

02/07/2011

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

RIGHT NUMBER: 22-7198
NAME AND ADDRESS: JOSEPH J JENSEN
5195 W HWY 33
REXBURG ID 83440
BETTY J JENSEN
5195 W HWY 33
REXBURG ID 83440

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.500 CFS
437.500 AFY

Right Nos. 22-7198 and 22-2170 are limited to a total combined diversion rate of 5.26 cfs.

PRIORITY DATE: 10/18/1976

POINT OF DIVERSION:

T06N R39E S29 NENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	2.500 CFS 437.50 AFY

PLACE OF USE: IRRIGATION in MADISON County

T06N R39E S29	NENE	34.00	T06N R39E S29	NWNE	36.00
T06N R39E S29	NENW	3.90	T06N R39E S29	SWNW	3.10
T06N R39E S29	SENW	36.00	T06N R39E S29	NWSW	16.00
T06N R39E S30	NENE	40.00	T06N R39E S30	SENE	39.00
T06N R39E S30	NESE	40.00	T06N R39E S30 Lot 11 NWSE		15.00

263 ACRES TOTAL

Place of use does not include federal public lands

The rights listed below are limited to the irrigation of a combined total of 263 acres in a single irrigation season. Combined Right Nos.: 22-2170 and 22-7198

This right is limited to the irrigation of 125 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)

Subcase No. 22-07198

Standard Form 5

**STIPULATED ELEMENTS
OF A WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

Joseph J. Jensen
Betty J. Jensen

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Joseph J. Jensen

Date

Larry A. Brown *Fwp* Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

Betty J. Jensen

Date

IDWR CONCURRENCE:

Ernest M. Carlson

5-19-06
Date

IDWR CONCURRENCE:

Candice M. McHugh (as to form) Date
Deputy Attorney General

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

RIGHT NUMBER: 22-7198

NAME AND ADDRESS: JOSEPH J JENSEN
5195 W HWY 33
REXBURG ID 83440

BETTY J JENSEN
5195 W HWY 33
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.500 CFS
437.50 AFY

FWP

EMC

PRIORITY DATE: 10/18/1976

POINT OF
DIVERSION:

T06N R39E S29

SENENW

Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
2.500 CFS
437.50 AFY

PLACE OF USE:

IRRIGATION

Within MADISON County

T06N R39E S29	NENE	34.00
T06N R39E S29	NWNE	36.00
T06N R39E S29	NENW	3.90
T06N R39E S29	SWNW	3.10
T06N R39E S29	SENW	36.00
T06N R39E S29	NWSW	16.00
T06N R39E S30	NENE	40.00
T06N R39E S30	SENE	39.00
T06N R39E S30	NESE	40.00
T06N R39E S30	Lot 11 NWSE	15.00
~~T06N R39E S30~~	~~Lot 16 NWSE~~	~~2.10~~
~~265.1~~ 263.0 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of **~~265.1~~ 263.0** acres in a single irrigation season. Combined Right Nos.: 22-2170 and 22-7198.

This right is limited to the irrigation of 125 acres within the place of use described above in a single irrigation season.

THE USE OF WATER UNDER THIS RIGHT DOES NOT INCLUDE A USE ON FEDERAL PUBLIC LAND.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License
Right includes accomplished change in place of use
pursuant to Section 42-1425, Idaho Code

Fwp

EMC

CERTIFICATE OF MAILING

I certify that on _____, 2006 mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Joseph J. and Betty J. Jensen
5195 W. Hwy 33
Rexburg, Idaho 83440

Jerry R. Rigby
Rigby, Thatcher, Andrus, Rigby & Moeller, Chtd.
P.O. Box 250
Rexburg, Idaho 83440

Signature of person or attorney mailing the form

Claim no. A22-7198

Claimant Contact Log

<u>Date</u>	<u>Remarks</u>	<u>Agent initials</u>
8/20/04	Field exam accompanied by Mr. Jensen	BAC 8/20/04

