

04/10/2003

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

RIGHT NUMBER: 29-443E

NAME AND ADDRESS: FRANK ROBERT JOHNSON
8551 W POCATELLO CREEK RD
POCATELLO ID 83201

IRENE FERGUS JOHNSON
8551 W POCATELLO CREEK RD
POCATELLO ID 83201

SOURCE: NORTH FORK POCATELLO CREEK

TRIBUTARY: POCATELLO CREEK

QUANTITY: 0.010 CFS

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:

T06S R35E S20 NESENW Within BANNOCK County Source: POCATELLO CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.010 CFS
IRRIGATION	04/01 10/31	0.010 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R35E S20 NENW 0.4 T06S R35E S20 SENW 1.3

STOCKWATER same as IRRIGATION

1.7 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-13523 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 1.7 ACRES IN A SINGLE
IRRIGATION SEASON.

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: Decreed

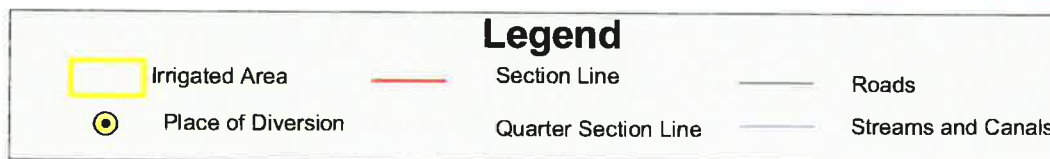
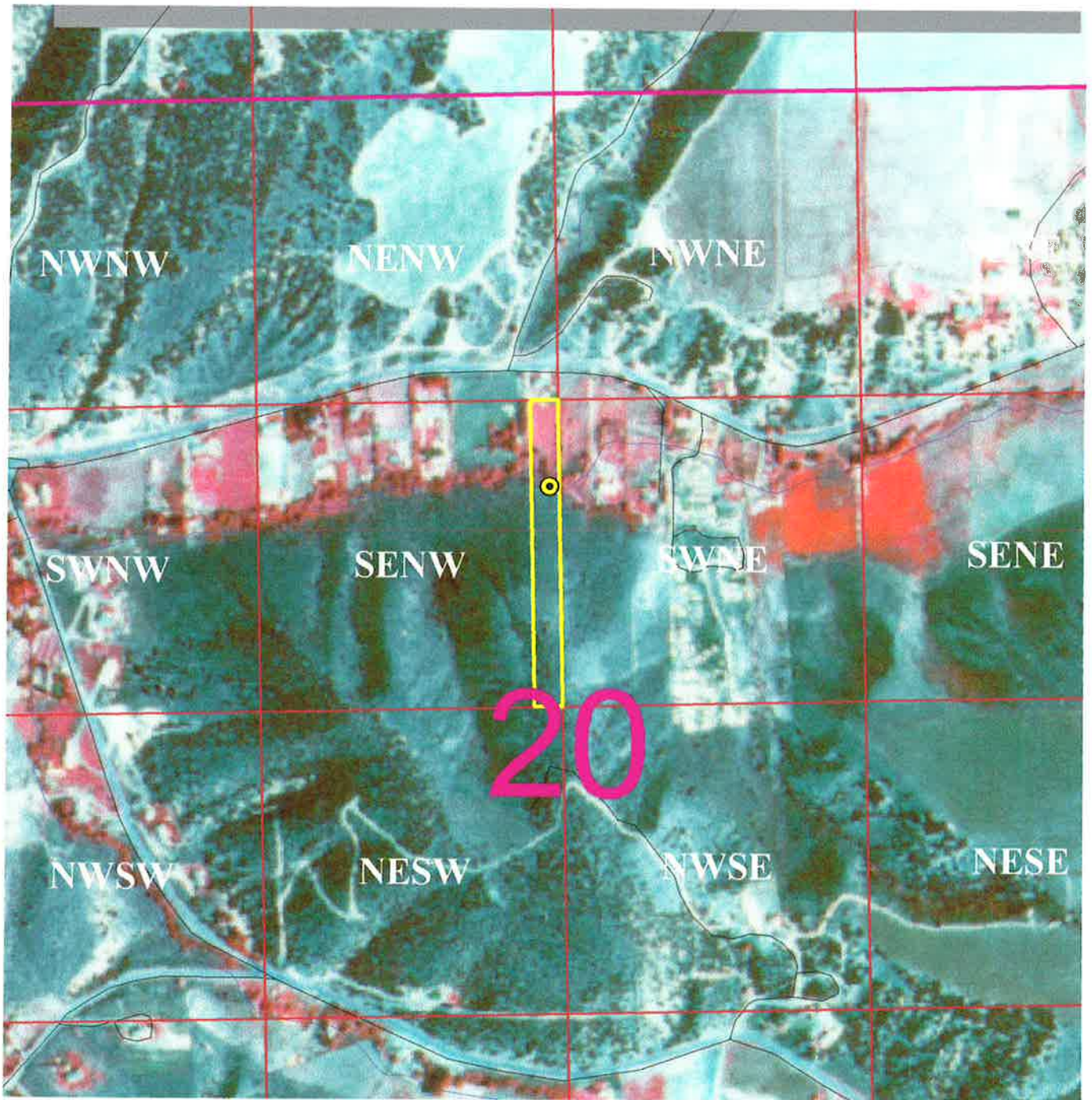
10 OR LESS STOCK

