

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



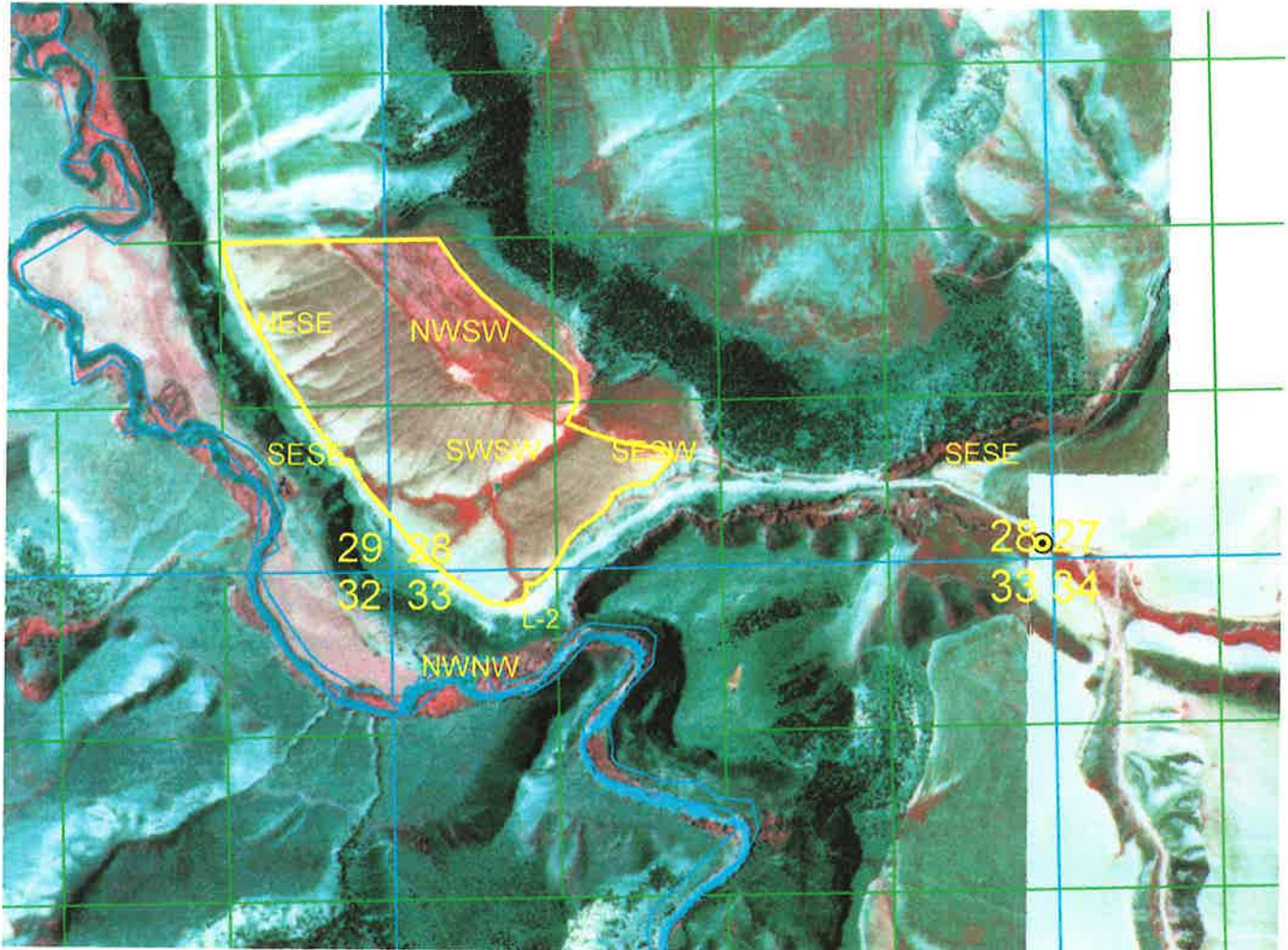
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-54



800 0 800 1600 Feet



SCANNED

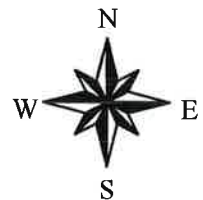
JAN 19 2006

LEGEND

- ⊙ Point of Diversion
- Place of Use
- ▭ Townships
- ▭ Sections
- ▭ Quarter-Quarters

Place of Use: T2S, R38E:
(part of) Sec. 28, NESW,
NWSW, SWSW, SESW.
(part of) Sec. 29, NESE, SESE.
□(part of) Sec. 33, NWNW.

Point(s) of Diversion: T32, R38E:
Sec. 28, SESESE.

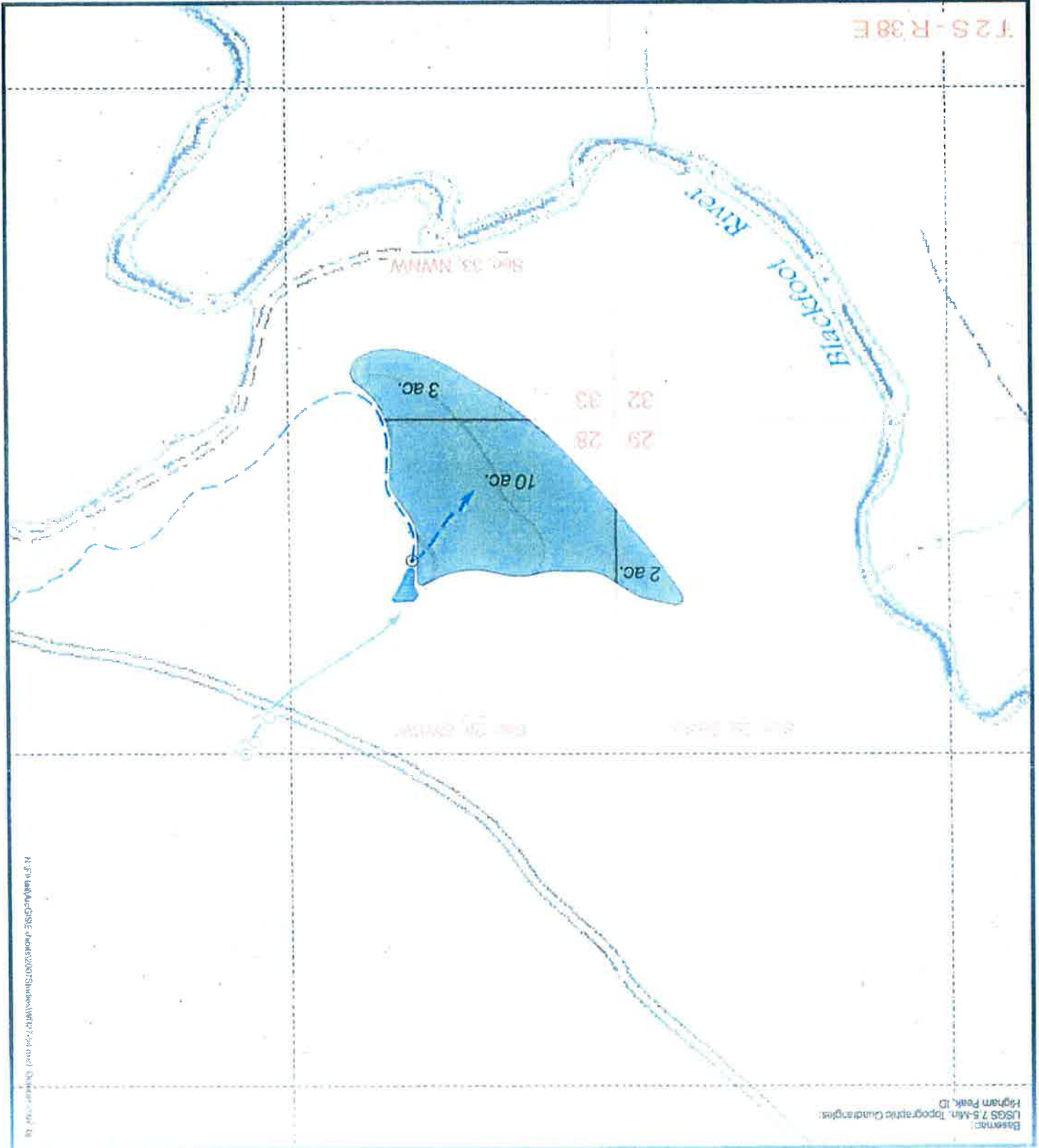
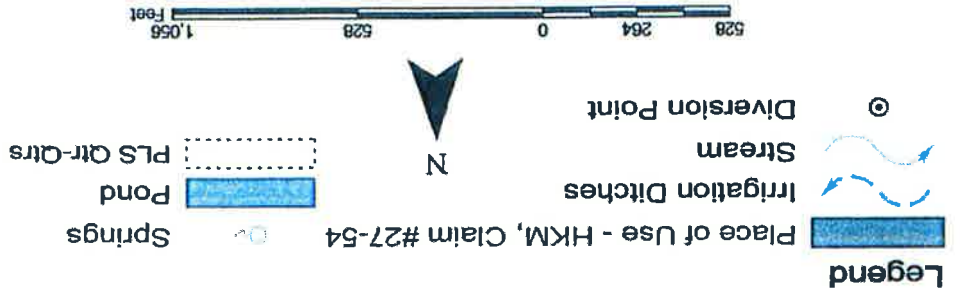


GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: July 2004

IRRIGATED ACRES 121.2

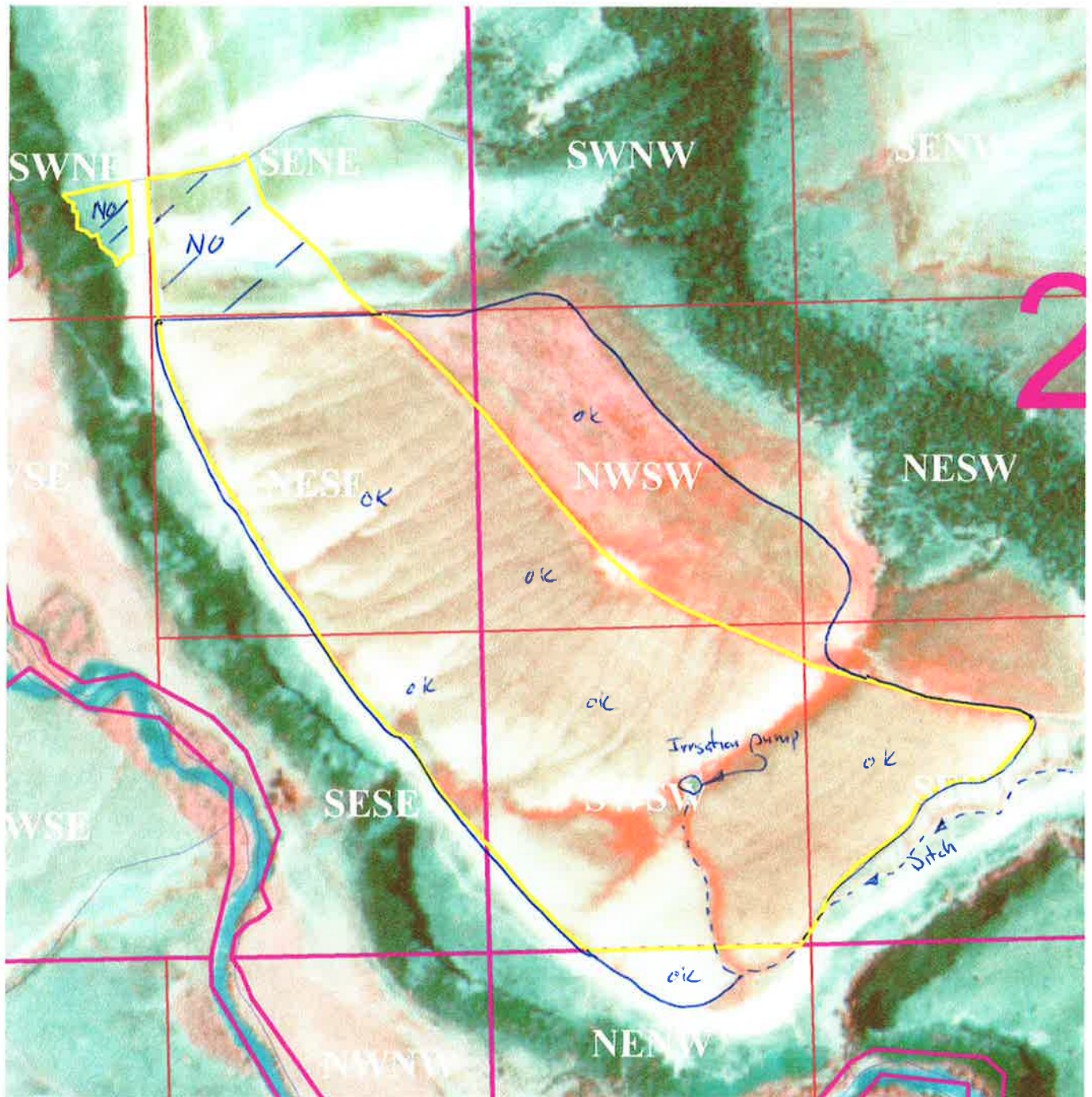


State of Idaho - IDWR
Water Right Claim #27-54



Water Right Claim Number 27-00054
Township , 2S38E

11/28/2000



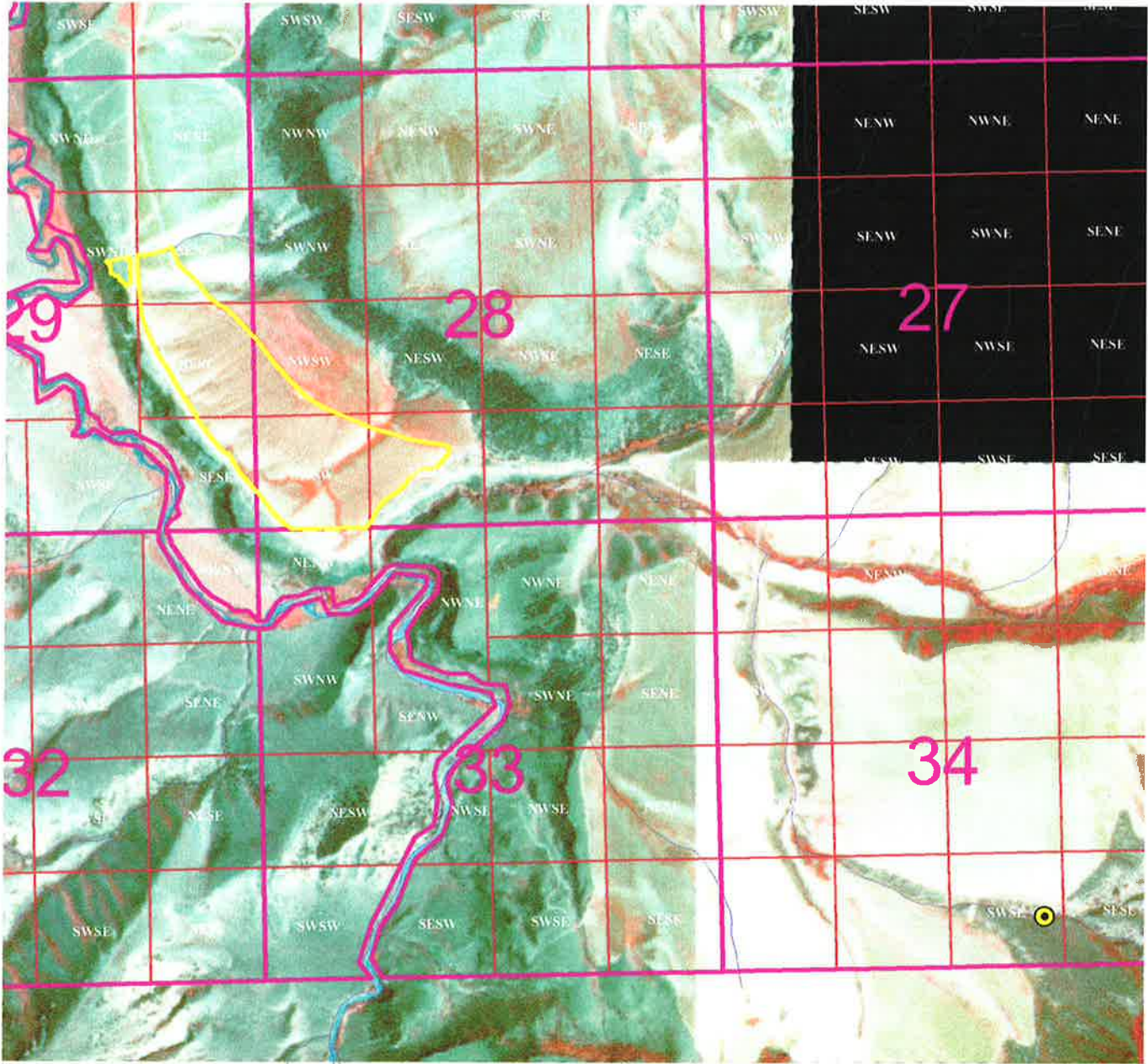
400 0 400 800 Feet

Handwritten signature

SPATIAL DYNAMICS

Water Right Claim Number 27-00054
Township , 2S38E

11/28/2000



 Irrigated Area

 Section Line

 Roads

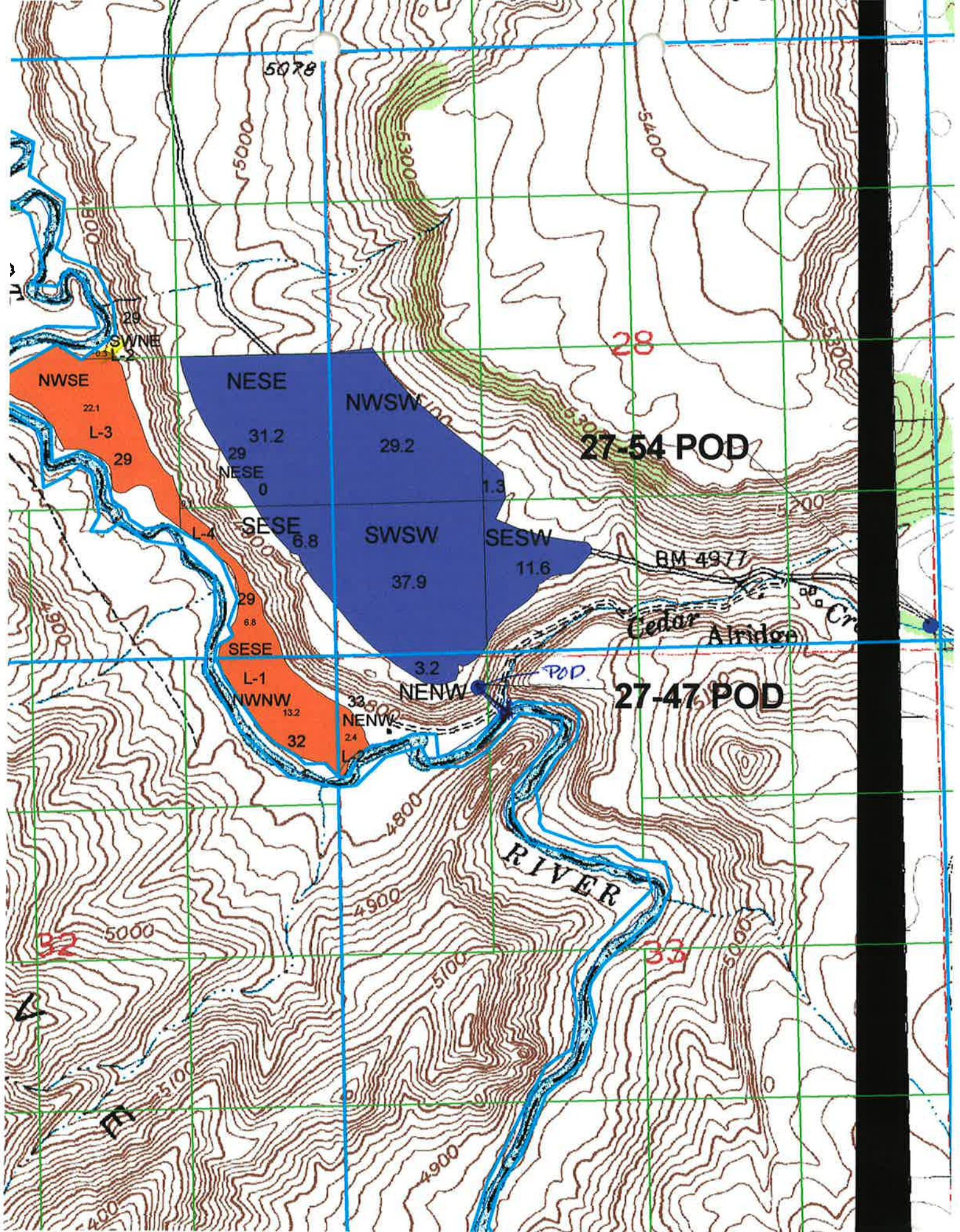
 Place of Diversion

 Quarter Section Line

 Streams and Canals

Legend





December 10, 2007

H:\03\W137224\Subcase27_54\Adjudication.doc



222 N. 32nd Street
Suite 700
P.O. Box 31318
Billings, MT 59107-1318
Phone: 406.656.6399
Fax: 406.656.6398
www.hkmine.com

Mr. Ronald Jensen
708 E. 800 N.
Firth, ID 83236

RE: Snake River Basin Adjudication; Sub-case No. 27-54

Dear Mr. Jensen:

Thank you for your response and working with the United States to develop this proposal that will resolve our objections to the referenced claim. You have agreed to reduce your claim of 121.2 acres to 15 acres with the source of supply being Cedar Creek. The place of use is identified on the attached map exhibit as being: 10 acres in the SWSW of Section 28, 2 acres in the SESE of Section 29, and 3 acres in the NWNW of Section 33, Township 2S, Range 38E. Your claimed peak diversion rate will be reduced from 2.0 cfs to 0.30 cfs. We also propose quantifying the annual volume, which is calculated by multiplying the number of acres times 3.5 acre-feet per year. Your annual volumetric limitation would therefore be 52.5 acre feet/yr.

We have prepared a draft Standard Form SF-5, mark-up of "IDWR Water Rights Acquired Under State Law", and attached map which will memorialize our agreement and form the basis for a court decree for this water right. The attached SF-5 reflects a reduction in acreage, which I understand you are agreeable to, and the adjusted reduction in the annual volume of water. There are two sets of these documents attached. Please sign one set and return it to HKM in the self addressed envelope. The additional set of documents is for your records.

I trust that the attached SF-5 will capture the essence of our agreement, but if not, please feel free to contact me with any questions or comments at 406.869.6356.

Sincerely,

HKM Engineering Inc.

A handwritten signature in blue ink, appearing to read "Loring Gurney".
Loring Gurney

cc: w/enclosure:

Peter Monson
Managing Attorney
U.S. Department of Justice
Environmental and Natural Resources Division
Jeanette Wolfley, Esq.
Elise Teton, Shoshone Bannock Tribes
Gerald Henrickson, Bureau of Indian Affairs

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. 27-54
)

) 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 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.

CLAMANT / OBJECTOR:

Ronald Jensen

Ronald Jensen

12-20-2007
Date

OBJECTOR:

United States on behalf of
Bureau of Indian Affairs

OBJECTOR:

Shoshone-Bannock Tribes

Peter C. Monson
Managing Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

Date

Jeanette Wolfley
Attorney

Date

RESPONDENT:

State of Idaho

David J. Barber
Deputy Attorney General
Office of the Attorney General

Date

IDWR CONCURRENCE:

Ernest Carlsen
Water Resource Program Manager

Date

IDWR CONCURRENCE:

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

Date

SortAll

Printed by HKM Engineering Inc. on 2/8/2006

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ACQUIRED UNDER STATE LAW

STATUS (11/10/05): Active AS OF 8/31/05: Active
 RIGHT NUMBER: 27-54 AS OF 6/14/05: Active
 NAME AND ADDRESS: RONALD JENSEN
 708 E 900 N
 FIRTH ID 83236

SOURCE: CEDAR CREEK TRIBUTARY: BLACKFOOT RIVER
 QUANTITY: 0.30
 2.000 CFS.
 PRIORITY DATE: 04/01/1884

POINT OF DIVERSION: T02S R38E S28 SESESE Begin of Stream Flow Within BINGHAM County
 T02S R38E S33 NWNEW Lot 2 End of Stream Flow Within BINGHAM County
 T02S R38E S28 SESESE Within BINGHAM County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		04/01 10/31	2.000 CFS 0.3
STOCKWATER		04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T02S R38E S28	NESW	12.0	T02S R38E S28	NWSW	28.0
T02S R38E S28	SESW	11.0	T02S R38E S28	SWSW	11.0
T02S R38E S29	NESE	31.0	T02S R38E S29 Lot 4	SESE	6.8
T02S R38E S33 Lot 2	NWNW	2.23.0			
121.2 ACRES TOTAL					

STOCKWATER Within BINGHAM County

T02S R38E S28	SWSE		T02S R38E S28	NWSW	
T02S R38E S28	SESW		T02S R38E S28	SWSW	
T02S R38E S29	NESE		T02S R38E S29 Lot 4	SESE	
T02S R38E S33 Lot 2	NWNW				

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 - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

claim pays 250 HD
 agreement was 450 pairs

Trail + Spring Cr 2.0/121.2 = 0.0165
 27-10973
 11059
 15 x 0.0165 = 0.247

27-44 1884 100"
 27-55 1887 50"
 450 pairs total
 100 pairs (lower)
 MARI - 12/31

47 ✓ 10973 SPR CR PD
 54 ✓ 10971 TRAIL CR PD
 12108 BLACKFOOT
 12170 CEDAR CR
 ✓ 10969 GW PD
 11057 GW PD
 15 acres @ 0.02 = 0.3 cfs

02/25/2009

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

RIGHT NUMBER: 27-12170

NAME AND ADDRESS: RONALD DREW JENSEN
724 E 800 N
FIRTH ID 83236

NOLLENE JENSEN
724 E 800 N
FIRTH ID 83236

RONALD JENSEN
708 E 800 N
FIRTH ID 83236

SOURCE: CEDAR CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 0.020 CFS
5.91 AFY

Right Nos. 27-10969, 27-10971, 27-10973, 27-11057, 27-12168, and 27-12170 are limited to a total combined annual diversion volume of 5.91 AF for stockwater.