SCANNED

JUL 18 2006

PROF

Contacts Data Entry Form

Claim Number: A22-7198

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

Claimant name & address are correct. Claimant goes by "Jay". BAC 8/21/04

Reviewer: _____ Date: _____

Water Right No(s). A22-7198



looking
NW @
POD
CBA
8/20/04

Tag # A0008457 Location: Power pole by panel
(East wind)

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

Point of Diversion and Source Data Entry FormClaim Number: A22-7198Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

GPS Waypoint 55 2669796 E 1404567 N IOTM88,
POD is in GN 39E 21 NENENW. BAC 8/21/04

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number:

A22-7198

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Field inspection. Layout appears to be correct. BOC
8/21/04
Note overlaps w/ A22-2170 per amended claim.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: A22-7198Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

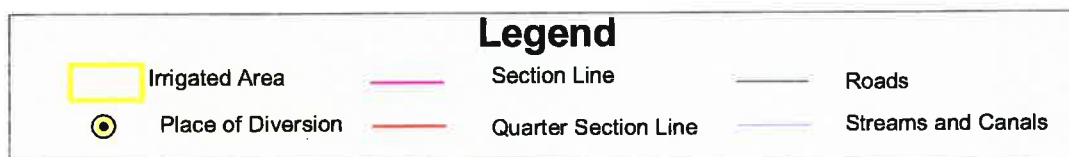
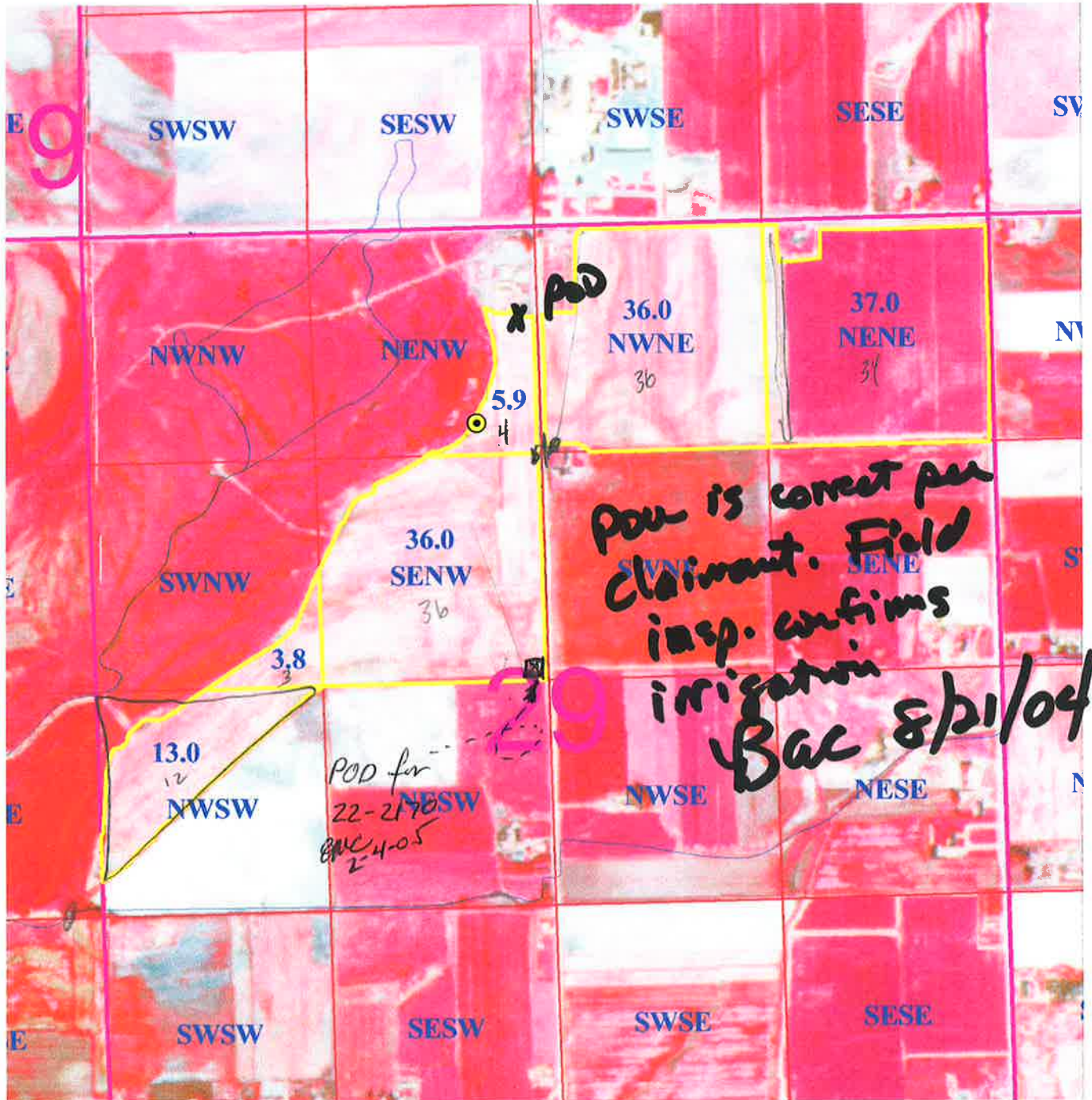
2150 g/s 4/1 - 11/1 per license 437.5 afa.
BAC 8/20/04