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

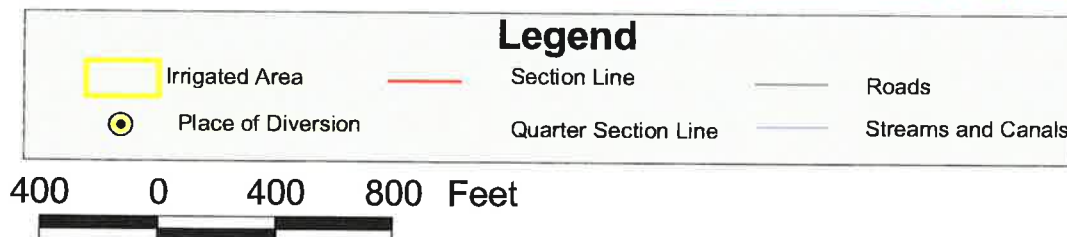
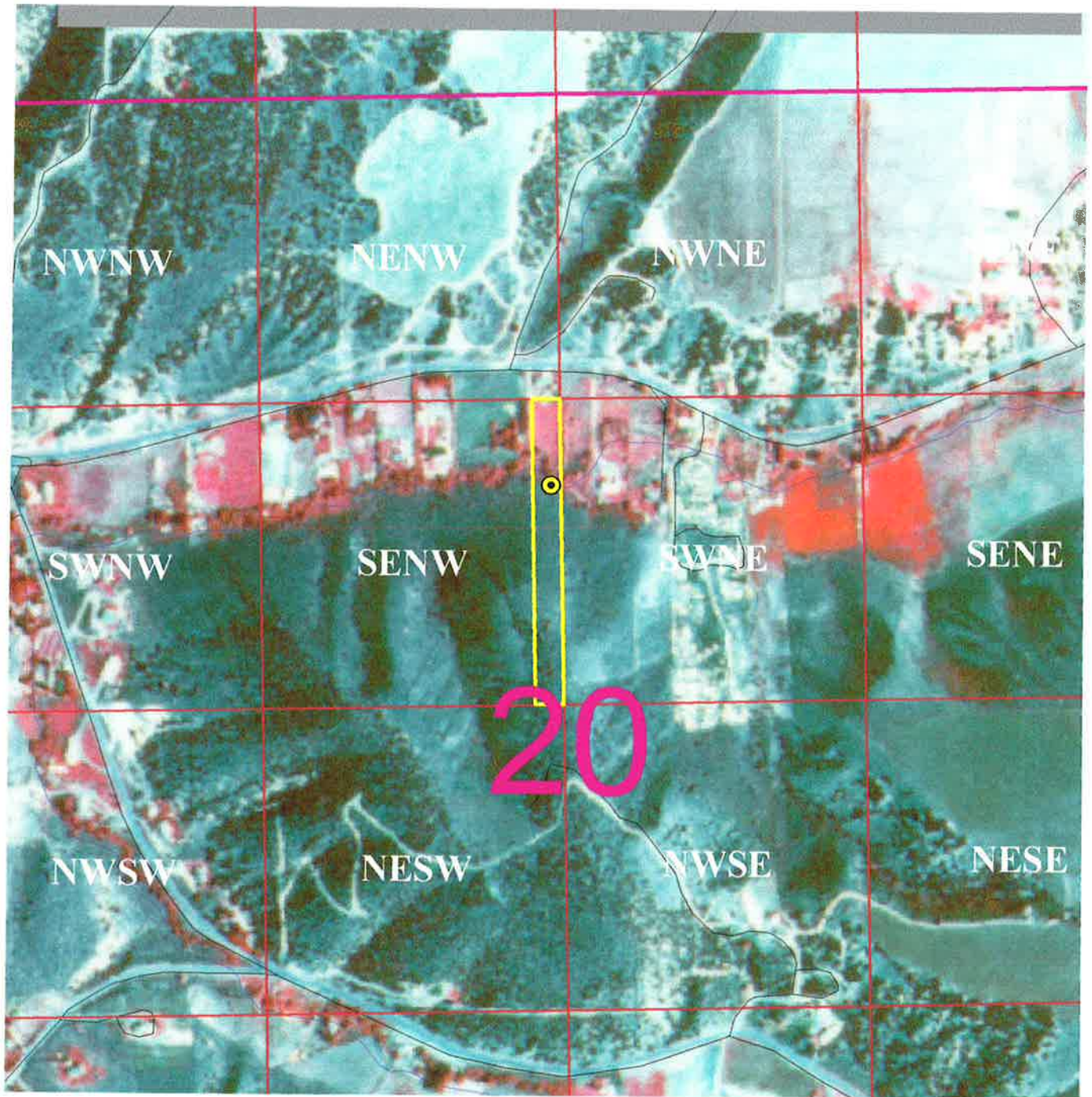
Water Right Claim Number A29-00443E
Township , 6S35E

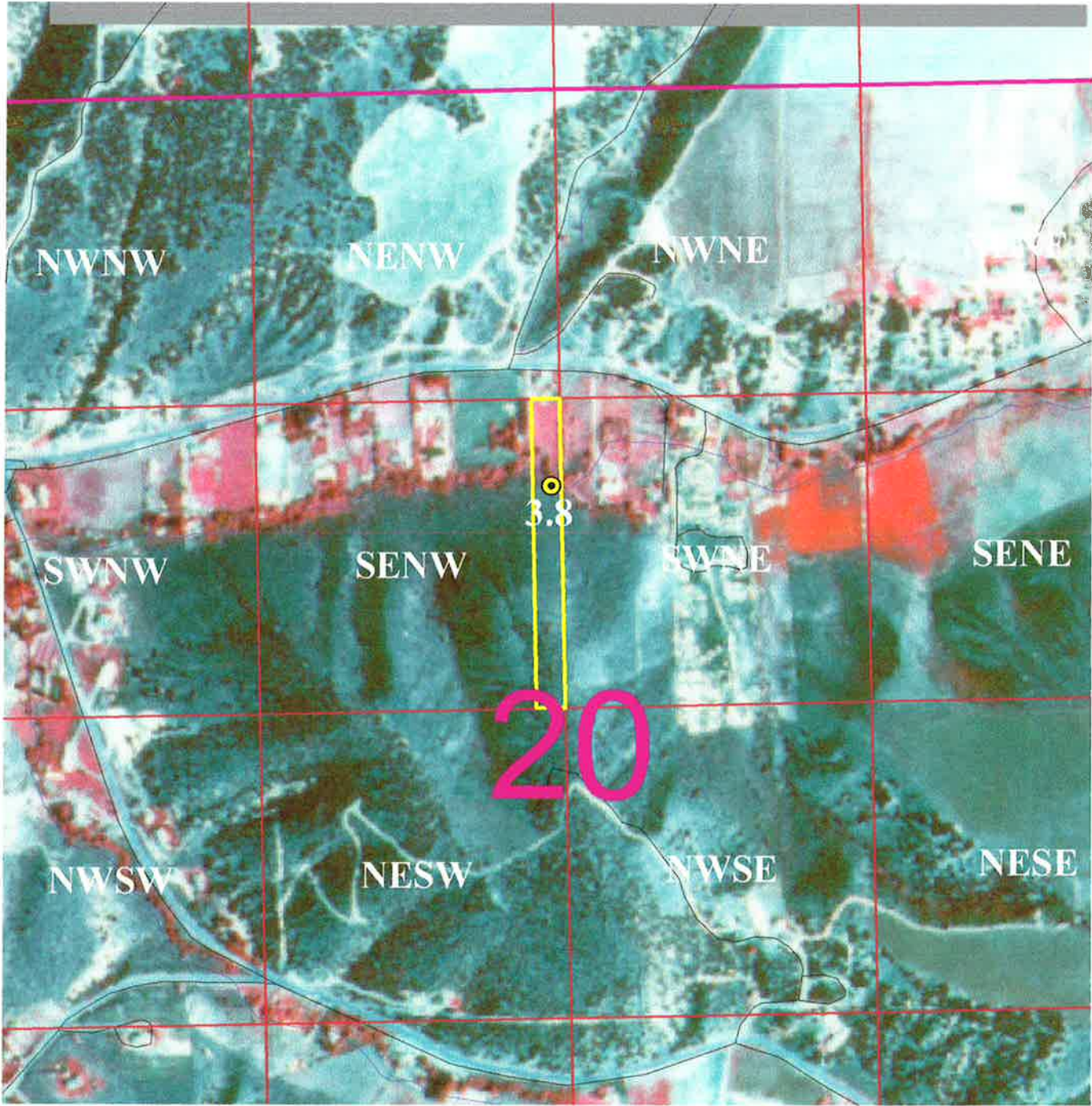
09/15/2000



Water Right Claim Number A29-00443E
Township , 6S35E

09/15/2000





Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals

Legend



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-443E V1

WATER RIGHT NUMBER: 29-443E V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FRANK ROBERT JOHNSON 8551 W POCATELLO CREEK RD POCATELLO, ID 83201 (208)232-6246
Current Owner	IRENE FERGUS JOHNSON 8551 W POCATELLO CREEK RD POCATELLO, ID 83201 (208)232-6246

