

70

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-02326
Date Received: 4/16/1990
Receipt No: E 013187
Received By: HWS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	VESTAL JENSEN	208-897-5332
Address:	P.O. BOX 91	
	DOWNEY, ID	83234
OR		
Name:	HELEN JENSEN	208-897-5332
Address:	P.O. BOX 91	
	DOWNEY, ID	83234
OR		
Name:	LEON JENSEN	208-897-5218
Address:	P.O. BOX 71	
	DOWNEY, ID	83234
OR		
Name:	IVA LOU JENSEN	208-897-5218
Address:	P.O. BOX 71	
	DOWNEY, ID	83234

A2902326



2. Date of Priority: DEC 07, 1952

3. Source: MARSH CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	4	NW	SW			BANNOCK

5. Description of diverting works:
PUMP IN CREEK TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

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

A.F.A.

A29-02326

Page 1

Date: 04/16/90

MICROFILMED
NOV 13 1992

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	4	SE	SW		IRR	17.0
			SW	SE		IRR	3.0
Section Acres							20.0
Total Acres							20.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 23374

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Nestal Jensen Date: 4-16-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of April 19 90 Colleen Gray
Notary Public

Seal

Residing at Idaho Falls, Id
My Commission Expires 5/29/99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-02326	12S	37E	4		NW	SW			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-02326	12S	37E	5		SE	SE			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

29-02268
29-02356

A29-02268
A29-11799 NONE

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP. 12S	RGE. 37E	SEC. 4	1/4	1/4 NW	1/4 SW	LOT	POD FLAG	COUNTY BANNOCK	DIVERSION NAME	DIVERSION NBR
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___
___	___	___	___	___	___	___	___	___	___	___

SOURCE: MARSH CREEK

TRIB: PORTNEUF RIVER

REVIEWED BY: _____ DATE: _____

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

A. ROOT WATER RIGHT NUMBERS: A29-02326

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	37E	4	SE	SW		JENSEN, VESTAL	A29-02326 / 17.0	29-02326 / 17.0	3.0		
12S	37E	4	SW	SE		JENSEN, VESTAL	A29-02326 / 3.0	29-02326 / 3.0			

ADDITIONAL POU FOUND

TOTAL ACRES A29-02326 20.00 20.00 3.00

POU COUNTY: BANNOCK

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

Y() N()

Y() N()

NOTES:

TOTAL ACRES: _____ N/A()

REVIEWED BY: _____ DATE: _____

A29-0220

T
12
S

R37E

8

MICROFILM

1992

16

Log for claim A29-02326

Spatial Dynamics TWB

5/16/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	4	SESW	17	14	
12s37e	4	SWSE	3	2	
Totals:			20	16	

State of Idaho License and Certificate of Water Right

Water License No. 23374

Amount .4 c.f.s.

Water District No. _____

Priority December 7, 1952

THIS IS TO CERTIFY that VESTAL and LEON JENSEN

of Downey, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 20, 1952; that Permit No. 23374 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .70 second feet, was issued thereunder on November 24, 1954, showing that said works were completed on the 16th day of November, 1954; and that on the 3rd day of January, 1957, VESTAL and LEON JENSEN

of Downey, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Marsh Creek, a tributary of Portneuf River, for the purpose of Irrigation

, under Use Permit No. 23374 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

10 of Licenses at page 5979, on the 6th day of May, 1957;

The right hereby confirmed dates from December 7, 1952;

The Point of Diversion is located

in the SE 1/4 SE 1/4, Sec. 5, Tp. 12 S., R. 37 E., B. M. County Bannock

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed .4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S.	37 E.	4	SW 1/4 SE 1/4 SE 1/4 SW 1/4	40 40	3 17
Total number of acres irrigated - - -					20

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

6th day of May, 1957.

Mark R. Kulp

State Reclamation Engineer.

(SEAL)

12. The time required for the completion of such work is Two (2) years

13. The time required for the complete application of the water to the proposed use is Two (2) additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

10. (a) Is reservoir to be used:

(b) Name of Reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

VESTAL JENSEN

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation 2:15 P. M. November 20, 1952

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 23374

Recorded in Book 83

Page 23374

Approved December 17, 1952

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before February 17, 1953

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before December 17, 1953

The whole of said work to be completed on or before December 17, 1954

Beneficial use of water appropriated in accordance herewith, to be made on or before December 17, 1956

Witness My hand this 17th

day of December, 1952

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN

, Governor of the State of Idaho,

and IRA H. MASTERS

, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 17th

day of December, 1952

STATE OF IDAHO

Countersigned:

(SEAL)

By

LEN JORDAN

Governor.

By IRA H. MASTERS

Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			
12 S.	37 E.	4														40				40	80

Permit No. 23374
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that VESTAL and LEON JENSEN of Downey, County of Bannock, and State of Idaho, the holders of Pe No. 23374, issued upon Application No. 31085 bearing date of priority of November 20, 1952, authorizing the diversion o 0.70 second feet of the waters of Marsh Creek, a tributary of Portneuf River, County of Bannock, State of Idaho, for ir purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying t place of intended use 0.70 second feet of the waters of Marsh Creek; that the point of diversion of said waters is in t SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, Township 12 South, Range 37 East, B. M. and that the lands proposed to be irrigated by the use of sa are described as follows, to-wit: SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, Township 12 South, Range 37 East, B. M.