Reviewer: _____

Date: _____

Water Right Claim Number 22-07198
Township , 6N39E

07/06/2001



600 0 600 1200 Feet



SPATIAL
DYNAMICS

Log for claim 22-07198

Spatial Dynamics LTD

7/6/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n39e	29	NENE	34	37	
06n39e	29	NWNE	36	36	
06n39e	29	NENW	4	5.9	
06n39e	29	SWNW	3	3.8	
06n39e	29	SEnw	36	36	
06n39e	29	NWSW	12	13	
Totals:			125	131.7	

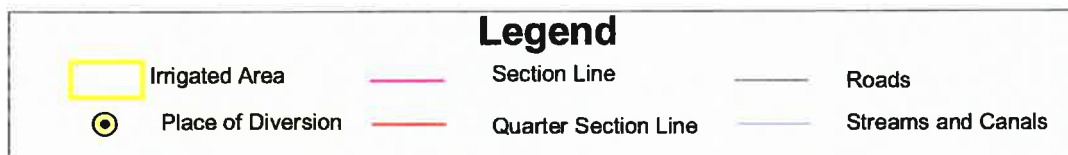
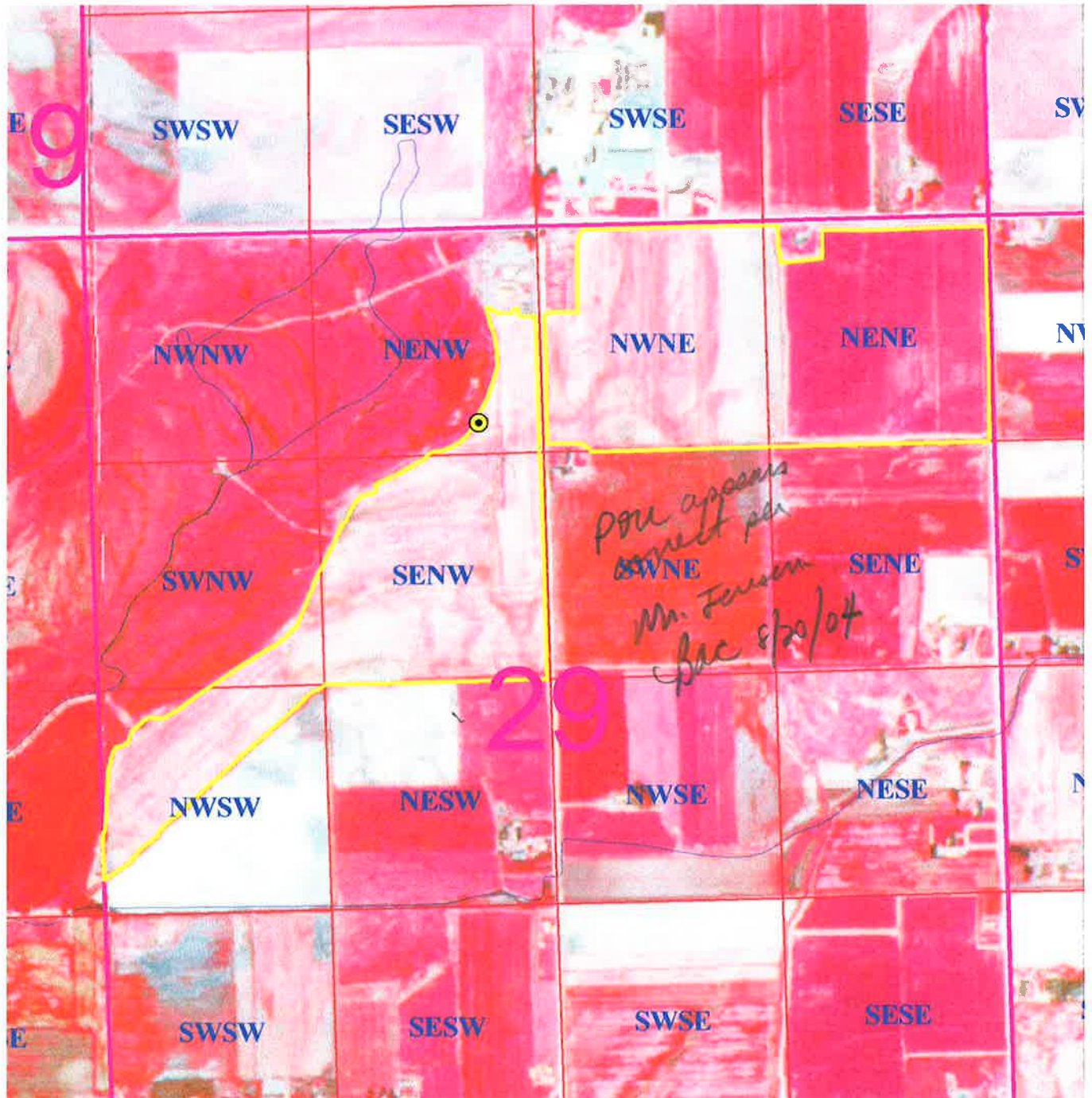
SCANNED

JUL 18 2006

SPATIAL
DYNAMICS

Water Right Claim Number 22-07198
Township , 6N39E

07/06/2001



PROFILED

SCANNED
JUL 18 2006

SPATIAL
DYNAMICS

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7198 Priority October 18, 1976 Amount 2.50 cfs

THIS IS TO CERTIFY, that Joseph J. Jensen
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 22-7198 issued pursuant to Application for Permit dated October 18, 1976,
and has submitted proof to the Department of Water Resources on October 8, 1981,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.23 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>2.50</u> cfs and	<u>437.5</u> acre feet
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.50 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
437.5 acre feet per year, said waters to be diverted within the NE1/4 Section 29,
Twp 6N, Rge 39E in the County of Madison

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	39E	29	34	36			4		3	36		12							125

Total number of acres irrigated 125

MICROFILMED

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 22-7198

Date Received:
Receipt Nos:
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Name of Claimant BETTY J JENSEN
JOSEPH J JENSEN
5195 W HWY 33
REXBURG, ID 83440
(208)356-6421

