

5 ✓

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 45-07632

Priority: March 27, 1996

Maximum Diversion Rate: 1.13 CFS
Maximum Diversion Volume: 316.0 AF

It is hereby certified that WALTER B JOHNSON
PO BOX 505

GARLAND UT 84312 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated January 13, 1989; and has
submitted Proof of Beneficial Use on March 27, 1996. An examination indicates that the works have a
diversion capacity of 23.16 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/15 to 11/15	1.13 CFS	316.0 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 16, Twp 11S, Rge 24E, B.M., CASSIA County
GROUND WATER	NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 22, Twp 11S, Rge 24E, B.M., CASSIA County
GROUND WATER	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 21, Twp 11S, Rge 24E, B.M., CASSIA County
GROUND WATER	NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 14, Twp 11S, Rge 24E, B.M., CASSIA County
GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 28, Twp 11S, Rge 24E, B.M., CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S 24E 15															40.0	39.0	79.0

Total Acres: 79

CONDITIONS OF APPROVAL

1. Rights 45-02333A, 45-02524C, 45-07072C, 45-07105A, 45-07116A, 45-07120B, 45-07161A, 45-07358C, 45-07358D and 45-07618 are also diverted through the points of diversion described above.
2. Rights 45-02333A, 45-02524C, 45-07072C, 45-07105A, 45-07116A, 45-07120B, 45-07161A, 45-07358C, 45-07358D, 45-07618 and 45-07632 when combined shall not exceed a total diversion rate of 23.16 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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JAN 16 2003

Department of Water Resources
Southern Region

45-7632

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 45-07632

4. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 10TH day of JANUARY, 2003.

Acting for


KARL J. DREHER
Director

STATE OF IDAHO

ORDER OF REINSTATEMENT

FINDINGS OF FACT

5. On March 27, 1996, the permit holder submitted an acceptable proof and license examination fee, an invoice showing the purchase of irrigation equipment in 1993 and a Potato Growing Agreement between the permit holder and J.R. Simplot Company

AUG 09 1996

executed in May of 1994. The permit holder further explained that confusion concerning the water right ensued when he was appointed personal representative after the death of the permit holder (Mary Johnson).

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used within the authorized development period.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

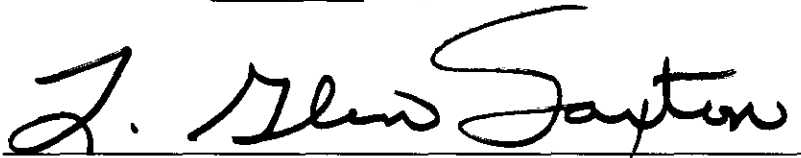
3. The department should reinstate the permit with the date of priority advanced to the date proof of beneficial use and supporting information was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 45-07632 is **REINSTATED**.

IT IS FURTHER ORDERED that the priority date is advanced to March 27, 1996.

Dated this 27th day of June, 1996.

A handwritten signature in black ink, reading "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON, Chief
Water Allocation Bureau

A faint, circular stamp or seal, possibly a departmental or archival mark, located in the bottom right corner of the page.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 45-7632 Telephone No. (801) 257-3744
2. Name(s) of Permit Holder(s): Mary Johnson Walter B. Johnson PR
3. Mailing Address: P.O. Box 505 Garland Utah 84312
4. Source of Water: Groundwater well If GROUNDWATER (well), Date Drilled: mo. 4-6 / yr. 91
- a. Well Driller: Frontier Drilling Drilling Permit Number: 45-91-2-001
- b. **OPTIONAL:**
Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): _____ Stockwater (No. and type of stock): _____

Irrigation (No. of acres): 80 Other: _____

6. Total rate of diversion and/or volume for which proof is submitted: 1.60 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes _____ or No ✓
Has the measuring device been installed? Yes _____ or No ✓

Flow Measurement Port: Is a flow measurement port required? Yes _____ or No ✓
Has the measurement port been installed? Yes _____ or No ✓

8. Fee Enclosed: \$ 125.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
1- PAY FREE 1- 208-678-0749
Name: 2- LAVER STOKER Telephone Number: 2- 208-654-2745
1- 165 E. 500 S. BURLEY, IDAHO
Address: 2- 750 E. 500 S. BURLEY, IDAHO

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Walter B. Johnson PR. Mary Johnson Date: 3-22-96
(include your title, if on behalf of company or organization)

AUG 09 1996

NOTICE

This file has been REPRODUCED
from MICROFICHE because:

For Reinstatement

Darla J. Block
Person Recreating File

May 03, 1996
Date

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 45-07632

Proposed Priority: January 13, 1989 Maximum Diversion Rate: 1.60 CFS

This is to certify, that MARY JOHNSON
WALTER B. JOHNSON
P.O. BOX 505
GARLAND, UT 84312

has applied for a permit to appropriate water from: GROUNDWATER
and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	1.60 CFS

LOCATION OF POINT(S) OF DIVERSION: SESWSE Sec. 15, Township 11S, Range 24E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	24E	15	NWSE 40	SWSE 40		80

Total number of acres irrigated: 80

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 2, 1994.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.

PAGE 2

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 45-07632

CONDITIONS/REMARKS:

9. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this

8th day of May, 1991.

for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Mari Johnson and/or Walter B. Johnson Phone 678-2948
Post office address Rt 3 Box 2542 Buhl, ID 83318
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 15 Township 11S Range 24E B.M. Cassia County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.60 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.60 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Well & Pump
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 16 inches; proposed depth of well is 300 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	24E	15														40	40		80

