

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

1

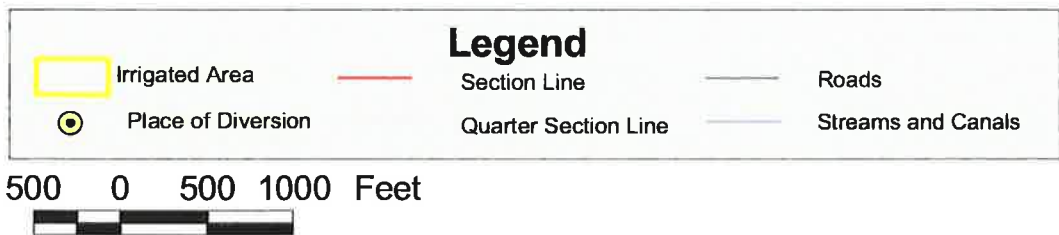
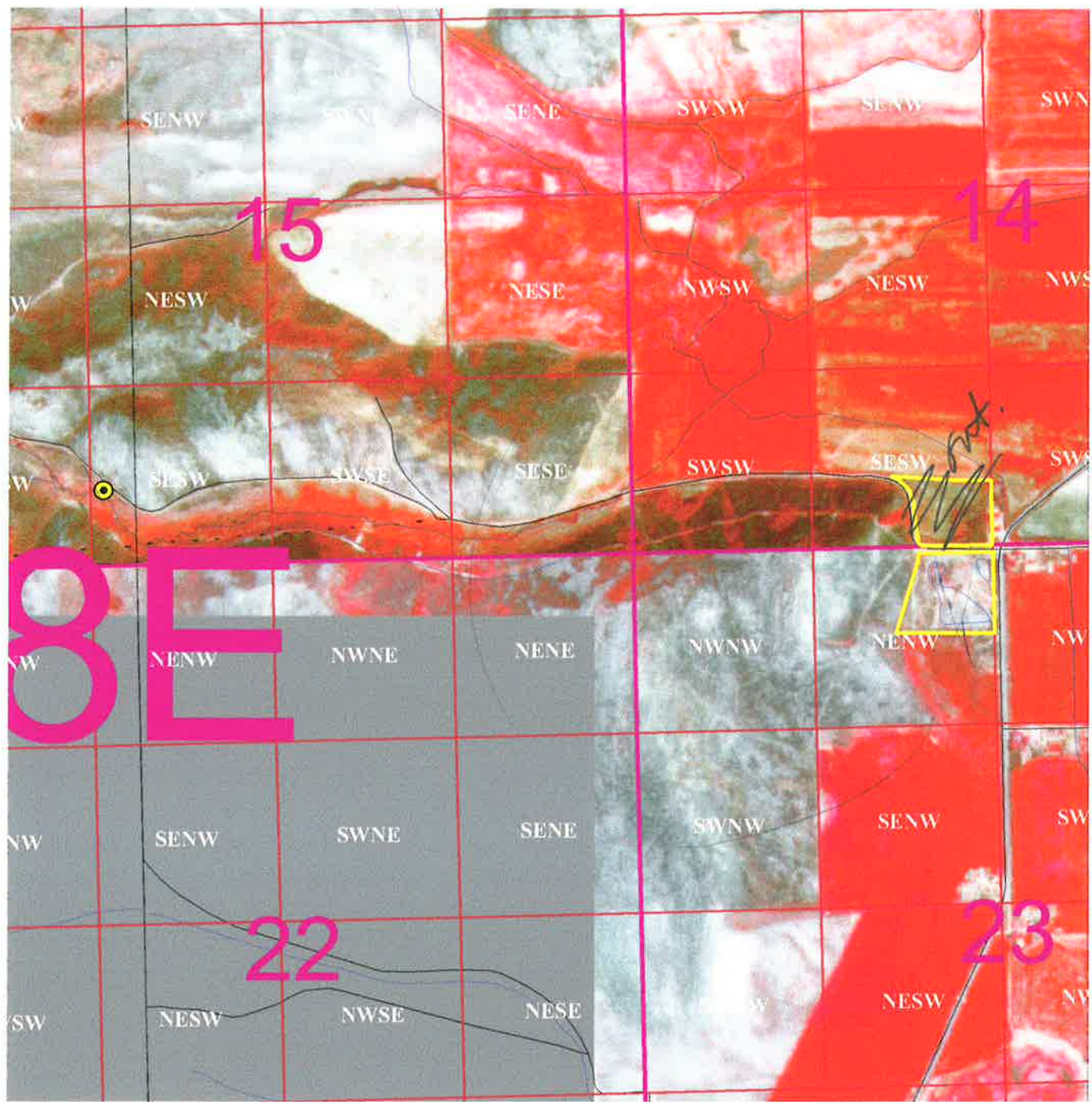
EXPLANATORY MATERIAL: Decreed

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

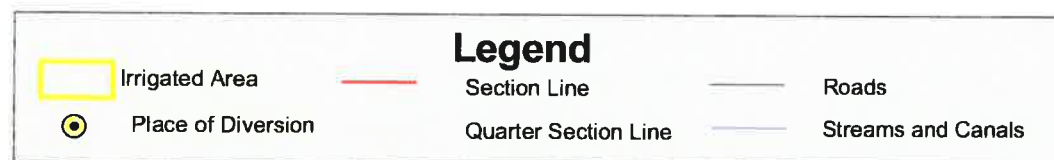
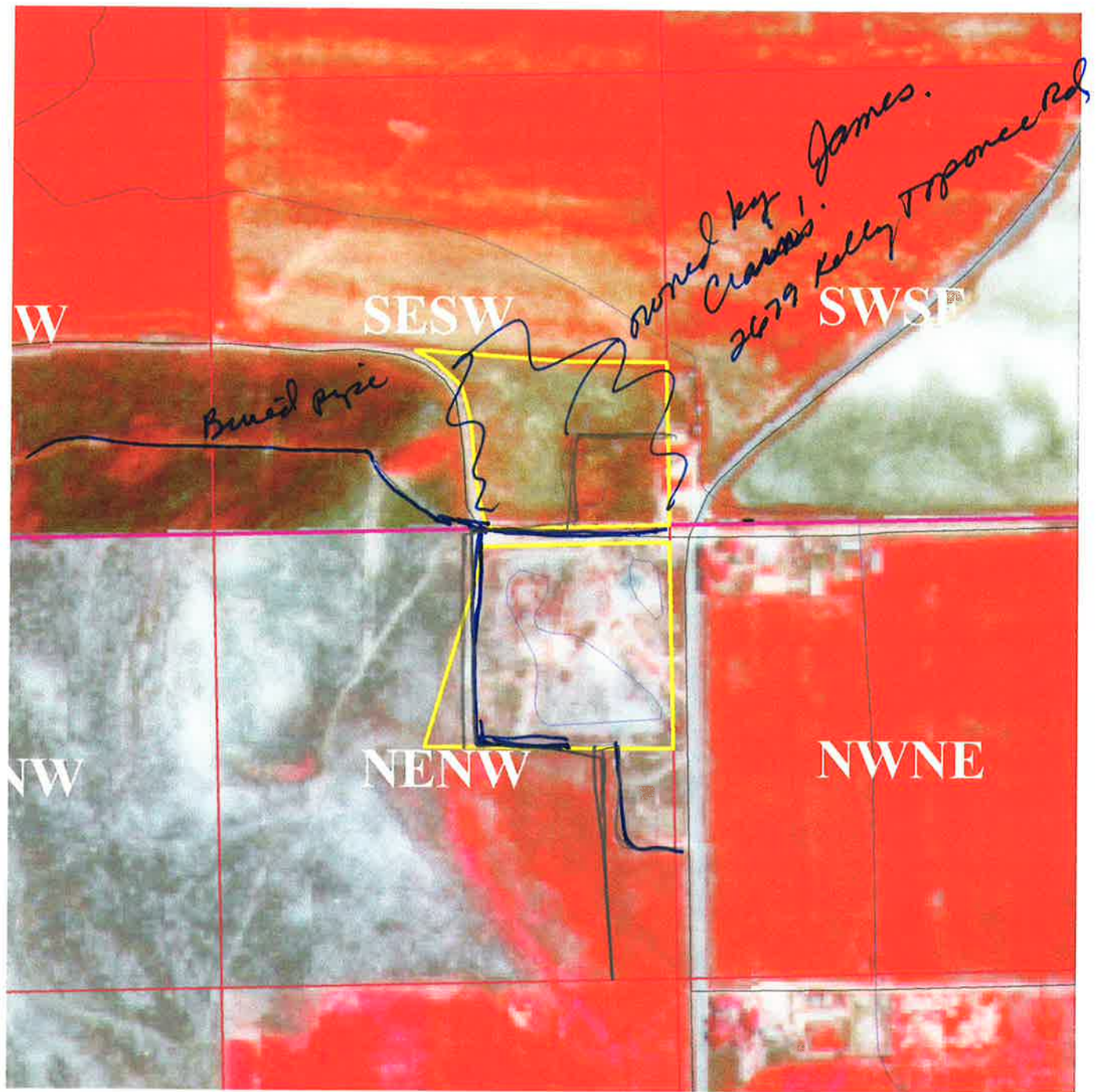
RIGHT NOS. 29-126 AND 29-7028 ARE ALSO DIVERTED THROUGH POINT
OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS A SPLIT FROM RIGHT 29-126.