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1884

POINT OF
DIVERSION:

T02S R38E S28 SESWSE Begin of Stream Flow Within BINGHAM County
T02S R38E S33 NWNENW Lot 1 End of Stream Flow Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS 5.91 AFY

PLACE OF USE: STOCKWATER in BINGHAM County

T02S R38E S28	SESW	T02S R38E S28	SWSE
T02S R38E S33 Lot 1 NENW			

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 - Beneficial Use
Stockwater use is for 450 cow-calf pairs.

02/25/2009

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

RIGHT NUMBER: 27-54
NAME AND ADDRESS: RONALD DREW JENSEN
724 E 800 N
FIRTH ID 83236

NOLLENE JENSEN
724 E 800 N
FIRTH ID 83236

RONALD JENSEN
708 E 800 N
FIRTH ID 83236

SOURCE: CEDAR CREEK TRIBUTARY: BLACKFOOT RIVER
QUANTITY: 2.000 CFS
PRIORITY DATE: 04/01/1884
POINT OF DIVERSION:
T02S R38E S28 SESESE Within BINGHAM County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.000 CFS

PLACE OF USE: IRRIGATION in BINGHAM County

T02S R38E S28	NESW	1.30	T02S R38E S28	NWSW	29.20
T02S R38E S28	SWSW	37.90	T02S R38E S28	SESW	11.60
T02S R38E S29	NESE	31.20	T02S R38E S29 Lot 4 SESE		6.80
T02S R38E S33 Lot 2 NWNW		3.20			
121.2 ACRES TOTAL					

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 - Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

February 19, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

R. DREW JENSEN
NOLLEEN M JENSEN
724 E 800 N
FIRTH ID 83236

RE: Notice of Change of Water Right Ownership (NCO) for 27-54 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

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 water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Bobby Kern
Office Specialist II

Enclosure

cc Jensen, Ronald

SCANNED
SCANNED
FEB 27 2009
FEB 27 2009

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: 27-54

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

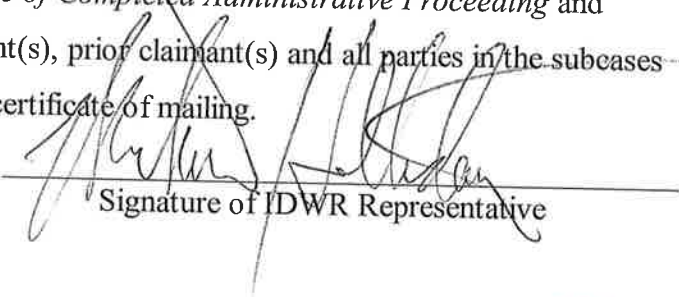
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party JENSEN - 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: 2/19/2009


Signature of IDWR Representative

SCANNED
FEB 27 2009

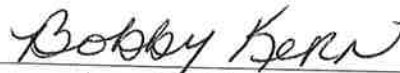
CERTIFICATE OF MAILING

I certify that on February 20, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail 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:
Ronald Jensen
708 E 800 N
Firth, ID 83236
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:

Ronald Jensen	R. Drew Jensen	Nolleen M. Jensen
708 E 800 N	724 E 800 N	724 E 800 N
Firth, ID 83236	Firth, ID 83236	Firth, ID 83236
4. One copy to:
Each party in the subcase, or attorney of record:

Committee of Nine Represented by: Barker, Rosholt & Simpson LLP 113 Main Ave W, Ste 303 PO Box 485 Twin Falls, ID 83303-0485	Shoshone-Bannock Tribes Represented by: Jeanette Wolfley Special Counsel Shoshone-Bannock Tribe 202 N Arthur Pocatello, ID 83202	Committee of Nine Represented by: Ray W. Rigby 25 N 2 nd E PO Box 250 Rexburg, ID 83440-0250
---	--	--
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

SCANNED

FEB 27 2009

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

11/09/2005

RIGHT NUMBER: 27-54

NAME AND ADDRESS: RONALD DREW JENSEN
724 E 800 N
FIRTH ID 83236

NOLLENE JENSEN
724 E 800 N
FIRTH ID 83236

RONALD JENSEN
708 E 800 N
FIRTH ID 83236

SOURCE: CEDAR CREEK

TRIBUTARY: BLACKFOOT RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 04/01/1884

POINT OF

DIVERSION:

T02S R38E S28 SESESE Begin of Stream Flow Within BINGHAM County
T02S R38E S28 SESESE Within BINGHAM County
T02S R38E S33 NWNENW Lot 2 End of Stream Flow Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.000 CFS
STOCKWATER	04/01 10/31	0.020 CFS

PLACE OF USE:

IRRIGATION Within BINGHAM County

T02S R38E S28	NESW	1.3	T02S R38E S28	NWSW	29.2
T02S R38E S28	SWSW	37.9	T02S R38E S28	SESW	11.6
T02S R38E S29	NESE	31.2	T02S R38E S29 Lot 4	SESE	6.8
T02S R38E S33 Lot 2	NWNW	3.2			

STOCKWATER Within BINGHAM County

T02S R38E S28	NWSW	T02S R38E S28	SWSW
T02S R38E S28	SESW	T02S R38E S28	SWSE
T02S R38E S29	NESE	T02S R38E S29 Lot 4	SESE
T02S R38E S33 Lot 2	NWNW		

121.2 ACRES TOTAL

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 - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

SCANNED

FEB 27 2006

DE ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
WR 27-10971 (D)	OK	CofS	completed		
WR 27-10973 (D)	OK	GD	completed		
27-54	Adj. CofS				
27-12168	Adj. CofS				
27-12176	Adj.				

} ADJUDICATION

2. The following **REQUIRED** information must be submitted with this form:

RECEIVED
JUL 10 2008

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)	Ronald M. Jensen and Naida N. Jensen
	708 E. 800 N.
	Firth, Idaho 83236
4. New Owner/Claimant(s)	R. Drew Jensen and Nolleen M. Jensen
	Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address	724 E. 800 N.
City, State and ZIP Code	Firth, Idaho 83236
New Telephone Number	(208) 346-6163
	Email: _____

SCANNED
FEB 27 2009

5. Date you acquired the property July 1, 2008

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

R. R. Jensen
Nelson M. Jensen

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by BML

Date

7/10/08

Received by _____

Date

Processed by _____ AJ

Date

Receipt Amt.

\$50.00

Receipt No.

ED 34 231

WR

Date

SCANNED

COPY

GIFT DEED

Instrument # 596342

BINGHAM COUNTY

7-8-2008

04:39:13

No. of Pages: 2

Recorded for : #51544 PETERSEN, MOSS, OLSEN

SARA J. STAUB

Fee: 6.00

Ex-Officio Recorder Deputy

VB

THIS INDENTURE, made and entered into this 1st day of July, 2008, by and between RONALD M. JENSEN, a married man, husband of Naida N. Jensen, dealing with part of his share of the Jensen community property of Ronald M. Jensen and Naida N Jensen, hereinafter described, of the City of Firth, County of Bingham, State of Idaho, Party of the First Part, and R. DREW JENSEN, a married man, as his sole and separate property, of the City of Firth, County of Bingham, State of Idaho, Party of the Second Part, whose mailing address is 724 East 800 North, Firth, Idaho 83236;

WITNESSETH:

That the Party of the First Part, for and in consideration of the love and affection which he bears towards his son, R. DREW JENSEN, Party of the Second Part, does hereby give, grant, alien and convey to him, and to his heirs and assigns, forever, an undivided one-half interest in that certain deeded acreage described and located in the County of Bingham, State of Idaho, and described as follows, to-wit:

BINGHAM COUNTY, IDAHO

Township 3 South, Range 38 E.B.M.

Section 1: Lots 1, 2, 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$
Section 2: Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 3: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 10: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 11: N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12: ALL

Township 3 South, Range 39 E.B.M.

Section 7: Lots 2, 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$

SUBJECT TO THE FOLLOWING EXCEPTIONS:

1. All water and water rights, ditches and ditch rights, including but not limited to stock water rights the subject of water right nos. 27-10971(D) and 27-10973(D), improvements, hereditaments, and appurtenances thereof.
2. All covenants and restrictions, applicable building and zoning ordinances, use regulations and restrictions, easements, rights-of-way and encumbrances of record or established by user with respect thereto.

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3. A reservation of the United States Government, wherein the United States Government held back in its patent all phosphate in Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 2, SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 10, N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ of said Section 12, Lots 2, 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, of said Section 7, with the right to prospect for, mine, and remove such deposits upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat., 509).

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversions, remainders, rents, issues and profits thereof.

The gift represented by this deed is valued at \$675,000.00, and is being given by Party of the First Part as an advance on any inheritance to be received by my son, R. DREW JENSEN, Party of the Second Part, from my estate and/or otherwise.

TO HAVE AND TO HOLD, all and singular, the above-described premises, together with appurtenances, unto the said Party of the Second Part, his heirs and assigns forever.

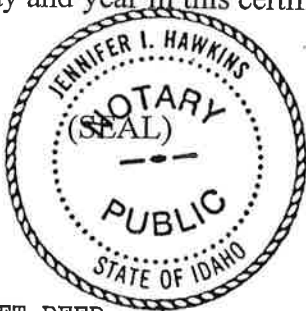
IN WITNESS WHEREOF, the said Party of the First Part has hereunto set his hand the day and year first above written.

Ronald M. Jensen
RONALD M. JENSEN

STATE OF IDAHO)
County of Bonneville) ss.

On this 1st day of July, 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared RONALD M. JENSEN, known to me to be the person whose name is subscribed to the foregoing 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.



Jennifer I. Hawkins
Notary Public for State of Idaho
Residing at: Shelley
My Commission Expires: 06/27/2012

COPY

GIFT DEED

Instrument # 596343

BINGHAM COUNTY

7-8-2008 04:41:24 No. of Pages: 2

Recorded for : #51544 PETERSEN, MOSS, OLSEN

SARA J. STAUB

Fee: 6.00

Ex-Officio Recorder Deputy

VB

THIS INDENTURE, made and entered into this 1st day of July, 2008, by and between NAIDA N. JENSEN, a married woman, wife of Ronald M. Jensen, dealing with part of her share of the Jensen community property of Ronald M. Jensen and Naida N Jensen, hereinafter described, of the City of Firth, County of Bingham, State of Idaho, Party of the First Part, and R. DREW JENSEN, a married man, as his sole and separate property, of the City of Firth, County of Bingham, State of Idaho, Party of the Second Part, whose mailing address is 724 East 800 North, Firth, Idaho 83236;

WITNESSETH:

That the Party of the First Part, for and in consideration of the love and affection which she bears towards her son, R. DREW JENSEN, Party of the Second Part, does hereby give, grant, alien and convey to him, and to his heirs and assigns, forever, an undivided one-half interest in that certain deeded acreage described and located in the County of Bingham, State of Idaho, and described as follows, to-wit:

BINGHAM COUNTY, IDAHO

Township 3 South, Range 38 E.B.M.

Section 1: Lots 1, 2, 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$
Section 2: Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 3: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 10: E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 11: N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 12: ALL

Township 3 South, Range 39 E.B.M.

Section 7: Lots 2, 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$

SUBJECT TO THE FOLLOWING EXCEPTIONS:

1. All water and water rights, ditches and ditch rights, including but not limited to stock water rights the subject of water right nos. 27-10971(D) and 27-10973(D), improvements, hereditaments, and appurtenances thereof.
2. All covenants and restrictions, applicable building and zoning ordinances, use regulations and restrictions, easements, rights-of-way and encumbrances of record or established by user with respect thereto.

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FEB 27 2009

3. A reservation of the United States Government, wherein the United States Government held back in its patent all phosphate in Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 2, SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 10, N $\frac{1}{2}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ of said Section 12, Lots 2, 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, of said Section 7, with the right to prospect for, mine, and remove such deposits upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914 (38 Stat., 509).

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversions, remainders, rents, issues and profits thereof.

The gift represented by this deed is valued at \$675,000.00, and is being given by Party of the First Part as an advance on any inheritance to be received by my son, R. DREW JENSEN, Party of the Second Part, from my estate and/or otherwise.

TO HAVE AND TO HOLD, all and singular, the above-described premises, together with appurtenances, unto the said Party of the Second Part, his heirs and assigns forever.

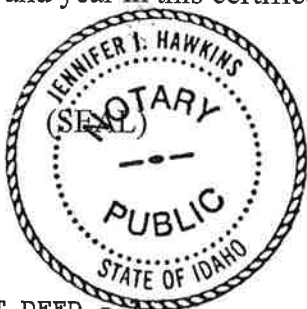
IN WITNESS WHEREOF, the said Party of the First Part has hereunto set her hand the day and year first above written.

Naida N. Jensen
NAIDA N. JENSEN

STATE OF IDAHO)
County of Bonneville) ss.

On this 1st day of July, 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared NAIDA N. JENSEN, known to me to be the person whose name is subscribed to the foregoing 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.