Total number of acres to be irrigated 80

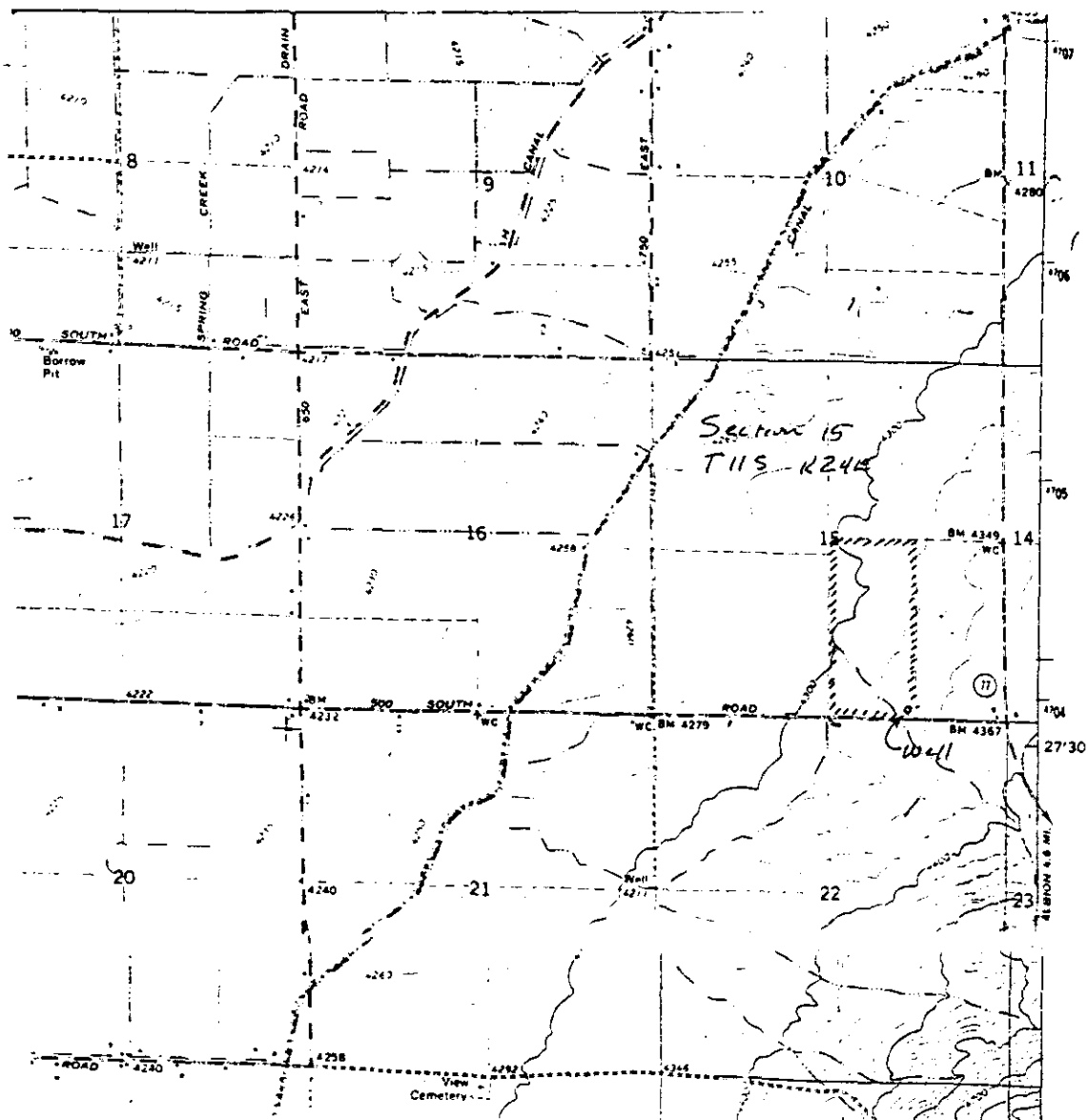
10. Describe any other water rights used for the same purposes as described above. 45-7161 - 500 Acre Feet

145-07161

- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? Applicant
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Loc 45-7161 may be removed by transfer. - Land is currently in GRP set aside

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



BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Mary Johnson
(Applicant)

Received by JH Date 1/13/89 Time 1:40 Preliminary check by TB
Fee \$ 65.00 Received by JH # 5005926 Date 1/13/89
Publication prepared by JH Date 1/13/89 Published in Idaho Water Review
Publication approved JH Date 4-19-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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OCT 26 2000
DEPARTMENT OF WATER RESOURCES

Permit No. 45-07632

1. Owner: Walter B. Johnson Phone No.

Current Address: PO Box 505, Garland, UT 84312

2. Accompanied by: Lyle/ Stoker EXAM DATE: 11-4-97

Address: 7⁵⁰ E 500 S, Burley, ID 83318 Phone No. 654-2887 mobi/c

Relationship to Permit Holder: farm operator, lessee

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: 45-02223^A, 7072A^B, 2524A^B, 7116^A, 7161A^A
7105^A, 7618 (Permit), 7072C, 7120B, 7358C (Stoker)
45-07356D (Stanger)

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

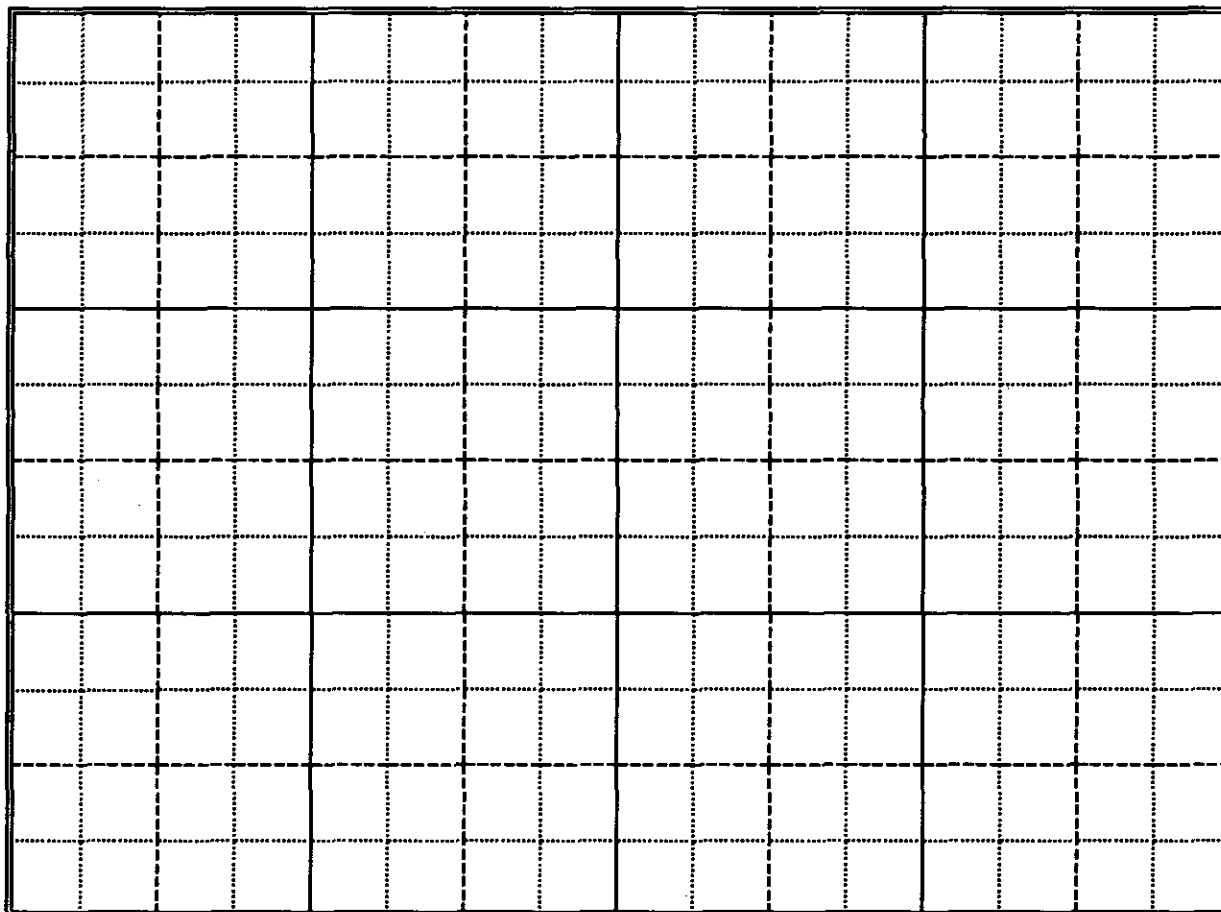
Ident No.	Gov't Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	SE	SE	16	11S	24E	Cass, Ia	North Well
		NE	NE	NE	21	"	"	"	South Well
		NW	NW	NW	22	"	"	"	East Well
		NW	NW	SW	14	"	"	"	Moss Well
		NE	NW	NW	28	"	"	"	Stanger Well

