

06/18/2001

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

RIGHT NUMBER: 29-13180

NAME AND ADDRESS: MOUNTAIN VIEW FARMS
C/O GREALD JOHNSON
9112 W TWO AND A HALF MILE RD
POCATELLO, ID 83202

SOURCE: GROUND WATER

QUANTITY: 1 CFS
~~185.9 AFY~~

212.4

USE OF THIS RIGHT WITH RIGHT NO. 29-2371 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.6 CFS.

PRIORITY DATE: 06/27/1986

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT
DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO
CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS
PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY
RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION: T05S R35E S30 NESWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
1.00 CFS
~~185.90 AFY~~

212.4

PLACE OF USE:

IRRIGATION Within BANNOCK County

T05S R35E S30	NESW	21	T05S R35E S30	SESW	1.3
T05S R35E S30	NWSE	27	T05S R35E S30	SWSE	3.8

53.1 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 29-
2371 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 53.1 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Bannock County are shown to the nearest section — more specific locations are available upon request.

Water Right: 29-4381
NAME & ADDRESS: FUHRMAN RANCH INC
RICK FUHRMAN PRES
997 E RICHARDS RD
DOWNEY, ID 83234
SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER
PRIORITY DATE: 04/01/1987
POINT OF DIVERSION: T11S R36E S11 NESWNE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T11S R36E S11 NENE NWNE SWNE SENW

This right is for an enlargement of 6.0 acres within the total 74.0 acres recommended.

Water Right: 29-10077
NAME & ADDRESS: CHURCH OF JESUS CHRIST OF THE LATTER DAY SAINTS
REAL ESTATE DIVISION
12TH FLOOR EAST
50 E NORTH TEMPLE
SALT LAKE CITY, UT 84150-6312
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1981
POINT OF DIVERSION: T11S R37E S07 SENW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T11S R37E S07 NENW SENW NESW SESW S18 NWNE NENW SENW NESW SESW

This right is for an enlargement of 7.0 acres within the total 324.0 acres recommended.

Water Right: 29-10888
NAME & ADDRESS: ROBERT F & KATHLEEN A ZAUSCH
8083 W POCATELLO CREEK RD
POCATELLO, ID 83201
SOURCE: NORTH FORK POCATELLO CREEK TRIBUTARY: POCATELLO CREEK
PRIORITY DATE: 11/18/1987
POINT OF DIVERSION: T06S R35E S20 SEMENE SWNNWN
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T06S R35E S20 SENE

This right is for an enlargement of 2.2 acres within the total 2.2 acres recommended.

Water Right: 29-11493
NAME & ADDRESS: WILLIAM A & KATHLEEN M EGAN
1451 W HAWKINS RD
ARIMO, ID 83214
SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER
PRIORITY DATE: 06/01/1982
POINT OF DIVERSION: T11S R36E S11 NWSE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T11S R36E S11 NESW NWSE

This right is for an enlargement of 8.0 acres within the total 48.0 acres recommended.

Water Right: 29-11775
NAME & ADDRESS: CARROLL & IONE WILLMORE ESTATE
C/O JIM WILLMORE
519 PARK ST
ST ANTHONY, ID 83445
SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER
PRIORITY DATE: 08/07/1932

This right is for an enlargement of 17.9 acres within the total 100.0 acres recommended.

Water Right: 29-11799
NAME & ADDRESS: CARL & ANA/JOE BARNES
3717 E BACK DOWANATA RD
DOWNEY, ID 83234
SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER
PRIORITY DATE: 04/01/1976
POINT OF DIVERSION: T12S R37E S05 NESESE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T12S R37E S04 SWSW NWSE SESE S05

This right is for an enlargement of 28.0 acres within the total 78.0 acres recommended.

Water Right: 29-12518
NAME & ADDRESS: CECIL E ARMSTRONG
849 W GLOVER RD
ARIMO, ID 83214
SOURCE: DALE EVANS
PO BOX 34
ARIMO, ID 83214
SOURCE: GROUNDWATER
PRIORITY DATE: 06/26/1979
POINT OF DIVERSION: T10S R36E S15 NESW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T10S R36E S15 NESW NWSW SWSW SESW

This right is for an enlargement of 77.0 acres within the total 156.0 acres recommended.

