

02/01/2005

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

RIGHT NUMBER: 29-2187
NAME AND ADDRESS: HELEN JENSEN
727 E 1550 N
SHELLEY ID 83274

LEON JENSEN
PO BOX 71
DOWNEY ID 83234

VESIAL JENSEN
727 E 1550 N
SHELLEY ID 83274

IVA LOU JENSEN
PO BOX 71
DOWNEY ID 83234

SOURCE: ASPEN CREEK TRIBUTARY: MARSH CREEK

QUANTITY: 0.500 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.60 CFS. COMBINED RIGHT NOS.: 29-02187,
29-02325B

PRIORITY DATE: 01/09/1915

POINT OF DIVERSION:

T12S R37E S5 SWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.500 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T12S R37E S05	NWSE	9.0	T12S R37E S05	SWSE	21.0
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30 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 30 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-02187, 29-02325B

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THE OPERATION AND ADMINISTRATION OF THIS WATER RIGHT IS ALSO SUBJECT
TO THE TERMS AND CONDITIONS OF THE FOLLOWING CONTRACTUAL AGREEMENT:
WATER RIGHTS SETTLEMENT AGREEMENT ENTERED INTO ON JANUARY 26, 2005,
BETWEEN KENT JENSEN, ATTORNEY-IN-FACT, ON BEHALF OF IVA LOU JENSEN,
LAUNA MAYNARD (A.K.A. LONNA MAYNARD), ATTORNEY-IN-FACT ON BEHALF OF
HELEN JENSEN, GERALDINE B. MCNEE, DONNA RAE VAUGHAN, DAVID B.

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

HARTVIGSEN, ATTORNEY-IN-FACT ON BEHALF OF THE REED & DORIS
HARTVIGSEN FAMILY TRUST, AND DAVID B. HARTVIGSEN, ATTORNEY-IN-FACT
ON BEHALF OF RICHARD N. HARTVIGSEN FILED OF RECORD IN THE OFFICE OF
THE BANNOCK COUNTY RECORDER ON JANUARY 31, 2005, AS INSTRUMENT NO.
861; THE PROVISION OF SUCH AGREEMENT TO APPLY FULLY TO THIS WATER
RIGHT NOTWITHSTANDING THE FACT THAT THE WATER RIGHT ELEMENTS IN THE
AGREEMENT MAY DIFFER FROM THOSE SPECIFIED HEREIN.

EMC

EXPLANATORY MATERIAL: License

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

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

RIGHT NUMBER: 29-2187
NAME AND ADDRESS: HELEN JENSEN
727 E 1550 N
SHELLEY ID 83274

LEON JENSEN
PO BOX 71
DOWNEY ID 83234

VESTAL JENSEN
727 E 1550 N
SHELLEY ID 83274

IVA LOU JENSEN
PO BOX 71
DOWNEY ID 83234

SOURCE: ASPEN CREEK TRIBUTARY: MARSH CREEK
QUANTITY: 0.50 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.60 CFS. COMBINED RIGHT NOS.: 29-02187,
29-02325B

PRIORITY DATE: 01/09/1915

POINT OF DIVERSION:

T12S R37E S5 SWSE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.500 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T12S R37E S05	NWSE	9.0	T12S R37E S05	SWSE	21.0
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30 ACRES TOTAL

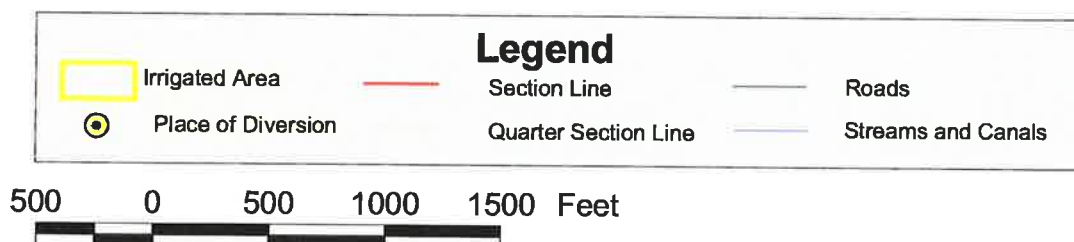
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

