

not found

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: 35-2926, 35-13293,
35-13294

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

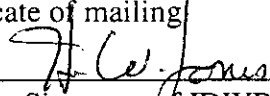
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party [SPLIT] **KOLBET – CANNON & JENSEN**
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

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: 2-28-01



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 7, 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:
ALLEN KOLBET
1254 S SKYLINE DR
IDAHO FALLS ID 83402

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:	
WAYNE & ANN JENSEN	PETER & ARLENE CANNON
2777 N 26 W	2001 S WOODRUFF STE 4
IDAHO FALLS ID 83402	IDAHO FALLS ID 83401

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

JOHN RSHOLT
RSHOLT ROBERTSON & TUCKER
PO BOX 1906
TWIN FALLS ID 83303-1906

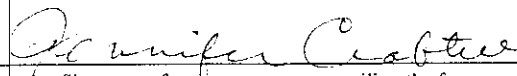
JERRY RIGBY
PO BOX 250
REXBURG ID 83440

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



Signature of person or attorney mailing the form

02/07/2001

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

RIGHT NUMBER: 35-13294
NAME AND ADDRESS: ANN JENSEN
WAYNE JENSEN
2777 N 26 W
IDAHO FALLS, ID 83402

SOURCE: GROUND WATER

QUANTITY: 0.53 CFS
160 AFY

PRIORITY DATE: 04/27/1956

POINT OF DIVERSION: T03N R37E S5 NESESW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.53 CFS
160.00 AFY

PLACE OF USE:

IRRIGATION Within BONNEVILLE
County

T03N R37E S4	NWSW	40	T03N R37E S5	NESW	40
T03N R37E S5	NWSW	40	T03N R37E S5	SWSW	39
T03N R37E S5	SESW	39	T03N R37E S5	NESE	40
T03N R37E S5	NWSE	40	T03N R37E S5	SWSE	38
T03N R37E S5	SESE	39			

355 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

The right holder shall accomplish the change authorized by
transfer S713 by August 4, 2001.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



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

February 28, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WAYNE & ANN JENSEN
2777 N 26 W
IDAHO FALLS ID 83402

RE: Notice of Change of Water Right Ownership (NCO) for
35-2926 and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. & Mrs. Jensen:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, 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(s).

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,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Allen Kolbet

DELOG EC
1-26-00
LG OK

RECEIVED

JAN 25 2000

Department of Water Resources
Eastern Region

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

DATE OF CLOSING: 3/23/98

LEGAL DESCRIPTION OF PROPERTY: See attached Grant Deed

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[x] Water Rights Number(s)
Assigned by IDWR: All of A35-12159 and only the portion of A35-02926 described below

35-13293
35-13294

[x] Name and Address of Former Owner/Claimant(s)(Seller):
Matilda C. Kolbet, acting not individually but as
Trustee of those Testamentary Trusts established
under the Wills of John Newman and Carolina
Newman, and Allen Kolbet a/k/a Allan E. Kolbet
and Matilda Kolbet a/k/a Matilda C. Kolbet
1254 South Skyline Drive
Idaho Falls, Idaho 83402

[x] New Owner/Claimant (Purchaser): Wayne A. Jensen and Ann Jensen, husband and wife

[x] New Mailing Address: 2777 North 26 West
Idaho Falls, Idaho 83402

[x] New Telephone Number: (208) 522-9639

[x] Does the change in ownership result in a splitting of the water right owned/claimed?
x yes no. If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Only the portion of A35-02926 which is appurtenant to the Northwest Quarter
Southwest Quarter of Section 4, Township 3 North, Range 37 East, Boise Meridian
is being transferred to the new owner

[x] Attach proof of ownership, describe proof attached: Copy of Grant Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[x] Signature of New
Owner/Claimant(s)

Wayne A. Jensen Date 3/23/98
Wayne A. Jensen

Ann Jensen Date 3/23/98
Ann Jensen

[x] Signature of Former
Owner/Claimant(s)