2. Place(s) of Use:

Indicate Method of Determination Asc 5 photo

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☒ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4. See field notes

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic Flow Meter						

2. Measurements: North Well- 3377 gpm; East Well- 3024 gpm; South Well- 1864 gpm

Moss Well- licensed at 1.43 cfs; Stanger Well (Stoker portion)- licensed at 1.67 cfs

E. NARRATIVE/REMARKS/COMMENTS

System consists of 3 connected wells & pumps, booster motors and pumps. A pivot sprinkler & corner handlines irrigate the land. This 80-acre parcel is in the middle of the Stoker farm (about 1500 acres), and is irrigated with the Stoker irrigation system. Stoker leases the 80 from Johnson. Mr. Stoker wants to keep the water right for the 80 separate from his other rights, so this is what I am recommending.

In 1999, T. 5247 & 5248 were approved to modify existing rights on the Stoker property. T. 5247 added 2 wells & changed the P/U, so my final recommendations for this permit are based on this transfer.

Not to exceed 21.02 cfs for all rights on this system diverted by the Stoker family (well in Sec. 28 is shared with Stanger family, which they use on other separate land), nor 1381 acres/yr.

Although this permit is for 0.02 cfs/acre, I recommend that it be licensed at the same density as the rest of this farm ($3/4$ " / acre). Since the permittee never drilled his own well, he is dependent on the Stoker system. It therefore seems unfair to Stoker to give Johnson a higher density than he has.

See Exgm 45-07618 for photos.

Have conditions of permit approval been met? ☒ yes ☐ no

Additional Computation Sheets Attached

Measured Method:
Allowable system capacity is 21.02 cfs. Allow $79 \text{ ac} \times \frac{0.76''}{12 \text{ in}} = 1.08 \text{ cfs}$.
System is recommended or licensed for 1381 ac/yr within a larger PPU = $0.76''/\text{ac}$

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 77 \times 4 = 316 \text{ AFA}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 582,0$$

$$V = \text{Smaller of } V_{LB} \text{ and } V_{DB} = 316.0 \text{ AFA}$$

H. RECOMMENDATIONS

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Irrigation	3-15	11-15	~~1.55~~ 1.20	316.0
		Totals:	1.20	316.0

☒ Change P.D. as reflected above ☒ Add P.D. as reflected above ☐ None
Change P.U. as reflected above Add P.U. as reflected above Other

Field Examiner's Name J. F. Stanton Date 10-24-00

Reviewer	Date
----------	------

SEAL

2
59.5

9

10

T1142

18.6

83

15

14

6

25.4

7

9.2

29

2

4.5

3

2

22

T1907

Johansen
Property

9

8.7

4

7.0

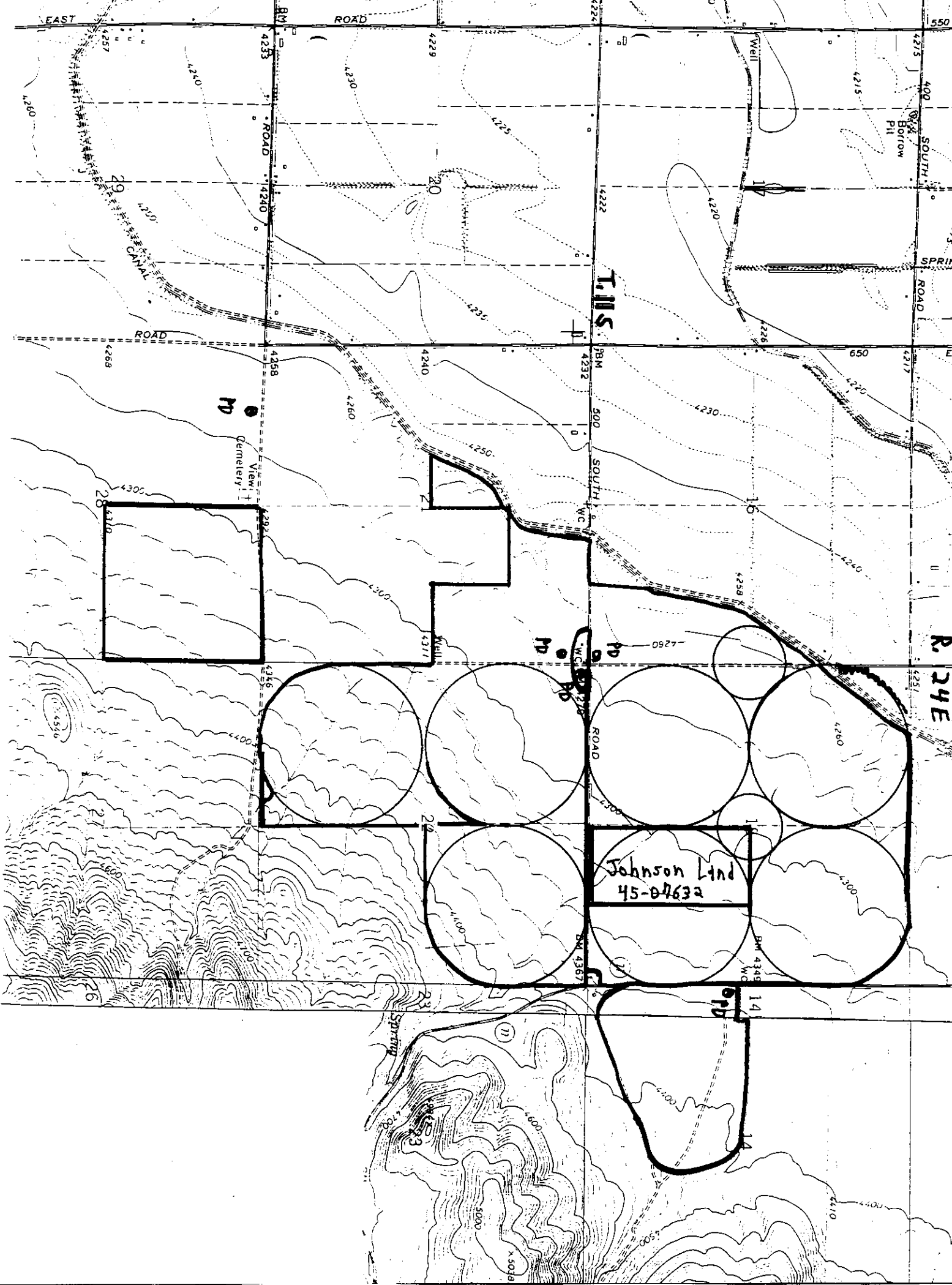
5

63.0

15

22

23



EAST

ROAD

T.I.L.S.