Water Right: 29-12519
NAME & ADDRESS: HOWARD L ARMSTRONG
13244 W TRAIL CREEK
POCATELLO, ID 83204
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1970
POINT OF DIVERSION: T10S R36E S15 SWNNW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T10S R36E S15 NENW MWNW SWNNW SENW S16 NENE SENE

This right is for an enlargement of 77.0 acres within the total 237.0 acres recommended.

Water Right: 29-13150
NAME & ADDRESS: KENNETH R & BRENDA DEGN
19748 S DEGN RD
DOWNEY, ID 83234
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1976
POINT OF DIVERSION: T11S R37E S18 SWNNW (LOT 2)
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T11S R37E S18 NWNW (LOT 1) SWNNW (LOT 2)

This right is for an enlargement of 17.9 acres within the total 100.0 acres recommended.

PURPOSE OF USE: IRRIGATION
PLACE OF USE: T09S R37E S14 SENW NESW SESW SWSE
This right is for an enlargement of 6.6 acres within the total 121.4 acres recommended.

Water Right: 29-11799
NAME & ADDRESS: CARL & ANA/JOE BARNES
3717 E BACK DOWANATA RD
DOWNEY, ID 83234
SOURCE: MARSH CREEK TRIBUTARY: PORTNEUF RIVER
PRIORITY DATE: 04/01/1976
POINT OF DIVERSION: T12S R37E S05 NESESE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T12S R37E S04 SWSW NWSE SESE S05

This right is for an enlargement of 28.0 acres within the total 78.0 acres recommended.

Water Right: 29-12518
NAME & ADDRESS: CECIL E ARMSTRONG
849 W GLOVER RD
ARIMO, ID 83214
SOURCE: DALE EVANS
PO BOX 34
ARIMO, ID 83214
SOURCE: GROUNDWATER
PRIORITY DATE: 06/26/1979
POINT OF DIVERSION: T10S R36E S15 NESW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T10S R36E S15 NESW NWSW SWSW SESW

This right is for an enlargement of 77.0 acres within the total 156.0 acres recommended.

Water Right: 29-12519
NAME & ADDRESS: HOWARD L ARMSTRONG
13244 W TRAIL CREEK
POCATELLO, ID 83204
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1970
POINT OF DIVERSION: T10S R36E S15 SWNNW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T10S R36E S15 NENW MWNW SWNNW SENW S16 NENE SENE

This right is for an enlargement of 77.0 acres within the total 237.0 acres recommended.

Water Right: 29-13150
NAME & ADDRESS: KENNETH R & BRENDA DEGN
19748 S DEGN RD
DOWNEY, ID 83234
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1976
POINT OF DIVERSION: T11S R37E S18 SWNNW (LOT 2)
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T11S R37E S18 NWNW (LOT 1) SWNNW (LOT 2)

This right is for an enlargement of 17.9 acres within the total 100.0 acres recommended.

Water Right: 29-13180
NAME & ADDRESS: MOUNTAIN VIEW FARMS INC
POCATELLO, ID 83202-5206
SOURCE: GROUNDWATER
PRIORITY DATE: 06/27/1986
POINT OF DIVERSION: T05S R35E S30 NESWNE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T05S R35E S30 NESW SESW NWSE SWSE

This right is for an enlargement of 53.1 acres within the total 53.1 acres recommended.

Water Right: 29-13204
NAME & ADDRESS: ELMER H & FRANCES ANNE STANGER
2770 W PORTNEUF RD
INKOM, ID 83245
SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
PRIORITY DATE: 10/31/1981
POINT OF DIVERSION: T07S R36E S20 SWSWSE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T07S R36E S20 SWSW SESE S29 NWNE NENW

This right is for an enlargement of 10.0 acres within the total 91.2 acres recommended.

Water Right: 29-13213
NAME & ADDRESS: BARBARA W KEVAN
3462 N 2500 E
TWIN FALLS, ID 83301
SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
PRIORITY DATE: 08/07/1932
POINT OF DIVERSION: T08S R38E S28 SWNESW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T09S R38E S04 SWNE NENW

This right is for an enlargement of 2.4 acres within the total 4.0 acres recommended.