Township , 7S38E



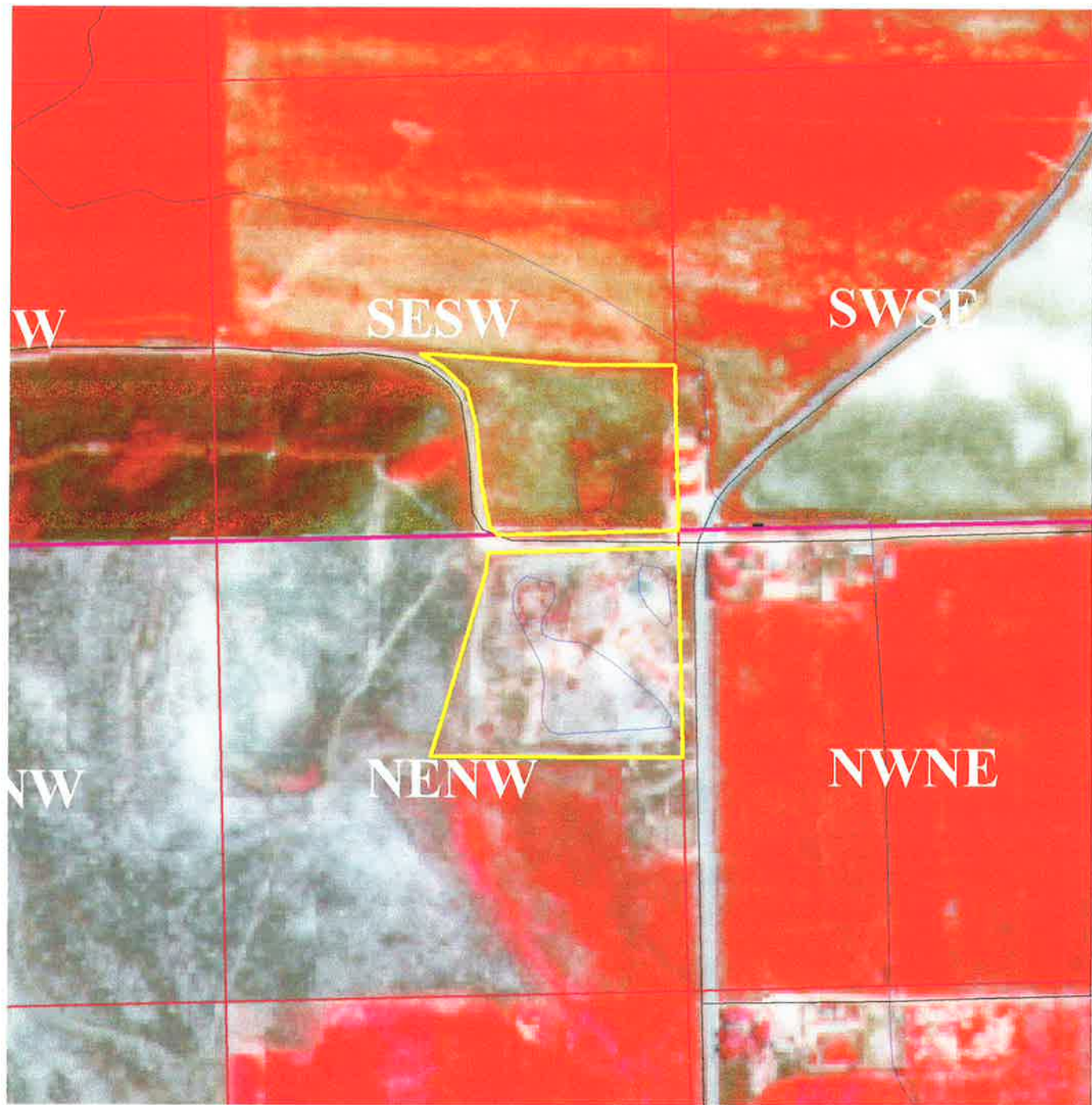
Township , 7S38E



200 0 200 400 Feet



Township , 7S38E



 Irrigated Area

 Place of Diversion

Legend

 Section Line

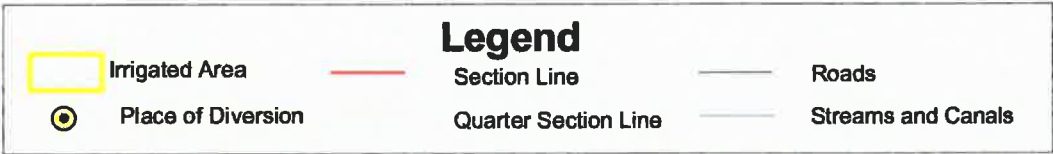
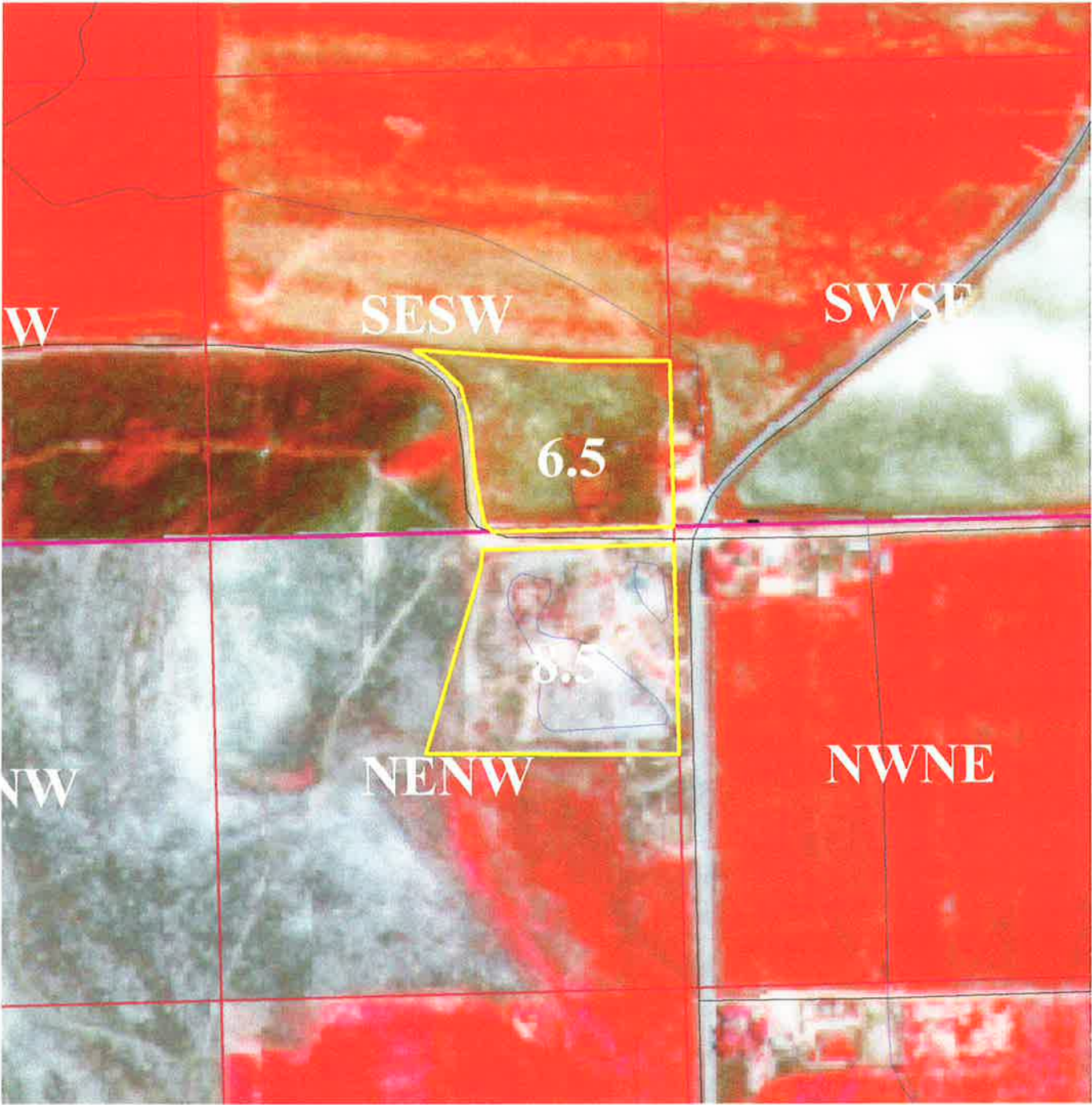
 Quarter Section Line