Priority Date: 06/01/1887

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK POCATELLO CREEK	POCATELLO CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.010 CFS	
IRRIGATION	04/01 to 10/31	0.010 CFS	
	<u>Total Diversion:</u>	0.010 CFS	

Location of Point(s) of Diversion

NORTH FORK POCATELLO CREEK	NE1/4SE1/4NW1/4	Sec. 20, Twp 06S, Rge 35E, B.M.
BANNOCK County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	35E	20					.4			1.3									1.7

Total Acres: 1.7

STOCKWATER same as IRRIGATIONConditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-443E V1

1. Explanatory 10 OR LESS STOCK
2. Place of Use USE OF THIS RIGHT WITH RIGHT NO. 29-13523 IS LIMITED TO THE IRRIGATION OF A
- Irrigation COMBINED TOTAL OF 1.7 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. csaxton 4/10/2003 Remarks

Comment: Claimant filed claim 29-13523 through NOE and was recommended as a PPU with this right. Remarks changed to show POU limitation.

2. csaxton 4/10/2003 Diversion Rate

Comment: Claimants deed reads "Including ½ inch Water rights from Pocatello Creek" Then later references 29-00443 and 29-00444. The deed does not indicate that the claimant only received ½ inch per both rights, but can be read as ½ inch from both 29-00443 and 29-00444. Recommend ½ inch for 29-00444 with not diversion rate limitations with 29-00443.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: C

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	6/20/2001 4:40:21 PM	csaxton			Active
Priority Date	6/20/2001 4:43:06 PM	csaxton			Active
POD	6/20/2001 4:57:31 PM	csaxton			Active
Source	6/20/2001 5:00:11 PM	csaxton			Active
Use	6/20/2001 5:00:43 PM	csaxton			Active
POU	6/20/2001 5:01:57 PM	csaxton			Active
POU	6/20/2001 5:05:18 PM	csaxton			Active
Season	6/21/2001 9:09:12 AM	csaxton			Active
Quantity	6/21/2001 9:10:53 AM	csaxton			Active
Summary			06/21/2001	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-443E V1

Contacts	6/20/2001 4:40:18 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Last meeting with Mr. Johnson was on June 19, 2001.
Priority Date	6/20/2001 4:43:04 PM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	6/20/2001 4:57:29 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (NO) Parent right does not have a Point of Diversion. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: Mr. Johnson moved onto that land in 1972 and started irrigating from his present POD. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: In house meeting 8. (NO) Point of Diversion remark was not required. 9. (YES) Point of Diversion condition was required.
POD	6/20/2001 5:00:04 PM	csaxton	Edited point location
Source	6/20/2001 5:00:09 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Use	6/20/2001 5:00:41 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.
POU	6/20/2001 5:01:55 PM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
POU	6/20/2001 5:03:34 PM	csaxton	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 29-443E V1

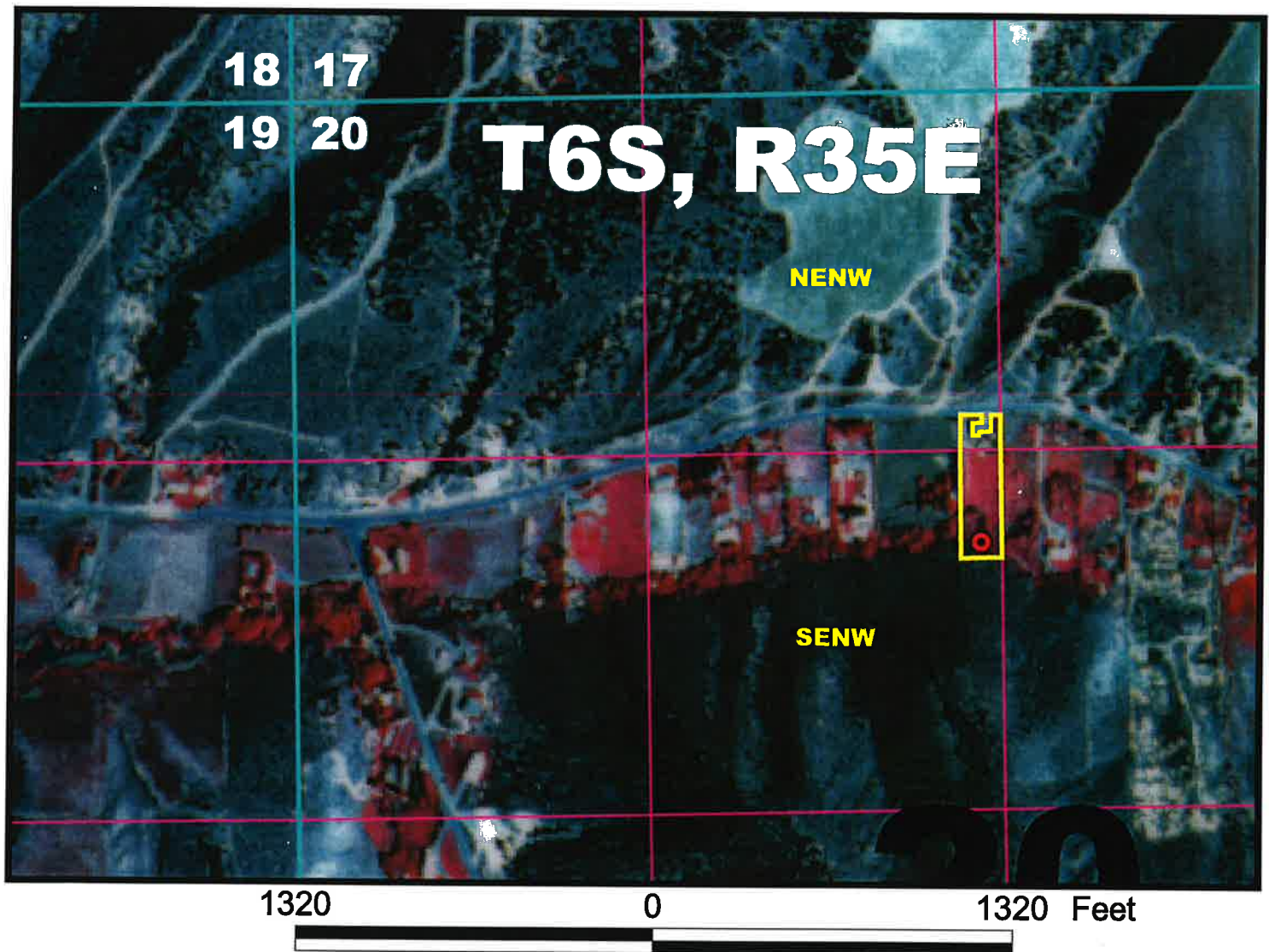
POU	6/20/2001 5:05:17 PM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (NO) The claimed POU can not be verified using the water right file. 5. (YES) There is evidence that there has been a change in the POU. 6. (YES) The change can be verified as an accomplished transfer. Comment for 6: POU included land in NENW in 1972 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: In House Meeting 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
Season	6/21/2001 9:09:10 AM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Quantity	6/21/2001 9:10:50 AM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (NO) The claimed diversion rate and/or volume can not be verified using the water right file. 5. (NO) A flow measurement was not required. Comment for 5: Diversion Rate defined on Deed 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Summary	6/21/2001 9:18:04 AM	csaxton	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (YES) This is a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
POU	6/20/2001 5:03:01 PM	csaxton	Edited shape boundary