Jennifer I. Hawkins
Notary Public for State of Idaho
Residing at: Shelley
My Commission Expires: 06/27/2012

SCANNED

8 3 2 7 2009

CONTRACT OF SALE

COPY

THIS AGREEMENT, made and entered into the 1st day of July, 2008, by and between **RONALD M. JENSEN and NAIDA N. JENSEN**, husband and wife, of the County of Bingham, State of Idaho, the Parties of the First Part, hereinafter called the "Sellers", and **R. DREW JENSEN and NOLLENE M. JENSEN**, husband and wife, of the County of Bingham, State of Idaho, the Parties of the Second Part, hereinafter called the "Buyers",

WITNESSETH:

The Sellers hereby agree to sell to the Buyers, on the performance of the agreements of the Buyers, as hereinafter mentioned, and convey by good and sufficient warranty deed, free of liens and encumbrances, excepting any that may have attached by reason of any act or deed of said Buyers, and excepting any lien to which this agreement is expressly made subject, the following described real property, situate in Bingham County, State of Idaho, to-wit:

TRACT 1 (TRAIL CREEK – 200 ACRES):

BINGHAM COUNTY, IDAHO

Township Three (3) South, Range Thirty-Nine (39), E.B.M.

Section Twenty-Eight (28): The West half of the Northeast Quarter ($W\frac{1}{2}NE\frac{1}{4}$) and the Northwest Quarter Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$) and the North Half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$)

EXCEPTING FROM THE ABOVE DESCRIBED REAL PROPERTY TRACT:

Reserving and excepting for Grantors, all oil and gas in the North Half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$) and all phosphates in the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$), all lying North and East of the County road.

TRACT 2 (CEDAR CREEK – 311 ACRES):

BINGHAM COUNTY, IDAHO

Township Two (2) South, Range Thirty-Eight (38), E.B.M.

Section Twenty-Nine (29): All that portion of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) and Government Lot 4, lying north of the centerline of the Blackfoot River Road, existing as of June 17, 2008

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FEB 27 2009

– ALSO –

Section Twenty-Eight (28): All that portion of the West Half of the Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$), and the Southwest Quarter ($SW\frac{1}{4}$), and the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$) and the North Half of the Southeast Quarter of the Southeast Quarter ($N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$) lying North of the centerline of the Blackfoot River Road, existing as of June 17, 2008.

– ALSO –

Section Thirty-Three (33): All that portion of Government Lots 1, 2 & 3 and the West $\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 33, Township 2 South, Range 38 East, B.M., Bingham County, Idaho that is north of the centerline of the Blackfoot River Road, existing as of June 17, 2008

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, all water and water rights, ditches and ditch rights, including but not limited to stock and irrigation water rights the subject of water right nos. 27-47, 27-54, 27-12168, and 27-12170, improvements, hereditaments, and appurtenances thereto, however evidenced, and subject to all covenants and restrictions, applicable building and zoning ordinances, use regulations and restrictions, easements, rights-of-way and encumbrances of record or established by user with respect thereto.

And the Buyers agree to buy said premises and to pay to the Sellers therefor, the sum of THREE HUNDRED TEN THOUSAND AND NO/100 DOLLARS (\$310,000.00) in lawful money of the United States of America, and in manner as follows, to-wit:

SIXTY-FIVE THOUSAND AND NO/100 DOLLARS (\$65,000.00) on delivery of this contract, the receipt of which is hereby acknowledged, and the balance of TWO HUNDRED FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$245,000.00) as follows:

FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00)
on the 1st day of July, 2009;

FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00)
on the 1st day of July, 2010;

FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00)
on the 1st day of July, 2011;

FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00)
on the 1st day of July, 2012;

FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00)
on the 1st day of July, 2013;

FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00)
on the 1st day of July, 2014;

FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00)
on the 1st day of July, 2015;

FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00)
on the 1st day of July, 2016; and

All accrued interest, together with the then unpaid principal balance shall be due
and payable on the 1st day of July, 2017.

Said deferred principal balance shall bear interest at the rate of three and one-fifth percent
(3.20%) per annum, from July 1, 2008, said payments heretofore set out shall be applied first to
payment of accrued interest and the balance to the reduction of the then principal balance.

Buyers are given the right of making additional payments of principal on any regular
payment date, provided, however, that any such additional principal payment shall be applied to
the last payment falling due under this contract, and the making of such additional payment shall
not in any way waive or excuse the Buyers from making the next ensuing regular payment
promptly as the same becomes due. Interest shall cease on the additional payments of principal
upon the date of payment.

Sellers shall pay all taxes and assessments levied and assessed against said real property
heretofore described, up to and including the 30th day of June, 2008. Buyers shall pay all taxes
and assessments levied and assessed against said real property heretofore described, for the
remainder of year 2008 (1/2 of said assessed taxes), and thereafter shall pay all taxes and
assessments levied and assessed against said real property promptly as the same become due and
before delinquency thereof.

Buyers shall, during the life of this contract, keep the improvements (barn valued at
\$30,000 on Cedar Creek and corals on Cedar Creek and Trail Creek) situated on the real property
heretofore described insured against loss by fire in the full insurable amount thereof, but in no
event shall the total fire insurance coverage be less than \$40,000.00 during the term of this
contract, in a reliable fire insurance company, and shall pay the premiums on said policy or
policies as the same become due, with a loss payable clause affixed thereto in favor of the parties
hereto as their respective interests may appear. It is understood between the parties hereto that
the present fire insurance policy or policies may be continued in force, with a contract of sale

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FEB 27 2009

clause affixed thereto. It is further understood that if the present fire insurance policy or policies are continued in force, the unearned insurance premiums after June 30, 2008, shall be purchased by the Buyers herein, said Buyers paying Sellers for said unearned premiums on or before July 1, 2008. In case of partial loss by fire, it is understood and agreed that if Buyers are not in default in any of the terms and conditions of this agreement, Buyers may use the proceeds from any insurance policy or policies to put the improvements on said premises back in substantially the same condition as they were previous to the fire.

It is further agreed that Buyers shall, during the life of this contract, keep the barn and corals constructed on the above described premises in good condition, loss by fire, reasonable wear and tear excepted.

The Buyers acknowledge that they have made a personal inspection of the property herein described, and have otherwise informed themselves concerning the true condition of said property and its appurtenances and thus in execution of this contract, Buyers have relied solely upon the information and knowledge obtained from a personal inspection and investigation of said property. Buyers also acknowledge that no agent or employee of Sellers has any power or authority to make any warranties, agreements or representations as to said property, which are not contained in this agreement. Buyers agree that this contract constitutes the whole agreement between the parties hereto, and that no warranties, agreements or representations have been made, or shall be binding upon Sellers unless the same are set forth herein.

It is agreed that time and punctuality of payments are of the essence and a material part of this contract, and that if any default is made in the payment of any installment for a period of thirty (30) days after posting of notice by certified mail to Buyers as hereinafter provided, or of any taxes and assessments promptly at the time herein limited, or before any taxes or assessments shall become delinquent, or if the Buyers shall fail to comply with any of the stipulations of this agreement, within thirty (30) days after posting of a certified letter advising of said default as hereinafter provided, this Contract shall, at the option of Sellers, become null and void, and all payments under this contract shall be retained by Sellers and applied as liquidated damages, and

Sellers may take immediate possession of said property. But, if the Buyers shall promptly make the payments herein stipulated and shall pay all accrued interest as the same become due, and shall also pay all taxes and assessments levied and assessed against said property, the Sellers, upon receiving the sums due under the terms of this Contract, will execute and deliver, or cause to be executed and delivered, by the legal owners thereof, to the Buyers or their assigns, a Warranty Deed conveying the above described property and a title insurance policy in the amount of \$310,000.00, or abstract of title showing fee simple title in Sellers, subject only to the liens or encumbrances placed thereon by the act or omission of the Buyers, together with any lien or encumbrance the subject of this agreement.

Possession of the above-described real property shall be delivered to Buyers on July 1, 2008.

Buyers agree that they will not commit any waste, nor allow anyone else to commit waste or destruction on said premises.

Buyers shall at all times use the first quality, husband-like practices in farming and ranching the real property tracts the subject of this Contract of Sale.

In case of a default of this agreement occurring and a forfeiture being declared as heretofore provided, Buyers agree to immediately surrender possession of the real property the subject of this agreement to Sellers in as good condition as they received the same, depreciation from the reasonable occupancy excepted. It is further understood and agreed by the parties hereto that Sellers shall have the right of reasonable inspection at all reasonable times and places for the purpose of determining if the provisions of this agreement have been met by Buyers.

For the purpose of this agreement, notice shall be sent to each party at the following address:

NAME

ADDRESS

Ronald M. Jensen and
Naida N. Jensen

708 E. 800 N.
Firth, Idaho 83236

R. Drew Jensen
Nollene M. Jensen

724 E. 800 N.
Firth, Idaho 83236

SCANNED
FEB 27 2009

Such address for receiving notice may be changed by any party at any time by written notice to the other party to this agreement.

Notice of cancellation or otherwise as herein provided, shall be deemed to be given at the time of its deposit in the United States mail, post paid, certified mail, return receipt requested.

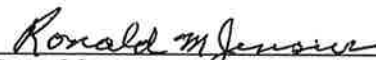
All payments shall be made, and the delivery of all papers shall take place at Sellers address, 708 E. 800 N. Firth, Idaho 83236.

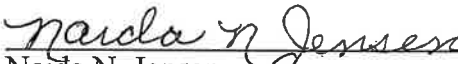
Sellers and Buyers each agree should they default in any of the covenants and agreements contained herein, to pay all costs and expenses that may arise from enforcing this agreement, either by suit or otherwise, including a reasonable attorney's fee.

The law firm of PETERSEN, MOSS & HALL, drafters of this agreement, have acted as attorneys for Sellers and as such have in no way advised Buyers in regard to this agreement or any other matters pertaining to the sale the subject of this Contract.

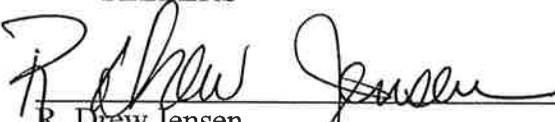
It is understood and agreed that this contract is intended to extend to and bind the heirs, personal representatives, executors, administrators, successors and assigns, of the respective parties.

IN WITNESS WHEREOF, the above parties have hereunto set their hands and seals the day and year in this agreement first above written.


Ronald M. Jensen


Naida N. Jensen

"SELLERS"


R. Drew Jensen


Nollene M. Jensen

"BUYERS"

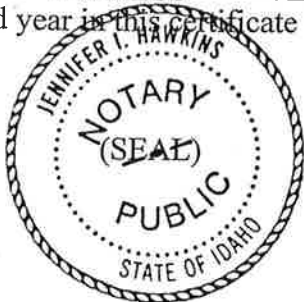
SCANNED

9 7 2003

STATE OF IDAHO)
County of Bonneville) ss.

On this 14th day of July, 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared RONALD M. JENSEN and NAIDA N. JENSEN, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they 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.



Jennifer I. Hawkins
Notary Public for State of Idaho
Residing at: Shelley
My Commission Expires: 06/27/2012

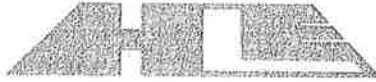
STATE OF IDAHO)
County of Bonneville) ss.

On this 14th day of July, 2008, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared R. DREW JENSEN and NOLLENE M. JENSEN, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they 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.



Jennifer I. Hawkins
Notary Public for State of Idaho
Residing at: Shelley
My Commission Expires: 06/27/2012



HARPER - LEAVITT ENGINEERING, INC.

CIVIL & STRUCTURAL ENGINEERING, MATERIALS TESTING & LAND SURVEYING

800 W. Judicial St. • P.O. Box 866
Blackfoot, Idaho 83221
(208) 785-2977
Fax (208) 785-2990
www.hleinc.com

985 N. Capital Ave. • P.O. Box 50691
Idaho Falls, Idaho 83405
(208) 524-0212
Fax (208) 524-0229
www.hleinc.com

Ronald Jensen
Job # 20938.2026
6/17/08
KHL

Ronald Jensen to Drew Jensen

All that portion of the NE 1/4 of the SE 1/4 and Government Lot 4 of Section 29, Township 2 South, Range 38 East, B.M., Bingham County, Idaho lying north of the centerline of the Blackfoot River Road, existing as of June 17, 2008.

Also

All that portion of the W 1/2 of the NW 1/4 and the SW 1/4 and the SW 1/4 of the SE 1/4 and the N 1/2 of the SE 1/4 of the SE 1/4 of Section 28, Township 2 South, Range 38 East, B.M., Bingham County, Idaho lying north of the centerline of the Blackfoot River Road, existing as of June 17, 2008.

Also

All that portion of Government Lot 1, 2 & 3 and the West 1/2 of the NE 1/4 of Section 33, Township 2 South, Range 38 East, B.M., Bingham County, Idaho that is north of the centerline of the Blackfoot River Road, existing as of June 17, 2008.