Matilda C. Kolbet
John & Carolina Newman Date 3/23/98
Matilda C. Kolbet, acting not individually
but as Trustee of those Testamentary Trusts
established under the Wills of John Newman
and Carolina Newman

Allen Kolbet Allen E. Kolbet Date 3/23/98
Allen Kolbet a/k/a Allan E. Kolbet

Matilda Kolbet Matilda C. Kolbet Date 3/23/98
Matilda Kolbet a/k/a Matilda C. Kolbet

(Signature of former claimant(s) is not required if
proof of ownership is attached)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Number of Split, if any:

Original to be mailed to Idaho Department of
Water Resources. Copies to Former Owner and
New Owner

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GRANT DEED

THIS INDENTURE is made this 33rd day of March, 1998, between **ALLEN KOLBET a/k/a ALLAN E. KOLBET and MATILDA KOLBET a/k/a MATILDA C. KOLBET**, collectively the "Grantor", and **WAYNE A. JENSEN and ANN JENSEN**, husband and wife, whose mailing address is 2777 North 26 West, Idaho Falls, Idaho 83402, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Bonneville, State of Idaho, to-wit:

Real Property:

Township 3 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho.

Section 4: NW¼ SW¼.

Subject to the following:

1. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.
2. Any lack of a right of access to and from the property except as may be obtained through contiguous property.
3. Ditch Right-of-Way as evidenced by that certain Quitclaim Deed by and between J. W. HAYS and his wife OLLIE OLIVER HAYS, parties of the first part to the UTAH-IDAHO SUGAR COMPANY, party of the second part, dated February 5, 1924, and recorded in Book 25 at Page 177 of Deed Records on June 8, 1925, at 10:14 a.m., records of Bonneville County, Idaho.

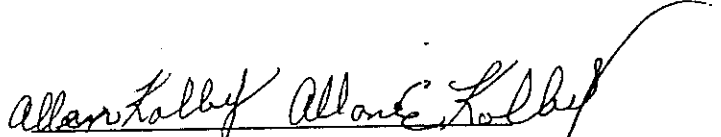
4. Pole Line Easement given by TAMCO, INC., a corporation, party of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated May 16, 1956, and recorded in Book 16 at Page 190 of Leases and Contracts on August 28, 1956, at 9:24 a.m., records of Bonneville County, Idaho.
5. State of Idaho Easement No. 2212 given by the STATE OF IDAHO, acting by and through the State Board of Land Commissioners, and TAMCO, INCORPORATED, party of the first part to UTAH POWER AND LIGHT COMPANY, party of the second part, dated June 14, 1956, and recorded in Book 16 at Page 192 of Leases and Contracts on August 28, 1956, at 9:24 a.m., records of Bonneville County, Idaho.

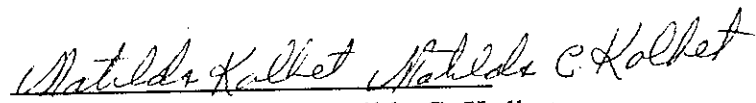
TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Allen Kolbet a/k/a Allan E. Kolbet

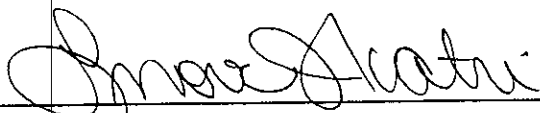

Matilda Kolbet a/k/a Matilda C. Kolbet

STATE OF IDAHO)
)ss.
County of Bonneville)

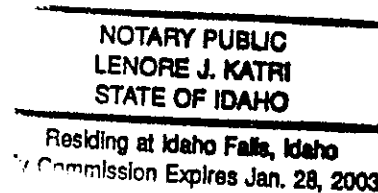
On the 23rd day of March, 1998, before me, the undersigned, a notary public in and for said State, personally appeared Allen Kolbet a/k/a Allan E. Kolbet, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

