

06/13/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 35-2585B
NAME AND ADDRESS: J WARD JOHNSON
246 HARTERT DR
IDAHO FALLS ID 83404

MARY V JOHNSON
246 HARTERT DR
IDAHO FALLS ID 83404

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.860 CFS
222.40 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-07593B IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 268 AF.

PRIORITY DATE: 01/04/1960

POINT OF
DIVERSION:

T02N R36E S26 NENENW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.860 CFS 222.40 AFY

PLACE OF USE: STOCKWATER Within BONNEVILLE County

T02N R36E S26 NENW T02N R36E S26 SENW

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: BASIS OF CLAIM - License

STOCKWATER IS FOR 15,000 HEAD FEED LOT.
THIS RIGHT IS A SPLIT FROM FORMER RIGHT 35-2585.

1

A3502585B



PROFILED

SCANNED
AUG 10 2005

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 35-02585B

2002 MAY 20 PM 4:16

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED 38 38

NAME AND ADDRESS: J WARD JOHNSON
MARY V. JOHNSON
246 HARTERT DR.
IDAHO FALLS, ID 83404

SOURCE: GROUNDWATER

QUANTITY: 0.86 CFS
222.40 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-07593B IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 268 AF.

PRIORITY DATE: 01/04/1960

POINT OF DIVERSION: T02N R36E S26 NENENW Within Bonneville County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.86 CFS 222.40 AFY

PLACE OF USE:	Irrigation		Within Bonneville County
	T02N R36E S26	NENW	SENW

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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AUG 10 2005

RECEIVED

MAY 22 2002

Department of Water Resources

2002 MAY 20 PM 4:13

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED 39 88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) ORDER OF PARTIAL DECREE
)
) For Water Right 35-02585A & 35-02585B
)

On March 21, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-02585A & 35-02585B is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED May 20, 2002

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

PROFILED

SCANNED

AUG 10 2005

2002 MAY 20 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-02585B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-02585B was mailed
on May 20, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

J WARD JOHNSON
MARY V. JOHNSON
246 HARTERT DR.
IDAHO FALLS, ID 83404

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

SCANNED

AUG 10 2005

PAGE 1
05/20/02



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 13, 2001

J WARD JOHNSON
MARY V JOHNSON
246 HARTERT DR
IDAHO FALLS ID 83404

RE: Transfer #5579 (water right 35-2585 and 35-7593) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Johnson:

On February 11, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5579, modifying a portion of the above referenced water right(s). Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Cheri Vandermeulen
Records Clerk

PROFILED

SCANNED
AUG 10 2005

CERTIFICATE OF MAILING

I certify that on June 15, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
J WARD JOHNSON
MARY V JOHNSON
246 HARTERT DR
IDAHO FALLS ID 83404

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record

JEFFREY C FEREDAY

GIVENS PURSLEY LAW OFFICE

PO BOX 2720

BOISE ID 83701-2720

JERRY RIGBY

PO BOX 250

REXBURG ID 83440

JOHN K SIMPSON

ROSHOLT ROBERTSON & TUCKER

PO BOX 2139

BOISE ID 83701

TERESA STURM

HOPKINS RODEN CROCKETT HANSEN
& HOOPES PLLC

PO BOX 51219

IDAHO FALLS ID 83405-1219

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

FILED

Cheri Undermeulen

Signature of person or attorney mailing the form

SCANNED

TRANSFER APPLICATION STAGE

1) Recommended rights being transferred (from Part 2). Check IWTRS for partial decrees.

1.	35 - 2585	4.
2.	35 - 7593	5.
3.		6.

*2) Overlapping recommended rights before and after proposed change. Check IWTRS for partial decrees.

1.	N/A	4.
2.		5.
3.		6.

TRANSFER APPROVAL STAGE

NAP sent
11-9-99

*1) Pedigree for parents and splits (children) due to approved transfer

35 - 2585 35 - 2585 A
 35 - 2585 B

35 - 7593 35 - 7593 A
 35 - 7593 B

*2) Any additional overlapping recommended rights

1.	N/A	4.
2.		5.
3.		6.

* To be completed by agent

PROFILED

SCANNED
AUG 10 2005
CS 2/16/01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

TRANSFER NO. 5579
WATER RIGHT NO(S). 35-02585B/35-07593B

FEB 17 2000

Department of Water Resources
Eastern Region

This is to certify that: J WARD JOHNSON
246 HARTERT DR
IDAHO FALLS ID 83404

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 35-02585B :			
STOCKWATER	01/01 to 12/31	0.86 CFS	222.4 AF
Priority: 01/04/1960			
Right No. 35-07593B :			
STOCKWATER	01/01 to 12/31	0.23 CFS	97.2 AF
Priority: 03/22/1976			
TOTAL:		1.09 CFS	* 268.0 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 26, Township 02N, Range 36E
BONNEVILLE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

02N 36E 26

NENW

SENE

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

SCANNED

AUG 10 2005

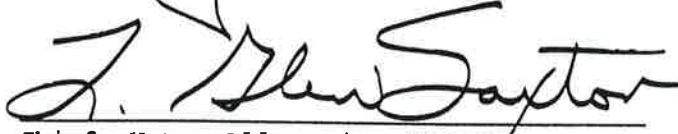
PROFILE

TRANSFER NO. 5579
WATER RIGHT NO(S). 35-02585B/35-07593B

CONDITIONS OF APPROVAL AND REMARKS

3. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- * 4. Rights 35-02585B and 35-07593B when combined shall not exceed a total annual maximum diversion volume of 268.0 af.