SCANNED

FEB 27 2009

2754

TRD - Stewarts Removed

Integration Only

TRU - Integration Only

all updated on ArcMap

ADR on N:Drive

100 years 3/1 - 12/31

450 years 3/1 - 5/1

5.6 AF 9/10 - 12/31

March 28, 2007
H:\03\M137224\BirdLtr03_19_07.doc



222 N. 32nd Street
Suite 700
P.O. Box 31318
Billings, MT 59107.1318
Phone: 406.656.6399
Fax: 406.656.6398
www.hkminc.com

RECEIVED

FEB 13 2008

Department of Water Resources
Eastern Region

Idaho Department of Water Resources
Ms. Cindy E. Bird
Adjudication Bureau
15 West Center Street
Soda Springs, ID 83276

RE: Snake River Adjudication, Basin 27, United States Objection to thirteen claims as listed herein

Dear Ms. Bird:

The United States has directed HKM Engineering to attempt to reach a settlement on thirteen claims in which the U.S. had filed objections. That process is on-going, however HKM has found difficulty in reaching an agreement on some of the thirteen claims. That difficulty is basically due to the differences between HKM's findings and IDWR's Recommendations. Of those thirteen claims HKM has developed a file for eleven of the claims for your review. Not included in these eleven files are claims 27-102 and 27-12108. Those claims are in the process of settlement or have as yet not undergone negotiation investigations.

We have developed a summary datasheet for each of the eleven claims that identifies key issues and information explaining our position on each claim. The information was derived from IDWR documents, notes and comments, HKM's stereo aerial photography analysis results and HKM's field investigations. Included are HKM's recommended acreage and diversion rates associated with our analysis and findings.

HKM is respectfully requesting you to review our findings on the eleven water right recommendations to determine if there is anything you can do to help resolve our differences. If not, future hearings and additional litigation costs will unfortunately be the result. The main issue surrounding these claims is their idle condition and our unwillingness to accept the IDWR recommended irrigated acreages for claims that we believe have been idle since 1980 and longer.

Each of the eleven claims and its associated recommendation is unique, but all of them have a long history of inactivity, or no historic activity, for all or part of the claimed place of use. If our findings indicated current or recent irrigation had occurred as of 1987, the U.S. did not object to those acres.

In one case, a claimant wants to transfer a water right that has not been used in over 30 years as of 2003 (per IDWR documents), to a new proposed wetland project. The USDA indicates the wetland project will be entirely natural with no man induced diversion of water. The claimant also stated he has no interest in irrigation. We have been unable to negotiate with the claimant due to the acreage recommended by IDWR.

We have found some claims to be inaccurately mapped and the claimant was agreeable to changing the place of use to match the correct place of use. That occurred with claim 27-102 and we prepared a map and submitted it to IDWR. We anticipate that claim to be settled due to insignificant differences.

There are also claimed lands being sub-irrigated without a man-made distribution system or located above the claimed ditch and can't be irrigated. We believe these areas should be deleted from the IDWR recommendations.

For Settlement Purposes Only

SCANNED

FEB 14 2008

Idaho Department of Water Resources
Ms. Cindy E. Bird
March 28, 2007
Page 2

These types of problems need to be addressed so settlement talks can move forward with the claimants and their attorneys. We, at HKM, do believe our goals are the same as yours and we appreciate your time in helping to resolve these issues. If a settlement can be attained we anticipate a significant cost benefit to all parties in this adjudication.

There are six claims where HKM cannot identify current or historic (post 1980) irrigation and recommends that the claims be awarded no irrigated acres. The claimants are not willing to withdraw their claim if the IDWR maintains their current acreage recommendation. These claim numbers are: 27-49, 27-76, 27-2069, 27-2075, 27-2078, and 27-12045.

Our analysis of the remaining five claims indicate partial irrigation on the claimed lands and we are negotiating with some of the claimants at this time. These claim numbers are: 27-54, 27-2108, 27-2026, 27-2066 and 27-11317. The place of diversion and place of use will need to be modified on these to reflect the correct locations. We have also included some maps from our files on these claims for your review.

HKM would like to schedule a conference call and work session with IDWR personnel to discuss the above claims. We believe that would help us both understand our differences and hopefully resolve them. It may be necessary to schedule a field trip with IDWR and the claimants if possible this field season. We believe the field trip would help to resolve a number of these discrepancies. The window of opportunity for settlement requires that we address these issues at your earliest convenience. The United States has requested that we have responses completed by April 20, 2007.

Please call me with any questions you may have after you have had an opportunity to review our enclosed analysis, findings, and exhibits.

Respectfully submitted,

HKM ENGINEERING INC.


Loring Gurney

Enclosures

cc: Peter Monson
U.S. Attorney

For Settlement Purposes Only

SCANNED
FEB 14 2008

HKM'S FINDINGS AND RECOMMENDATIONS FOR SELECTED CLAIMS

Claim #	IDWR Documents & Comments	HKM Analysis	IDWR Recommended Acres/cfs	HKM Recommended Acres/cfs								
27-54	- An undated IDWR Conversation Memorandum prior to 11/02/1980, the claimant states "Lloyd Stallworthy has not used water from Cedar Creek for at least 16 years and has no place to use the water." - Water Right Transfer Application No. 2435 denied by IDWR on May 17, 1982. "The applicant has not demonstrated that he is the holder of the right in question or that he is entitled to use the water under the right." - Water master indicates that "his records do not show Mr. Jensen paying the assessment on this water." July 23, 1980 - Notice of Claim to a Water Right Acquired Under State Law 5/31/1989 for 100 acres irrigation at 2.0 cfs and 0.07 cfs for stockwater. - IDWR field exam April 6, 204 with claimant. "Flooding over the past seven years has cut Cedar Creek so that it is substantially below the ditch heading. No headgate or measuring device present." "Does the parent right have a POD? <u>No</u>". "Can the claimed POD be verified using the water right file? <u>No</u>". "Is there evidence that there has been a change in the POD? <u>No</u>".	- Aerial photography shows the ditch was out of use in 1987 and 1992 from Cedar Creek. - The water is flowing in Cedar Creek on 6-8-1987 NAPP aerial photo 352-083. No water was being diverted. The ditch was too high to divert water from Cedar Creek. - IDWR mapping includes dry land farming above the ditch. - The water supply in 1987 and since comes from springs and not Cedar Creek. HKM Recommendation: HKM identified 15 acres that are irrigated from the springs and runoff from the adjacent hill. <table><tr><td>SWSW, Section 28 =</td><td>10 acres</td></tr><tr><td>SESE, Section 29 =</td><td>2 acres</td></tr><tr><td>NWNW, Section 33 =</td><td>3 acres</td></tr><tr><td>Total irrigated acres =</td><td>15 acres</td></tr></table>	SWSW, Section 28 =	10 acres	SESE, Section 29 =	2 acres	NWNW, Section 33 =	3 acres	Total irrigated acres =	15 acres	100.0/2.0	15.0/0.3
SWSW, Section 28 =	10 acres											
SESE, Section 29 =	2 acres											
NWNW, Section 33 =	3 acres											
Total irrigated acres =	15 acres											

NAPP 7-24-87 305-70

Claim 27-54

"Draft"
Map prepared by HKM "draft"



Irrigated 1987

dryland
Fallow

dryland
crop

dryland
crop

dryland
Fallow

NHAP 8-5-80 155-55



Irr. SWSW Sec 28 10 AC,
SE SE Sec 29 2 AC
NW NW Sec 33 3 AC.

"Draft" 15 acres
MAP generated by HKM 3/07

Claim
27-54

Dryland
crop
1987

Dryland
Fallow
1987

Sec 28
T2S, R 38E

Sec
29
SESE

Dryland
crop
1987

Dry Land
Fallow
1987

SESW

SWSW

pand

2
ac

10ac

Ditch
Active
or recently
active
irrigation
3ac

Ditch

OLD Ditch

NW NW

Sec 33

NAPP 4926-53 7-30-92

27-54

map generated by HKM

"Draft"

N ↑

← old
road

← old
road

← Fallow
line

original
old ditch
←

SCANNED

FEB 14 2003

07/16/2004

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 27-54

RONALD JENSEN

708 E 800 N

FIRTH ID 83236

Telephone Number: (208)346-6823

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:



I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-2-05 SIGNATURE: Ronald Jensen
Please print your name: RONALD JENSEN

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



SCANNED

JAN 19 2006

PROFILE

KMJ
6/19

Notes

6/7/04. The Stevens decree does not decree water at an inch per acre. It is non-specific on the number of acres. So, even though they claimed more acres, I'm summing the number of acres to the CFS decrees less than an inch per acre. CB

7/8/04 Michael Curre sent us the corrected GCDB: L-2 in Section 33 is the NWNW. Not NENW. I'm not going to reamend the claim again because L-2 is claimed so it would be a clarification of L-2 from the NENW to NWNW. CB

INTER-DEPARTMENT MEMO

TO: Barbara

SUBJECT: layout

FROM: Cindy

DATE: 6/7/04

Please create a layout. Am Amended
claim to add in stream
SWSE of Section 28 of

In stream Stock Pt of End is
in the NENW of Section 33

Cindy,
One of these QQ is incorrect on the claim. This is the T&R where the QQ were incorrect to begin with. They are now correct since we received Michaels corrected qcdb.

7-8-04 B

Notes

5/3/04 Called claimants to find out if the stock water is in-stream or diverted to a trough. Ron's wife said they divert the spring to a trough. She will have Ron call back CB.

9:04 Ron Jensen called back and he has in-stream stockwatering on both the Blackfoot & Cedar Creek.

Claims need to be amended to include in stream stock.

Diversion rate 0.02 cfs

Sec. stock $4\frac{1}{2}$ - $11\frac{1}{2}$

POD listed on claims is for irrigation.

5/4/04 Amended claim, Sent to claimant for signature CB.

6-1-04 Talked to Mrs. Jensen. She thought it was all taken care of the week before her husband called. BP

6-7-04 Claimant called. He disagreed w/ the change. I suggested he mark the map where the livestock can drink from the instream (Cedar Creek) - just the beginning & the end. He says he owns all that property. He will send the map & amended claim back to us. BP

Notes

Claim A27-00054

- 1/ Field exam done on 4-6-04
with claimant Ronald Jensen
- 2/ Flooding over the past seven years has
cut Cedar Creek so that it is substantially
below the ditch heading. No headgate
or measuring device present.
Water level 3-4 feet below ditch.
- 3/ GPS data - ~~0662556~~ File # 27-0054
~~0236348~~ No GPS tag.
2662556
USR 1336135 *2/6/04*
- 4/ Address is the same as claimed.
- 5/ Season of use should be subject to
original decree dates.
- 6/ This is the only right for this ground.
A27-00047 is for a separate property
irrigated out of the Blackfoot River.

Cedar Creek Ditch Incision
(washed out)



A27-00054

Cedar Creek Ditch
(Looking SW)



927-00054

Notes

3/31/04 T2435 was denied May, 1980.
Please verify POH. and find out how
the piece west of Claimed POH is
irrigated.

The HKM interpretation of irrigated
POH is much different than the
Claimed POH.

Please verify POH and POP.
W/R 27-54 isn't overclaimed.
Irrigation SOH?
Verify address.

1, Exam done on 4-6-04 with Claimant

2, P.O.D washed out during flood stage on Cedar
Grade a few years back

3, Pix show drop to creek from ditch & ditch
Running west.

4 GPS data 0662556 File # 27-0054
0236348

Contacts Data Entry Form

[illegible]

Current Owner See Claim

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

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: Kon Jensen Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 7-6-04 Time: _____

Directions to Property (if different from above) and/or update owner information:

Reviewer:

Date: 5/3/04

Contacts Data Entry Form

Priority Date Data Entry Form

Claim Number: 27-54

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis _____

X Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Lucas

Reviewer: CB

Date: 5/3/04

Priority Date Data Entry Form

1. Should this water use have been included in a later court decree of the water rights from this source? Yes () No (X)
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes () No ()
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes () No ()
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes () No ()
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes (X) No ()
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes (X) No ()
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes (X) No ()
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes () No ()
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes () No ()
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes () No ()
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit.
Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes () No ()
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes () No ()
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? *decree* Yes (X) No ()
If Yes, go to 16
If No, Enter the appropriate basis of claim.
16. Is a Priority Date remark and/or condition required? Yes () No (X)
If Yes, Enter the appropriate basis of claim. Priority Date review is complete.
If No, Priority Date review is complete.

Priority Date

Claim No. 27 - 54

Point of Diversion and Source Data Entry Form

Claim Number: 27-54

Water Right Point of Diversion: T____ R____ Sec.____ County:____

Source:____ Tributary:____

Claimed Point of Diversion: T____ R____ Sec.____ County:____

Source:____ Tributary:____

Recommended Point of Diversion: T____ R____ Sec.____ County:____

Source:____ Tributary:____

☒ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
					Bingham	Cedar Creek
GPS Coordinates: <u>266 2556</u>						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

file 27-0154

Other rights from this POD? NO

Document how the POD and Source were verified and/or Pump and Motor data:

field exam

Transfers Changing POD NO ~~yes~~ transfer denied 5/1980
Reviewer: CB Date: 6/7/04

Point of Diversion and Source Data Entry Form

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (X) No ()

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No ()

3. Has the License been issued?

If Yes, go to 5
If No, recommend the POD as shown on the Permit. Go to 10

Yes () No ()

4. Does the parent right have a POD?

If Yes, go to 5
If No, go to 6

Yes (X) No (X)

5. Can the claimed POD be verified using the water right file?

If Yes, recommend the POD as shown in the water right file. Go to 10
If No, go to 6

Yes (X) No (X)

6. Is there evidence that there has been a change in the POD?

If Yes, go to 7
If No, go to 9

Yes () No (X)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C03, go to 9
If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

Yes () No ()

8. Was a transfer filed?

If Yes, recommend the POD as shown on the approved transfer. Go to 10
If No, go to 9

Yes () No ()

9. Does the file contain all of the necessary information to verify the POD?

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10
If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

Yes (X) No ()

10. Is a POD remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POD review is complete
If No, POD review is complete.