Water Right: 29-13247
NAME & ADDRESS: OX YOKE RANCH
1706 N HWY 38
BRIGHAM CITY, UT 84302
SOURCE: GROUNDWATER
PRIORITY DATE: 04/01/1987
POINT OF DIVERSION: T10S R36E S33 SESE (4 POD's within this section)
T11S R36E S34 SESW S33 SESW S04 SWNE S05 SESE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T10S R36E S33 SESE S34 SWSW SESW NWSE SWSE SESE T11S R36E S03 NENE(LOT1) NWNE(LOT2) SWNE SENE NENW(LOT3) NWNW(LOT4) SWNN SENW NESW NWSW SWSW SESW NESE NWSE SWSW SESE S04 NENE(LOT1) NWNE(LOT2) SWNE SENE NESW NWSW SWSW SESW NESE NWSE SWSW SESE S05 SESW SWSW SESE(LOT7) S08 NENE(LOT1) NWNE SWNE SENE(LOT2) NENW SENW S09 NENE NWNE SWNE NENW NWNW SENW NESW NWSE SWSW S10 NENW NWNW

This right is for an enlargement of 45.0 acres within the total 1480.0 acres recommended.

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Department of Water Resources
Eastern Region

Water Right: 29-13251
NAME & ADDRESS: ARKANSAS RANCHES INC
8450 S BOB SMITH RD
LAVA HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 05/20/1970

POINT OF DIVERSION: T08S R37E S10 NWSWNE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S10 NESE SWSE SESE
S14 SWNW
S15 NENE NWNE SWNE SENE

This right is for an enlargement of 150.0 acres within the total 157.0 acres recommended.

Water Right: 29-13327
NAME & ADDRESS: RONNIE D & SHERRIL TILLOTSON
PO BOX 261
LAVA HOT SPRINGS, ID 83246

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 04/01/1945

POINT OF DIVERSION: T10S R38E S04 NESWSW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R38E S32 SESE
S33 SWSW SESW

This right is for an enlargement of 5.2 acres within the total 41.2 acres recommended.

Water Right: 29-13386
NAME & ADDRESS: CATHERINE SPINNER-SCHUEREN
2641 E TWO MILE RD
MC CAMMON, ID 83250

SOURCE: TWO MILE CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 04/01/1985

POINT OF DIVERSION: T08S R37E S31 SWSWNE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S31 NESW NWSW(LOT 3) SWSW(LOT 4) SWSE

This right is for an enlargement of 2.8 acres within the total 72.8 acres recommended.

Water Right: 29-13406
NAME & ADDRESS: BRETT CASPERSON
8893 E MAUGHAN RD
LAVA HOT SPRINGS, ID 83246

NATHAN CASPERSON
8789 E MAUGHAN RD
LAVA HOT SPRINGS, ID 83246

SOURCE: DEMPSEY CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION: T09S R38E S33 SWNNWN

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S R38E S33 NESE NWSE SWSE SESE

This right is for an enlargement of 59.7 acres within the total 179.7 acres recommended.

Water Right: 29-13498
NAME & ADDRESS: CECIL E ARMSTRONG
NORMAN ARMSTRONG
849 W GLOVER RD
ARIMO, ID 83214

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1985

POINT OF DIVERSION: T10S R36 S09 NENE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T10S R36 S09 NENE NWNE SWNE SENE
T10S R36 S10 NWNW

This right is for an enlargement of 34 acres within the total 174 acres recommended.

Water Right: 29-13553
NAME & ADDRESS: JASON & AMBER HALL
1302 AMMON ST
POCATELLO, ID 83201

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T09S R37E S15 SENESW SESENN

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S22 NENE NWNE

This right is for an enlargement of 2.1 acres within the total 5.0 acres recommended.

Water Right: 29-13554
NAME & ADDRESS: RUSSELL & NATALIE GUNTER
PO BOX 433
MC CAMMON, ID 83250

SOURCE: GROUNDWATER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T09S R37E S15 SENENW SESENN

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S R37E S14 NWSW

This right is for an enlargement of 4.9 acres within the total 11.7 acres recommended.

Water Right: 29-13617
NAME & ADDRESS: MAX W HALL
PO BOX 784
LAVA HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T09S R37E S15 SENENW SESENN

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S R37E S14 NWSW
S15 NESW NESE NWSE SWSE SESE
NENE NWNE SWNE(LOT 2) SENE(LOT 1)
NWNW(LOT 4) SENW(LOT 3)

This right is for an enlargement of 69.0 acres within the total 222.4 acres recommended.

