year 19 57, before me, the undersigned a notary public in and for said County and State, personally appeared Abram Ward and Polly P. Ward, husband and wife, known to me to be the person s whose name s are subscribed to the within 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.  
R. Vern Kidwell, Notary Public  
My Commission Expires: June 24, 1959 (Seal) Residing at Idaho Falls, Idaho

Recorded at the request of Holden and Holden this 30 day of September  
A. D. 19 57, at 20 minutes past 9 o'clock A M.

together with the tenements, hereditaments, appurtenances and improvements thereto belonging or in any wise appertaining; such improvements including but not being limited to:

- (1) Two story, composition roof, cinder block (Class C-D) building, containing 800 Sq. feet of floor space downstairs and 400 sq. feet of floor space upstairs, and
- (2) A complete LP-Gas bulk plant including a 17,550-Gallon Tank, Serial No. A7765, manufactured 1954 by Lang Company, and Fairbanks Morse Scales for cylinder loading, Serial No. G-192974.

This grant is intended as a mortgage to secure the payment of a certain promissory note of even date herewith executed and delivered by the said party of the first part to the said party of the second part in the sum of Twenty Thousand Dollars (\$20,000.00) dated September 19, 1957, and payable as follows: interest accruing from the date hereof and payable on the 25th day of each month in lawful money of the United States, commencing with October 25, 1957, on deferred balances until paid at the rate of 6% per annum; and to pay the principal sum in 60 successive monthly installments consisting of 59 installments of \$333.33 each and the 60th and last installment of \$333.53, payable on the 25th day of each month, commencing with the month of October, 1957.

And these presents shall be void if such payment be made. But in case default shall be made in the payments of said principal sum of money, or any part thereof, as provided in said note, or if the interest be not paid as herein specified, or party of the second part should deem itself reasonably insecure, then it shall be optional with the said part of the second part, its successors or assigns, to consider the whole of said principal sum expressed in said note as immediately due and payable, and immediately to enter into and upon all and singular the above-described premises, and to sell and dispose of the same according to law, and out of the moneys arising from such sale to retain the principal and interest which shall then be due on the said promissory note, together with the costs and charges of foreclosure suit, including reasonable attorney's fees, and also the amount of all such payments of taxes, assessments, encumbrances, or insurance as may have been made by said party of the second part, its successors or assigns, with the interest on the same as hereinafter provided, rendering the overplus of the purchase money, if any there shall be, unto the said party of the first part, his heirs, executors, administrators, or assigns.

And the said party of the first part does hereby further covenant, promise and agree to and with the party of the second part to pay and discharge at maturity, all such taxes or assessments, liens or other encumbrances, now subsisting or hereafter to be laid or imposed upon said premises, or which may be in effect a prior charge thereon during the continuance hereof and in default thereof the said party of the second part may pay and discharge the same, and may, at its option, keep fully insured against all risks by fire and storm the buildings which now or may be hereafter erected thereon, at the expense of the said party of the first part, and the sums so paid shall bear interest at the rate of six per cent (6%) per annum until paid, and shall be considered as secured by these presents and be a lien upon said premises, and shall be deducted from the proceeds of the sale thereof with interest as provided herein.

In witness whereof the said party of the first part has hereunto set his hand the day and year first above written.

Witnesses: Dorothy Grimmer  
Dorothy Grimmer

Daryl Becker  
Sarah Virginia Becker  
D.B.A. Idaho Propane Gas Company

STATE OF IDAHO :  
COUNTY OF BONNEVILLE (ss)

ABRAM WARD AND  
POLLY P. WARD,  
husband and wife.

WARRANTY DEED. Instrument No. 112926

Dated September 25th, 1957

Recorded September 30th, 1957, at 9:20 A.M.

Book 165 of Deeds at Page 235

Records of Jefferson County, Idaho

DARYL BECKER and VIRGINIA  
BECKER, husband and wife.

Consideration -- \$2,000.00 -  
\$2.20 I.R.S. Attached and Cancelled.