STATE OF IDAHO

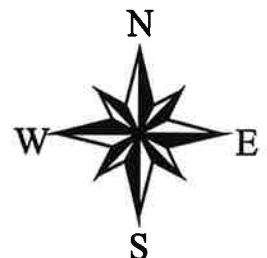
Department of Water Resources
Eastern Region

Water Right(s): 29-00443E & 29-13523



Total Irrigated Acres: 1.7

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



SCANNED

NOV 09 2005

PROFILED

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: March 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 14, 2003

FRANK ROBERT JOHNSON
IRENE FERGUS JOHNSON
8551 W POCATELLO CK RD
POCATELLO ID 83201

RE: Changes in Recommended shape for Place of Use for Snake River Basin
Adjudication (SRBA) claims 29-00443E and 29-13523.

Dear Mr. and Ms. Johnson,

Enclosed is a copy of a new layout showing the updated boundary of the recommended place of use for SRBA recommendations 29-00443E and 29-13523. Due to previous rounding and the fact that the additional ground we added was so small, total irrigated acreage did not change.

I did not include additional copies of the recommendations because they did not change.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton'.

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

PROFILED

SCANNED
NOV 09 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 10, 2003

FRANK ROBERT JOHNSON
IRENE FERGUS JOHNSON
8551 W POCATELLO CK RD
POCATELLO ID 83201

RE: Recommendations for Snake River Basin Adjudication (SRBA) claim 29-00443E
and 29-13523.

Dear Mr. and Ms. Johnson,

Enclosed is the preliminary recommendation for claim 29-13523 (a portion of decreed
right 29-00444.

I also had to add a remark to 29-00443E so I am enclosing a new copy of that preliminary
recommendation.

The remark added just says that both of these rights are used on the same ground and
between the two rights cannot exceed the 1.7 acres you irrigate. This remark is a
standard remark and is used to prevent a misunderstanding that you might irrigate a total
of 3.4 acres.

Look over these recommendations and feel free to contact me if you have further
questions. If everything looks satisfactory, no further action needs to be taken. The
SRBA court will notify you when the final directors report is sent out.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

PROFILED

SCANNED

NOV 09 2005

3-21-03 : Claimant wanted to claim a portion of 29-444
Deed is ambiguous and seems to Indicate
That Frank could have $\frac{1}{2}$ inch from 29-00443
and 29-00444.

Sent claimant a claim for $\frac{1}{2}$ inch of 29-00444.
Waiting Claimant Response.

4-10-03 : Remarks changed to add limitation on ROW
with Right 29-13523.

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NOV 09 2005

02/08/2003

Craig

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-443E

FRANK ROBERT JOHNSON
8551 W POCA TELLO CREEK RD
POCA TELLO ID 83201
Telephone Number: (208)232-6246

IRENE FERGUS JOHNSON
8551 W POCA TELLO CREEK RD
POCA TELLO ID 83201
Telephone Number: (208)232-6246

RECEIVED

MAR 24 2003

WATER RESOURCES
WESTERN REGION

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: 3-20-03

SIGNATURE:

Frank R. Johnson

Please print your name:

FRANK R. JOHNSON

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

SCANNED

NOV 09 2005

PROFILED

Split history for Decreed Right 29-00443

Claimed		Recommend	Deed	
A	Firkins		Deeded 1/2 in	Agreed
	0.1 5	0.01 1.3		
B	Fritch		Deeded 1in per 10 ac	Disagreed but not changing
	0.02 10	0.02 1.8		
C	Stocking		Deeded 1/2 in	No NOE received
	0.05 2.5	0.01 1.1		
D	Anderson, D			No NOE Received
	0.83 43.6	0.77 40.5		
E	Johnson		Deeded 1/2 in	Agreed
	0.01 2	0.01 1.7		
F	Dixon		Need c/o No Deeds Assume 1/2 in per 5 acre plot	No NOE Received
	0.2 7	0.02 2.6		
G	Anderson, E		C05	No NOE Received
	0.2 2	0.03 1.6		
H	Packer (split)		2/3 of 2 inch	No NOE Received
	0.08 4	0.05 1		
I	Paul		Deed from Tanny-Anderson No 1/2 inch requirement	No NOE Received
	0.04 2	0.03 1		
J	Smith (split)		Deeded 1/2 to parent	No NOE Received
	0.01 2	0.005 1		
K	Morris		No deed received	No NOE Received
	0.01 1.5	0.01 0.6		
L	Finkelnburg		Silent to WR	NOE Received Claim needs to be amended
	0.01 1	0.01 1		
M	Griggs		Silent to WR	NOE Received Additional Acreage Requested
	0.09 3	0.02 3		
N	Travis		8 in deeded	No NOE Received
	1 30	0.16 10.6		

29-00443
2 cfs

PROHIBITED

NOV 09 2005

29-10783	Lawlor				
		0.12	0	0.1	
		6	0	3.5	
29-13270	Pharris				
		0.06	0.02		
		2	2		
29-12232	Taysom				
		0.02	0.02		
		1.5	1.3		