Water Right: 29-13618
NAME & ADDRESS: JEFFERY F HARRIS
PO BOX 252
MC CAMMON, ID 83250

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T09S R37E S15 SENENW SESENN

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S R37E S15 NESW SESW NWSE SWSE

This right is for an enlargement of 3.3 acres within the total 8.6 acres recommended.

Water Right: 29-13619
NAME & ADDRESS: JEFFERY F HARRIS
PO BOX 252
MC CAMMON, ID 83250

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T09S R37E S15 SENENW SESENN

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S R37E S15 SWSE

This right is for an enlargement of 3.3 acres within the total 8.7 acres recommended.

Water Right: 29-13620
NAME & ADDRESS: JEFFERY F HARRIS
PO BOX 252
MC CAMMON, ID 83250

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T09S R37E S15 SENENW SESENN

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S R37E S15 SWSE
S22 NWNE

This right is for an enlargement of 3.3 acres within the total 8.8 acres recommended.

Water Right: 29-13621
NAME & ADDRESS: LARRY & LANA NAEF
5512 E OLD OREGON TRAIL RD
LAVA HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T09S R37E S15 SENENW SESENN

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S R37E S22 NENE NWNE

This right is for an enlargement of 2.0 acres within the total 6.2 acres recommended.

Water Right: 29-13622
NAME & ADDRESS: ROBIN HULL
2142 ARBON VALLEY HWY
POCATELLO, ID 83204

SOURCE: WEST BOB SMITH CREEK TRIBUTARY: PORTNEUF RIVER

PRIORITY DATE: 07/15/1976

POINT OF DIVERSION: T09S R37E S12 SENENW SESENN

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T09S R37E S15 NWSE SWSE

This right is for an enlargement of 3.0 acres within the total 8.3 acres recommended.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402-3653 on or before March 25, 2004.

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Department of Water Resources
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Department of Water Resources
Eastern Region

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

LN10275

KAREN MASON

being first duly sworn on oath deposes and says: That SHE was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

DEC. 18	, 2003	2003
DEC. 25	, 2003	, 2003
	2003	, 2003

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice of advertisement and is a newspaper within the meaning of the laws of Idaho.

Karen Mason

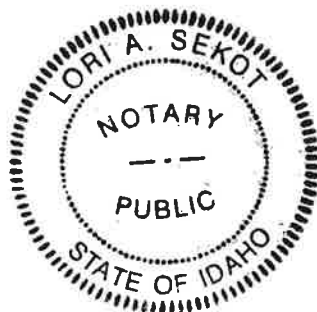
STATE OF IDAHO
COUNTY OF BANNOCK

On this 30TH DAY of DEC. in the year of 2003, before me, a Notary Public, personally appeared KAREN MASON, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that she executed the same.

Lori A. Sekot
Notary Public for Idaho

Residing at ARIMO

My commission expires :FEBRUARY 2009



02/18/2003

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: 29-13180

MOUNTAIN VIEW FARMS INC
C/O GERALD JOHNSON
9112 W 2 1/2 MILE RD
POCATELLO ID 83202-5206
Telephone Number: (208)237-1885

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: 3-7-03 SIGNATURE: Gerald Johnson
Please print your name: Gerald Johnson

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 20852571

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 29-13180

Owner Type Name and Address
 Current Owner MOUNTAIN VIEW FARMS
 C/O GREALD JOHNSON
 9112 W TWO AND A HALF MILE RD
 POCATELLO, ID 83202
 (208)237-1885

Priority Date: 06/27/1986
 Basis: Beneficial Use
 Status: Active

Source Tributary to
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	1 CFS	185.9 AFA	
Total Diversion			1 CFS	185.9 AFA	

212.4

Location of Point(s) of Diversion:

GROUND WATER NESWNE Sec. 30 Township 05S Range 35E BANNOCK County

IRRIGATION Use:
 Acre Limit: 53.1

Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

<u>Townshi</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
05S	35E	30		NESW	21		SESW	1.3						
				NWSE	27		SWSE	3.8						

Total Acres: 53.1

Conditions of Approval:

1. 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.
2. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

Remarks:

1. Explanatory THIS RIGHT IS FOR AN ENLARGEMENT OF 53.1 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
2. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 29-2371 PURSUANT TO SECTION

3. Quantity

42-1426, IDAHO CODE.