Priority Date: 06/10/1883
Basis: Decreed/License
Status: Active

<u>Source</u>	<u>Tributary</u>
Ground Water	
Teton River	Snake River

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.5 CFS	437.5 AFA
Total Diversion			2.5 CFS	

Location of Point(s) of Diversion:

GROUND
WATER SENENW Sec. 29 Township 06N Range 39E MADISON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	39E	29		NENE 34			NWNE 36							
				NENW 3.9			SWNW 3.1			SENE 36				
				NWSW 16										
		30		NENE 40			SENE 39							
				NESE 40	11		NWSE 15							

Total Acres: 263

Remarks: This water right includes the right to divert water which is recovered ground water resulting from recharge for irrigation and/or water resulting from irrigation under the Rexburg Irrigation Company irrigation works for use on lands within said irrigation entity's authorized place of use. Diversion of this right for the purpose of irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code. In the event recharge or recovered water is not available, the priority date shall revert to the previously licensed priority date.

1. U42 Place of use does not include federal public lands
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. E56 The rights listed below are limited to the irrigation of a combined total of 263 acres in a single irrigation season. Combined Right Nos.: 22-2170 and 22-7198
4. C18 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.
5. K06 This right is limited to the irrigation of 125 acres within the place of use described above in a single irrigation season.

Right Nos. 22-7198 and 22-2170 are limited to a total combined diversion rate of 5.26
6.E51 cfs.

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed/License

Signature(s)

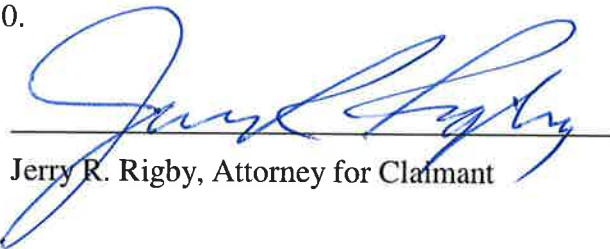
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

DATED this 17th day of August, 2010.


Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO,)

ss.

County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known 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.



Mandy Davis
Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011

Department of Water Resources Eastern Region



Claim No.: 22-2170 and 22-7198



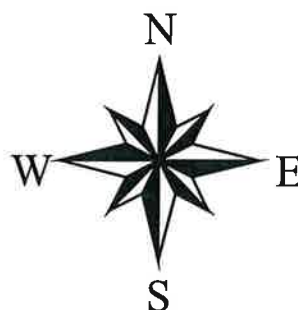
0 1320 2640 Feet



SCANNED

JUL 18 2006

- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: September 2005

PROFILED

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: A22-07198

Date Received: 6/09/1988

Receipt No: E 000369

Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH J. JENSEN
Address: 5195 WEST HWY 33
REXBURG, ID 83440

OR

Name: BETTY J. JENSEN
Address: 5195 WEST HWY 33
REXBURG, ID 83440

208-356-6421

A2207198

2. Date of Priority: OCT 18, 1976

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	39E	29	SE	NE	NW		MADISON

5. Description of diverting works:
WELL, PUMP & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.500		

7. Total Quantity Appropriated is:
2.500 C.F.S. (and/or) 437.50 A.F.A.

8. Total consumptive use is 312.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	39E	29	NE		NE		IRR	34.0
			NW		NE		IRR	36.0
			NE		NW		IRR	4.0
			SW		NW		IRR	3.0
			SE		NW		IRR	36.0
			NW		SW		IRR	12.0
							Section Acres	125.0
							Total Acres	125.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

TEXAS SLOUGH IRRI. AND REXBURG IRRI. CO.