Disallow

No NOE Received

no deed provided

Silent to WR

Estimated Decreed Acreage = 56 ac
Remaining Diversion Rate For Decreed POU = 1.6

Sum CFS=	1.34
Sum Acre=	51.1

Un-accounted for CFS=	0.26
Un-accounted for Acres=	4.9

SCANNED

NOV 09 2005

PROFILED

SCANNED

JUN 19 2001

Log for claim A29-00443E

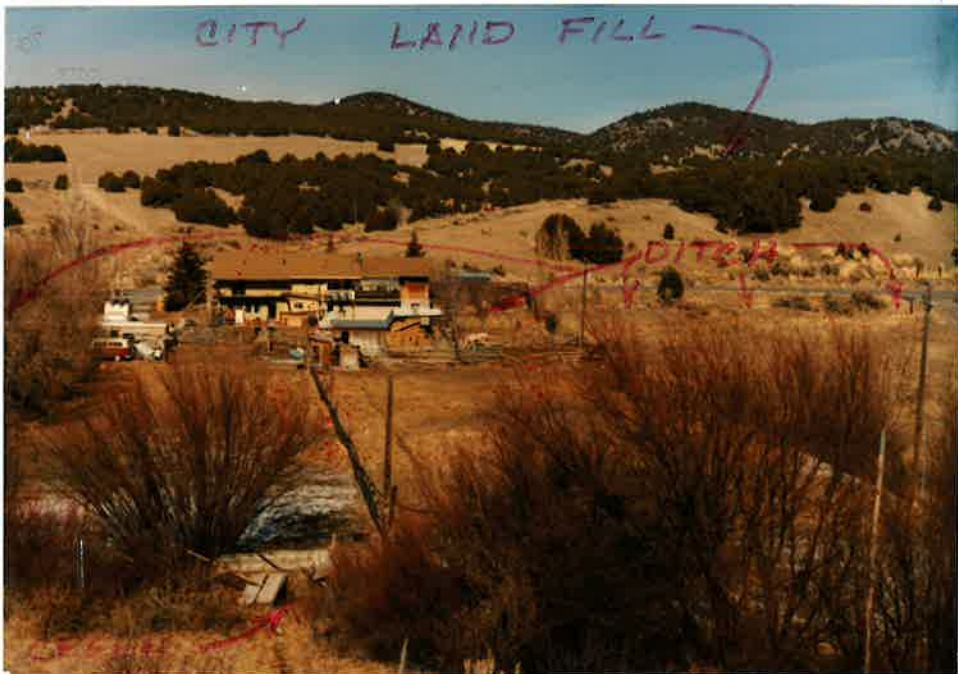
Spatial Dynamics LTD

9/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s35e	20	SENW	2	3.8	
Totals:			2	3.8	

6/21/01

- Pictures Provided By claimant show Historical Flood Irrigation Ditches.
- CØ3 + CØ5 - Current Irrigation system Put in in 1972 When Claimant moved In.
- POP + POH location Based on meetings with Claimant.







To Whom it May Concern,

As an early resident of Pocatello Creek Rd, I remember that the land that incorporates the property of Frank Johnson and the acreages on each side of his were at one time irrigated by an irrigation ditch that originated by the Butt's property and crossed the properties of Honeycutt's, Skinner's, Grigg's, Terry's, Johnson's, Dickerson's, Smith's, etc.

...*J. D. Little*...*Linkins*...Name

...*8366 W. Pocatello*...Address

...*232-6367*...Phone

...*1-13-90*...Date

MICROFILMED
NOV 13 1992

January 15, 1990

To whom it may concern,

One of the prime reasons we purchased our property here on Pocatello Creek Road on May 28, 1971 was to provide pasture and water for our horse and pony. We sank a 65 ft. deep well for the house we were building. Between the well water and the stream on our property, we irrigated the existing pasture grass and new trees we planted. We found the pasture and trees did very poorly when watered from the well, and this water was not desirable drinking water, and has progressively got worse. We live at the mouth of the small valley that drains the water from the City of Pocatello old landfill. Over the years our water has deteriorated, becoming much worse after the Challis earthquake. From that time on, the water has become undrinkable. We haul in our drinking water. We cannot sprinkle irrigate our lawn or trees from the well water as it kills the leaves and grass. Some our neighbors have the same problem. A hose left on our grass leaking over an extended period of time killed the grass and created moss. We use the well water only for bathing, toilet facilities, washing dishes and miscellaneous domestic use. We use the stream water now to irrigate the lawn, trees, orchard, garden, pasture and livestock. The cost to drill a deeper well, and then have the potential of the water still being contaminated is too much. We have fenced off the creek to control the area where the livestock drink, thus protecting erosion. We have put rip wrap on the stream banks to control erosion

MICROFILMED

NOV 13 1992

during flooding

We do not overgraze our pasture. We have two horses now, and have had four cows previously. We feel very dedicated to the conservation of the stream, land and plant life on our property. All who come and go can readily see we have not abused our property or water.

This tract of land which has several small acreages was at one time a pasture land irrigated by the stream and a small irrigation ditch which followed along Pocatello Creek Road. It originated at the old Butt's property east of us. Enclosed are pictures of this ditch. Our home sits where the ditch used to be.

We did not have to seed our pasture when we purchased the land as the grass, clover, etc. was already here. We have since improved part of the pasture.

We plan to purchase one or two more cows this spring.

Our acreage is part of the Taney property. The following data related to the water rights:

29-0443 and 2-90444

Taney versus Woodland

Patrick and Mary Taney

2 cubic ft. per second June 1, 1887

2 cubic ft. per second June 1, 1890

We pump our water with a 2" electric powered motor and a 2" inside diameter irrigation pipe. We have the capacity to flood irrigate and

MICROFILMED
NOV 13 1992

sprinkle irrigate. (See the enclosed photograph.) We summer irrigate the pasture, lawn, garden, orchard and trees. In winter we occasionally water the trees. The livestock use the stream all year long.

Frank R. Johnson

Frank R. Johnson

8551 W. Pocatello Creek Road

Pocatello, Idaho 83201

232-6246

MICROFILMED

NOV 13 1992

To Whom it May Concern,

As an early resident of Pocatello Creek Rd, I remember that the land that incorporates the property of Frank Johnson and the acreages on each side of his were at one time irrigated by an irrigation ditch that originated by the Butt's property and crossed the properties of Honeycutt's, Skinner's, Grigg's, Terry's, Johnson's, Dickerson's, Smith's, etc.

.....Gladith Linkins.....Name

...8366 W. Pota Creek Address

..2.3.2-6.3.6.7.....Phone

...1-13-90.....Date

MICROFILMED
NOV 13 1992

To Whom it May Concern,

As an early resident of Pocatello Creek Road, I remember that the land that incorporates the property of Frank Johnson and the acreages on each side of his were at one time irrigated by an irrigation ditch that originated by the Butt's property and crossed the properties of Honeycutt's, Skinner's, Grigg's, Terry's, Johnson's, Dickerson's, Smith's, etc. *MORRIS - Johnson*

A. C. Morris 38 yrs
.....Name

8655 W. Poca. Cr. Rd.
.....Address

233-1929
.....Phone

1-13-90
.....Date

*MR. MORRIS HAS LIVED ON POCATELLO Cr. Rd.
FOR 38 YRS,*

MICROFILMED

NOV 13 1992

That each of the parties to whom is decreed the right to the use of the waters of said Locutello Creek, its tributaries and the springs adjacent thereto, and their agents, servants, attorneys, successors and assigns, be and they are hereby and forever perpetually restrained and enjoined from in any wise using the said waters except as herein decreed, and from in any wise molesting or interfering with the rights of any other party or parties, to whom water is hereby decreed and from in any wise molesting or interfering with any of the dams, ditches or other works used for the diversion and conveyance of said waters belonging to any other party or parties to whom rights in said waters are hereby decreed.