USE OF THIS RIGHT WITH RIGHT NO. 29-2371 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.6 CFS.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	6/18/2001	Priority	From FSA documents in file provided with claim.
bcontor	6/18/2001	Combined limits	See explanation in eCVR 29-2371

Dates:

Licensed Date:
Claim Received Date: 06/07/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	6/18/2001 4:52:03 PM		6/18/2001 4:52:03 PM	bcontor	Complete

Other Information:

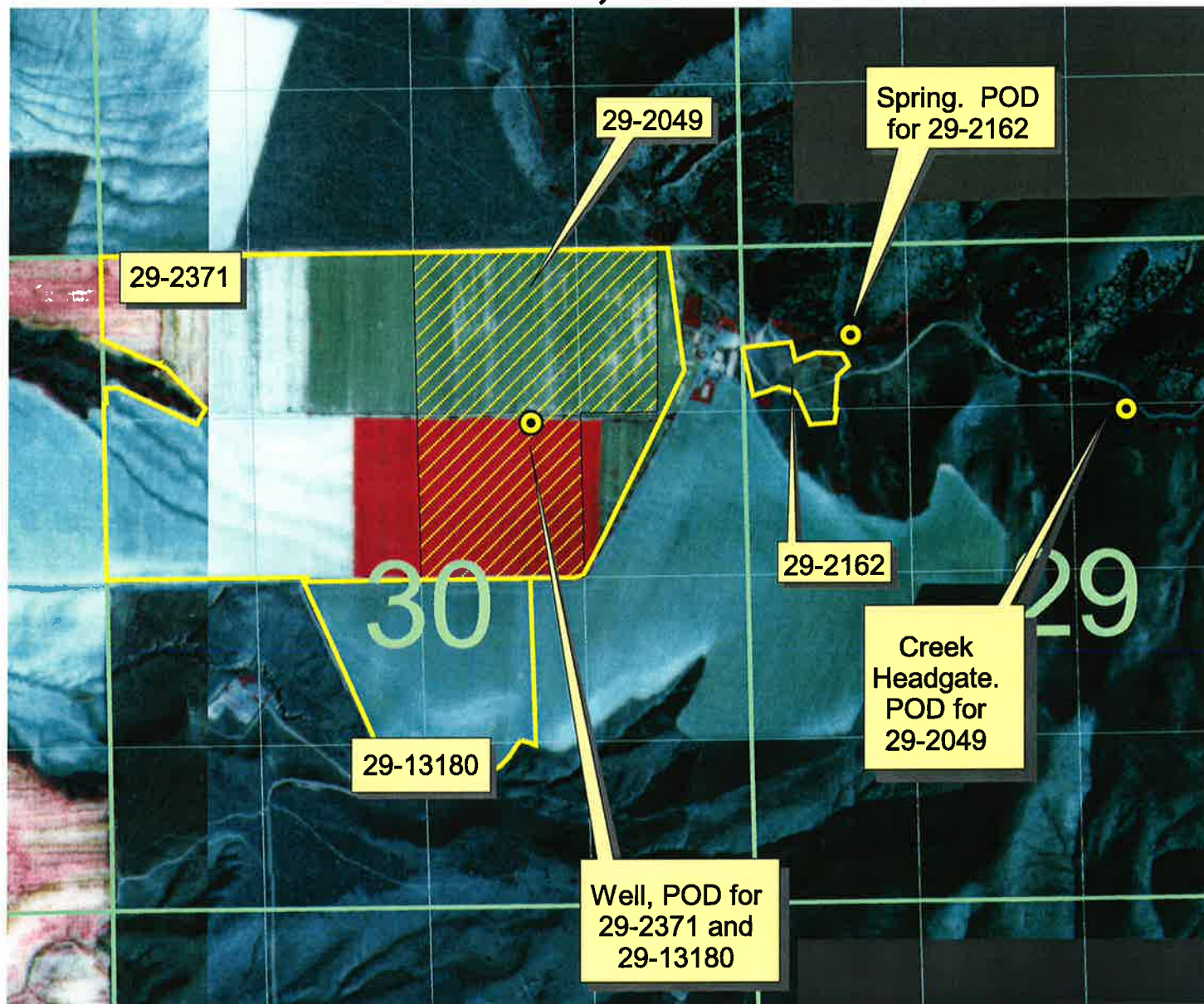
Receipt Number(s):
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	6/18/2001 4:46:16 PM	bcontor	Edited PLS
POD	6/18/2001 4:46:06 PM	bcontor	Edited point location
POU	6/18/2001 4:46:57 PM	bcontor	Edited shape boundary
Summary	6/18/2001 4:52:01 PM	bcontor	1. (YES) The basis of the claim is beneficial use. 2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed. 5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not 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.