Yes () No (X)

Point of Diversion

Claim No. 27-54

1. Is the basis of claim a Decree or License? Yes (☒) No (☐)
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application? Yes (☐) No (☐)
If Yes, go to 3
If No, go to 6
3. Has the License been issued? Yes (☐) No (☐)
If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11
4. Does the parent right have a Source? Yes (☒) No (☐)
If Yes, go to 5
If No, go to 7
5. Can the claimed Source be verified using the water right file? Yes (☒) No (☐)
If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7
6. Is the basis of claim a Posted Notice? Yes (☐) No (☐)
If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7
7. Is there evidence that there has been a change in the Source? Yes (☐) No (☐)
If Yes, go to 8
If No, go to 10
8. Can the change be verified as an accomplished transfer? Yes (☐) No (☐)
If Yes, add condition C02, go to 10
If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9
9. Did the claimant file a transfer? Yes (☐) No (☐)
If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10
10. Does the file contain all of the necessary information to verify the Source? Yes (☐) No (☐)
If Yes, recommend the Source as it existed on 11-19-1987. Go to 11
If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11
11. Is a Source remark and/or condition required? Yes (☐) No (☒)
If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.

Source

Claim No. 27-54

Purpose of Use Data Entry Form

Claim Number: 27-54☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

decree
field exam

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 6/7/04

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (X) No ()

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No ()

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

Yes () No ()

4. Does the parent right have a Purpose of Use?

If Yes, go to 5
If No, go to 6

Yes (X) No ()

5. Can the claimed Purpose of Use be verified using the water right file?

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6

Yes (X) No ()

6. Is there evidence that there has been a change in the Purpose of Use?

If Yes, go to 7
If No, go to 11

Yes () No ()

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C04, go to 11
If No, go to 8

Yes () No ()

8. Does the change include an enlargement of the Purpose of Use?

If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12

Yes () No ()

9. Was an enlargement claim filed?

If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10

Yes () No ()

10. Did the claimant file an enlargement claim?

If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

11. Does the file contain all of the necessary information to verify the Water Use?

If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes () No ()

12. Did the claimant file a transfer?

If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes () No ()

13. Is a Purpose of Use remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.

Yes () No (X)

Purpose of Use

Claim No.

27-54

Place Of Use Data Entry Form

Claim Number: 27-54X Use Claimed POU as Recommended POU

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
2S	38E	33	NWNW		Brigham	L2	3.2	Irrigation.
		33	NWNW		Brigham	L2	-	Stock watering

Total Acres 121.2

Document how the POU was verified:

field exam.

Steen's decree doesn't decree the water at an end per acre. Recommending irrigated acres even though it is more than 100 acres.

The GCDB was incorrect for L2 in Section 33, it should be NWNW NOT NE NW.

Transfers Changing POU _____

Reviewer: CBDate: 6/7/04

1. Is the basis of claim a Decree or License?

If Yes, go to 2a
If No, go to 2b

Yes (X) No ()

2a. Is a POU required?

If Yes, go to 5
If No, go to 14

Yes (X) No ()

2b. Is a POU required?

If Yes, go to 3
If No, go to 14

Yes () No ()

3. Is the basis of claim a Permit or Application?

If Yes, go to 4
If No, go to 7

Yes () No ()

4. Has the License been issued?

If Yes, go to 6
If No, recommend the POU as shown on the Permit. Go to 14

Yes () No ()

5. Does the parent right have a POU?

If Yes, go to 6
If No, go to 7

Yes () No (X)

6. Can the claimed POU be verified using the water right file?

If Yes, recommend the POU as shown in the water right file. Go to 14
If No, go to 7

Yes () No ()

7. Is there evidence that there has been a change in the POU?

If Yes, go to 8
If No, go to 13

Yes (X) No ()

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C05, go to 13
If No, go to 9

Yes (X) No ()

9. Does the change include an enlargement of the POU?

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10
If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes () No ()

10. Was an enlargement claim filed?

If Yes, go to 13
If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes () No ()

11. Did the claimant file an enlargement claim?

If Yes, go to 13
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

13. Does the file contain all of the necessary information to verify the POU?

If Yes, go to 14
If No, collect the necessary information. Conduct field exam if necessary. Go to 14

Yes (X) No ()

14. Is a POU remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POU review is complete.
If No, POU review is complete.

Yes () No (X)

Place of Use

Claim No. 27 - 54

Period of Use and Quantity Data Entry Form

Claim Number: 27-54☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water 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
Irrigation	4/1	10/31	2.0	-
Stock	4/1	10/31	0.02	

Overall Diversion Rate 2.0

Overall Diversion Volume _____

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

IDWR Standards.Reviewer: CBDate: 6/7/04

1. Is the basis of claim a Decree or License? Yes (☒) No (☐)
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application? Yes (☐) No (☐)
If Yes, go to 3
If No, go to 6
3. Has the License been issued? Yes (☐) No (☐)
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18
4. Does the parent right have a Period of Use? Yes (☐) No (☒)
If Yes, go to 5
If No, go to 6
5. Can the claimed Period of Use be verified using the water right file? Yes (☐) No (☐)
If Yes, go to 14
If No, go to 6
6. Is there evidence that there has been a change in the Period of Use? Yes (☐) No (☒)
If Yes, go to 7
If No, go to 12
7. Does the change include an enlargement in the Period of Use? Yes (☐) No (☐)
If Yes, go to 9
If No, go to 8
8. Can the change be recommended as an accomplished transfer? Yes (☐) No (☐)
If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11
9. Was an enlargement claim filed? Yes (☐) No (☐)
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10
10. Did the claimant file an enlargement claim? Yes (☐) No (☐)
If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
11. Was a transfer filed? Yes (☐) No (☐)
If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
12. Does the file contain all of the necessary information to verify the Period of Use? Yes (☒) No (☐)
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined? Yes (☐) No (☒)
If Yes, go to 14
If No, go to 15
14. Is irrigation claimed as a purpose of use? Yes (☐) No (☐)
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18
15. Is irrigation claimed as a purpose of use? Yes (☒) No (☐)
If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18
16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? Yes (☐) No (☐)
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18
17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use? Yes (☐) No (☐)
If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18
18. Is a Period of Use remark and/or condition required? Yes (☐) No (☒)
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.
If No, Period of Use review is complete.

Period of Use

Claim No. 27 - 54

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (X) No ()

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No ()

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11

Yes () No ()

4. Does the parent right have a diversion rate and/or volume?

If Yes, go to 5
If No, go to 7

Yes (X) No ()

5. Can the claimed diversion rate and/or volume be verified using the water right file?

If Yes, go to 8
If No, go to 7

Yes (X) No ()

6. Is the basis of claim a posted notice?

If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7

Yes () No ()

7. Is a flow measurement required?

If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9

Yes () No ()

8. Does the parent right have an annual diversion volume limit?

If Yes, go to 10
If No, go to 9

Yes () No (X)

9. Is the source Ground Water and does the purpose of use require a diversion volume limit?

If Yes, go to 10
If No, go to 11

Yes () No (X)

10. Is irrigation a purpose of use?

If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

Yes () No ()

11. Has a diversion volume limit for this water use been established by a decree, license or transfer?

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12

Yes () No (X)

12. Is a Quantity remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.

Yes () No (X)

Quantity

Claim No. 27 - 54

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice? Yes (☒) No (☐)
If Yes, go to 2
If No, go to 3
2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? Yes (☐) No (☒)
If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4
If No, status will be set as Active. Go to 5
3. Is the water being used for all of the purposes claimed and to the extent claimed? Yes (☐) No (☐)
If Yes, status will be set as Active. Go to 5
If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4
4. Is any portion of the claim being recommended? Yes (☐) No (☐)
If Yes, status will be set as Active. Go to 5
If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5
5. Does this right have any combined used limits with other rights? Yes (☐) No (☒)
If Yes, go to 6
If No, go to 6
6. Is an additional remark and/or condition required? Yes (☒) No (☐)
If Yes, enter the appropriate remark and/or condition. Go to 7
If No, go to 7
7. Would you like to view the recommended right? Yes (☒) No (☐)
If Yes, go to 8
If No, the review is incomplete. The recommendation must be viewed to complete the review.
8. Is this a "split" or "combined" right? Yes (☐) No (☒)
If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 9
If No, go to 9
9. Do you have documents you would like to attach or link to the file? Yes (☐) No (☒)
If Yes, go to PowerDOCS and profile the documents. Go to 10
If No, go to 10
10. Would you like to set the verification date? Yes (☒) No (☐)
If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.

Summary

Claim No. 27 - 54

Summary Data Entry Form

Claim No.: _____

Remarks and Conditions (Include Type, Category and Code if applicable):

C18
C05

Split or Combined Right Analysis:

no

Attached Field Notes or Other Documents:

Claim No.:

27-54

Reviewer

CB

Date

6/8/04

	OWNER OR DITCH	Water Right Ident. No.	DESCRIPTION OF LAND				
			Acres	Subdivision	Decree Inches	Sec.	Twp. Rge.
1.	Earl Ockerman				160	22	4 39
	Don Esplin		700		240		
2.	Darrell Cook		702		476	2	3 37
	Arvel Fielding				150	22	4 39
	Vincent Reid				630	9	2 37
3.	Everett Lyon		735		140	9	2 37
	James Mattson		150		10	9	2 37
4.	John Taney		10		100		
	Vera Belnap, Sec.		94		2000		
5.	Parley Arave				387	23-24	2 36
	Hersh Mynarcik				133	23-24	2 36
6.	Francis Whitten		120		120	22-14	2 36
	Fred Poindexter		5		5	1	3 35
7.	Adrian Young		45		45	1	3 35
	Neal Powell				50		
8.	Mrs. Joseph Hale		40		40	23	
	K.V. Stephensen		80		50	23	2 36
9.	Jim Tarpley				250	3	2 36
	Owen Taylor				200	32-34	2 36
10.	LeRoy Howell, Sec.		690		1100		
	J.D. Robertson		60		50	10	3 35
11.	Merrill Packer				40		
	Richard Kerbs				25		
12.	Eloise Hamilton, Sec.				920		
	Fred J. Bell		138		138	18	3 35
13.	Norman Wright		48		48	18	3 35
	Harvey Coffman		44		44	18	3 35
14.	Lorin Coffman		7		9		
	Gordon Durney		15		15	18	3 35
15.	Darwin Thompson				18	3	35
	Stan McDaniel, Sec.				643		
16.	Albert Bell, Sec.		771		728		
	Rob Robinson, Sec.				620		
17.	Clinton Cox		550		150	17	2 39
	Lloyd Stolworthy		77		60	10	2 38
18.	Lloyd Stolworthy				100		
	Ron Jensen		50		50		
19.	L. D. Cox				22		
	Merlin Frandsen		60		60	22	3 39
20.	Neil Bithell				60	22	3 39
	Chesterfield Land & Livestock				160		
21.	Gene Rishell				145		
	Florian Wernette				300		
22.	Frank Pratt				72		
	Vera P. Belnap				172		
23.	Basil Poulson				278		
24.	CARIBOU COUNTY						
	Roy Corbett						
25.	L.W. White						
	Don Allen						
26.	DeLos Ruffard						
	Corbridge Brothers						
27.	Roland Allen						
	Preston Allen						
28.	Tom Callan						
	Bear Lake Cattle Association						
29.	J.H. Stockings						
	Lloyd Brothers						
30.	Glenn Winchell						
	Mary Sheridan						
31.	E.S. Stucki						
	D.W. Beckstead						
32.	Guy Harris						
	Galen Christensen						
33.	Monsanto Chemical Co.						
34.							
35.							