(seal)



Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 1/28/2003

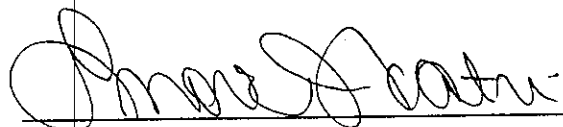


STATE OF IDAHO)
)ss.
County of Bonneville)

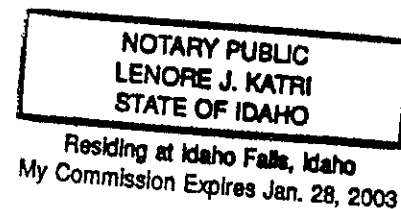
On the 23rd day of March, 1998, before me, the undersigned, a notary public in and for said State, personally appeared Matilda Kolbet a/k/a Matilda C. Kolbet, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

(seal)



Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 1/28/2003



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GRANT DEED

THIS INDENTURE is made this 23 day of March, 1998, between **MATILDA C. KOLBET**, acting not individually, but as **Trustee of those Testamentary Trusts established under the Wills of John Newman and Carolina Newman**, the "Grantor", and **WAYNE A. JENSEN and ANN JENSEN**, husband and wife, whose mailing address is 2777 North 26 West, Idaho Falls, Idaho 83402, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Bonneville, State of Idaho, to-wit:

Real Property:

Township 3 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho.

Section 4: S½.

Together with an appurtenant, perpetual easement over the SW¼ of Section 3, T3N, Range 37 East of the Boise Meridian (the servient property) extending 15 feet on either side of buried irrigation pipeline located approximately along the southern east-west quarter-quarter line in said SW¼, west from the pumping station on the west bank of the Osgood Canal in said Section 3 to the point where said pipeline enters the S½ of Section 4 (the dominant property), for the purpose of maintaining, and replacing at the sole expense of the holder of the dominant property, an irrigation water pipeline at least 18 inches below the surface level.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

- a. NW¼ SW¼.
- b. Beginning at the East ¼ Corner of Section 4, Township 3 North, Range 37 East of the Boise Meridian; running thence South along the Section line 266.00 feet; thence N. 63°43'12" W. 616.70 feet to the East-West

1.63 AC.

Center Section line of said Section 4; thence S. 89°16'12" E. along said East-West Center Section line 553.00 feet to the point of beginning.

Subject to the following:

1. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.
2. Ditch Right-of-Way as evidenced by that certain Quitclaim Deed by and between J. W. HAYS and his wife OLLIE OLIVER HAYS, parties of the first part to the UTAH-IDAHO SUGAR COMPANY, party of the second part, dated February 5, 1924, and recorded in Book 25 at Page 177 of Deed Records on June 8, 1925, at 10:14 a.m., records of Bonneville County, Idaho.
3. Pole Line Easement given by UTAH-IDAHO SUGAR COMPANY, party of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated May 24, 1956, and recorded in Book 16 at Page 189 of Leases and Contracts on August 28, 1956, at 9:24 a.m., records of Bonneville County, Idaho.
4. Pole Line Easement given by UTAH-IDAHO SUGAR COMPANY, party of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors and assigns, party of the second part, dated June 1, 1964, and recorded in Book 24 at Page 293 of Leases and Contracts, records of Bonneville County, Idaho.
5. The effect of those certain Quitclaim Deeds recorded as Instrument Nos. 601728 and 601745 on February 20, 1981, and Assignment recorded as Instrument No. 601729 on February 20, 1981, said documents were executed by U AND I INCORPORATED, a corporation, as Grantor to THE OSGOOD CANAL COMPANY, a corporation, as Grantee, records of Bonneville County, Idaho, deeding "Canal and water conveyance rights", and "All natural flow water rights of Grantee" respectively.