 Roads

 Streams and Canals



Township , 7S38E

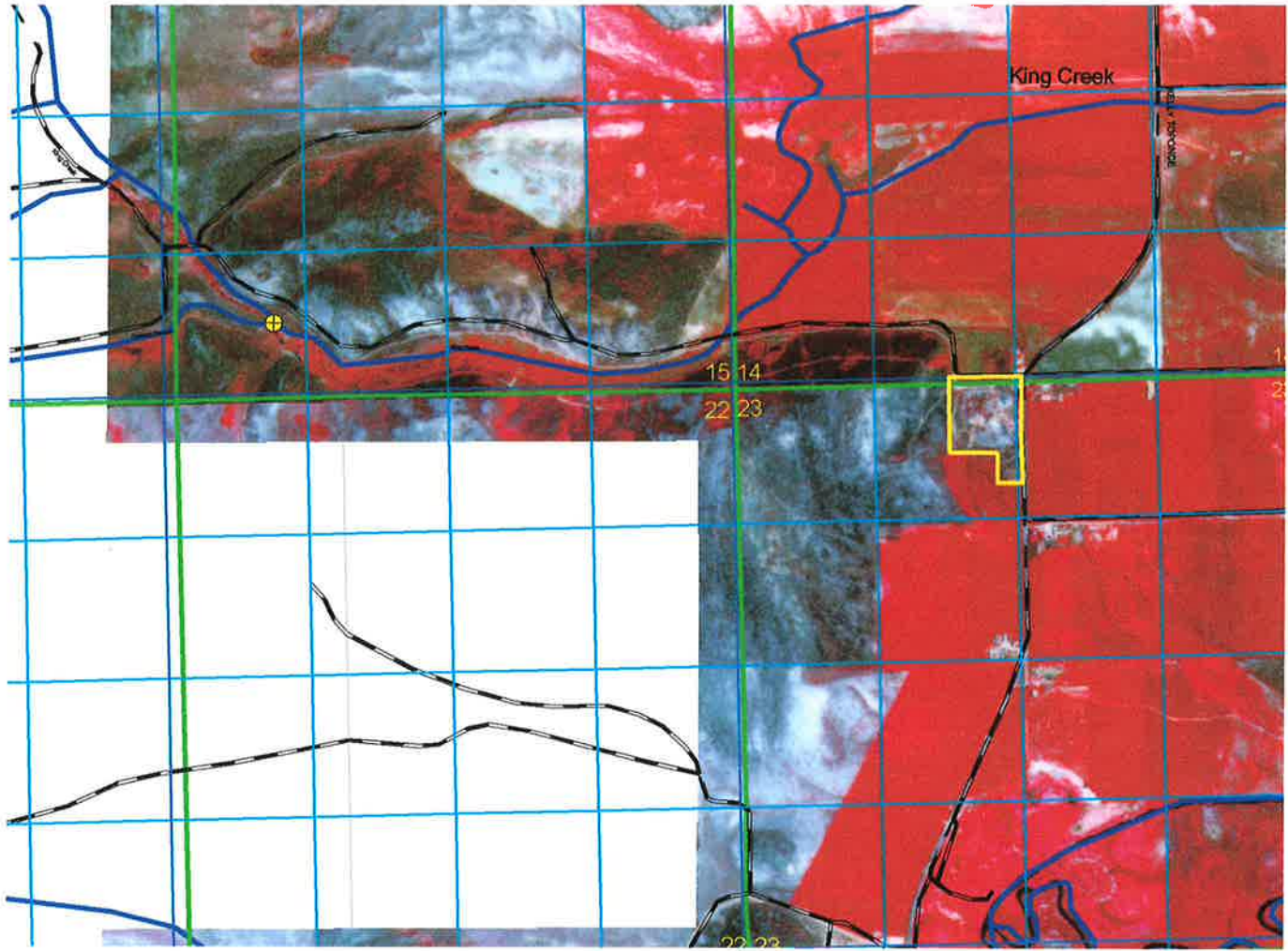




STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right 29-10260



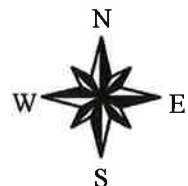
800 0 800 1600 2400 Feet

LEGEND

- ⊕ Point of Diversion
- Place of Use
- STREETS
- SECTIONS
- QUATER-QUATERS
- STREAMS

Place of Use: T7S, R38E,
(part of) Section 23

Points of Diversion: T7S, R38E
Sec. 15 SESWSW



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: September 2002

02/08/2003

Cindy

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: 29-10260

ALBERT C JOHNSON
2661 KELLY TOPONCE RD
BANCROFT ID 83217
Telephone Number: (208) 648-7191

PATRICIA A JOHNSON
2661 KELLY TOPONCE RD
BANCROFT ID 83217
Telephone Number: (208) 648-7191

RECEIVED
MAR 10 2003
Department of Water Resources
Eastern 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: 3/1/2003

SIGNATURE:

Albert C Johnson, Patricia A. Johnson

Please print your name:

ALBERT C JOHNSON, Patricia A. Johnson

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

RECEIVED
MAR 17 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 18, 2002

Albert & Patricia Johnson
653 4th Street
Woodland, CA 95695

REF: A29-10260

Subject: Irrigated acres

Dear Albert and Patricia;

I wanted to get back to you on your question on which 4 acres you could irrigate under your water right. It will be up to you, which 4 acres you wanted to irrigate in a single irrigation season. I didn't restrict you to a particular 4 acres because your system allows you the capability to irrigate any where on the place.

If you have any additional question, please feel free to contact me at (208) 547-3993.

Sincerely;

Cindy E. Bird
Adjudication Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Albert and Patricia Johnson
2661 Kelly Toponce Road
Bancroft, ID 83217

REF: Snake River Basin Adjudication (SRBA) Claim 29-10260

Subject: Recommended acres

Dear Albert and Patricia;

I wanted to let you know what I determined on the number of irrigated acres allowed under your claim in the SRBA and explain how it was determined. In reviewing your claim I'm recommending to the SRBA court the irrigation of 4 acres under decree 29-126.

Let me try to explain how that number was determined. The Union Grain and Elevator decree was finalized in August of 1932. John C. White filed a transfer with the department to change the place of use of this decreed water right. The legal description under the transfer describes 200 acres under specific quarter-quarters. It doesn't however explain the specific number of irrigated acres in each quarter-quarter. This transfer was approved in October of 1964 by the department. More than 50 acres was claimed, actually 153 acres, under this right in the SRBA. To determine which 50 acres out of the 200 acres are irrigated we use a ratio method to split the right. In your case it 12 acres out of 153 total acres claimed between you and the Smith Family or $0.078 * 1.0 \text{ cfs} = 0.08 \text{ cfs}$ (rounding difference). I hope this helped to clarify it for you. If not or you have any other question, please feel free to contact me at (208) 547-3993.