SOUTH

SPRIN

ROAD

R. 24E

CANAL

ROAD

PD

View
Cemetery

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

PD

Johnson Land
45-04632

BM 4345

WC

14

14

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14

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14

14

14

14

14

14

11

11

11

11

11

11

11

11

11

11

11

Spring

Spring

Spring

Spring

Spring

Spring

Spring

Spring

Spring

Spring

Spring

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1440 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
10.017 IN U

ZERO MODE
CLEAR

08-27 09:5100 *R
+ 3.191E 3GPM

MODE SELECT
T0 CHECK

0462.9 MMSEC
098.74 % T0

ZERO MODE
AUT ZERO

08-27 09:5600 *R
+ 6.692E 0FPS

08-27 09:5700 *R
+002.20 % AI2

08-27 09:5700 *R
+ 2.994E 3GPM

08-27 09:5800 *R
+ 3.021E 3GPM

08-27 09:5900 *R
+ 3.038E 3GPM

08-27 10:0000 *R
+ 3.021E 3GPM

08-27 10:0100 *R
+ 3.017E 3GPM

08-27 10:0200 *R
+ 3.028E 3GPM

08-27 10:0300 *R
+ 3.027E 3GPM

08-27 10:0400 *R
+ 3.017E 3GPM

east well

08-27 10:2700 *R
+ 2.061E 3GPM

08-27 10:2900 *R
+ 1.994E 3GPM

08-27 10:3000 *R
+ 1.900E 3GPM

08-27 10:3100 *R
+ 1.967E 3GPM

08-27 10:3200 *R
+ 1.954E 3GPM

08-27 10:3300 *R
+ 1.891E 3GPM

08-27 10:3400 *R
+ 1.889E 3GPM

08-27 10:3500 *R
+ 1.800E 3GPM

08-27 10:3600 *R
+ 1.830E 3GPM

08-27 10:3600 *R
+ 1.895E 3GPM

08-27 10:3700 *R
+ 1.800E 3GPM

08-27 10:3800 *R
+ 1.872E 3GPM

08-27 10:3900 *R
+ 1.860E 3GPM

08-27 10:4000 *R
+ 1.834E 3GPM

08-27 10:4100 *R
+ 1.838E 3GPM

08-27 10:4200 *R
+ 1.865E 3GPM

08-27 10:4300 *R
+ 1.704E 3GPM

08-27 10:4400 *R
+ 1.854E 3GPM

08-27 10:4400 *R
+ 3.848E 0FPS

08-27 10:4500 *R
+ 4.015E 0FPS

08-27 10:4600 *R
+ 3.868E 0FPS

south well

MODE SELECT
 INPUT
 OUTER DIAMETER
 10.7420 IN
 PIPE MATERIAL
 ? CS,SS
 WALL THICKNESS
 0.1030 IN
 INNER LINING
 ? NO LING.
 KIND OF FLUID
 ? WATER
 SENSOR MOUNTING
 ? U
 TYPE OF SENSOR
 ? SMALL
 DATA CHANGE
 ? NO
 SPACING
 8.149 IN U
 ZERO MODE
 CLEAR
 08-27 11:2100 *R
 +002.50 % AI2
 ZERO MODE
 AUT ZERO
 MODE SELECT
 T0 CHECK
 0390.2 MMSEC
 099.14 % T0
 08-27 11:2700 *R
 +874.145E 06PM
 08-27 11:2800 *R
 +867.012E 06PM
 08-27 11:2900 *R
 +864.371E 06PM
 08-27 11:3000 *R
 +875.994E 06PM
 08-27 11:3100 *R
 +854.596E 06PM
 08-27 11:3200 *R
 +866.220E 06PM

north well - sat branch

WALL THICKNESS
 0.1020 IN

ER LINING
 ? NO LING.

KIND OF FLUID
 ? WATER

SENSOR MOUNTING
 ? U

TYPE OF SENSOR
 ? SMALL

DATA CHANGE
 ? NO

SPACING
 12.866 IN U

ZERO MODE
 CLEAR

08-27 11:5200 *R
 +252.020E 16PM

08-27 11:5200 *R
 +002.00 % AI2

MODE SELECT
 T0 CHECK

0584.1 MMSEC
 099.49 % T0

ZERO MODE
 AUT ZERO

08-27 11:5800 *R
 +254.397E 16PM

08-27 11:5900 *R
 +252.284E 16PM

08-27 12:0000 *R
 +249.378E 16PM

08-27 12:0100 *R
 +251.491E 16PM

08-27 12:0200 *R
 +253.869E 16PM

08-27 12:0200 *R
 +258.096E 16PM

08-27 12:0400 *R
 +248.850E 16PM

08-27 12:0500 *R
 +254.926E 16PM

08-27 12:0700 *R
 +247.793E 16PM

08-27 12:0800 *R
 +259.417E 16PM

north well south branch



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 27, 1996

WALTER B. JOHNSON
P.O. BOX 505
GARLAND UT 84312

PROOF ACKNOWLEDGEMENT LETTER

RE: PERMIT NO. 45-07632

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit.

Enclosed is an order reinstating your permit since the proof was received after the proof due date of May 2, 1994. Please note that the priority date has been advanced to March 27, 1996.

The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning the field examination, contact the SOUTHERN Regional Office in Tein Falls at (208) 736-3033.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Region

AUG 09 1996

Walter B. Johnson
236 West 200 South
P.O. Box 505
Garland, Utah 84312-0505

Phone 801-257-3744

22 March 1996

Dear Sir:

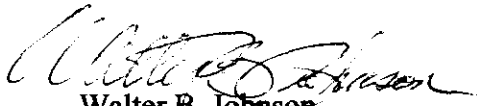
This note is to request approval of permit to appropriate water No. 45-07632.

When we contracted for lease of the farm identified on this permit and water was placed on the farm, (April-May 1994), we assumed that the permit was satisfied. This 80 acre farm has been leased by the Stoker family (Golden View Inc.) since late 1993 (1994 crop year).

I apologize for our lack of understanding and the inconvenience caused.

After the death of our mother, Mary Johnson, in July 1990, I was appointed as personal representative - notice of appointment attached.

If additional information is needed please contact me.



Walter B. Johnson
Personal Representative
Mary Johnson Estate
Box 505
Garland Utah, 84612-0505

APR 09 1996

PARSONS, SMITH, STONE & FLETCHER
137 West 13th Street
P.O. Box 910
Burley, Idaho 83318
(208) 678-8382
Attorneys for Petitioner

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

MAGISTRATE DIVISION

In the Matter of the Estate of:

Case No. ES90-8-85

MARY JOHNSON, aka
MARY SOUTHERN JOHNSON,

Deceased.