1978

1. Vin Reid
2. Fred Reid
3. Wallace Reid
4. Everett Lyon
5. James Mattson
6. J.D. Robertson
7. John Taney
8. Lloyd W. Young
9. Joe Olsson
10. Vera Belnap, Sec.
11. Rex Hale
12. Herodell Myrarcik
13. Fred Poindexter
14. Neal Powell
15. Annette Stephenson
16. Francis Whitten
17. Adrian Young
18. Merrill Packer
19. Lambert Produce
20. LeRoy Howell
21. Eloise Hamilton, Sec.
22. Shipley & Coles
23. Harvey Coffman
24. O.E. Cook
25. Gordon Durney
26. Dan Daniels
27. Cordell Stewart
28. Darwin Thompson
29. Norman Wright
30. Stan McDaniels, Sec.
31. Albert Bell, Sec.
32. Layne Hamilton, Sec.
33. Walt Hamilton
34. Chesterfield Land, Livestock
35. Neil Bithell
36. Joe Olsson
37. Merlin Frandsen
38. Gene Rishel
39. Earl Hunter
40. Ron Jensen
41. Lloyd Stolworthy
42. Clinton Cox
43. Lloyd Stolworthy
44. Vera P. Belnap
45. Basil Poulson
46. Bruce Bradshaw
47. Florian Wernette
48. Don Allen
49. Calvin Dredge
50. Alma Hubbard
51. L.W. White
52. Mary Sheridan
53. Lake & Ellis
54. Sydney Thompson
55. Grant Loyd
56. Stauffer Chemical
57. Jouglard Sheep Co.
58. Harris Bros.
59. E. S. Stuck
60. D. W. Beckstead
61. Calvin Bennett
62. Preston Allent
63. Roland Allen
64. Bear Lake Cattle Assn.
65. Tom Cellan
66. Corbridge Bros.
67. Monsanto Chemical
68. J. H. Stockings
69. Christensen

27-004-014-021-022-028
27-028-029
Blackfoot Irrigation
27-016
27-029
27-029
27-4077
27-022-035
27-004
27-004
27-023
27-004
27-004
27-023
27-023
27-004
27-004 013 Blackfoot Irrigation
27-022-035-028-29-040-041
27-003-004-017-020-022-029 Corbet
27-012 [Slough Blkft. Irrig.
27-027
27-004
27-027
27-027
27-027
27-027
27-027
27-027-023
27-004-025-027-037 Blkft. Irrig.
27-003-004-022-023-026-037 Blkft
Smith Maxwell [Irrig.
27-7129
27-4016
27-023
27-4079
27-049
27-023-056
27-022
27-047-055
27-054
27-050-051-004-022-035-016-29
27-051
Sand Creek
Sand Creek
Sand Creek
Sand Creek
27-0073-2132
27-0076
27-0075
27-0075
27-2009-2040
27-2069-2075
27-0034
27-203-20238-2028
27-7008 A&B
27-4115
27-2011
27-2003
27-2054-20542
27-0070
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27-0060-0061-0065-0066-0067-0068-0069
27-0060-0061-0065-0066-0067-0068-0069
27-0033
27-0049
Trans. #1641 W.R. #35-001
27-097-098
27-7127-7118 Trans #2433 W.R. #01-0028A
27-7302

8. 54 13 55 12 75 25 65 05 68 89 63 69 70 28
9. 9 02 10 50 11 34 11 94 11 15 10 79 11 90
10. 39 09 39 37 42 23 42 99 39 36 40 67 44 88
11. 12 02 10 50 12 33 12 50 11 15 11 70 12 91
12. 13 83 16 40 12 33 14 33 13 12 14 00 15 45
13. 10 50 11 34 11 94 11 15 11 23 12 39
14. 805 93 922 41 898 61 991 471 015 82 926 85 1022 53
15. 24 06 15 75 22 53 23 46 21 65 21 49 23 71
16. 9 02 10 50 11 34 11 94 11 15 10 79 11 90
17. 9 02 10 50 11 34 11 94 11 15 10 79 11 90
18. 31 28 19 68 28 06 28 80 26 24 26 81 29 58
19. 24 06 19 68 28 06 26 27 26 24 24 86 27 43
20. 57 14 47 24 63 77 58 87 52 48 55 90 61 67
21. 24 06 17 72 25 36 24 87 22 96 22 99 25 36
22. 39 09 19 68 17 71 31 61 29 52 27 52 30 36
23. 138 33 150 91 132 36 150 47 131 21 140 66 155 18
24. 471 29 564 29 553 25 553 27 503 18 529 06 583 68
25. 335 72 390 80 367 89 396 76 385 23 375 28 414 02
26. 78 19 101 70 114 65 113 80 111 53 103 97 114 70
27. 27 07 25 33 27 35 28 80 26 24 26 96 29 74
28. 9 02 10 50 11 34 11 94 11 15 10 79 11 90
29. 9 02 10 50 11 34 11 94 11 15 10 79 11 90
30. 9 02 10 50 11 34 11 94 11 15 10 79 11 90
31. 9 02 10 50 11 34 11 94 11 15 10 79 11 90
32. 9 02 10 50 11 34 29 50 26 24 28 35 31 28
33. 21 05 31 23 33 73 307 12 282 10 287 37 317 04
34. 261 57 286 21 299 87 403 36 393 64 375 53 414 30
35. 334 40 406 29 339 97 113 80 106 28 113 09 124 76
36. 124 86 102 75 117 76 11 94 11 15 11 23 12 39
37. 10 50 11 34 25 15 22 96 23 39 25 80
38. 21 05 22 97 24 80 11 94 11 15 11 39 12 57
39. 12 03 10 50 11 34 11 94 11 15 11 23 12 39
40. 10 50 11 34 14 05 13 12 15 70 17 32
41. 24 06 13 12 14 17 14 05 11 15 15 31 16 89
42. 24 06 13 12 14 17 11 94 11 15 13 20 14 56
43. 21 05 10 50 11 34 11 94 11 15 16 42 18 12
44. 18 05 19 68 21 26 21 06 19 68 19 95 22 01
45. 18 05 19 68 21 26 277 34 249 30 248 90 274 59
46. 182 37 254 19 281 30 49 17 65 61 50 48 55 69
47. 42 10 45 93 49 60 20 79 19 68 18 36 20 26
48. 24 06 13 12 14 17 40 74 38 05 38 57 42 55
49. 34 88 38 06 41 10 11 94 11 15 11 39 12 57
50. 12 03 10 50 11 34 63 22 59 04 59 84 66 02
51. 54 13 59 05 63 77 21 08 19 68 19 95 22 01
52. 18 04 19 69 21 26 77 27 72 17 73 14 80 69
53. 66 16 72 17 77 94 70 25 65 61 61 68 68 05
54. 36 09 65 62 70 86 21 08 19 68 19 95 22 01
55. 18 04 19 69 21 26 21 08 19 68 19 95 22 01
56. 48 11 52 49 56 68 21 08 19 68 19 95 22 01
57. 18 04 19 69 21 26 56 20 52 48 53 19 58 68
58. 48 11 52 49 56 68 49 17 11 15 39 59 43 60
59. 42 10 45 93 49 60 56 20 52 48 49 26 54 35
60. 42 10 45 93 49 60 14 05 13 12 13 62 15 03
61. 13 12 14 17 28 10 26 24 26 60 29 35
62. 24 06 26 25 28 34 28 10 26 24 26 60 29 35
63. 54 13 65 61 70 86 70 25 65 61 65 29 72 03
64. 38 49 19 69 21 26 21 08 19 68 27 04 29 83
65. 18 04 19 69 21 26 21 08 19 68 19 95 22 01
66. 174 42 190 28 205 49 203 72 190 25 192 83 212 74
67. 192 46 190 28 205 49 203 72 190 25 196 44 216 72
68. 132 32 65 61 70 86 70 25 65 61 80 93 89 28
69. 48 11 10 50 11 34 11 94 11 15 18 61 20 53
70. 42 10 10 50 11 34 11 94 11 15 17 41 19 21
71. 42 10 52 49 56 68 56 20 52 48 51 99 57 36
71. 42 10 52 49 56 68 49 17 45 93 46 55 51 36

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13.	---	10	50	11	34	11	58	11	13	11	28	11	28
14.	805	93	922	41	698	61	23	46	21	65	21	49	1022
15.	24	06	15	75	22	53	11	94	11	15	10	79	23
16.	9	02	10	50	11	34	11	94	11	15	10	79	11
17.	9	02	10	50	11	34	11	94	11	15	10	79	11
18.	31	28	19	68	28	06	28	80	26	24	26	81	29
19.	24	06	19	68	28	06	26	27	26	24	24	86	27
20.	57	14	47	24	63	77	28	87	56	48	55	90	61
21.	24	06	17	72	25	36	24	87	32	96	22	99	25
22.	39	09	19	68	17	71	31	61	29	52	27	52	30

	7500	01
	7690	00
	7500	00
	7300	00
	7650	00
	8000	00
	8000	00
SUM		
TOTAL		

1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 4, 2004

Ronald Jensen
708 E. 800 N.
Firth, ID 83236

Ref: Snake River Basin Adjudication (SRBA)
Notice of Claims 27-47 and 27-54

Subject: Amending your above referenced Notice of Claims

RESPONSE DATE: May 18, 2004

COPY

Dear Mr. Jensen,

Per our discussion I have amended your claims to correct the point of diversion (POD) and the place of use (POU). On your 27-47 Blackfoot River claim I added the in-stream stock watering as we discussed. You will notice that it has a point of beginning and a point of ending. I used the map created by Harold Jones during your visit with him to create the irrigated place of use. I've enclosed a copy of the map for your convenience. Some of the legal descriptions changed because of the lot numbers. The irrigated acres are slightly different then originally claimed.

On claim 27-54 from Cedar Creek I didn't add the in-stream stock watering as we discussed because it doesn't appear to flow through your property. Your ditch that conveys your water for irrigation would also be the ditch for your stock watering. If you have any questions about the amended claims please feel free to contact me at my office in Soda Springs at 547-3993.

If you agree with the amended claims please sign then as soon as possible in front of a notary and return them to me by the above response date.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Amended Notice of Claims 27-47 and 27-54
Spatial Map with amended POUs and PODs noted.

COPY

SCANNED

Log for claim 27-00054

Spatial Dynamics LTD

11/28/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s38e	28	NWSW	10	8.6	
02s38e	28	SWSW	30	37	
02s38e	28	SESW	10	11	
02s38e	29	SWNE	2	1.3	
02s38e	29	SENE	8	8.7	
02s38e	29	NESE	30	30	
02s38e	29	SESE	10	6.8	
Totals:			100	103.4	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant	Ronald Jensen	Phone	346-6823
Post office address	Rt. 1, Box 375, Firth, ID 83236		

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to George Monroe, John Lyon (Name)
in case of Fred S. Stevens, et al. VS Eastern Idaho Water Co., et al.
dated 8/1/1891 in 5th Judicial Dist. county of Bingham
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
Applicant acquired right through purchase of land. _____
3. Source of water Cedar Creek tributary to Blackfoot River
4. Date of priority 4/1/1884
5. Water is used for the following purposes:
amount 2.0 cfs for irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day – both dates inclusive)
6. Total amount of water under right: a. 2.0 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is * 1/4 of _____ % of Section _____
Township _____ Range _____, B.M., in Bingham County
Additional points of diversion, if any _____
8. Lands irrigated or place of use: * Unsurveyed

[illegible]

Total number of acres to be irrigated _____

9. Describe any other water rights used for the same purposes as described above

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

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	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 2.0 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SW 1/4 SE 1/4, Section 28 Township 2S
Range 38E, B.M., Bingham County
Additional points _____

c. Description of diverting works Diversion in creek to ditch to pond to sprinkler system.

d. Describe the reasons for applying for a change in the point(s) of diversion _____
The applicant wishes to more clearly define his decreed water right.

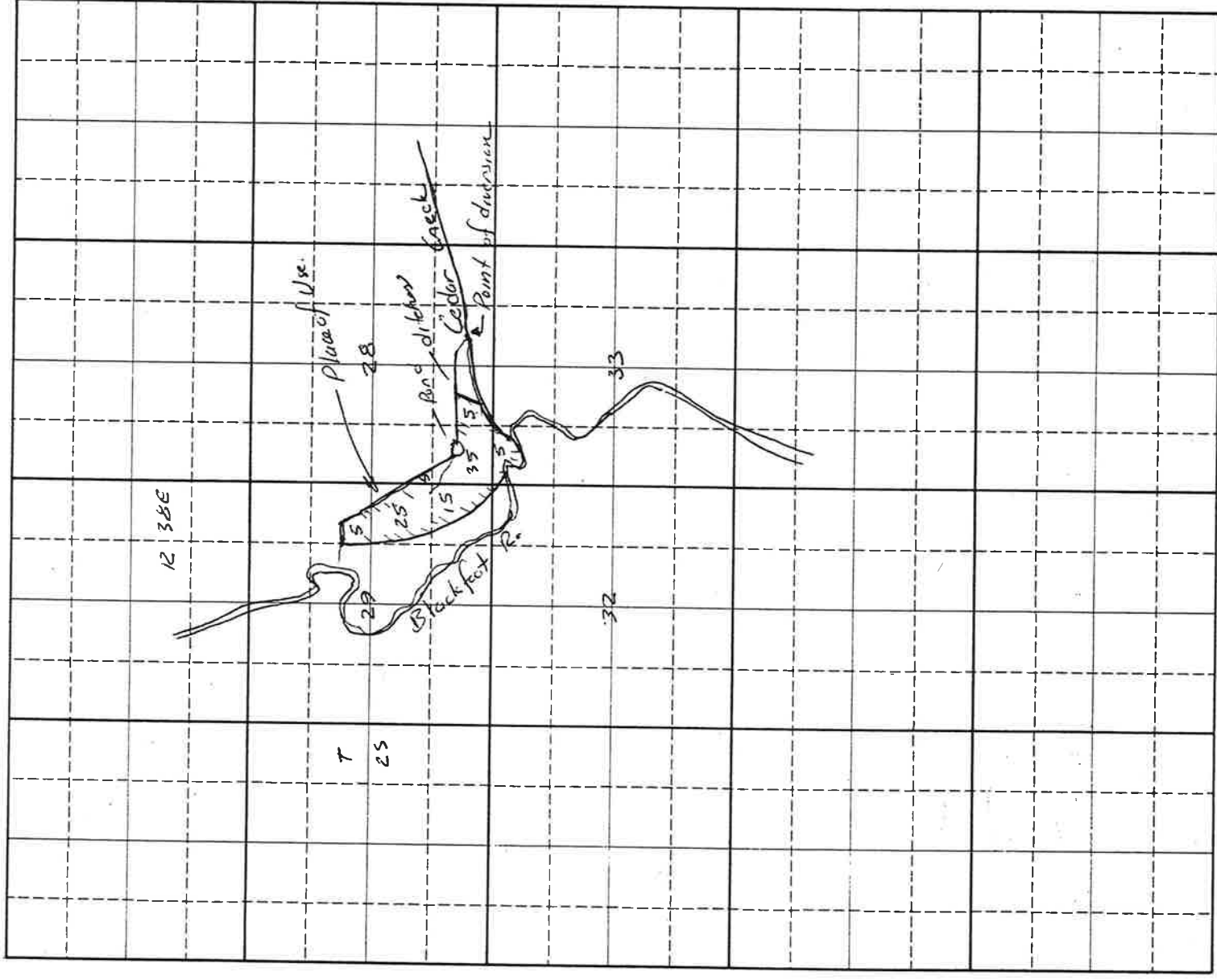
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

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	
2S	38E	28										5	35	5					45
		29			5										25		15		45
		33					5												5

Total number of acres to be irrigated 95

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 12 day of May, 1980.
Ronald Jensen
(Signature of applicant)

Kathryn A. Walker
(Notary public)

My commission expires 2/15/83

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 27-0054
and said application is hereby DENIED, subject to the following limitations and conditions:

PURSUANT TO MEMORANDUM DECISION AND ORDER

Witness my hand this 17th day of May, 1982.