Idaho Department of Water Resources

Water Right 29-2049, 29-2162, 29-2371, 29-13180



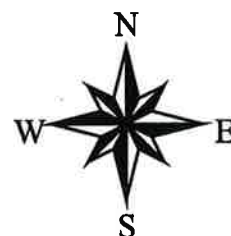
- Point of Diversion - This Right
- Point of Diversion - Other Rights
- Place of Use - This Right
- Place of Use - Other Rights
- Township
- Section
- Quarter-quarter Section

Township 5S Range 35E

1320 0 1320 Feet



Place of Use 29-2049
overlaps Place of Use
29-2371.



MEMORANDUM

To: 29-2049
29-2162
29-2371
29-13180
Fr: Bryce A. Contor
Date: 6/18/2001



Re: Phone conversation with Mr. Johnson

Today I talked with Mr. Johnson on the phone about several issues:

1. Transfer of POD. Harold Jones indicates that this transfer application has completed the advertising period without protest and has been sent to Boise for processing. He expects it to be considered within six months.
2. POU for 29-2162. This water is used uphill (east) of the ranch buildings, as claimed and licensed.
3. Permissible Place of Use for 29-2049 and 29-2371. Mr. Johnson indicates this would not be appropriate, as there is no common distribution system. The GW can be applied to the entire place as licensed and claimed, but the SW only is applied where licensed on the approximately 100 acres.
4. Continued use of enlargement 29-13180. This practice continues, though not every year.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

June 7, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Mountain View Farms, Inc.
C/O Gerald Johnson
9112 W Two and One-half Mile Road
Pocatello, Idaho 83202

Re: Enlargement Claim 29-13180

Dear Mr. Johnson:

Enclosed is an enlargement claim for the additional irrigation developed south of the county road, as documented by the 1986 ASCS crop report. If you believe this accurately reflects your use of water, you may wish to file this claim. If you do, it will require a notarized signature and a fee of \$153.10.

For me to recommend this right south of the road, I need confirmation from you that it has not been "forfeited" – gone five consecutive years without use – since the 1986 use documented. If the land was in CRP, those years do not count towards forfeiture. Please write a note confirming this and include it with the claim.