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number:

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: 1

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): Joseph J. Jensen Date: 6-9-88
Date: _____

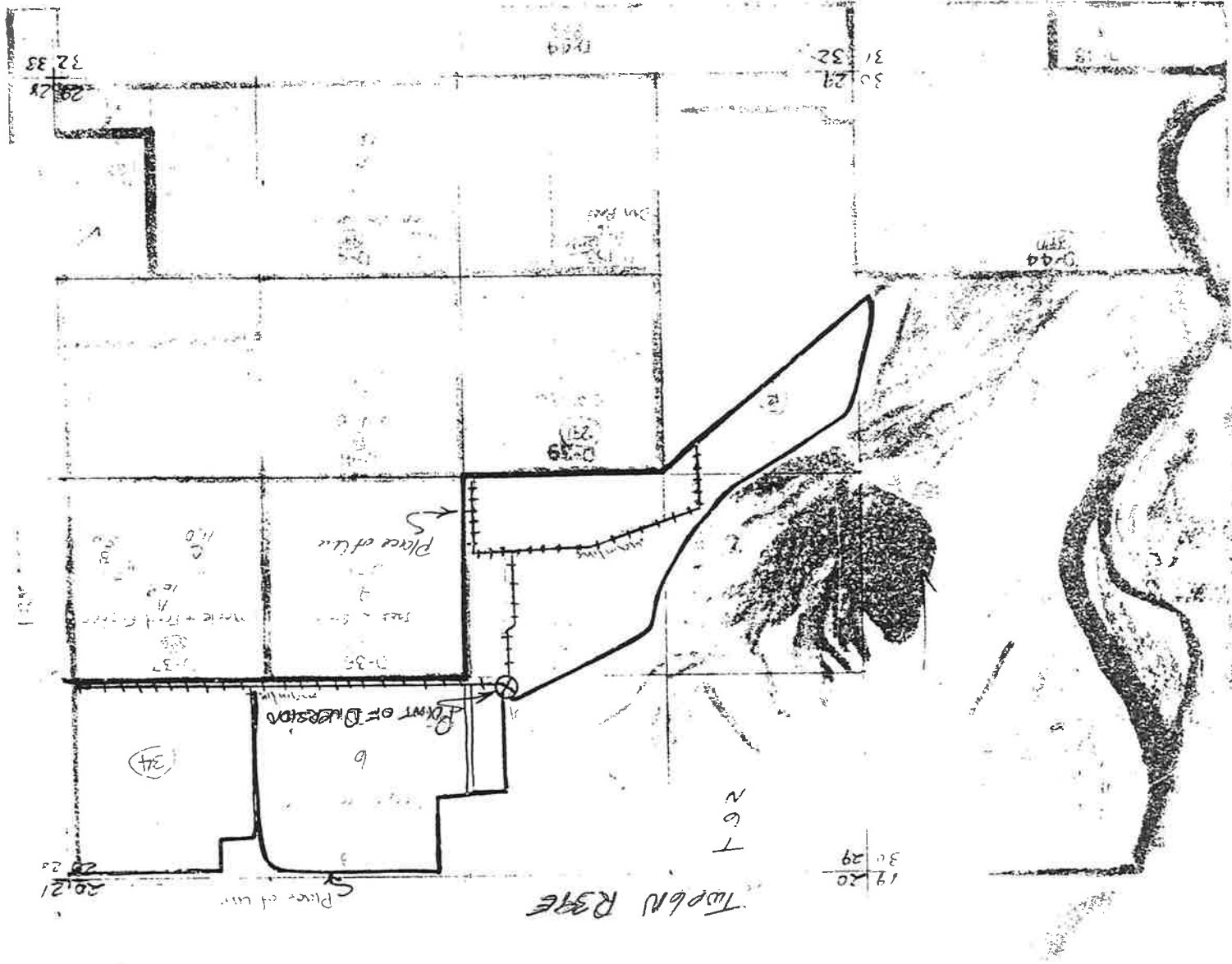
State of Idaho)
County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of June 19 88

Deena Green
Notary Public

Seal

Residing at Rigby
My Commission Expires 4-22-1994



MICROFILMED

OCT 29 1992