SIGNED - AS ABOVE

ACKNOWLEDGED - September 26th, 1957, before R. Vern Kidwell  
a Notary Public for the State of Idaho  
Residing at Idaho Falls, Idaho  
(SEALED) Acknowledgment Regular.

#### DESCRIPTION AND REMARKS

Beginning at a point which is West 796.9 feet and 150 feet North of the Southeast (SE) Corner of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section Nineteen (19), Township Four (4) North Range Thirty-nine East of the Boise Meridian, in Jefferson County, Idaho thence running North 250.0 feet; thence running West 290.00 feet to the East right of-way line of the Yellowstone Highway; thence South 62°13' West along said East right-of-way line a distance of 282.58 feet; thence East 421.68 feet, more or less, to the point of beginning.  
Containing a calculated area of 2.04 acres more or less.

MICROFILMED

NOV 07 1992

INSTRUMENT NO. 112971.

MORTGAGE

*Released in Book 162 of Releases, page 592.*

THIS INDENTURE made the 19th day of September, 1957, between Daryl Becker and Sarah Virginia Becker, his wife, d.b.a. Idaho Propane Gas Company, of Rigby, Idaho, the party of the first part, and Tuloma Gas Products Company, a Delaware corporation with offices in the Pan American Building, Tulsa, Oklahoma, the party of the second part:

## WITNESSETH:

That the said party of the first part, for and in consideration of the sum of TWENTY THOUSAND DOLLARS (\$20,000.00) to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said party of the second part, and to its successors and assigns forever, all that tract of land lying in Jefferson County, State of Idaho, and being more particularly described as follows:

Beginning at a point which is West 79 6.9 feet and 150 feet North of the SE corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 19, Township 4 North, Range 39 East, of the Boise Meridian; thence running North 250 feet; thence running West 290 feet to the East right-of-way line of the Yellowstone Highway; thence South 62°13' West along said East Right-of-way line a distance of 282.58 feet; thence East 421.68 feet, more or less, to the point of beginning, Jefferson County, Idaho; containing a calculated area of 2.04 acres more or less,

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SCANNED

AUG 1 2001

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: A25-10139  
Date Received: 10/13/1988  
Receipt No: E003133  
Received By: Jo/ERNIE

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JOEL A. JR. JOHNSON 208-745-9092  
Address: ROUTE 4 BOX 4010 222 N. Yellowstone 745-6788  
RIGBY, ID 83422

AND/OR

Name: JOEL A. SR. JOHNSON 208-745-9092  
Address: ROUTE 4 BOX 4010  
RIGBY, ID 83422

2. Date of Priority: ~~JAN 01, 1930~~ Sept 19, 1957 J.J.

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

|          |       |         |        |        |     |     |           |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County    |
| 04N      | 39E   | 19      | NE     | SE     |     |     | JEFFERSON |

5. Description of diverting works:  
WELL & PUMP.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| DOMESTIC   | 01/01 | 12/31 | 0.110 |      |        |
| COMMERCIAL | 01/01 | 12/31 | 0.040 |      |        |
| IRRIGATION | 04/01 | 11/01 | 0.050 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
DOMESTIC - 5 HOMES, COMMERCIAL - 2 BUSINESS

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Date: 10/13/88

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10. Place of Use:

|                 |              |               |                                       |               |                                |       |
|-----------------|--------------|---------------|---------------------------------------|---------------|--------------------------------|-------|
| Township<br>04N | Range<br>39E | Section<br>19 | 1/4 of 1/4<br>NE SW<br>NE SW<br>NE SW | Lot           | Use<br>COMMER<br>DOMEST<br>IRR | Acres |
|                 |              |               |                                       |               |                                | 2.0   |
|                 |              |               |                                       | Section Acres |                                | 2.0   |
|                 |              |               |                                       | Total Acres   |                                | 2.0   |

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:  
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): \_\_\_\_\_

Date: 10-13-88

Date: \_\_\_\_\_

State of Idaho )  
County of Bonanza ) SS.