Witness my hand this 24th day of November, A.D., 1954.

MARK R. KULP

State Reclamation Engineer

Proof of Completion of Works made November 16, 1954.

Certificate of Completion of Works issued November 24, 1954.

LICENSE ISSUED FOR 4 SEC. FL.

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 23374

Comes now Vestal and Leon Jensen and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 23374. That the point of diversion is described in said permit as being located SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 4, Township 12 South, Range 37 East, B.M. That he now requests that the point of diversion be changed to a point located SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5, Township 12 South, Range 37 E.B.M. That his reasons for desiring to make such change are as follows: That a mistake was made in the description of the original application as to the point of diversion. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Pocatello, Idaho, this 29th day of April 1957

By: /s/ Gus Carr Anderson
Gus Carr Anderson, Their Attorney

Date of receipt at Department of Reclamation
Apr 30, 1957.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 23374. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ Mark R. Kulp
State Reclamation Engineer

Recorded in the Department of Reclamation
April 30, 1957.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 23374

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Vestal and Leon Jensen

2. Source of water supply: Marsh Creek

3. Location of point of diversion: Is in the SW 1/4 of Section 4

T. 12 S. R. 37 E. B.M. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: 25 h.p. Fairbanks -
Marss Motor (hor.) Centrifugal Pump 10" x 8" 10" steel
pipe line to outlet by ditch to fields by gravity.
No pump house - No protection. Motor and pump mtd
on a single steel frame.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE 1/4 and SW 1/4 of Sec. 4, Twp. 12 S., Rge. 37 E., B.M.

See map.

Crops are hay-grain-pasture.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Postnurf

Remarks: This is a peculiar set-up. Pump and
motor belongs to Mr. Barnes. Diversion is on
Barnes' place. They merely extended Mr. Barnes
ditch on across their field.
He gives them the full flow for 24 hours.
makes one irrigation - and that joins up
with the subsoil moisture and is sufficient
for one good crop.

This examination was made on the 11 day of April, 1957

(Signed) E. H. Humphrey Examiner.

23374

Vestal and Leon Jensen
Downey, Idaho

Permit No. 23374

Examination for Beneficial Use

County Bannock
A-128-37E

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
APR 15 1957

Department of Reclamation

Q = 0.7 c.f.s.

S = Marsh Creek.

P.L. = SW. SE, Sec. 4, T.12S. R.37E

Use = Irrigation

Filed - Nov. 20, 1952

Approved - Dec. 17, 1956

11-24-54

7.7M. ben. water 2.5M

220/4404 #53555

63/31.5

direct connect. to
Cent. pump 10' x 8"

Total lift = 12' to 14'

10" pipe down into
sump on E. side of

main line.

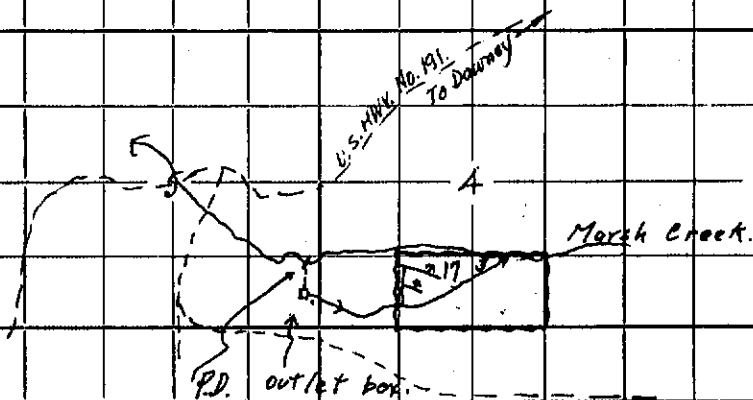
See sketch of water line

8.7M. water pump

Point to NW 27629

R-37E.

T.
12
S.



Subdivisions = two

Area = 20 acres.

Q = 20 inches.

~~P.D. is in water~~

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-23374

REPORT ON PROOF OF Beneficial Use

Vestal and Leon Jensen, Downey, Idaho

*• 1 of
next.*

*app. 8.70 0/21
for 0.70 0/21
3rd
ackw*

AJ5809NP
No. A29-02326

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 61

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VESTAL JENSEN	12/07/1952	IRRIGATION	03-15 11-15	0.400 CFS	
C	HELEN JENSEN PO BOX 91 DOWNEY ID 83234 (208) 897-5332			TOTAL DIVERSION: CONSUMPTIVE USE:	0.400 CFS	30.00 AFA
C	LEON JENSEN					
C	IVA LOU JENSEN PO BOX 71 DOWNEY ID 83234 (208) 897-5218					

Water Source: MARSH CREEK

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion: T12S R37E S04 NWSW

BANNOCK County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
12S	37E	4	:					:					:					:					:	20.0
																						03	:	20.0
TOTAL ACRES																							:	20.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29H

Field Inspection Flag:
Presumption Flag:

Audit: 04/17/90 JONES 06/22/94 COX 03/29/95 POST-STD