6. Grant of Easement given by U&I INCORPORATED (formerly Utah-Idaho Sugar Company), a Utah corporation, party of the first part to THE OSGOOD CANAL COMPANY, an Idaho corporation, party of the second part, dated February 20, 1981, and recorded as Instrument No. 601730 on February 20, 1981, records of Bonneville County, Idaho.
7. The rights of the public in and to that portion of the premises lying within OSGOOD ROAD (a/k/a 35th) North Cinder Butte Road (a/k/a 129th North). (Affects Tract 1)
8. Easement given by UTAH-IDAHO SUGAR COMPANY, a corporation, party of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated April 25, 1927, and recorded in Book 4 at Page 339 of Miscellaneous Records on May 28, 1927, at 2:30 p.m., records of Bonneville County, Idaho.
9. Conditions regarding the Easement described in the Corporation Warranty Deed by and between UI GROUP, INC., a corporation, and MATILDA C. KOLBET, not individually, but as Trustee, or the successor trustees, of those testamentary trusts as established under the wills of John Newman and Carolina Newman, dated July 9, 1984, and recorded as Instrument No. 666715 on July 18, 1984, records of Bonneville County, Idaho.

Irrigation Equipment:

All buried irrigation main line located on the above described property.

1 pump, 1 motor and 2 pivot systems located on the above described property and the associated electrical panel, control equipment and wiring associated with such pump and motor.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

John & Carolina Newman Matilda C. Kolbet
Matilda C. Kolbet, acting not
individually but as Trustee of those
Testamentary Trusts established
under the Wills of John Newman
and Carolina Newman

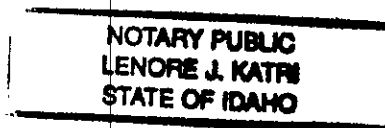
STATE OF IDAHO)
)ss.
County of Bonneville)

On the 23rd day of March, 1998, before me, the undersigned, a notary public in and for said State, personally appeared Matilda C. Kolbet, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of those Testamentary Trusts created under the Wills of John Newman and Carolina Newman and acknowledged to me that she executed the same as such Trustee.

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

(seal)

Lenore J. Katze
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 1/28/2003



Residing at Idaho Falls, Idaho
My Commission Expires Jan. 28, 2003

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Wayne Jensen

Mr. Jensen says he bought the entire 40 acres

Other - The pump site on the Osgood Canal is located 500' north of the subject and FCS should have an easement for the pump and mainline. The land the mainline crosses is owned by Warren Walters

~~Wayne~~ I own
.473 cfs from
#1 well.
Wayne

The NWSW (36 acres) has its water right in a well located 1/2 mile north of the subject. Lic. 35-02926 priority 4/27/1956 for 4.68 CFS for 356 acres from a well located NWNE Sec. 4.

Standard wording for appraisal assumptions:

280 shares in the Osgood Canal Company.

THE FOLLOWING EQUIPMENT IS REQUIRED:

100 % of the following equipment

(2) 8 tower Lockwood pivots plus corner systems

(4) 3"-4" diameter handlines each 1,320' long.