That each of the parties to this action shall pay the costs incurred by him or it respectively, and execution may issue therefor.

Done at Boise, Idaho, this first day of April, 1925.

FRANK S. DIETRICH, Judge.

Endorsed, Filed, April 1, 1925,

W. D. McReynolds, Clerk,

By Verna Thayer, Deputy.

MAX F. PARRISH

Attorney & Counsellor at Law
250 East Center Street
POCATELLO, IDAHO 83201
Phone (208) 233-1155

made as of the date of this REAL ESTATE AGREEMENT for the

REAL ESTATE AGREEMENT

THIS AGREEMENT made and entered into this 29th day
of May, 1971, by and between DWAIN W. ANDERSON and RENEE
ANDERSON, husband and wife, hereinafter called "SELLERS",
and FRANK ROBERT JOHNSON and IRENE FERGUS JOHNSON, husband
and wife, hereinafter called "BUYERS".

WITNESSETH, that the SELLERS in consideration
of the covenants and agreements on the part of the BUYERS,
hereinafter contained, agree to sell, and convey unto the
BUYERS, and the BUYERS agree to buy, all that certain piece
or parcel of land situated and lying and being in BANNOCK
COUNTY, IDAHO and bounded and particularly described as
follows:

That portion of the SE 1/4 NW 1/4, Section
20 Township 6 South, Range 35 East, Boise
Meridian, Bannock County, Idaho.

Beginning at the North 1/16 corner of said
Section 20; thence along the North 1/16
line, West 122.9 feet; thence parallel to the
longitudinal center line of said Section, South
1320 feet, more or less, to the latitudinal
line of said Section; thence along said lat-
itudinal center line; Easterly 122.9 feet to
the center of said Section; thence North 1320
feet to the Point of Beginning.

Including 1/2 inch Water rights from Pocatello
Creek. Subject to 10 Feet utility easement on
West Boundary of property running between Pocatello
Creek Road and Pocatello Creek.

29-0443 AND

29-0444

TANEY VIS. WOODLAND.

REAL ESTATE AGREEMENT
P. 1

PATRICK S. TANEY &
MARY TANEY

2 CUBIC FEET PER SECOND JUNE 1, 1887
2 " " " " JUNE 1, 1890

(4.5 GAL. PER MIN.) APR. 1 - NOV. 1 EER, SEASON

IN THE DISTRICT COURT OF THE UNITED STATES, IN AND FOR
THE DISTRICT OF IDAHO, EASTERN DIVISION

PATRICK S. TANEY and MARY TANEY,
his wife,

Plaintiffs,

vs

H. S. WOODLAND and LOUISE J. WOODLAND, his wife, GEORGE M. LARLEY, LOCATELLO REALTY COMPANY, a corporation, C. W. GRAY INVESTMENT COMPANY, a corporation, THOMAS ROPPER and VERNIE ROPPER, his wife, ROBERT CRUM and LATTIE CRUM, his wife, ROBERT CRUM and LATTIE CRUM, his wife.

Defendants.

No. 428

D E C R E E

This cause having heretofore come regularly on to be heard in open court, P. C. O'Malley and J. Downing, appearing as attorneys for the plaintiffs, A. L. Merrill and R. D. Merrill as attorneys for defendants H. S. Woodland and Louise J. Woodland, his wife, Anderson and Jeffery attorneys for defendants Thomas Ropper and Vernie Ropper, his wife, and Robert Crum and Lattie Crum, his wife, and Peterson and Coffin attorneys for the defendants Grace M. Berry, Locatello Realty Company, a corporation, and C. W. Gray Investment Company, a corporation, and these last three defendants having, by written stipulation of all parties and consent of the court, adopted as their answer the answer (as amended) of the defendants H. S. and Louise J. Woodland, and evidence having been introduced upon behalf of each of the parties, and after argument the cause having been submitted for decision; now upon consideration,

IT IS ORDERED, ADJUDGED AND DECREED, that said parties are the owners of the rights to use and are entitled to divert and use at all times when they have need for irrigation, stock and domestic purposes, the waters of Locatello Creek, (a small stream flowing in a westerly direction, a short distance northerly from the City of Locatello in Blaine County, Idaho, the same being a tributary of Fortneuf River) in amounts as follows, the dignity of said several rights depending upon and being in the order of the dates hereinafter named, priority of date importing superiority of right;

9-0443 The plaintiffs, PATRICK S. TANEY and MARY TANEY, his wife, TWO
9-0444 (2) CUBIC FEET PER SECOND, dating from JUNE 1, 1887, and TWO-TENTHS
(2) OF A CUBIC FOOT PER SECOND, dating from JUNE 1, 1890, for such
uses on and in connection with the Southeast quarter of the Northeast
quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Nineteen (19), the South half of the
Northwest quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) and Southwest quarter of the Northeast
quarter of Section Twenty (20), Township Six (6) South, Range Thirty-
five (35) East Boise Meridian; and West half of the Southeast quarter
(W $\frac{1}{2}$ SE $\frac{1}{4}$), East half of the Southwest quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section
Fourteen (14), and Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$)
of Section Twenty-three (23), Township Six (6) South, Range Thirty-
four (34) East Boise Meridian.

29 0445 The defendants GRACE M. PERRY, GRACIELA HENRY COMPANY, a corporation, and C. M. GRAY INVESTMENT COMPANY, a corporation, (with rights among themselves in proportion to and dependent upon such interests as they have in land in this paragraph described), EIGHT-TENTHS (.8) of a CUBIC FOOT PER SECOND, dated from APRIL 25, 1904, for such uses on and in connection with the northeast quarter of the Southeast (NE 1/4) of Section Twenty-three (23), Township Six (6) South, Range Thirty-four (34) East Boise Meridian.

Hopper

29 0446 The defendants THOMAS HOPPER and VERA HOPPER, his wife, on ALL FOUR TENTHS (1/4) CUBIC FOOT PER SECOND, dating from SEPTEMBER 9, 1904, for such uses on and in connection with the Southeast quarter of the Southwest quarter (SE 1/4) of Section thirteen (13), Township Six (6) South, Range thirty-four (34) East Boise Meridian; and the South half of the Southeast quarter (S 1/2) of Section thirteen (13), Township Six (6) South, Range thirty-four (34) East Boise Meridian; and the Southeast quarter of the Southwest quarter (SE 1/4) (that is, lot 4) Section eighteen (18), Township Six (6) South, Range thirty-five East Boise Meridian.

Crum

29 0447 The defendants ROBERT CRUM and LILLIE CRUM, his wife, ONE (1) CUBIC FOOT PER SECOND, dating from SEPTEMBER 14, 1904, for such uses on and in connection with the North half of the Southwest quarter (N 1/2) and the North half of the Southeast quarter (N 1/2) of Section Thirteen (13) Township Six (6) South, Range Thirty-four (34) East Boise Meridian.

