

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 35-07593B

2002 MAY 20 PM 4:16

DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED RD

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

SOURCE: GROUNDWATER

QUANTITY: 0.23 CFS  
97.20 APY

USE OF THIS RIGHT WITH RIGHT NO. 35-02585B IS LIMITED TO A  
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 268 AF.

PRIORITY DATE: 03/22/1976

POINT OF DIVERSION: T02N R36E S26 NENENW Within Bonneville County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|-------------------------------|----------------|----------------|----------|
|                               | Irrigation     | 04-01 TO 11-01 | 0.97 CFS |

|               |                    |                          |
|---------------|--------------------|--------------------------|
| 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

PROFILED

SCANNED  
SEP 06 2005

06/13/2001

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

RIGHT NUMBER: 35-7593B  
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: 0.230 CFS  
97.20 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-02585B IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 268 AF.

PRIORITY DATE: 03/22/1976

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          | 0.230 CFS<br>97.20 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 35-7593.

1

PROFILE

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SEP 06 2005

A3507593B



RECEIVED

MAY 22 2002

Department of Water Resources

2002 MAY 20 PM 4:14

DISTRICT COURT-SRBA  
TWIN FALLS CO. IDAHO  
FILED 3138

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 35-07593A & 35-07593B  
)

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 35-07593A and 35-07593B 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

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SEP 06 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): 35-07593B

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 35-07593B 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

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

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

ROBBIN GLATZ  
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1  
05/20/02

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SEP 06 2005

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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

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SEP 06 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

)  
)  
)  
)  
)

Water Rights: 35-2585, 35-2585A,  
35-2585B, 35-7593, 35-7593A, 35-  
7593B

Case No. 39576

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer **5579**

☒ point of diversion

☒ place of use

☒ period of use

☒ nature of use

☒ split of water right

☐ change in ownership

☒ other: Quantity

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 13, 2001

Ernest Carlson

Signature of IDWR Representative

PROFILED

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING

SCANNED

SEP 06 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

Cheri Vondermeulen  
Signature of person or attorney mailing the form

**PROFILED**  
5/21/96

NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING  
35-2585, 35-2585A, 35-2585B, 35-7593, 35-7593A, 35-7593B

Page 2

**SCANNED**  
**SEP 06 2005**

### 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       $\swarrow$  35 - 2585 A  
                     $\searrow$  35 - 2585 B

35 - 7593       $\swarrow$  35 - 7593 A  
                     $\searrow$  35 - 7593 B

\*2) Any additional overlapping recommended rights

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

\* To be completed by agent

SCANNED  
PROFILED  
SEP 06 2005

CS 2/16/01

*Eastern*

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

RECEIVED

FEB 17 2000

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

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 :<br>STOCKWATER<br>Priority: 01/04/1960 | 01/01 to 12/31       | 0.86 CFS              | 222.4 AF             |
| Right No. 35-07593B :<br>STOCKWATER<br>Priority: 03/22/1976 | 01/01 to 12/31       | 0.23 CFS              | 97.2 AF              |
| TOTAL:                                                      |                      | 1.09 CFS              | * 268.0 AF           |

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

*NE* 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.

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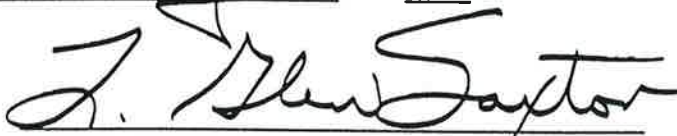
SCANNED  
SEP 06 2005

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 11<sup>th</sup> day of February, 2000.

  
Chief, Water Allocation Bureau

SCANNED  
SEP 06 2005

## MEMORANDUM

TO: Rights 35-02585 & 35-07593  
 FROM: Pam Skaggs/State Office *28*  
 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.        |
|------------------------------------|-----------------|--------------------------|--------------------|------------------|
| <b>35-02585</b>                    | <b>3.62 cfs</b> | <b>234.0</b>             | <b>(936.0 afa)</b> | <b>702.0 afa</b> |
| 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          |
| <b>After</b>                       | <b>3.62 cfs</b> | <b>178.4</b>             | <b>936.0 afa</b>   | <b>539.1 afa</b> |
|                                    |                 |                          |                    |                  |
| <b>35-07593</b>                    | <b>0.97 cfs</b> | <b>258.0</b>             | <b>(409.8 afa)</b> | <b>409.8 afa</b> |
| 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          |
| <b>After</b>                       | <b>0.97 cfs</b> | <b>196.8</b>             | <b>409.8 afa</b>   | <b>313.7 afa</b> |
|                                    |                 |                          |                    |                  |
| *****                              | Combined        | Right                    | Limits             | *****            |
| <b>35-02585 &amp;<br/>35-07593</b> | <b>4.59 cfs</b> | <b>282.0</b>             | <b>1128.0 afa</b>  | <b>846.0 afa</b> |
| 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          |
| <b>As &amp; Bs Total</b>           | <b>4.59 cfs</b> | <b>Stock &amp; 215.0</b> | <b>1128.0 afa</b>  | <b>650.0 afa</b> |

PROFILED

SCANED  
SEP 06 2005

WR5809NP  
No. X35-07593B

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 02/06/01  
PAGE: 3

| OWNER<br>CODE    | NAME & ADDRESS                                                             | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | J WARD JOHNSON<br>246 HARTERT DR<br>IDAHO FALLS ID 83404<br>(208) 524-5800 | 03/22/1976       | STOCKWATER | 01/01 12/31           | 0.230 CFS         | 97.20 AFA           |
| TOTAL DIVERSION: |                                                                            |                  |            |                       | 0.230 CFS         | 97.20 AFA           |

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T02N R36E S26

NW NENW

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 | Lt | Ac |  |
| 02N | 36E | 26 | :  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |  |
|     |     |    | :  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |  |

Pou County: BONNEVILLE

Other Rights: 35-02585

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
35-08831 X35-02585B

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: 03/22/1976  
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: 11/02/1993 User-ID: TAYLOR Subject: COPIED FROM REMARKS

SCANNED

SEP 06 2005

PROFILED

Comments: Date: 11/02/1993 User-ID: TAYLOR Subject: COPIED FROM REMARKS  
The maximum combined rate of diversion under this right & Right  
35-2585 shall not exceed 4.59 cfs.

Date: 11/02/1993 User-ID: TAYLOR Subject: COPIED FROM REMARKS  
The maximum combined rate of diversion under this right & Right  
35-2585 shall not exceed 4.59 cfs.

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  
SEP 06 2005

PROFILE