5,800' of 12" diameter transite mainline

2 tower Olson pivot

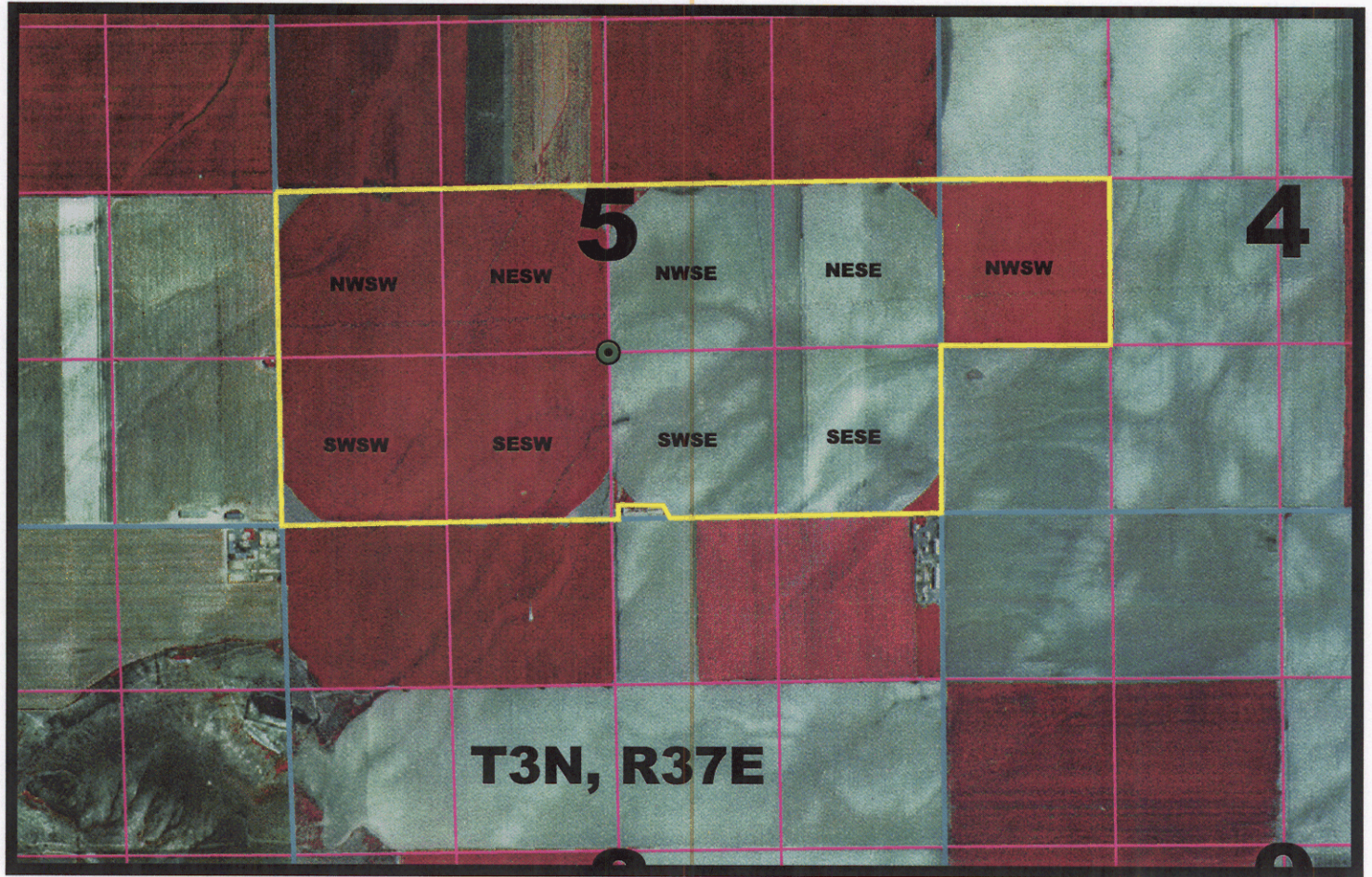
100 hp Westinghouse electric motor and Johnston Turbine pump.



STATE OF IDAHO

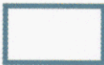
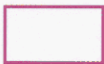
Department of Water Resources
Eastern Region

Water Right (s): 35-12467B, 35-13294



1320 0 1320 2640 3960 5280 6600 Feet

Total Irrigated Acres: 355

-  **Point of Diversion**
-  **Place of Use**
-  **Section Lines**
-  **Quarter Quarter Lines**