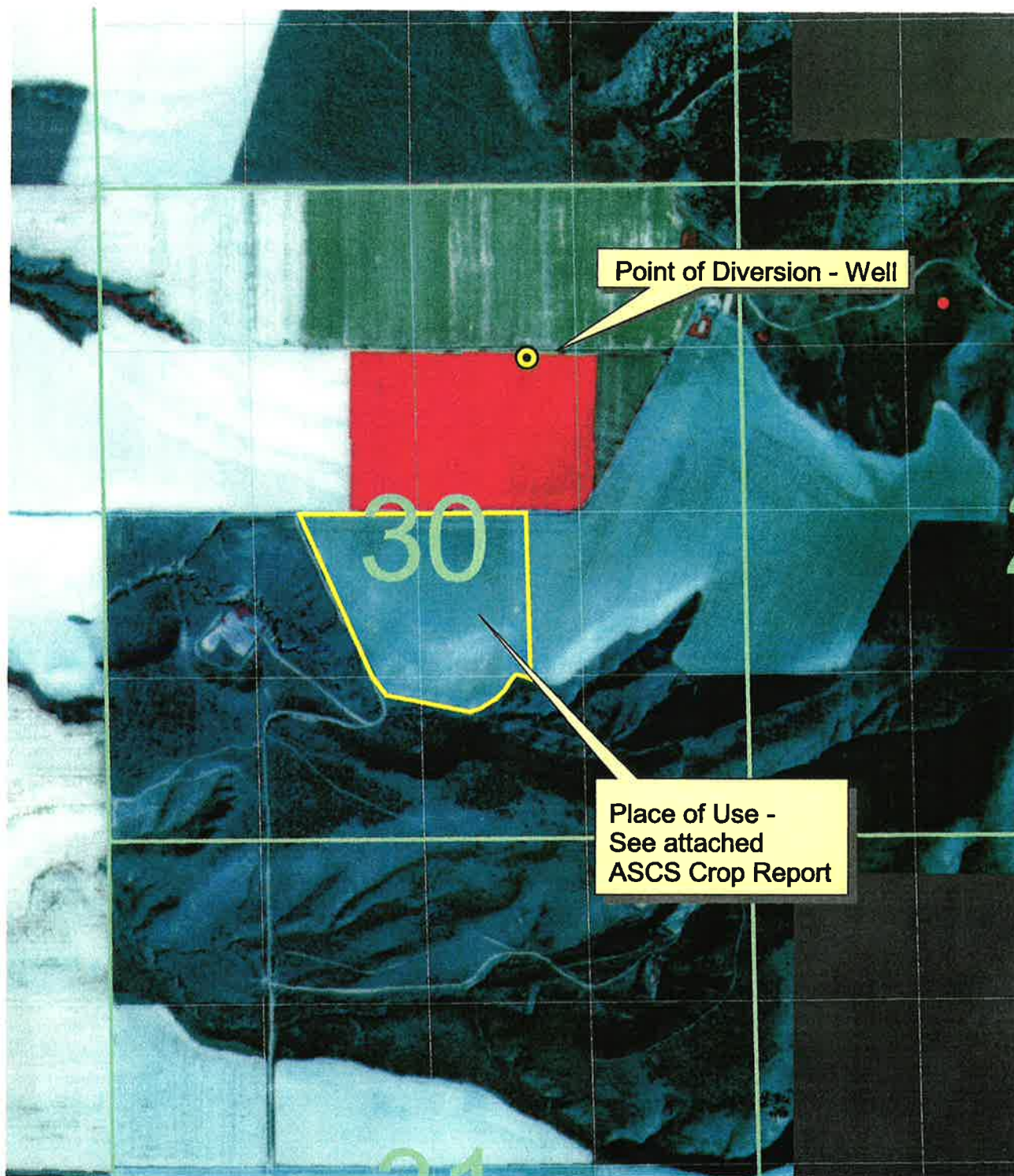
Also enclosed is a copy of this claim for you, your copy of the domestic and stock claim you filed, and the letter and partial decree you mailed to me. If the name, address, and legal description on the partial decree are correct, it looks to be in order.

Please call me if you have questions. I'm hard to catch but I do (eventually) answer my voice mail.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

Enlargement of License 29-2371



I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

24 19
25 30

24 19
25 30

T52
531
117

1800

25 30
30 31

30 31

A164
T53

A164
T53

JUN 13 2001

Department of Water Resources
IDAHO Eastern RegionIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13180
Date Received: 6/7/2001
Receipt No: 5026817
Received By: BAC**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MOUNTAIN VIEW FARMS Phone: (208)237-1885

C/O GREALD JOHNSON
9112 W TWO AND A HALF MILE RD
POCATELLO ID USA 83202

A2913180



2. Date of Priority: 06/27/1986

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	35E	30	NE SW NW	BANNOCK	

5. Description of diverting works:

Same well as 29-2371

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1	185.9

7. Total Quantity Appropriated is:

1 C.F.S. and/or 185.9 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05S	35E	30	NW SE	IRRIGATION	27
			SW SE	IRRIGATION	3.8

NE	SW	IRRIGATION	21
SE	SW	IRRIGATION	1.3
		Section Acres	53.1
		Total Acres	53.1

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 is an enlargement of claim 29-2371 based upon a mainline put under the county road to irrigate the parcel shown as "T52" on attached ASCS crop report from 1986.

Claim given temporary database status pending return of notarized, signed claim, and fees. BContor 6/7/2001

15. Basis of Claim: Beneficial Use

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am president of _____
Title

MT View Farms inc., that I have signed the foregoing
Organization

document in the space below as president of _____
Title

MT View Farms inc. and that the statements contained in the
Organization

foregoing document are true and correct.

Gerald Johnson
Signature of Authorized Agent

President MT View Farms inc.
Title and Organization

6-11-01
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 11th day

of June 2001

Warily Hayford
Notary Public

Residing at Pocatello

My commission Expires 2/27/04

Enlargement of License 29-2371