LETTERS OF ADMINISTRATION
AND OATH

Walter B. Johnson is hereby appointed Personal
Representative of the estate of MARY JOHNSON, aka MARY SOUTHERN
JOHNSON, deceased. Said Personal Representative shall not
exercise the following powers without prior order of the Court:
no restrictions.

WITNESS: Nathan J. Agis, Magistrate of
the above-entitled Court with the seal thereof affixed this
13 day of Aug, 1990.

Nathan J. Agis
Magistrate

AUG 09 1996

May 17 1996

Department of Water Resources;

The Johnsons have asked me to help them with proof of irrigation on their property, which we sent from them and we put all the equipment on the ground for irrigation purposes.

I've enclosed a copy of the pivot purchase.

This pivot was installed in the fall of 1993 at which time we began irrigating the ground in order to better prepare the soil for the 1994 crop. Also enclosed is a copy of the crop contract with

the I.R. Simplot Co. for the 1994 crop which was also irrigated all of 1994 and we have been

irrigating this property since that time. 1996

Sincerely,

David D. Miller

J. R. SIMPLOT COMPANY—FOOD DIVISION—BOISE, IDAHO
OUT-WEIGHT POTATO GROWING AGREEMENT

1994
SHEPODY CONTRACT

CONTRACT NUMBER

20399-G1420-1328-203-R

THIS AGREEMENT, executed in triplicate this 27 day of MAY, 1994, between J.R. SIMPLOT COMPANY,

a corporation, referred to herein as "Company," and GOLDEN VIEW, INC. 20401-1328

(LAVELL & BRENT STOKER) ROUTE #3, BOX 3291, BURLEY, ID 83318

(Name and Address)

referred to herein as "Grower," and (GOLDEN VIEW & HAROLD STANGER), Rent CASH LEASE

(Landlord)

(Cash or Share)

LIENS: WEST ONE BANK

In consideration of and subject to the mutual covenants and conditions herein contained the parties hereto agree as follows:

SECTION I.

1. The Company (will) or ~~(will not)~~ supply potato seed and XXXXXX as provided herein to the Grower.
2. The Company makes **NO WARRANTY**, either express or implied as to the description, quality, freedom from chemical contamination, freedom of disease, or productiveness of any seed furnished hereunder, and will not be responsible for damage to or reduction in the crop produced from the seed. The Company shall not be liable to the Grower in any manner for the acts or omissions of the Company, its officers, employees, or agents in conjunction with said crop, or seed furnished for said crop.

SECTION II. Potato seed for this Agreement shall be of the **SHEPODY** variety and all seed shall be certified as meeting minimum seed potato requirements by the Idaho Crop Improvement Association. Prior to planting, Grower will verify in writing that the seed was so certified and will provide the Company with any other information the Company may need in order to verify the origin and certification of the seed. Seed shall be planted upon 267 acres, mutually selected by the Grower and an agent of the Company, of the following described real property situated in CASSIA County, State of IDAHO, to wit:

SOUTHEAST 1/4 SECTION 15, SOUTHEAST 1/4 SECTION 21, TOWNSHIP 11 SOUTH, RANGE 24 E.B.M.

It is estimated that the property described above will produce ALL POTATOES gross cwt. field run potatoes ("estimated amount of production") and the Grower is obligated to deliver to Company and the Company obligated to receive from Grower all of the potatoes actually grown on said property or the estimated amount of production, whichever is the lesser volume. In the event the property produces in excess of the estimated amount of production, the Grower shall determine whether said excess will or will not be delivered to the Company. If Grower makes deliveries in excess of the estimated amount or production, the Company will receive, accept and pay for said excess deliveries in accordance with the terms of this Agreement (see Section Three (III), Paragraph Three (3)).

Grower will furnish to the Company an aerial photograph, if available, or a map of Grower's farm with the above described real property clearly indicated or outlined thereon.

SECTION III. BASIS OF PAYMENT

1. The Company will pay to the Grower, excluding "end-rows," for the first 100,000 gross cwt. of potatoes delivered and accepted under the terms of this Agreement a base price of Four Dollars and Fifty-five Cents (\$4.55) per cwt. for all field run potatoes meeting U.S. No. 2 processing grade 1 5/8 inches and larger in diameter and not less than 1.072 specific gravity, after deducting the following as tare:
 - a. All dirt and foreign material, (See Section V, para. 1c, Food Safety).
 - b. All potatoes under 1 5/8 inches in diameter.
 - c. Those potatoes not meeting the requirements of a U.S. No. 2 processing grade, and those potatoes affected by symptom(s) characteristic of bacterial ring rot, water rot, late blight, southern bacterial wilt, pint eye, and pink rot, or any combination thereof.
2. The base price set forth above shall be modified as follows:
 - a. For U.S. No. 1 potatoes two (2) inch or four (4) ounce minimum size:
 - 1) - an increase of \$.01 per cwt. for each % above 50% to 80%.
 - 2) - a decrease of \$.01 per cwt. for each % below 50%.

RECEIVED

AUG 09 1996

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

The undersigned, as owner and lessor of the real estate described in the foregoing Agreement, for and in consideration of the covenants of the Company as contained in the foregoing Agreement, for himself, his heirs, executors, administrators, successors and assigns, does hereby agree that his entire interest in the potato crop referred to in foregoing Agreement shall be subject to its terms.

GOLDEN VIEW, INC.

BY: [Signature]

(GROWER & (Owner)

(Grower)

J. R. SIMPLOT COMPANY

By [Signature]

INDIVIDUAL ACKNOWLEDGMENT

State of _____ }
County of _____ } ss.

On this _____ day of _____, in the year 1994 before me, _____, a Notary Public in and for said State, personally appeared _____ known to me to be the person whose name subscribed to the within Instrument, and acknowledged to me that he executed the same.

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

Notary Public for _____
Residing at _____

INDIVIDUAL ACKNOWLEDGMENT

State of _____ }
County of _____ } ss.

On this _____ day of _____, in the year 1994 before me, _____, a Notary Public in and for said State, personally appeared _____ known to me to be the person whose name subscribed to the within Instrument, and acknowledged to me that he executed the same.

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

Notary Public for _____
Residing at _____

CORPORATE ACKNOWLEDGEMENT

State of _____ }
County of _____ } ss.

On this _____ day of _____, in the year 1994 before me, _____, a Notary Public in and for said State, personally appeared _____ known to me to be the _____ of the Corporation that executed the within Instrument, and acknowledged to me that such corporation executed the same.