Dated this 11th day of February, 2000.


Chief, Water Allocation Bureau

PROFILED

SCANNED
AUG 10 2005

MEMORANDUM

TO: Rights 35-02585 & 35-07593
 FROM: Pam Skaggs/State Office *38*
 SUBJECT: Transfer 5579
 DATE: February 11, 2000

Transfer 5579 changes the point of diversion, place and nature of use under a portion of Rights 35-02585 and 35-07593, splitting each right into Parts A and B. The transfer also removes 5 acres from BLM land to remove an objection in the SRBA.

The applicant is converting 67 acres of irrigated land to a feed lot for 15,000 beef cattle. The water previously used for irrigation on these acres will be changed to stockwater use for the cattle. The proposed change in nature of use will result in a reduction of consumptive use. No expansion of use will occur through this transfer.

Expedited drilling permit 35-99-E-0131-000 was issued on 11-24-99 for this transfer. Season of use was adjusted to year round stockwater use, and diversion volume identified according to current standards. Recommended conditions include measuring and annual reporting, combined right limits and standard transfer conditions.

Change in Nature of Use Evaluation

	Rate	Acres	Div. Vol.	C.U. Vol.
35-02585	3.62 cfs	234.0	(936.0 afa)	702.0 afa
Part A	2.76 cfs	178.4	(713.6 afa)	535.2 afa
Part B	0.86 cfs	Stock (55.6)	222.4 afa	3.9 afa
After	3.62 cfs	178.4	936.0 afa	539.1 afa
35-07593	0.97 cfs	258.0	(409.8 afa)	409.8 afa
Part A	0.74 cfs	196.8	(312.6 afa)	312.6 afa
Part B	0.23 cfs	Stock (61.2)	97.2 afa	1.1 afa
After	0.97 cfs	196.8	409.8 afa	313.7 afa
*****	Combined	Right	Limits	*****
35-02585 & 35-07593	4.59 cfs	282.0	1128.0 afa	846.0 afa
Part As	3.50cfs	215.0	860.0 afa	645.0 afa
Part Bs	1.09 cfs	Stock (67.0)	268.0 afa	5.0 afa
As & Bs Total	4.59 cfs	Stock & 215.0	1128.0 afa	650.0 afa

PROFILE

SCANNED

AUG 10 2005

WR5809NP
No. X35-02585B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/06/01
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J WARD JOHNSON 246 HARTERT DR IDAHO FALLS ID 83404 (208) 524-5801	01/04/1960	STOCKWATER	01/01 12/31	0.860 CFS	222.40 AFA
TOTAL DIVERSION:					0.860 CFS	222.40 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02N R36E S26

NE NEW

BONNEVILLE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
02N	36E	26	:															:	
			:					S				S						:	

Pou County: BONNEVILLE

Other Rights: 35-07593

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
35-08831 X35-07593B

Other Water Rights Listing Overlapping Place(s) of use:
35-02585 35-07593 X35-02585A X35-07593A

Conditions of Approval:

- 067 - The right holder shall measure and annually report diversions of
- water and/or other pertinent hydrologic and system information as
- required by Section 42-701, Idaho Code.
- T07 - The right holder shall accomplish the change authorized by this
- transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this
- transfer is cause for the Director to rescind approval of the
- transfer.

Remarks: GEN Rights 35-02585B and 35-07593B when combined shall not exceed a
total annual maximum diversion volume of 268.0 af.

Dates: App. Received: Priority Date: 01/04/1960
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 02/26/1998 User-ID: AJU10-DS Subject: CONDITION H02/H03 UPDATE

SCANNED
AUG 10 2005

PROTECTED

Comments: Date: 02/26/1998 User-ID: AJU10-DS Subject: CONDITION H02/H03 UPDATE
CONDITION CODES H02 AND H03 ADDED IF NOT ALREADY PART OF RECORD.

Date: 05/12/1998 User-ID: AJU21-DS Subject: AJU21 CONDITION UPDATE
DELETED CONDITION CODE(S) H02 H03

Date: 06/15/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART
OF RECORD THRU

Date: 02/19/1999 User-ID: AJU21-DS Subject: AJU21 CONDITION UPDATE
DELETED CONDITION CODE(S) A07

Date: 02/11/2000 User-ID: PSKAGGS Subject: TRANSFER 5579
Transfer 5579 changes the point of diversion, nature & place of
use under a portion of Rights 35-02585 & 35-07593, splitting each
right into Parts A & B.

Audit: 02/14/00 PSKAGGS

SCANNED
AUG 10 2005

PROFILED