Sincerely;

Cindy E. Bird
Adjudication Bureau

729-126 3 29-1260

T75R38E

7/1/62 1.0 cfs = 50 acres. T1037

14	SW SW	Sec. 14	Delmo Smith
10	NENW	Sec. 23	Delmo Smith (12.5 Acres Johnson)
76	N/2 NE	Sec. 23	Delmo Smith
39	NW NW	Sec. 24	Delmo Smith

141.0

200 Acres Total Listed from Decree.

187.5 Acres Owned by Delmo Smith.
12.5 Acres Owned by Albert Johnson

Acres claimed.
141.0 acres Delmo Smith.
12.0 acres Albert Johnson
153.0

Ratio of acreage in decreed 00's.
Delmo Smith. $\frac{141}{153} = 0.92$

Al. Johnson $\frac{12.0}{153} = 0.08$

Priority Date Data Entry Form

Claim Number: 29-10260
Water Right Priority Date: 6-17-1902 Water Right Basis: Decree
Claimed Priority Date: 6/17/1902 Claimed Basis: Decree
Recommended Priority Date: 6/17/02 Recommended Basis: decree

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

UG: Elevator decree
based on decree 29-126

Reviewer: CB

Date: 6/28/02

Point of Diversion and Source Data Entry Form

Claim Number: 29-10260

Water Right Point of Diversion: T 7S, R 39E, Sec. 14, SW, SW, County: Carbon

Source: King Ck Tributary: Portneuf R.

Claimed Point of Diversion: T 7S, R 38E, Sec. 15, SW, SE, SW, County: Carbon

Source: King Ck Tributary: Portneuf

Recommended Point of Diversion: T 7S, R 38E, Sec. 15, SE, SW, SW, County: Carbon

Source: King Ck Tributary: _____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
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GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? 29-126 & 29-7028 (Delmo Smith)

Document how the POD and Source were verified and/or Pump and Motor data:

IN 1981/82 Jack White put in this pipeline
to move the POD to the head of King Ck.

- field exam
- Buried pipeline
- Jack was killed while putting the pipeline in

Transfers Changing POD _____

Reviewer: CB

Date: 7/11/02

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7S	38E	14	SESW		Caribou		1	Irrigation
		23	NENW		"		12	Irrigation

Total Acres 13

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7S	38E	23	NENW		Caribou		10	Irrigation

Total Acres 10

Document how the POU was verified:

- 4/27/02 field visit.
- Sandy Egbert has ordered (8/1/02) 1964 imagery.
- Jason Carr is going to send digital ortho quad in this area.
- Location of sawmill, when was the sawmill removed?
- number of irrigated acres?
- The land in section 14 is not owned by the Johnson's.

Transfers Changing POU _____

Reviewer: CBDate: 7/1/02

Purpose of Use Data Entry Form

Claim Number: 29-10260 Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			13	

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			13	

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			~~13~~ 4 CB	

Document how the Purpose of Use was verified:

field verified
1687/88 NAPP Photography
ratio

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 7/11/02

Period of Use and Quantity Data Entry Form

Claim Number: 29-10260☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>29-126</u>	<u>4/15</u>	<u>9/15</u>	<u>1.0</u>	

Overall Diversion Rate 1.0 Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>Irrigation</u>	<u>4/1</u>	<u>1/1</u>	<u>0.26</u>	

Overall Diversion Rate 0.26 Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>Irrigation</u>	<u>4/15</u>	<u>9/15</u>	<u>0.20</u> <u>0.08cb</u>	

Overall Diversion Rate 0.08 Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Union Grain & Elevator Decree.
SOB Remark for 4/1 - 10/31 SOB.- Quantity was determined by ratio of
irrigated acres - vs - decreed area.Reviewer: CBDate: 7/11/02

Contacts Data Entry Form

Owner Type Full Name Address City State Zip Phone

Current Owner: Albert & Patricia Johnson

Name connector: and _____, or _____, and/or _____

Current Owner: 2661 Kelly Topmce Rd

Current Owner: Bannock, ID 83217

Representing Attorney: _____ Phone Number: _____

Accompanied By: Albert Johnson Phone Number: 648-7772

Relationship to Claimant: Claimant

Date of Field Exam: 6/27/02 Time: 9am

Directions to Property (if different from above) and/or update owner information:

2661 Kelly Topmce Rd. - Blue & Beige
home.

Reviewer: CB

Date: 7/11/02

7/1/02 Sandy Labret - 1964 Photos.
10:50 AM T75, R38E Sec. 23.

Ordering photo.
85 36E 15

75 36E 34

95 36E

105 36E Sec. 2.

7/1/02 Sandy doesn't have imagery in this area
she's going to order it. Jason is going to
get me dog's in this area and send me
a CD today. as well as the reproduction
of current dog's.

A29-10260
Albert and Patricia Johnson
Narrative by Cindy Bird
June 27, 2002



Photo 1. Connection hose to the pipeline.

June 27th, 2002 I met with Albert and Patricia Johnson at their home in Bancroft. They purchased this home from Denese White. Her husband was killed running a backhoe to put in the pipeline from King Creek. Photo 1 was taken looking north at the Johnson's fence and the pipeline that comes from the head of King Creek. The pipe is shared between the Smith Family and the Johnson's to convey King Creek. There is a valve that Al puts on the pipe to connect his hose to the pipe. Photo shows the connection hose.

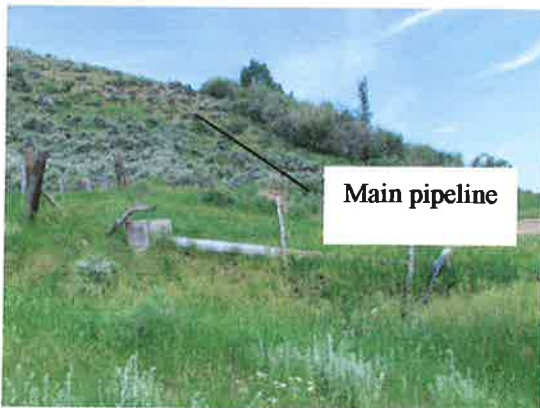


Photo 2. Zoom out of main pipeline over the hill.

Photo 2 was taken looking northwesterly at the pipe as it comes down over the hill. Beyond the hill the pipe is a buried mainline.



Photo 3. Looking southeasterly at place of use.

Photo 3 below was taken looking in a southern direction at the place of use. The depression in the land is from an old sawmill that was operated here.

6/27/02 9AM Albert & Patricia Johnson.
Claims own the property in
SESW Sec. 14 1.0 acres.

T 15, R 38E, Sec. 14
Sec 23 12.5 AC.

Albert & Patricia Johnson. (Temp.)
653 4th St.
Woodland CA 95695
1-530-666-4986

4" pipe mainline

29- 10258 Domestic Well.
for Albert & Patricia ✓ on decree.
to see if an ownership change is
required.

6/28/02 mailed a copy of decree to the Johnsons.

- 6/28/02 Michael Ciscell - Since Wendy is leaving
what about the 1964 imagery in my area?
Sandy Egbert has taken it over. He will have
her send me what she has.

✓ 1964 imagery for this claim because of
the saw mill.

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	29-12909	GARY L HATCH,	SPRING	07S38E14				X											0
Claim	29-10260	ALBERT C JOHNSON, PATRICIA A J	KING CREEK	07S38E14										1					1
Claim	29-2471	GARY L HATCH, LA RAE HATCH,	GROUND WATER	07S38E14	29			38											67
Claim	29-106		TOPONCE CREEK	07S38E14	X	X	X	X		X	X		X	X	X	X	X	X	0
Claim	29-7028	MADA SMITH, DELMO SMITH,	KING CREEK	07S38E14									16						16
Claim	29-104		TOPONCE CREEK	07S38E14	X	X	X	X		X	X		X	X	X	X	X	X	0
Claim	29-126	DELMO SMITH, MADA SMITH,	KING CREEK	07S38E14									16						16
Claim	29-105		TOPONCE CREEK	07S38E14	X	X	X	X		X	X		X	X	X	X	X	X	0
Claim	29-10139	GARY L HATCH, LA RAE HATCH,	GROUND WATER	07S38E14	X														0
Claim	29-10259	DENESE WHITE,	GROUND WATER	07S38E14									X						0
Claim	29-103	TOPONCE CANAL CO LTD,	TOPONCE CREEK	07S38E14			36	39		24	34	40	38	16	31	8	40	38	374
Claim	29-10139	GARY L HATCH, LA RAE HATCH,	GROUND WATER	07S38E14	X														0
Claim	29-2431		GROUND WATER	07S38E14															18
Claim	29-10322	TOPONCE CANAL CO LTD,	TOPONCE CREEK	07S38E14			36	39		24	34	40	38	16	31	8	40	38	374
Claim	29-2431A	DONNA H HATCH, MIKE W HATCH,	GROUND WATER	07S38E14												8		10	38
Claim	29-70	JEFFREY L ASKEW,	SPRING	07S38E14												8		30	0
Right	29-126	JOHN C WHITE,	KING CREEK	07S38E14	15														15
Right	29-2012	JAMES E MORRIS,	UNNAMED STREAM	07S38E14	X								X						0
Right	29-2471	MIKE G SHIPLEY,	GROUND WATER	07S38E14		29				38									0
Right	29-70	CORNELIUS WILLIAMS,	UNNAMED STREAM	07S38E14	X														67
Right	29-106	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E14	X	X	X	X		X	X		X	X	X	X	X	X	0
Right	29-10139	LA RAE HATCH, GARY L HATCH,	GROUND WATER	07S38E14	X														0
Right	29-2228	ELMER J KELLY, M WHITWORTH, E	KING CREEK	07S38E14									40						40
Right	29-7028	JOHN C WHITE,	KING CREEK	07S38E14									16						16
Right	29-105	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E14	X	X	X	X		X	X		X	X	X	X	X	X	0
Right	29-10139	LA RAE HATCH, GARY L HATCH,	GROUND WATER	07S38E14	X														0
Right	29-103	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E14	X	X	X	X		X	X		X	X	X	X	X	X	0
Right	29-10259	DENESE WHITE,	GROUND WATER	07S38E14										X		X	X	X	0
Right	29-104	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E14	X	X	X	X		X	X		X	X	X	X	X	X	0
Right	29-2431	ASA F HATCH,	GROUND WATER	07S38E14												8		10	18