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

Notary Public for _____
Residing at _____

AUG 09 1996



Diversified Financial Services, Inc.
11213 Davenport, Suite 303
Omaha, NE 68154-2604
(800) 648-8026 FAX (402) 691-6262

RETAIL INSTALLMENT CONTRACT

(Security Agreement)

CONTRACT NUMBER

BUYER

Name Int'l Marketing and Distribution, Inc.
Address Rt 3, Box 3291
City Burley County Cassia
State ID Zip 83318

SELLER

Name Sprinkler Shop Valley
Address P.O. Box 599
City Paul County Minidoka
State ID Zip 83421

The above-named Seller hereby sells and the above-named Buyer hereby buys, on the terms and conditions hereinafter set forth, the following Goods: (If space is inadequate, attach signed description.) 1-Model 6000 Valley Irrigation Pivot 1296" W/Valley Supplied
Acc., Freight & Installation (non-towable)

Location of Goods (county and state if same as address of buyer):

SEP 15 1993
11-24 Cassia County, ID

A. Cash Price\$ 38,190.00
B. Sales Tax\$ -0-
C. TOTAL CASH PRICE (A plus B)\$ 38,190.00
D. CASH DOWN PAYMENT\$ 1,200.00
E. Trade-In Allowance\$ -0-
(Description) _____
F. Total Down Payment
(D plus E)\$ 1,200.00
G. Unpaid Cash Price
(C minus F)\$ 36,990.00
H. Insurance Cost(s)\$ -0-
I. Filing and Origination Fees\$ 25.00
J. Amount Financed - (Unpaid Principal
Balance) (G plus H plus I)\$ 37,015.00

K. FINANCE CHARGE\$ 9,050.20
L. TOTAL OF PAYMENTS
(J plus K)\$ 46,065.20
M. DEFERRED PAYMENT PRICE
(F plus L)\$ 47,265.20
N. ANNUAL PERCENTAGE RATE 8.50 %

TERMS OF PAYMENT

Buyer agrees to pay and Seller agrees to accept the Total of Payments (Item L) in 5 consecutive annual installments, the first of which shall be due 12-1 1994 in the amount of \$ 9,213.04 and the remaining 4 installments each in the amount of \$ 9,213.04; the first of which shall be due 12-1 1995 and the last on 12-1 1998. **Interest Free Till 301094**

*IF THE VARIABLE RATE ADJUSTMENT IS APPLICABLE, CALCULATIONS ARE BASED ON THE CURRENTLY EFFECTIVE RATE. ☐ Applicable ☒ Not Applicable
The ANNUAL PERCENTAGE RATE set forth above shall be fixed and remain in effect until _____, and after said date, the ANNUAL PERCENTAGE RATE shall be adjusted on the first (1st) day of each month during the remaining term of this Contract to reflect any changes, from time to time, in the New York Prime Rate ("Prime Rate") so that the ANNUAL PERCENTAGE RATE, from and after said date, is equal to _____% over the Prime Rate; provided, in no event shall the ANNUAL PERCENTAGE RATE exceed the maximum contractual rate of interest (FINANCE CHARGE) permitted by applicable law. Any adjustment in the ANNUAL PERCENTAGE RATE will not change the amount of the installment payments, with the exception of the final installment payment. The final installment payment will be adjusted (1) upward to reflect the increased amount of the Deferred Payment Price due as the result of any increase in the ANNUAL PERCENTAGE RATE, and (2) downward to reflect the decreased amount of the Deferred Payment Price due as the result of any decrease in the ANNUAL PERCENTAGE RATE. For example, if the ANNUAL PERCENTAGE RATE increased one percentage point (1%) on the date of this Contract, and remained there for the full term of this Contract, then your final installment payment would increase to _____.

— THE FINANCE CHARGE APPLIES FROM THE DATE OF ACCEPTANCE OF THE GOODS BY BUYER.
— BUYER AUTHORIZES DIVERSIFIED FINANCIAL SERVICES, INC. ("DFS") TO FILL IN THE BLANKS RELATING TO THE DUE DATES OF THE PAYMENTS AND THE IDENTIFYING NUMBERS OF THE GOODS.
— BUYER CONSENTS TO THE INTENDED ASSIGNMENT HEREOF BY SELLER AND AGREES TO MAKE PAYMENT TO SELLER OR ANY ASSIGNEE HEREOF. "SELLER" IS DEFINED TO INCLUDE ALL ASSIGNEES OF SELLER.

NOTICE TO THE BUYER 1. DO NOT SIGN THIS CONTRACT BEFORE YOU READ IT, OR IF IT CONTAINS ANY BLANK SPACES.
2. YOU ARE ENTITLED TO AN EXACT COPY OF THE CONTRACT YOU SIGN, FULLY EXECUTED.

THIS RETAIL INSTALLMENT CONTRACT (CONTRACT) IS SUBJECT TO THE TERMS AND CONDITIONS PRINTED ABOVE AND ON THE REVERSE SIDE, WHICH ARE HEREBY MADE A PART HEREOF AND WHICH BUYER ACKNOWLEDGES THAT IT HAS READ. THIS CONTRACT SHALL NOT BE BINDING ON SELLER UNTIL IT HAS BEEN ACCEPTED BY DFS AT ITS OFFICE IN OMAHA, NEBRASKA. BUYER AGREES THAT THE GOODS ARE INTENDED FOR AGRICULTURAL OR BUSINESS PURPOSES AND WILL NOT BE USED FOR PERSONAL, FAMILY OR HOUSEHOLD PURPOSES. BUYER ACKNOWLEDGES THAT SELLER OFFERED TO SELL THE GOODS TO BUYER FOR THE ABOVE-STATED CASH PRICE OR THE DEFERRED PAYMENT PRICE, AND BUYER ELECTED TO PURCHASE THE GOODS FOR THE DEFERRED PAYMENT PRICE.

Dated and Signed 9/23/93, 1993

Int'l Marketing and Distribution, Inc.

BUYER

Lavel D. Stoker
President

Sprinkler Shop Valley

SELLER

Accepted and Approved on
By Diversified Financial Services, Inc. (DFS)

September 27, 1993

BY: Sr. Vice President

UNCONDITIONAL GUARANTY

In order to induce Seller to enter into this Retail Installment Contract ("Contract"), the undersigned, jointly and severally, hereby unconditionally guarantee to Seller or Seller's Assignee, if applicable, (i) the prompt and full payment when due, by acceleration or otherwise, of all sums now or at any time hereafter due from Buyer to Seller and (ii) the prompt, full and faithful performance and discharge by Buyer of each and every obligation of Buyer set forth in the Contract (collectively "Buyer's Obligations"). This Guaranty is absolute, unconditional and continuing and shall remain in effect until all of Buyer's Obligations shall have been paid, performed and discharged in full. The liability of the undersigned hereunder shall in no event be affected by any renewals or modifications of the Contract, or by any extensions, forbearances, compromises or releases of any of Buyer's Obligations or any of Seller's rights under the Contract. The assertion of any claim or defense as to the invalidity or unenforceability of any of Buyer's Obligations shall not affect the liability of the undersigned Guarantors. The obligations of the undersigned hereunder are and shall at all times be the original, direct, and primary obligations of the undersigned. Seller shall not in any event be obligated to pursue or exhaust any rights or remedies against Buyer or others, or resort to any prepayments or collateral, as a prerequisite to enforcing this Guaranty. This Guaranty shall be binding upon the undersigned and their respective heirs, personal representatives and successors.