Subscribed and sworn (or affirmed) before me this 13<sup>th</sup> day

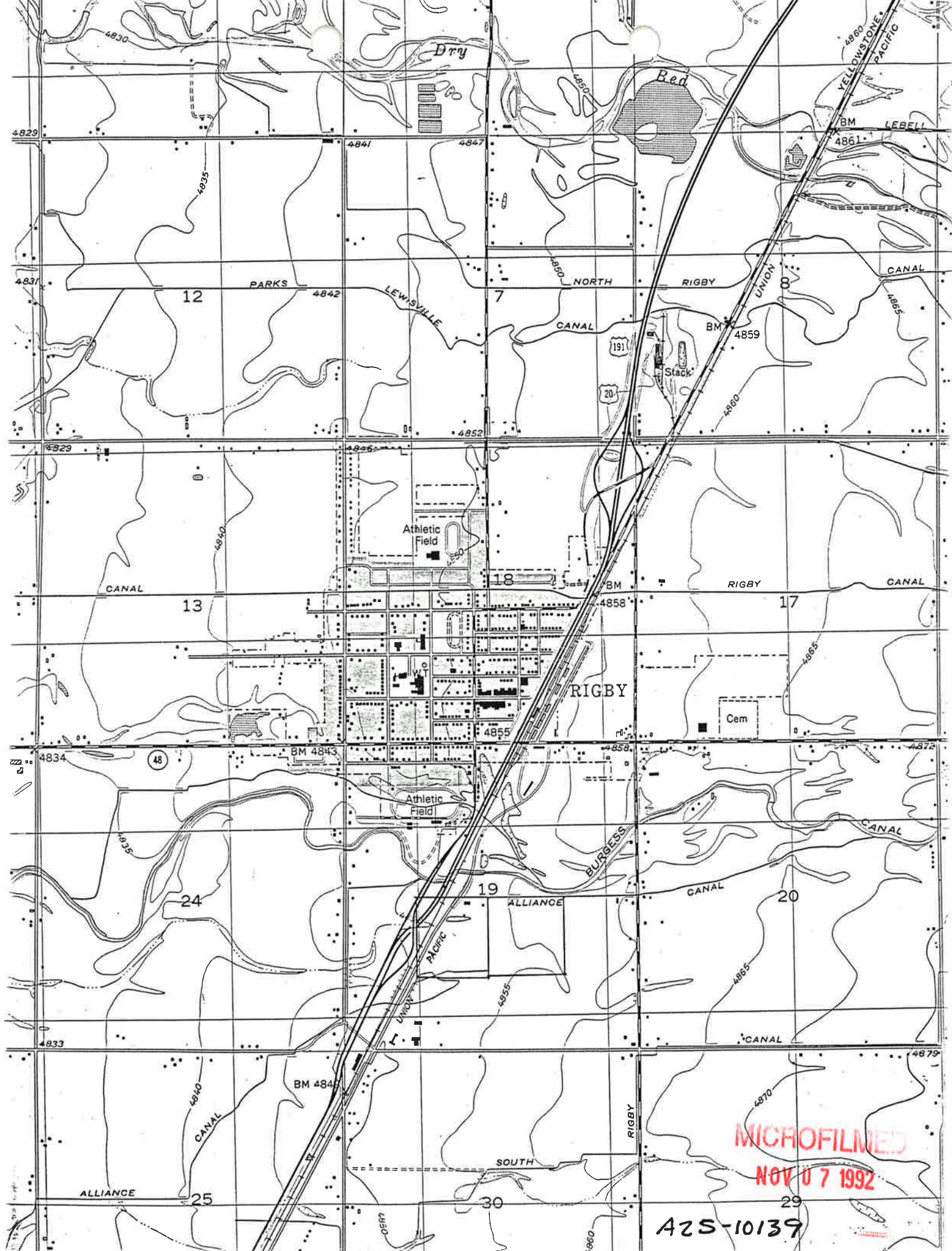
of Oct 19 88

Betty J. Thompson  
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94



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