12
16
10
38

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	Total
Claim	29-10260	ALBERT C JOHNSON, PATRICIA A JOHNS	KING CREEK	07S38E23	12														12
Claim	29-12137	ALAN SMITH, ADA K SMITH,	KING CREEK	07S38E23												X	X		0
Claim	29-106		TOPONCE CREEK	07S38E23	X	X	X	X	X		X	X			X	X	X	X	0
Claim	29-127	MIKE W HATCH, DONNA H HATCH,	KING CREEK	07S38E23				32	40										72
Claim	29-7028	MADA SMITH, DELMO SMITH,	KING CREEK	07S38E23	39	37			10										86
Claim	29-104		TOPONCE CREEK	07S38E23	X	X	X	X	X		X	X			X	X	X	X	0
Claim	29-10258	DENESE WHITE, RAY WHITE,	GROUND WATER	07S38E23					X										0
Claim	29-126	DELMO SMITH, MADA SMITH,	KING CREEK	07S38E23	39	37			10										86
Claim	29-105		TOPONCE CREEK	07S38E23	X	X	X	X	X		X	X			X	X	X	X	0
Claim	29-128	ADA K SMITH, ALAN SMITH,	KING CREEK	07S38E23													36	39	75
Claim	29-10162	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23		X													0
Claim	29-12136	ADA K SMITH, ALAN SMITH,	GROUND WATER	07S38E23													X		0
Claim	29-103	TOPONCE CANAL CO LTD,	TOPONCE CREEK	07S38E23				32	40							38	40		150
Claim	29-10162	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23		X													0
Claim	29-2545	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23							36	33	5	10	20				104
Claim	29-2524	DONNA H HATCH, MIKE W HATCH,	GROUND WATER	07S38E23				32	40										72
Claim	29-10322	TOPONCE CANAL CO LTD,	TOPONCE CREEK	07S38E23				32	40							38	40		150
Claim	29-10163	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23						X									0
Claim	29-12136	ADA K SMITH, ALAN SMITH,	GROUND WATER	07S38E23													X		0
Claim	29-10163	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23						X									0
Right	29-10163	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23						X									0
Right	29-10162	MADA SMITH, DELMO SMITH,	GROUND WATER	07S38E23		X													0
Right	29-126	JOHN C WHITE,	KING CREEK	07S38E23	X	X			X										0
Right	29-2545	DELMO SMITH,	GROUND WATER	07S38E23							36	33	15	10	10				104
Right	29-12136	ALAN SMITH, ADA K SMITH,	GROUND WATER	07S38E23													X		0
Right	29-10258	PATRICIA A JOHNSON, ALBERT C JOHNS	GROUND WATER	07S38E23					X										0
Right	29-106	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E23	X	X	X	X	X		X	X			X	X	X	X	0
Right	29-2228	ELMER J KELLY, M WHITWORTH, E F KELLEY	KING CREEK	07S38E23				40	40								40	40	160
Right	29-7028	JOHN C WHITE,	KING CREEK	07S38E23	39	37			10										86
Right	29-105	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E23	X	X	X	X	X		X	X			X	X	X	X	0
Right	29-10162	MADA SMITH, DELMO SMITH,	GROUND WATER	07S38E23		X													0
Right	29-2524	ASA HATCH RANCH,	GROUND WATER	07S38E23				32	40										72
Right	29-103	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E23	X	X	X	X	X		X	X			X	X	X	X	0
Right	29-10163	DELMO SMITH, MADA SMITH,	GROUND WATER	07S38E23						X						X	X	X	0
Right	29-128	E F KELLEY,	KING CREEK	07S38E23												X	X		0
Right	29-127	MICHAEL WHITWORTH,	KING CREEK	07S38E23			X	X											0
Right	29-104	TOPONCE CANAL CO,	TOPONCE CREEK	07S38E23	X	X	X	X	X		X	X			X	X	X	X	0
Right	29-2003	CHRISTIAN JENSEN,	TOPONCE CREEK	07S38E23	10	40													50
Right	29-12136	ALAN SMITH, ADA K SMITH,	GROUND WATER	07S38E23													X		



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 25, 2002

Smith Family Partnership
2651 Kelly Toponce Road
Bancroft, Idaho 83217

Ref: Snake River Basin Adjudication (SRBA)
Claim A29-126

Subject: Copy of Warranty Deed

Dear Loren,

In reviewing the Smith Family Partnership claims in the SRBA I determined a potential problem on the adjudication claim A29-126. Did your dad purchase this property from Fredrick White? If not how did your dad acquire the property? When did he purchase the property? What water rights were conveyed with the property in the warranty deed? A copy of the warranty deed is required to complete the recommendation on this adjudication claim.

This office must receive your response by March 25, 2002. If you have any questions please feel free to contact me at 547-3993.

Sincerely,

Cindy E. Bird
Adjudication Bureau

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 (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A29-10260	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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

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

OR

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

3. **Name and Address of Former Owner/Claimant(s)** Denese White
2679 Kelly Toponce Road; Bancroft, ID 83217
4. **New Owner/Claimant(s)** Albert C & Patricia A. Johnson
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 2661 Kelly Toponce Road
City, State and ZIP Code Bancroft, Idaho 83217
New Telephone Number (208) 648-7191
5. **Date you acquired the property** 28 June 1996

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the 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. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Patricia A. Johnson
Albert C. Johnson

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Mail Tax Notice to:
P.O. Box 201
Bancroft, ID 83217

152522

WARRANTY DEED

THIS INDENTURE, Made this 28th day of June, 1996, between ROSE DENESE WHITE, a widow, of Bancroft, Caribou County, Idaho, hereinafter called First Party, and ALBERT C. JOHNSON AND PATRICIA A. JOHNSON, husband and wife, of Bancroft, Caribou County, Idaho, hereinafter called Second Party:

WITNESSETH: That the said First Party, for and in consideration of the sum of TWENTY TWO THOUSAND DOLLARS, lawful money of the United States of America, to said First Party in hand paid by the said Second Party, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey and Confirm unto said Second Party, and to said Second Party's heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Caribou, State of Idaho, more particularly described as follows, to-wit:

Township 7 South, Range 38 East of the Boise Meridian:

Section 23: ~~NE~~~~NE~~~~NW~~~~4~~, ~~NE~~~~SE~~~~NE~~~~NW~~~~4~~,
EXCEPT THEREFROM, Beginning at a point 2221.5 feet East and 25 feet South of the Northwest corner of Section 23, and running
thence South 290.4 feet; thence East 150 feet;
thence North 290.4 feet; thence West 150 feet,
to the point of beginning.

TOGETHER with all water and water rights appertenant thereto, including but not limited to the following:

.26 cfs King Creek disclosed by Notice of Claim to Water Right, dated January 26, 1990, Ident. No. A29-10260.

Domestic water from well, disclosed by Notice of Claim of Water Right, dated January 26, 1990, Ident. No. A29-10258.

The right to use water from an underground pipeline disclosed by Grant of Easement executed by Rose Denese White and The Federal Land Bank of Spokane, by instrument, dated April 3, 1986, recorded April 7, 1986, under recorder's instrument No. 127600, in the microfilm records of Caribou County, Idaho.