Woodland

29 0448 The defendants H. J. WOODLAND and LOUISE J. WOODLAND, his wife, FIVE-TENTHS (.5) OF A CUBIC FOOT PER SECOND of the waters of the South Fork of saidocatello Creek, to be diverted only from said South Fork, dating from February 23, 1907, for use on and in connection with the South half of the Southeast quarter (S 1/2) of Section Twenty (20), the Northeast quarter of the Northeast quarter (NE 1/4) of Section Twenty-nine (29) and the Northwest quarter of the Northwest quarter (NW 1/4) of Section Twenty-eight (28), Township Six (6) South, Range Thirty-five (35) East Boise Meridian. Also THREE-TENTHS (.3) OF A CUBIC FOOT PER SECOND OF THE WATERS OF THE SPRING arising on said land and flowing into said South Fork, with right to said amount SUPERIOR TO THE RIGHTS OF ALL OTHER PARTIES, for such uses on and in connection with said lands.

Said waters are to be diverted from the natural channel of the stream at or near the points where they have heretofore been and are now diverted by the several parties and are to be measured over standard weirs or other devices approved by the State Reclamation Department, such weirs or other devices to be installed and maintained at the expense of the several owners of water rights, as near as may be practicable to the heads of the diverting ditches.

It is further ordered, adjudged and decreed that if and when, during the flood-water season, there is a SURPLUS of water over and above the aggregate of the rights hereinbefore defined, the parties shall have the right to divert and use the same in the following proportions;

29 0450	Plaintiffs	Ten Twenty-thirds (10/23)	.43478
29 0451	Perry and the two defendant corporations	Two Twenty-thirds (2/23)	.08696
29 0452	Hoppers	Four Twenty-thirds (4/23)	.17391
29 0453	Crum	Four Twenty-thirds (4/23)	.17391
29 0454	Woodlands (from South Fork)	Three Twenty-thirds (3/23)	.13044
			1.00000

That all of the parties to whom the right to the use of said waters are herein decreed, by mutual consent or agreement, shall have the right to pool or unite the waters herein decreed to them respectively, with the waters of any other party or parties receiving water by this decree, and may thereby use said waters jointly or alternately, in such manner as to obtain the most benefits therefrom, so that the use thereof so combined or used alternately does not exceed the amount of water to which the parties entering into such agreement may be entitled in the aggregate under this decree, and so that the pooling of said water and uniting the same as aforesaid, does not interfere with the rights or priorities of other parties not entering into such agreement.

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 29-443E
Date Received: 3/2/90
Receipt No: E012215
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FRANK ROBERT JOHNSON Phone: (208)232-6246

8551 W POCATELLO CREEK RD
POCATELLO ID USA 83201

IRENE FERGUS JOHNSON Phone: (208)232-6246

8551 W POCATELLO CREEK RD
POCATELLO ID USA 83201

2. Date of Priority: 06/01/1887

3. Source: POCATELLO CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
06S	35E	20	NE	SE	NW	BANNOCK	

5. Description of diverting works:

PUMP TO PIPE AND SPRINKLER SYSTEM AND FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.01	
STOCKWATER	01/01	12/31	0.01	

FILED

SCANNED

NOV 09 2005

7. Total Quantity Appropriated is:
0.01 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
06S	35E	20	SE	NW	IRRIGATION	1.5
			NE	NW	IRRIGATION	0.5
					Section Acres	2
					Total Acres	2

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT WAS SPLIT AND CLAIMED AS FOLLOWS: A29-00443A FIRKINS 0.01 CFS A29-00443B FRITCH 0.02 CFS A29-00443C SUMSTINE 0.05 CFS A29-00443D ANDERSON 1.0 CFS A29-00443E JOHNSON 0.01 CFS

15. Basis of Claim: Decreed

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

Hank R. Johnson
Irene D. Johnson

Date: 6-19-01

Date: 6-19-01

State of Idaho)

County of Bonneville)

SS.

Subscribed and sworn (or affirmed) before me this

of June 2001

18th Bae
Bryce A. Contor

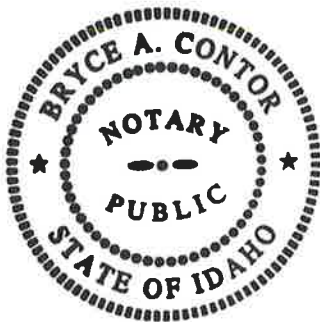
Notary Public

Residing at

Mod Lake

My commission Expires

10/14/05



JUN 19 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: A29-00443E
Date Received: 3/02/1990
Receipt No: E012215
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK ROBERT JOHNSON 208-232-6246
Address: 8551 W. POCA TELLO CREEK RD
POCA TELLO, ID 83201

OR

Name: IRENE FERGUS JOHNSON 208-232-6246
Address: 8551 W. POCA TELLO CREEK RD
POCA TELLO, ID 83201

2. Date of Priority: JUN 01, 1887

3. Source: POCA TELLO CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	35E	20	NW	SE	NW		BANNOCK

5. Description of diverting works:
PUMP TO PIPE AND SPRINKLER SYSTEM AND FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	11/15	0.010		
STOCKWATER	01/01	12/31	0.010		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ UP TO 2 HORSES AND 4 COWS

A29-00443E

Page

1

Date: 03/19/90

A2900443E



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10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	35E	20	SE NW		IRR	2.0
Section Acres						2.0
Total Acres						2.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS RIGHT WAS SPLIT AND CLAIMED AS FOLLOWS:
A29-00443A FIRKINS 0.01 CFS
A29-00443B FRITCH 0.02 CFS
A29-00443C SUMSTINE 0.05 CFS
A29-00443D ANDERSON 1.0 CFS
A29-00443E JOHNSON 0.01 CFS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

PATRICK S. TANEY, ET. AL.
Decree Plaintiff

vs

H. S. WOODLAND, ET. AL.
Decree Defendant

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: 39356
Ident. Number A29-00443 B E
Date Received 3-2-90
Receipt Number E012215/90

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) FRANK ROBERT JOHNSON AND/OR
IRENE FERGUS JOHNSON Phone (208) 232-6246

Mailing Address 8551 W. POCA TELLO CREEK RD. POCA TELLO, IDAHO Zip 83201

2. Date of Priority (Only one (1) per claim) JUNE 1, 1887

3. Source of water supply (a) POCA TELLO CREEK
which is tributary to (b) PORTNEUF RIVER

4. a. Location of existing point of diversion is: Township 6 So. Range 35 E. Section 20,
NE 1/4 of SE SW 1/4 of NW 1/4, Govt. Lot, — B.M., County of BANNOCK