A. Kenneth Dunn
A. KENNETH DUNN, Director

FOR DEPARTMENT USE ONLY

Received by SM Date 5/12/80 Protest filed by _____
Prelim. check by PC Fee 35. _____
Receipted by KW Date 5/12/80 #13985 _____
Published in The Blackfoot News Copies of protest forwarded by _____
Pub. dates 5/22 & 5/29/80 Hearing held by _____ Date _____
Watermaster recommendation requested on 5/20/80 Recommended for approval denial
6/4/80 rec'd. _____ by EME

Identification No. 27-054

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ed Hall, watermaster of Blackfoot River,
of Water District No. 27, County of Bingham, State of Idaho,
whose address is Box 6 Firth, Idaho 83236,
have read the attached copy of the application for transfer of water right for
Ronald Jensen, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: My records show that the water of this
decree number is for a different land. I show that the #27-055
decree belongs to Ronald Jensen.

Dated at Firth, Idaho, this 3 day of June, 1980.

Edward Hall
(Signature)

RECEIVED

JUN 4 1980

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 27-0054

Notice is hereby given that Ronald Jensen, Firth, Idaho, has applied to the Department of Water Resources to clarify his rights on Cedar Creek tributary to the Blackfoot River. The rights sought to be clarified is evidenced by decree to George Monroe and John Lyon in case of Fred S. Stevens, et al. vs Eastern Idaho Water Co., et al. dated 8/1/1891 in 5th Judicial District Court, County of Bingham, and is evidenced as follows:

AMOUNT: 2.0 cfs

PRIORITY: 4/1/1884

DECREED POINT OF DIVERSION: Not specified in decree.

The water is used for irrigation purposes from April 1 to November 1 with the place of use not specified in the decree.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, Twp. 2S, Rge. 38E, B.M., Bingham County to be used for the irrigation of 95 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28; SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33; Twp. 2S, Rge. 38E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before June 9, 1980.

C. STEPHEN ALLRED

Director

Published in the Blackfoot News 5/22 & 5/29/1980.

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

Fred S. Stevens, et al.)
Plaintiffs,)
-vs-)
Eastern Idaho Water Co. et al.,)
Defendants.)

270
Transferred
Noted

This cause having been heretofore tried
by the Court, without a jury, and the Court having made its
findings of fact and conclusions of law;

It is now ordered, Adjudged and Decreed, that the
following parties are entitled to divert from the Blackfoot
River, the amount of water herein indicated, and the right
of each party dates from the time hereinafter stated and

set opposite each name, to-wit:-

27	0012	Fred S. Stevens	July 6, A. D. 1869	138 Inches
27	0013	Henry Dunn	July 1, A. D. 1870	300 Inches
27	0014	H. A. Just and) Dunn Just)	August 1, A. D. 1871	200 Inches
27	0015	Leon Misslen	July 1st, A. D. 1873	200 Inches
27	0017	John Misslen	July 1st, A. D. 1874	180 Inches
27	0018	H. E. Lewis	March 1st, A. D. 1875	100 Inches
27	0005	Presto Burrell	March 1st, A. D. 1876	100 Inches
27	0020	William Kirkpatrick	May 1st, A. D. 1878	100 Inches
27	0021	E. M. Shoemaker	April 1st, A. D. 1879	190 Inches
27	0022	Eastern Idaho Water Co.	March 25, A. D. 1880	1800 Inches
		P. B. Fox Jr.)		
		William Howard)		
		A. Whitten)		

year thereafter, for irrigating or any other than domestic purposes.

It is further ordered, Adjudged and Decreed that the following parties are entitled to divert from the Wolverine Creek a tributary of said Blackfoot River, the amount of water herein indicated, and the right of each party dates from the time hereinafter stated and set opposite each name, to-wit:

27 0050	Peter Morris	March 1st, A. D. 1882	60 Inches
27 0051	Sample Orr	July 1st, A. D. 1882	80 Inches
27 0052	Peter Morris	April 1st, A. D. 1887	60 Inches
27 0053	Daniel M. Taylor	April 1st, A. D. 1888	10 Inches

It is further ordered adjudged and decreed that the following parties are entitled to divert from Cedar Creek, a tributary of Blackfoot River, the amount of water herein indicated and the right of each party dates from the times hereinafter stated and set opposite each name to-wit:

27 0054	George Monroe) &) John Lyon)	April 1st, A. D. 1884	100 Inches
27 0055	Samuel Borup	April 1st, A. D. 1887	50 Inches

27 0056 It is ordered, adjudged and decreed that George Heaton is entitled to divert from the east fork of Brush Creek, a tributary of Blackfoot River, one hundred and twenty-five (125) inches of water, said rights dating from the 1st day of May A. D. 1888, but the said right shall only extend to the 1st day of July in each year, for irrigating purposes, and the said Heaton is hereby enjoined from diverting or using in any manner any part of the said water right after the 1st day of July in each and every year hereafter for irrigating or any other than domestic purposes.

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 27-54
Date Received: 5/31/1989
Receipt No: E008368
Received By:

AMENDED

AMENDED

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

1. Name of Claimant(s)

RONALD JENSEN Phone: (208)346-6823

708 E 800 N
FIRTH ID USA 83236

2. Date of Priority: 04/01/1884

3. Source: CEDAR CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02S	38E	28	SE SW SE	BINGHAM	Beginning Point
02S	38E	33	NW NE NW 2	BINGHAM	Ending Point
02S	38E	28	SE SE SE	BINGHAM	

5. Description of diverting works:

HEADGATE & DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2	
STOCKWATER	04/01	11/01	0.02	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
02S	38E	28	NE	SW		IRRIGATION	1.3
			NW	SW		IRRIGATION	29.2
			SW	SW		IRRIGATION	37.9
			SE	SW		IRRIGATION	11.6
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
			SE	SW		STOCKWATER	
			SW	SE		STOCKWATER	
					Section Acres	80	
02S	38E	29	NE	SE		STOCKWATER	
			SE	SE	4	STOCKWATER	
			NE	SE		IRRIGATION	31.2
			SE	SE	4	IRRIGATION	6.8
					Section Acres	38	
02S	38E	33	NE	NW		IRRIGATION	3.2
						Section Acres	3.2
					Total Acres	121.2	

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:

14. Remarks:

AMENDED CLAIM TO CORRECT POD, POU AND SOU. CB

15. Basis of Claim: Decreed

(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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Ronald Jensen Date: 6-7-04

Date: _____

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of June, 2004 Cindy E Bird
Notary Public

Residing at Lava Hot Springs
My commission Expires May 1, 2007

Cindy E. Bird



SCANNED

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: A27-00054
Date Received: 5/31/1989
Receipt No:
Received By: Sm.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RONALD JENSEN
Address: 708 E 800 N
FIRTH, ID 83236

208-346-6823

2. Date of Priority: APR 01, 1884

3. Source: CEDAR CREEK Trib. to: BLACKFOOT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02S	38E	34	SE	SW	SE		BINGHAM

5. Description of diverting works:
HEADGATE & DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		
STOCKWATER	04/01	10/01	0.070		

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

8. Total consumptive use is 250.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 250 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	38E	28	NW	SW		IRR	10.0
			NW	SW		STOCK	

A27-00054

Page 1

Date: 05/31/89

A2700054



MICROFILMED

NOV 12 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02S	38E	28	SW		SW		IRR	30.0
			SW		SW		STOCK	
			SE		SW		IRR	10.0
			SE		SW		STOCK	
							Section Acres	50.0
		29	SW		NE		IRR	2.0
			SW		NE		STOCK	
			SE		NE		IRR	8.0
			SE		NE		STOCK	
			NE		SE		IRR	30.0
NE			SE		STOCK			
SE			SE		IRR	10.0		
SE			SE		STOCK			
					Section Acres	50.0		
					Total Acres	100.0		

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
A27-00047

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

FRED S. STEVENS, ET AL.
Decree Plaintiff

vs

EASTERN IDAHO WATER CO., ET AL
Decree Defendant

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): Ronald Jensen Date: 5-31-89

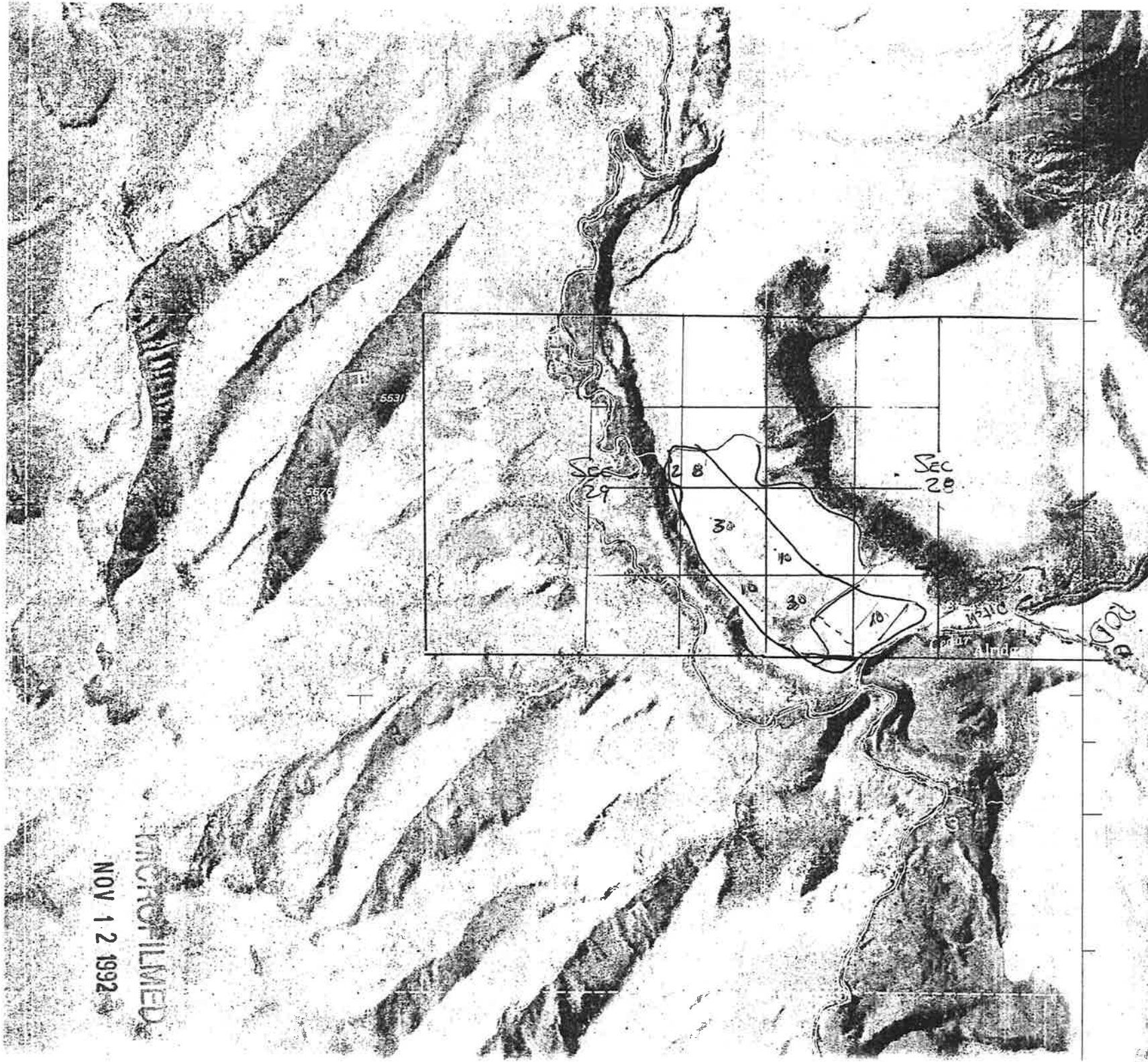
Date: _____

State of Idaho)
County of Bonanza) SS.

Subscribed and sworn (or affirmed) before me this 31 day
of May 19 89 Colleen Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991



570 000
FEET

Ronald Jensen
A27-00054

NOV 12 1992
MICROFILMED

T2S