TOGETHER with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said Second Party, and to their heirs and assigns forever, and the said First Party shall and will warrant and by these

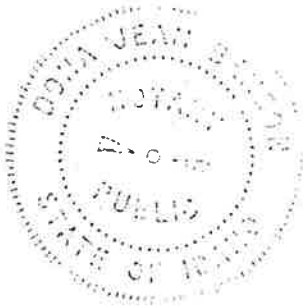
IN WITNESS WHEREOF, The said First Party has hereunto set their hands and seals, the day and year first above written.

Rose Denese White
ROSE DENESE WHITE

STATE OF IDAHO)
 : ss.
County of Caribou)

On this 28th day of June, 1996, before me the undersigned, a Notary Public in and for said County and State, personally appeared ROSE DENESE WHITE, a widow, known to me to be the persons whose names are 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, the day and year in this certificate first above written.



Donald Lee Brown
NOTARY PUBLIC for the State of Idaho
Residing at: Soda Springs, Idaho
Commission expires: 8/15/97

STATE OF IDAHO } ss. 152522
County of Caribou }

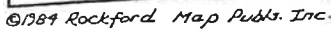
I hereby certify that this instrument was filed at the request

of Caribou Title
at 4:10 o'clock P m this 28th day of
June, 1996 in my office and duly

recorded in Microfilm Records _____

Recorder: Edie Izatt

Denise Hawley
Ex-Officio Recorder Deputy 600



This plat is made solely for the purpose of assisting in locating the land, and the company assumes no liability for variations, if any, with an actual survey.



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 31, 2002

Albert C. Johnson
Patricia A. Johnson
2661 Kelly Toponce Road
Bancroft, ID 83217

REF: Snake River Basin Adjudication (SRBA)
Adjudication No. A29-10260

Dear Mr. & Mrs. Johnson;

Thank you for the copy of the Warranty Deed showing the new ownership, but before we can modify our records to reflect your ownership of the property, we need Form 42-248/42-1409(6) completed, signed and returned. I have enclosed the form and a self-addressed stamped envelope for your convenience.

In the adjudication review process there is no filing fee. However, we will need a copy of the plat, survey map or aerial photo with the appropriate area marked.

Please call me at 547-3993 if you have any questions.

Sincerely,

Cindy E. Bird
Adjudication Bureau

Enclosure:



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 8, 2002

A29-10260

Albert C. Johnson
Patricia A. Johnson
2661 Kelly Toponce Road
Bancroft, ID 83217

REF: Snake River Basin Adjudication (SRBA)

Subject: Beneficial use of water from decree 29-126

Dear Mr. & Mrs. Johnson,

The Idaho Department of Water Resources has recently begun its water right review in Basin 29 on irrigation rights. The Notice of Claim identified with the number shown **above in the "address" label and at the "end" of this letter** has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Decree 29-126". Union Grain and Elevator decree established this water right in 1932. In 1964 approved transfer 1037 moved the place of use of to include the quarter-quarter in section 23 under your claim for the 12 acres. The 1-acre claimed in section 14 was not included in the place of use under the original decree or the transfer.

We will need to get a copy of your warranty deed to verify the transfer of water rights with the above-described property. This spring I will be doing field verification of this claim and will need to visit the property. The purpose of the visit is to verify the water has been put to beneficial use. If you have any questions please feel free to contact me in the office at (208) 547-3993.

Sincerely;

Cindy E. Bird
Adjudication Bureau

Enclosure: Copy of Water Right Claim A29-10260.

CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird

FILE: A29-10260

RE: Ownership

DATE: January 4, 2002

NAME OF PARTY

Pauline Bassett

Pauline checked with Preston at Caribou County Assessors office and he said that the 1-acre in the SESW of section 14, township 7 south, range 38 east is owned by James Crain, 2679 Kelly Toponce Road, Bancroft, ID 83217. The 12 acres in the NENW of section 23, township 7 south, range 38 east is owned by Albert and Patricia Johnson.

Jan 4, 2002.

A29-10260. Claims part of A29-126.
decreed right. Delmo Smith claimed
all of the diversion rate under 29-126.

The 1 acre claimed in the SESW Sec. 14,
township 75, Range 38E was not in
the decreed POL, or the POL under
T1037.

The 12 acres in NENW of Sec. 23, T 75,
R38E was included in the transfer
1037, approved Oct of 1964.

This will need to be field verified.

Pauline is going to verify the ownership
for me.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 1037

THIS IS TO CERTIFY, That John C. White, of Bancroft, Idaho, is the owner of and using a certain water right bearing date of June 17, 1902, for 1.0 cubic feet per second of the waters of King Creek, County of Caribou, decreed to Thomas J. Nipper, by decree of Judge John C. Rice of the Fifth Judicial District of the State of Idaho, in and for the County of Bamcock, in the case of

UNION GRAIN AND ELEVATOR COMPANY

Plaintiff

vs.

McCAMMON DITCH COMPANY, et al

Defendants

said decree bearing date of August 6, 1932, and being appurtenant to the following described lands, to-wit:

Lot 4, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 18,
Lots 1 and 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{2}$ NE $\frac{1}{4}$,
Section 19, Township 7 South,
Range 39 E.B.M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume No. 5 of Decrees, at Page 755;

That said John C. White, has become the owner of said water right by purchase;

And that now upon the application of John C. White of Bancroft, Idaho, for the transfer of 1.0 cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 1.0 cubic feet per second of the waters of King Creek upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HERESY CONFIRMED shall become appurtenant by this Certificate for irrigation purposes, are described as follows, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14; NE $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 23; and NW $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 24, Township 7 South,
Range 38 E.B.M.,

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose and shall not exceed the following amount, to-wit:

1.0 cubic feet per second bearing
date of priority of June 17, 1902,

That the water right hereby transferred has heretofore been conducted through the Nipper Ditch with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 7 South, Range 38 E.B.M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands through applicant's own ditch with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 7 South, Range 38 E.B.M.,

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 7th day of October, 1964.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

RECORDED

1037

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

John C. White
of
Bancroft, Idaho

ORDER GRANTING TRANSFER

NO. 1037

For a Transfer of Water Right in
the County of Caribou, State of
Idaho

WHEREAS, On the 23rd day of September, 1964, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of John C. White of Bancroft, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that the water will be put to a higher and more efficient beneficial use and no one will be injured thereby;

NOW, THEREFORE, IT IS ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 7th day of October, 1964.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

MAILED

That the water right hereby transferred has heretofore been conducted through the Nipper Ditch with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 7 South, Range 38 E.B.M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands through applicant's own ditch with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 7 South, Range 38 E.B.M.,

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 7th day of October, 1964.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

RECORDED

29 0122 ✓
1902 June 17 ✓
29 0122 ✓
1903 July 1 ✓
29 0122 ✓
1908 July 1 ✓
29 0122 ✓
1910 June 1 ✓

.72 c.f.s.
(36 inches)
1.10 c.f.s.
(55.24 inches)
2.68 c.f.s.
(134.10 inches)
1.08 c.f.s.
(54 inches)

Total

6.06 c.f.s.

ter of the Northwest quarter, Section 35, Township 6 South, Range 38 East. From the Northwest corner of Section 35, said Township and Range, the point of diversion bears South 71 degrees and 10 minutes East 1748 feet, for the irrigation of land described as follows: 5 acres in the Northeast quarter of the Southwest quarter; 10 acres in the Northwest quarter of the Southeast quarter, 5 acres Lot 3; 2 acres in the Southeast quarter of the Southwest quarter; 30 acres in the Southwest quarter of the Southeast quarter; 38 acres in Lot 4; all in Section 25, Township 6 South, Range 38 East; 33.4 acres in Lot 1; 33.4 acres in Lot 2; Section 36, Township 6 South, Range 38 East; 40 acres in Lot 2; 55.44 acres in the North half of the Northwest quarter, Section 31, Township 6 South, Range 39 East.

KING CREEK, TRIBUTARY TO THE PORTNEUF RIVER.

93. NIPPER, THOMAS J.
1902 June 17 (noon) 1.0 c.f.s.

transfer
#1037

Said water to be diverted through the Nipper Ditch which diverts from King Creek in the Southwest quarter of the Southwest quarter, Section 14, Township 7 South, Range 38 East. From the West quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears South 20 degrees East, 1680 feet, for the irrigation of 50 acres of land in the legal subdivision hereinafter described: Lot 4, the Southwest quarter of the Southeast quarter, the Southeast quarter of the Southeast quarter, section 18; Lots 1 and 2, the Northwest quarter of the Northeast quarter, the Northeast quarter of the Northeast quarter, the Southwest quarter of the Northeast quarter, Section 19, Township 7 South, Range 39 East.