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

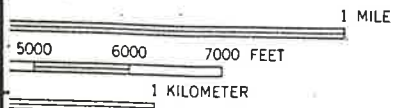
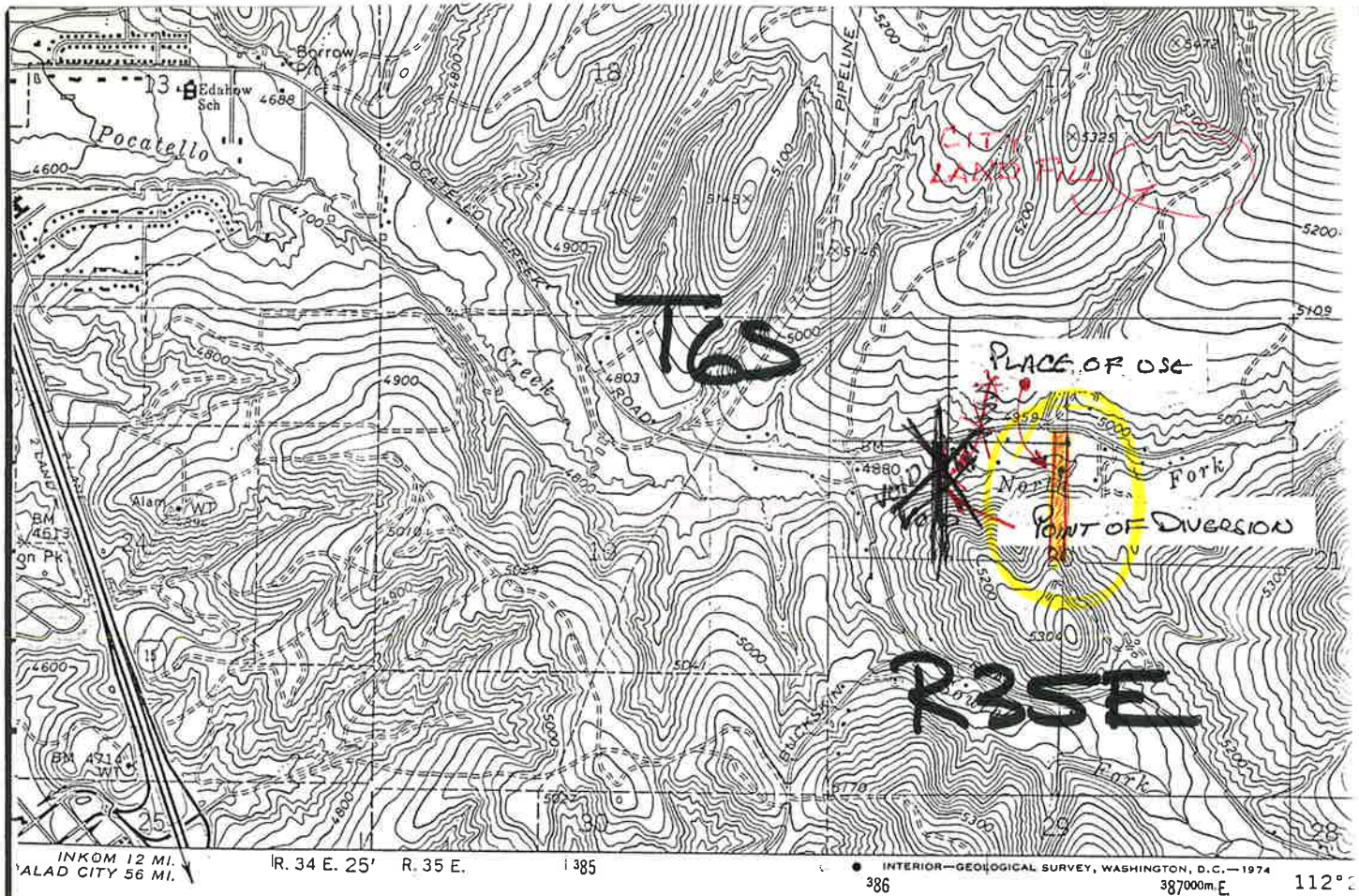
_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. PASTURE PUMP IRRIGATION
OUT OF POCA TELLO CREEK WITH A TWO INCH PIPE TO FLOOD
AND SPRINKLE THE PASTURE, GARDEN AND ORCHARD. - SENCE
MAY 28, 1971.
THE DOMESTIC WELL WATER (65 FEET DEEP) IS NOT GOOD DRINKING
WATER AND IT IS NOT GOOD PLANT WATER. THE ORCHARD,
PASTURE AND GARDEN DO VERY POORLY WHEN USED. THAT IS
WHY THE CREEK WATER IS SO IMPORTANT, FOR PASTURE ORCHARD ETC.

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



NTOURS



QUADRANGLE LOCATION

RACY STANDARDS
225, OR WASHINGTON, D. C. 20242

ROAD CLASSIFICATION

Primary highway, _____ Light-duty road, hard or
hard surface _____ improved surface _____
Secondary highway, _____ Unimproved road _____
hard surface _____
○ Interstate Route ○ U. S. Route ○ State Route

POCATELLO NORTH, IDAHO

NW/4 POCATELLO 15' QUADRANGLE

N4252 5—W11222 5/7 5

MICROFILMED

NOV 13 1992

Last Name JOHNSON

Ident No. A 29-0043 B

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4-15 to 11-15 amount 0.01 or _____

For STOCK purposes from 1-1- to 12-31 amount 0.01 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.01 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1-HOUSEHOLD, 2-HORSES AND 2 TO 4 COWS (HEREFORD COWS)

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>6 S</u>	<u>35 E</u>	<u>20</u>							<u>2</u>	<u>2</u>									<u>2</u>

Total number of acres irrigated 2

11. In which county (ies) are lands listed above as place of use located? BANNOCK

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
WE USE DOMESTIC WATER WELL WATER DURING LOW WATER OR PUMPOUTAGE; or None ()

14. Remarks: THE DOMESTIC WATER IS NOT GOOD PLANT IRRIGATION
WATER. THE PLANTS DO POORLY, IT IS ONLY USED IN AN
EMERGENCY.
THIS PROPERTY WAS IRRIGATED BY CANAL SYSTEM MANY
YEARS BEFORE. ATTACHED ARE PHOTOGRAPHS AND OTHER
DOCUMENTS PERTINANT TO THIS WATER RIGHT.

MICROFILMED

NOV 13 1992

Last Name JOHNSON

Ident No.

A 29-00443
A 29-00458

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 29-0443
Court FRANK S. DIETRICH Case Number 428 Decree Date 4-1-1925
Plaintiff vs Defendant PATRICK S. TANEY AND MARY TANEY VS. H.S. WOODLAND & LOUIS J. WOODLAND

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Frank Robert Johnson and/or Date 3-16-88

Irene Fergus Johnson Date 3-16-88

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 2nd day of March 19 90

SEAL

Notary Public Betty J. Thompson

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
NOV 13 1992

Last Name JOHNSON Ident. Number A-29-00443 B

Copies White-State, Yellow-Claimant