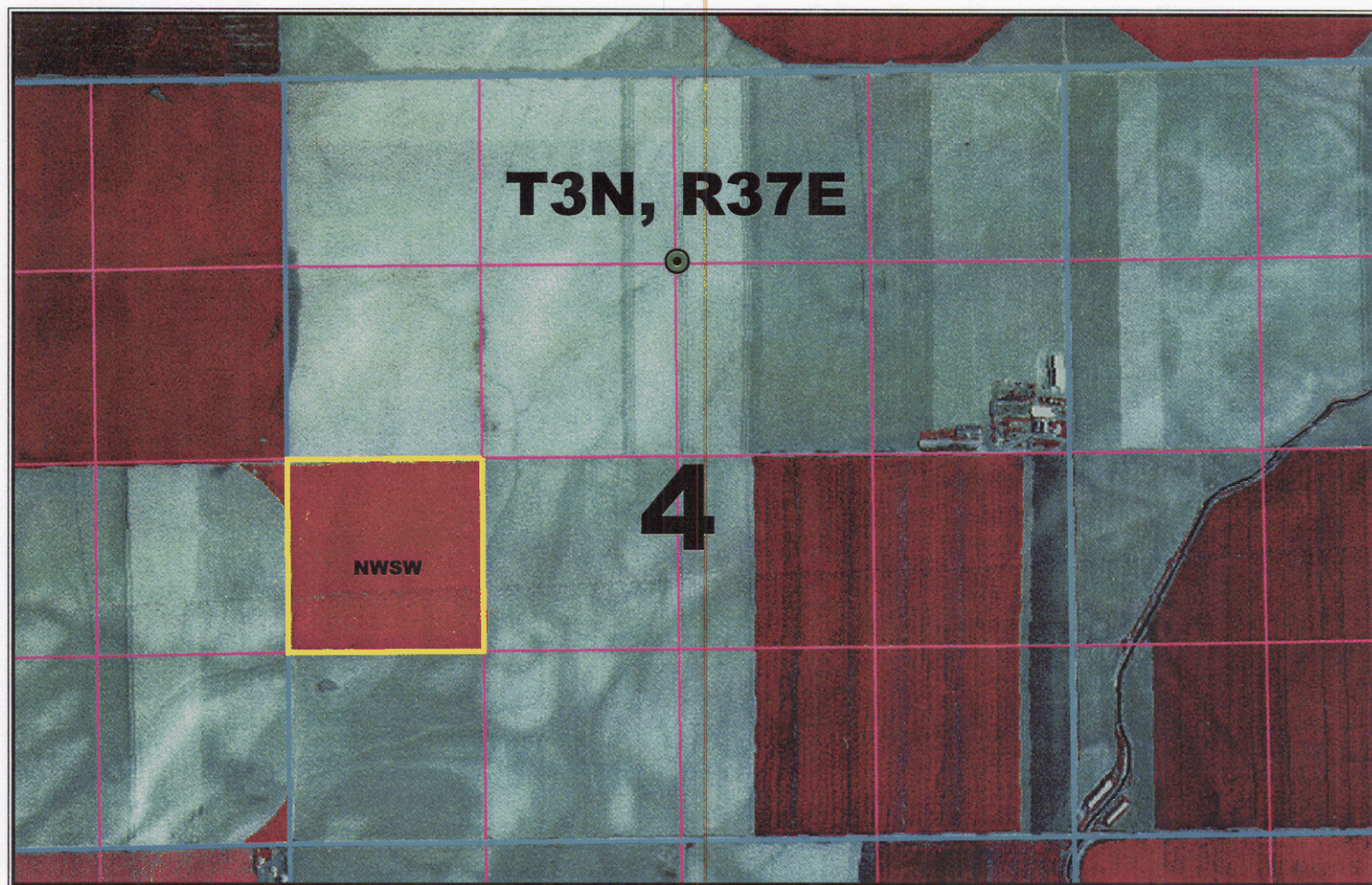
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: February 2001



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right (s): 35-13294



1320 0 1320 2640 3960 Feet

A horizontal scale bar with alternating black and white segments, corresponding to the distances marked above it: 1320, 0, 1320, 2640, and 3960 feet.

Total Irrigated Acres: 40

- Point of Diversion**
- Place of Use**
- Section Lines**
- Quarter Quarter Lines**



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: January 2001