SW SW sec. 14

29 0122 ✓
94. WHITWORTH, MICHAEL
1902 June 18

.40 c.f.s.

Said water to be diverted through the Howarth Ditch No. 1, which diverts from King Creek in the Southwest quarter of the Southeast quarter, Section 14, Township 7 South, Range 38 East. From the South quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears North 3 degrees 45 minutes East, 480 feet, for the irrigation of 30 acres of land in the South half of the Northeast quarter, section 23; the South half of the Northwest quarter, Section 34, Township 7 South, Range 38 East.

29 0122 ✓
95. KELLEY, E. F.
1902 June 18

.40 c.f.s.

Said water to be diverted through the said Howarth Ditch No. 1, last above described, for the irrigation of 20 acres of land in the North half of the the Southeast quarter, Section 23, and the North half of the Southwest quarter, Section 24, Township 7 South, Range 38 East.

MAILED

MAY 15 1906

CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird

FILE: A29-126

RE: Ownership

DATE: January 4, 2002

NAME OF PARTY

Pauline Bassett

I asked Pauline to verify the ownership of the 13 acres located adjacent to Delmo Smith's property in sections 14 and 23 in township 7 south, range 38 east. There is an additional claim, A29-10260, filed on a portion of the original decreed right A29-126. Delmo Smith filed on the entire diversion rate under water right under A29-126.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

~~Remailed
"Temporary Returns
Service Requested"
6-2-01, ns~~

29-10260



JOHN 661

JOHNSON, ALBERT C
JOHNSON, PATRICIA A
2661 KELLY TOPONCE RD

JOHN661 T632172005 1800 04 05/03/01
JOHNSON RETURN TO SENDER
TEMPORARILY AWAY
RETURN TO SENDER

83217+304

Log for claim A29-10260

Spatial Dynamics BTD

6/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	14	SESW	1	6.5	Indiscernible
07s38e	23	NENW	12	8.5	Indiscernible
Totals:			13	15	

AJ5809NP
No. A29-10260

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 151

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALBERT C JOHNSON	06/17/1902	IRRIGATION	04-01 11-01	0.260 CFS	
C	PATRICIA A JOHNSON					
	2661 KELLY TOPONCE RD			TOTAL DIVERSION:	0.260 CFS	
	BANCROFT ID 83217			CONSUMPTIVE USE:		32.50 AFA
	(208) 648-7191					

Water Source: KING CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T07S R38E S15

SWSSEW

CARIBOU 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	:	SUM
07S	38E	14	:																	:	1.0
07S	38E	23	:							12										:	12.0
																				TOTAL ACRES	13.0

POU County: CARIBOU

Other Rights: NONE

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

A29-00103 A29-00104 A29-00105 A29-00106 A29-00126 A29-07028 A29-10322

Remarks: GEN DELMO SMITH PURCHASED THE MAJORITY OF THIS ORIGINAL PROPERTY. A PORTION OF THE ORIGINAL LAND (AND ASSOCIATED WATER) WAS WITHHELD. THIS CLAIM IS FOR THE PORTION WHICH WAS WITHHELD; DELMO SMITH OWNS THE BALANCE OF THE ORIGINAL PROPERTY. ATTACHED IS A COPY OF THE GRANT OF EASEMENT WHICH DESCRIBES THE WITHHOLDING OF THE WATER RIGHT FOR THIS PROPERTY. THIS CLAIM IS BASED ON A PORTION OF THE ORIGINAL DECREED RIGHT 29-00126; HOWEVER, DELMO HAS ALREADY FILED FOR THE ENTIRE RIGHT.
**CHANGED OWNERSHIP PER REQUEST/JH/9-24-98*

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

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

Audit: 01/26/90 MOBILE2 08/01/94 THOMPSON 03/29/95 POST-STD 09/24/98 JHOAGLAN



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 25, 1998

ALBERT & PATRICIA JOHNSON
2661 KELLY TOPONCE RD
BANCROFT ID 83217

RE: CHANGE OF OWNERSHIP FOR ADJUDICATION CLAIMS 29-10258, 29-10259,
29-10260

Dear Mr. & Mrs. Johnson:

On September 3, 1998, our office received the above-referenced request. The change of ownership for 29-10258 has been processed and is being sent to you under a separate mailing.

Our office cannot process 29-10259 because the property appurtenant to this claim is not conveyed in the warranty deed you submitted. However, claim 29-10260 is conveyed in the deed and this claim has been put in your name. A copy is enclosed.

If I may be of further assistance, please do not hesitate to call.

Sincerely,

Jennifer Hoagland
Technical Records Specialist

Enclosure

partial decree
filed
6/22/98

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
SEP 03 1998

Department of Water Resources
Eastern Region

1. Water Right Number(s) 29-10258 & 29-10259 ^{OK} ^{-NO} § A29-10260 OK
Adjudication Claim Number(s) _____

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

- X A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Denese White, a widow, Bancroft, ID

4. New Owner/Claimant(s) Albert C. Johnson and Patricia A. Johnson

Name connector (Check one): [] AND, [] OR, [] AND/OR
New Mailing Address P.O. Box 201 2661 Kelly Toponce RD.

City, State and ZIP Code Bancroft, ID 83217

New Telephone Number (208) 648-7191

5. Date you acquired the property 6/28/96

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Albert C. Johnson Date Sept. 1-98
Patricia A. Johnson Date Sept 1-98

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

County of Caribou } 63 127600
I hereby certify that this instrument was filed
at the request of Lawrence Co
at 1:50 o'clock P M this 7 day of
April, 1986. In my office and duly
recorded in Microfilm Records
Myron W. Archibald
Deputy
Ex-Officio Recorder 6.06

GRANT OF EASEMENT
FLB Loan No. 189779-0

THIS AGREEMENT, made and entered into this 3 day
of April, 1986, by and between ROSE DENESE WHITE,
unmarried, hereinafter referred to as "Grantor", and THE
FEDERAL LAND BANK OF SPOKANE, a corporation, hereinafter
referred to as "Grantee".

WHEREAS, Grantor owns real property situated in Caribou
County, Idaho, more particularly described as follows:

Township 7 South, Range 38 East of the Boise Meridian
Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$

WHEREAS, Grantee owns real property adjacent to
Grantor's property situated in Caribou County, Idaho, more
particularly described as follows:

Township 7 South, Range 38 East of the Boise Meridian
Section 14: W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 15: SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 23: W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPTING
THEREFROM the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$

WHEREAS, Grantor desires to grant Grantee a 25 foot
wide easement across Grantor's property for an underground
irrigation pipeline, being 12.5 feet on each side of an
existing underground irrigation pipeline, supplying the
Grantee's property with irrigation water for farming
purposes, together with the right of ingress and egress to
repair, inspect, maintain and replace said pipeline.

NOW, THEREFORE, in consideration of the mutual
covenants and promises between the parties, and other
valuable and good consideration, the parties agree as
follow:

1. Grantor does hereby grant unto Grantee a 25 foot
wide easement across Grantor's property, being 12.5 feet on
each side of an existing underground irrigation pipeline,
for the purpose of an underground irrigation pipeline
to supply the Grantee's property with irrigation water for
farming purposes, together with a right of ingress and
egress to repair, inspect, maintain, and replace said
pipeline, said easement across Grantor's property being
further described as follows:

A 25 foot wide underground easement, being 12.5 feet
on each side of an existing underground irrigation
pipeline, and across the North 30 feet of the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 7 South, Range
38 East of the Boise Meridian.

2. Grantee shall from time to time, and at all times
hereafter, at its own cost and expense, repair and maintain,
in a proper, substantial and workmanlike manner, the above
described pipeline and easement.

3. Grantee shall not place any fence or structure on
or along said easement, shall promptly backfill any trench
made by it on the easement and repair any damage it shall do
to Grantor's property as a result of the exercise of its
rights under this easement including the restoration of
Grantor's property to its previous condition and including
the indemnification of Grantor for damage to Grantor's
properties, and shall indemnify the Grantor against any loss

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or damage which shall be caused by the exercise of the rights of ingress and egress or by any wrongful or negligent act or omission of its agents or employees in the course of their employment.

4. Grantor reserves the right to use the easement for purposes which will not interfere with Grantee's full enjoyment of the rights hereby granted.

5. Said easement shall run with the lands herein above described and shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of the respective parties.