Lavel D. Stoker

Guarantor

Guarantor

Guarantor

Guarantor

SELLER ASSIGNMENT

FOR VALUE RECEIVED, the undersigned Seller hereby sells, assigns and transfers to DFS, Omaha, Nebraska, its successors and assigns, herein collectively referred to as "Assignee", his Retail Installment Contract (hereinafter referred to as "Contract"), and all of Seller's right, title and interest in and to the Goods therein described, and all rights and remedies of Seller in connection therewith, including the right to collect all installments due thereon, and the right, either in Seller's or Assignee's name, to take all such actions as Seller may have taken, save for this Agreement. Seller represents and warrants that this Contract is genuine and in all respects what it purports to be and has no knowledge of any fact impairing the validity thereof, and that there are no set-offs or counterclaims against the same.

Seller and Assignee agree that this Assignment shall be subject to the terms and conditions contained in the current Dealer Agreement between Seller and DFS.

If initialed here, payment of this Contract, according to its terms, is hereby guaranteed by the undersigned.

Sprinkler Shop Valley

(Seller)

By: [Signature]

Date

9/23/93

White Copy - Original

Form #DF1002 (7/93)

Green Copy - Dealer Acknowledgment

AUG 0-9 1996

VALMONT INDUSTRIES INC

ORDER NO: 2223593

SPRINKLER SETUP CHART

-1-
08/23/96

CUSTOMER

NAME
ADDRESS RT. 3, BOX 3284
CT/ST/ZIP BURLEY ID 83318
COUNTRY
Stoker
DEALER
NUMBER: 006494
NAME SPRINKLER SHOP VALLEY

MODEL NUMBER 6000
LENGTH 1288.0
GALLONAGE 900
PIVOT PRESSURE 60
END GUN RADIUS 95
APPL RATE (IN/DAY) .34
TOTAL ACRES COVERED 136.66
GPM PER ACRE 6.00

*** SPRINKLER SPECIFICATIONS ***

SYSTEM TYPE: PIVOT

MODEL: 6000

SYSTEM GALLONAGE: 900

SPAN CONFIGURATION USING: LIBRARY SPAN DESCRIPTION

NUMBER	LENGTH	DIAMETER	DESCRIPTION
5	164	6 5/8	UNIFORM SPACED PIPE
3	146	6 5/8	UNIFORM SPACED PIPE
1	27	6 5/8	UNIFORM SPACED PIPE

CODE	SPRINKLER PACKAGE DESCRIPTION	LENGTH
D6	(NELSON ROTATOR WITH D6 PLATES (R30))	329
NS	(VALLEY SPRAY NOZZLES WITH STANDARD SPACING)	959

WEAR PAD SELECTED:	TYPE	LENGTH	DESCRIPTION
	FG	959	STANDARD GROOVED WEARPAD

PIVOT PSI: 60

REGULATORS SELECTED - MANUFACTURER: SENNINGER

ELEVATION RISE 25

ELEVATION DROP 15

SPECIAL REGULATOR OUTLET PSI: 20 LENGTH: 1288

OUTLET SIZE SPECIFIED: 0.75

END GUN CODE: SR100 (NELSON SLOW REVERSE 100 ENDGUN) AUG 09 1996

Frontier Drilling
658 East 42nd Street
Burley, Idaho 83318

Phil J. Weech
Phone
678-4789

WELL LOG:

Purchaser : Deloss C. Stoker
Rt. # 3, Box 3289
Burley, Idaho 83318

Drilling Permit #: 45-91-2-001

Water Right #: 45-7618

Well Location: NE. 1/4, NE. 1/4, NE. 1/4, of Sec. 21, TWP. 11S,
RGE 24 East, in the county of Cassia.

Casing: 364.5 feet of 16 inch OD. X .312 diameter equiped with a
(Goffer) brand casing shoe.

Drilled Diameters: 22 inch from (0-85) and 15 1/4 inch from (85-490).

Perforations: None

Static Water Level: 352 feet on (6-23-91)

Drilling Time: Start (4-15-91), Finish (6-23-91).

FORMATION :

0-15	Tan clay & gravel.
15-62	Tan clay.
62-65	Brown sand (water bearing, SWL 68').
65-80	Tan clay (sandy).
80-85	Sand & gravel (water bearing & cavy).
85-117	Tan clay (firm).
117-135	Tan clay (some gravel).
135-150	Tan clay (sandy).
150-175	Tan clay & gravel.
175-198	Gravel & tan clay (water bearing, SWL 166').
198-230	Gravel & brown sandy clay (water bearing & cavy).

AUG 09 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 1, 1996

Walter B. Johnson
P.O. Box 505
Garland, UT 84312

RE: Lapsed Permit No. 45-07632

Dear Permit Holder:

The Department received your proof of beneficial use statement for the above referenced lapsed permit on March 27, 1996.

Because you failed to file the proof of beneficial use in a timely manner, and pursuant to Section 42-218a, Idaho Code, (copy enclosed) the permit can be reinstated only if you submit the following:

- ▶ Two pieces of evidence to show that beneficial use of the water did commence and to show the extent of the use of water during the authorized permit period from the time the permit was issued until the proof due date (May 8, 1991 to May 2, 1994,) and
- ▶ Reasonable cause why the proof of beneficial use was filed late.

You have submitted a reasonable explanation why the proof was submitted late, however, you will need to submit documentation to show that the water right was developed prior to May 2, 1994. You can submit pump records, affidavits, receipts from equipment purchased, or any other information that would verify use.

Your proof of beneficial use statement along with any information which may have been submitted with it, will remain on file in this office for **60 days** to allow you the opportunity to submit the additional required information.

If you have any questions regarding this matter, please contact me at (208)327-7900.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary

Enclosure

AUG 09 1996

NOTICE

This file has been REPRODUCED
from MICROFICHE because:

For Reinstatement

Darla J. Block
Person Recreating File

May 03, 1996
Date

I certify that file No. 45-07632
has been reviewed and is ready to be
MICROFILMED and DESTROYED.

The attached proof report is the water right as it appeared in the
database prior to final status entry and deletion from the database.

S. Curtis
Reviewer

10/24/94
Date

WRS608NP
(00-26)

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

10/24/94 11:46:42
Page 1

Water Right Number - 45-07632

Prefix Translations: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
JOHNSON

MARY

1 - P.O. BOX 505
2 -
3 -

City- GARLAND

State- UT Zip- 84312

JOHNSON

WALTER B.

Phone -

1 - P.O. BOX 505

2 -

3 -

City- GARLAND

Phone -

State- UT Zip- 84312

+ - - Priority Date - - +
01/13/1989

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
P - PERMIT

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
11S	24E	15	SE SW SE			(31) CASSIA				

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	1.600	

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - +
1.600

Tw	Rng	Sec	Tract	Lot	Acres	Code	Place of Use	Description	County
11S	24E	15	NW SE		40.0	01	IRRIGATION		(31) CASSIA
11S	24E	15	SW SE		40.0	01	IRRIGATION		(31) CASSIA

Total Acres: 80.0

+ - - Diversion Means - WELL, PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +
No Remarks found.

+ - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

WRSBOSHP
(CD-26)

IDaho DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

10/24/94 11:46:42
Page 2

Water right number - 45-07632

Prefix Translation: WATER RIGHT

***** Conditions of Approval *****

- 26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 010 - Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 051 - Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
- 052 - Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
- 053 - The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
- 03A - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

***** Decree Plaintiff *****

***** Decree Defendant *****

***** Decree Date *****
00/00/0000

***** Comments *****

Date: 05/06/1994 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

***** Audit Fields *****
04/04/89 BALDWIN 05/30/89 CURTIS 03/19/91 MILLER 04/12/91 MILLER 05/01/91 SKAGGS
05/06/91 SKAGGS 05/06/94 COMMENTS

***** Water Rights Dates and Flags Area *****

Proof Due Date	- 05/02/1994	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 05/06/1991	Protested Date	- 00/00/0000	Suan Falls	- 7
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	- 5005926	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 01/13/1989	Transfer/Amended	-
Decree Date	- 00/00/0000	Name Connector	-	POU Ownership Flag	-
Presumption Flag	-				

May 6, 1994

MARY JOHNSON
WALTER B. JOHNSON
P.O. BOX 505
GARLAND UT 84312

RE: PERMIT NO. 45-07632 LARSE NOTICE

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated February 28, 1994. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 5/6/94
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

February 28, 1994

MARY JOHNSON
WALTER B. JOHNSON
P.O. BOX 505
GARLAND UT 84312

PROOF DUE NOTICE

RE: PERMIT NO. 45-07632

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1994. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

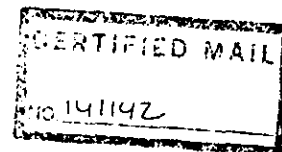
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HUGGINSON
DIRECTOR

May 13, 1991

MARY JOHNSON
WALTER B. JOHNSON
P.O. BOX 505
GARLAND, UT 84312

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 45-07632

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as

far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular hydropower water right which exceeds certain minimum stream flows established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MARCH 22, 1991

South Idaho Press
Box 190
Burley, ID 83318

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 22, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

NOTICE OF APPLICATION FOR TRUST WATER RIGHT

45-07632

JOHNSON, MARY
JOHNSON, WALTER B.
P.O. BOX 505
GARLAND, UT 84312

Source: GROUNDWATER

Diversion Pt: SESWSE Sec 15 T 11S R 24E

Use: IRRIGATION (1.600 CFS)
Total Diversion: (1.600 CFS)

Date Filed: 1/13/ 1989

In: T11S R24E S15 NWSE SWSE

80.0 ACRES TOTAL

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before APRIL 22, 1991.

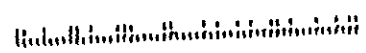
R. KEITH HIGGINSON, Director

Published 4/ 5/1991 & 4/12/1991

Walt & Elene Johnson
236 West 2 South
P.O. Box 505
Garland, UT 84312

*Note
Address change*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
131 NORTH ORCHARD STREET
BOISE, IDAHO 83706-2237



MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 45-7632/Trust Water Processing

DATE: 3-15-91

The above application has come up for sequential trust water processing. Comments on the returned questionnaire indicate that there has been no prior development under the application. The land under this application was licensed under groundwater right no. 45-7161 but a transfer application approved in 1989 moved the right off of this land. This land is still listed under the place of use for SRBA claim no. A45-7161.

The use under this application is considered a new trust water use and the acreage under the filing will be counted as trust acreage.

RECEIVED
MAR 13 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Department of Water Resources No. 45-7632

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

- 1a. Are you the current owner of the land or place of use described under this application? Yes X No
b. If you are not the property owner, please describe the arrangement enabling you to develop the proposed project.

- 2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes No X
b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain conditions. You may be asked to verify uses established prior to October, 1984.)

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. 0
4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. 0
5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant

W. J. Hansen March 13, 1991 PR Date 3/8/91



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 26, 1991

RE: APPLICATION FOR PERMIT NO. _____

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development, if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, or if the application proposes diversion of more than 5.0 cfs, the department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (copy enclosed). In particular, rules 4,5,3. through 4,5,3,5. apply to your project if it is more than 200 acres. If necessary, the rule 4,5. information notice will be sent to you after you return the questionnaire.

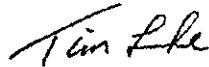
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Spec.

Enclosures

11-Apr-1989

Walter/Mary Johnson
Rt. 3 Box 3542
Burley, ID 83313

Re: Application for permit No. 45-07632

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

Because your application proposes to appropriate water which has been identified as "trust water" in the Swan Falls agreement, it will be processed under rules and regulations for water appropriation that have been adopted as required by law.

Under the rules, applications will be processed at a rate which allows development of 20,000 acres per year. The oldest applications will be processed first, provided that applicants are willing and able to proceed.

For this reason, it is not possible to estimate at this time when action will be taken on your application.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Terry Blau
Sr. Water Resource Agent

TB:MB

SOUTH IDAHO PRESS
BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

91-134
NOTICE OF APPLICATION
FOR TRUST WATER RIGHT
45-07632
JOHNSON, MARY
JOHNSON, WALTER B.
P.O. BOX 606
GARLAND, UT 84312
Source: GROUNDWATER
Diversion Pt: SESEWE Sec 15 T11S R24E
Use: IRRIGATION (1,800 CFS)
Total Diversion: (1,800 CFS)
Date Filed: 9/13/1988
In: T11S R24E S16 NWSE SWSE
80.0 ACRES TOTAL
The permit(s) will be subject to all prior
water rights. Permits may be submitted
based on the criteria of Sec. 42-203A, Idaho
Code and/or the new public interest criteria
of Sec. 42-203C, Idaho Code. Permits must
be filed with the Director, Dept. of Water
Resources, Statehouse Mall, Boise, Idaho
83720 on or before APRIL 22, 1991.
At R. Keith Higginson, Director
Published in the South Idaho Press on
April 5 and 12, 1991.

County of Cassia, }
STATE OF IDAHO } ss.

MENIGUE JONES being first
duly sworn, deposes and says that She
is the CLERK of the South
Idaho Press, a daily newspaper published
at Burley, Idaho, in the county aforesaid
and that the paper is of general circulation
therein. Deponent further states that the
printed notice attached hereto was duly
published according to law in the regular
editions of The South Idaho Press for two
consecutive weeks, commencing with the
issue dated April 5 19 91, and
ending with the issue dated April 12
19 91. Monique Jones

STATE OF IDAHO
COUNTY OF CASSIA }

On this 16 day of April in the year of 1991, before me,
a Notary Public, personally appeared Monique Jones,
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 acknowledged to me that he executed
the same.

Therese Sanchez
Notary Public for Idaho
Residing at Burley ID
My commission expires: 10/23/96

Cost of Publication: 24.84
Notary Fee: .50
Total Cost: 25.34