6. Grantor and Grantee agree that Grantor shall have the right to use water from said underground pipeline for the purpose of watering her lawn, shrubs, trees and garden at her home and real property adjoining the above described easement without cost to Grantor during the irrigation season and so long as Grantee maintains water in said irrigation pipeline.

water use from pipeline.

DATED: the day and year first above written.

GRANTOR:

Rose Denese White
ROSE DENESE WHITE

THE FEDERAL LAND BANK OF
SPOKANE

By Dale M. Clark
Authorized Agent

STATE OF IDAHO)
: ss
County of Caribou)

On this 3 day of April, 1986, before me, the undersigned Notary Public, personally appeared ROSE DENESE WHITE, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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

Dale M. Clark
NOTARY PUBLIC FOR IDAHO
Residing at: Soda Springs
Comm. Expires: 1987

(SEAL)

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STATE OF IDAHO
County of FRANKLIN

)
: ss
)

On this 4 day of APRIL, 1986, before me,
the undersigned Notary Public, personally appeared
DALE N. CLARK, known to me to be the ACTING AGENT of
the Federal Land Bank of Spokane, whose name is subscribed
to the foregoing instrument and acknowledged to me that said
corporation executed the same.

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

Brad Butters
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: SODA SPRINGS
Comm. Expires: LIFE

(SEAL)

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JUL 11 1992

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: A29-10260
Date Received: 1/26/1990
Receipt No: MOO 5604
Received By: RR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENESE WHITE
Address: 2679 KELLY TOPONCE ROAD
BANCROFT, ID 83217
208-648-7772

2. Date of Priority: JUN 17, 1902
3. Source: KING CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	38E	15	SW ~~SE~~ SW		CARIBOU
			SE SW		

5. Description of diverting works:
CEMENT HEADGATE, GRAVITY FLOW DITCH & SPRINKLING SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	4/15 04/01	11/01	0.260	0.08	

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

8. Total consumptive use is 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	38E	14	SE SW		IRR	1.0
					Section Acres	1.0
		23	NE NW		IRR	12.0
					Section Acres	12.0

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A2910260

10. Place of Use: Continued

Total Acres 13.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

DELMO SMITH PURCHASED THE MAJORITY OF THIS ORIGINAL PROPERTY.
A PORTION OF THE ORIGINAL LAND (AND ASSOCIATED WATER) WAS
WITHHELD. THIS CLAIM IS FOR THE PORTION WHICH WAS WITHHELD;
DELMO SMITH OWNS THE BALANCE OF THE ORIGINAL PROPERTY.
ATTACHED IS A COPY OF THE GRANT OF EASEMENT WHICH DESCRIBES
THE WITHHOLDING OF THE WATER RIGHT FOR THIS PROPERTY.
THIS CLAIM IS BASED ON A PORTION OF THE ORIGINAL DECREED
RIGHT 29-00126; HOWEVER, DELMO HAS ALREADY FILED FOR THE
ENTIRE RIGHT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

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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: 4

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): X Denise E White Date: X 1-26-90

Date: _____

State of Idaho)
County of Carbon) SS.

Subscribed and sworn (or affirmed) before me this 26th day

of January 19 90

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

AJ0749NP
No. A29-10260

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/24/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALBERT C JOHNSON	06/17/1902	IRRIGATION	04-01 11-01	0.26 CFS	
C	PATRICIA A JOHNSON 2661 KELLY TOPONCE RD BANCROFT ID 83217 (208) 648-7191			TOTAL DIVERSION: CONSUMPTIVE USE:	0.26 CFS	32.50 AFA

Water Source: KING CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T07S R38E S15

SWSWS

CARIBOU 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	SUM
07S	38E	14	:																	1.0
07S	38E	23	:							12										12.0
TOTAL ACRES																			13.0	

POU County: CARIBOU

Other Rights: NONE

Remarks: GEN DELMO SMITH PURCHASED THE MAJORITY OF THIS ORIGINAL PROPERTY.
A PORTION OF THE ORIGINAL LAND (AND ASSOCIATED WATER) WAS
WITHHELD. THIS CLAIM IS FOR THE PORTION WHICH WAS WITHHELD;
DELMO SMITH OWNS THE BALANCE OF THE ORIGINAL PROPERTY.
ATTACHED IS A COPY OF THE GRANT OF EASEMENT WHICH DESCRIBES
THE WITHHOLDING OF THE WATER RIGHT FOR THIS PROPERTY.
THIS CLAIM IS BASED ON A PORTION OF THE ORIGINAL DECREED
RIGHT 29-00126; HOWEVER, DELMO HAS ALREADY FILED FOR THE
ENTIRE RIGHT.
**CHANGED OWNERSHIP PER REQUEST/JH/9-24-98*

Dates: Exam Made Date:

Verified Date:

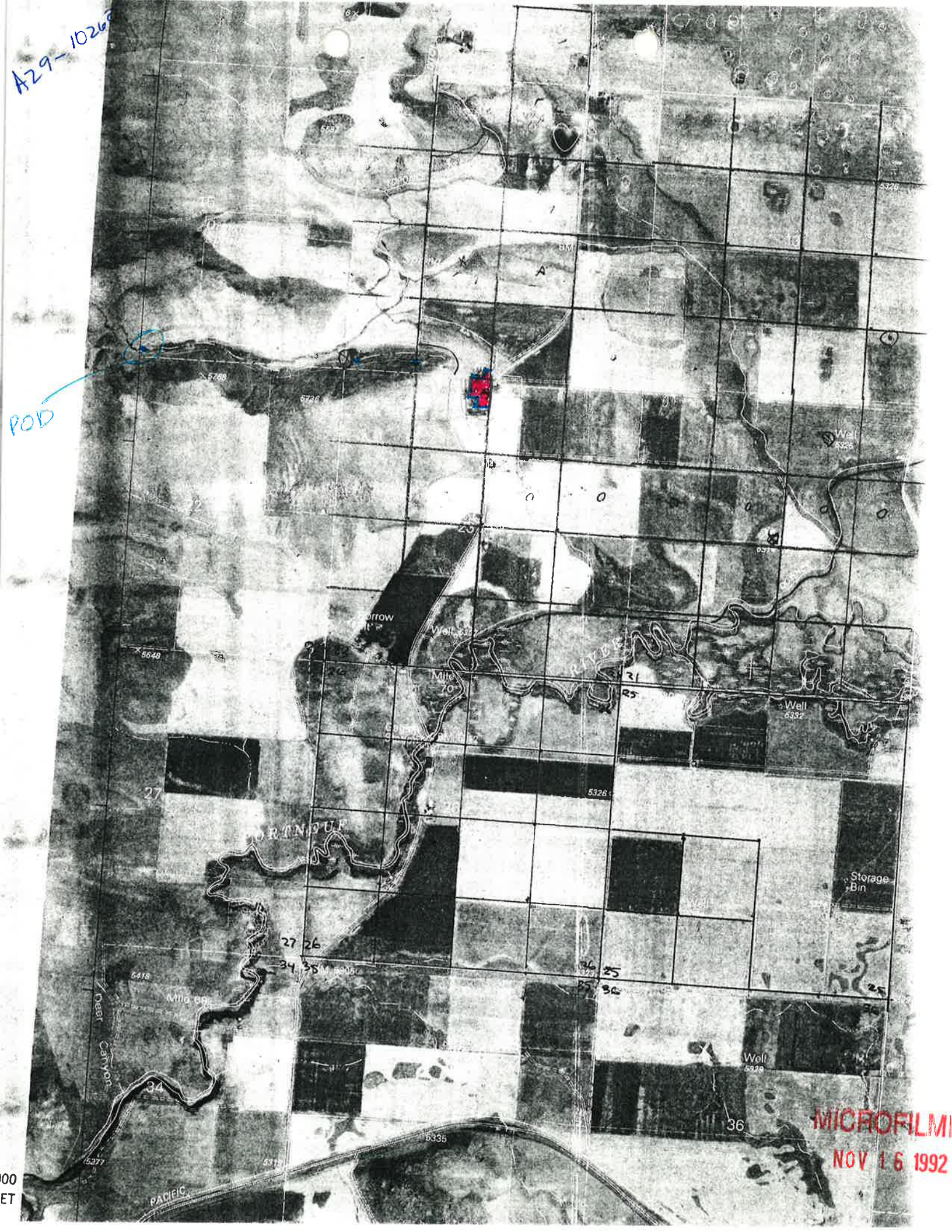
Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

A29-10268

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