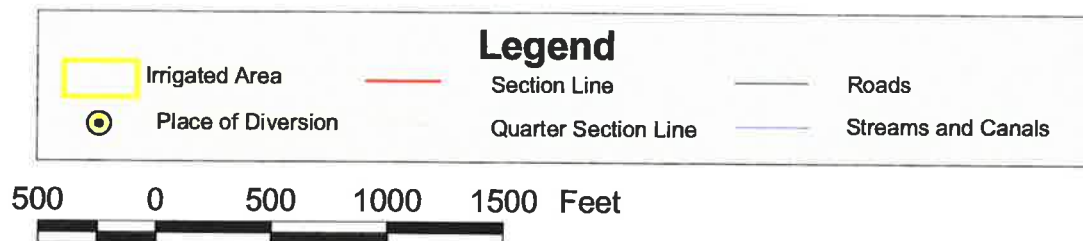
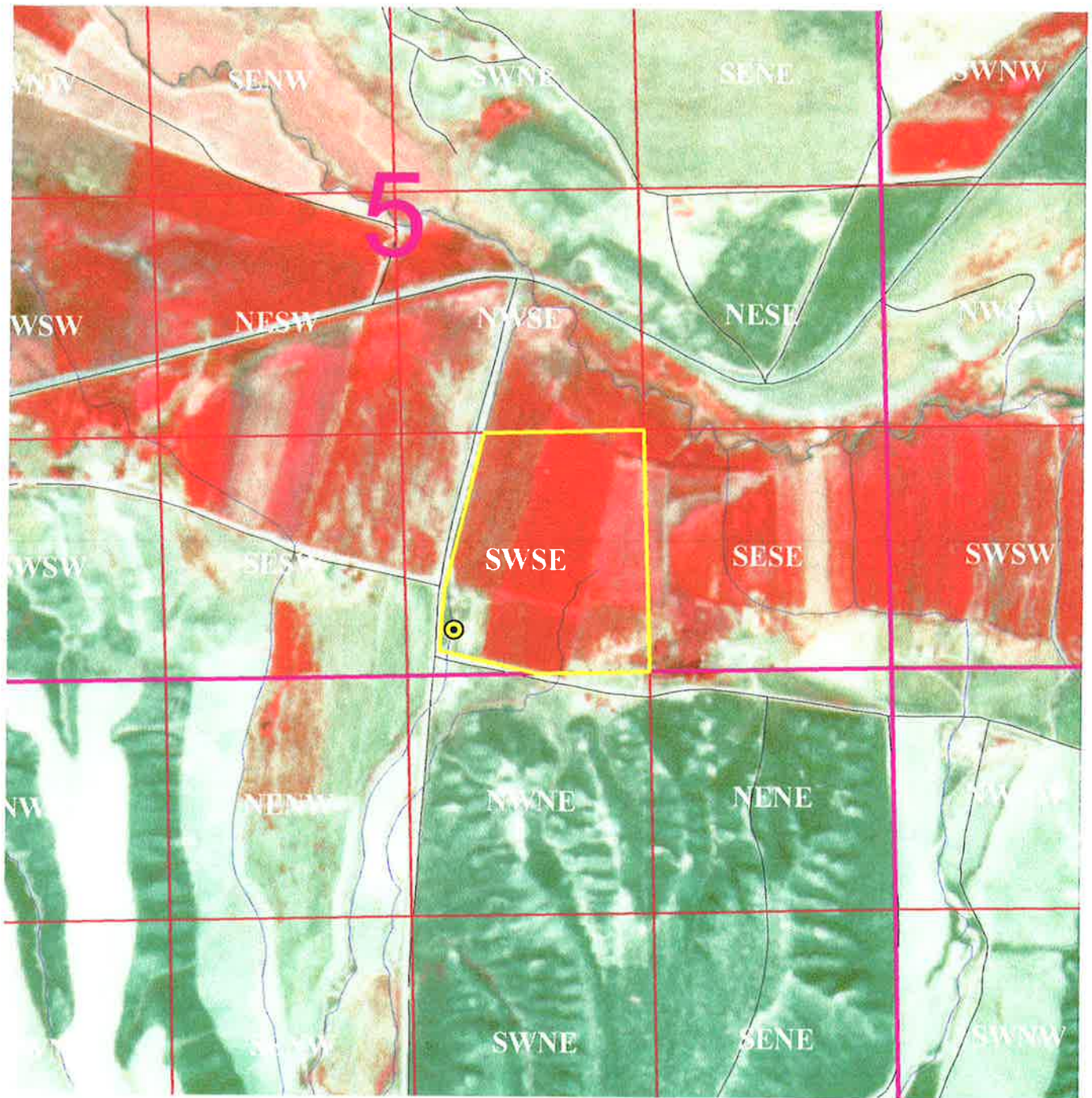
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

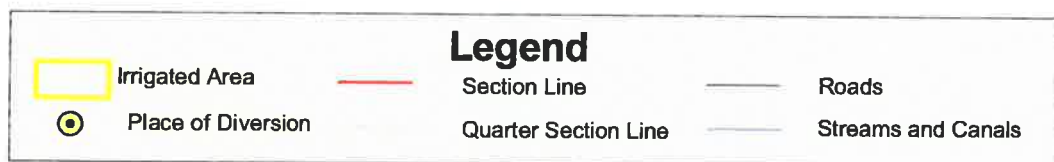
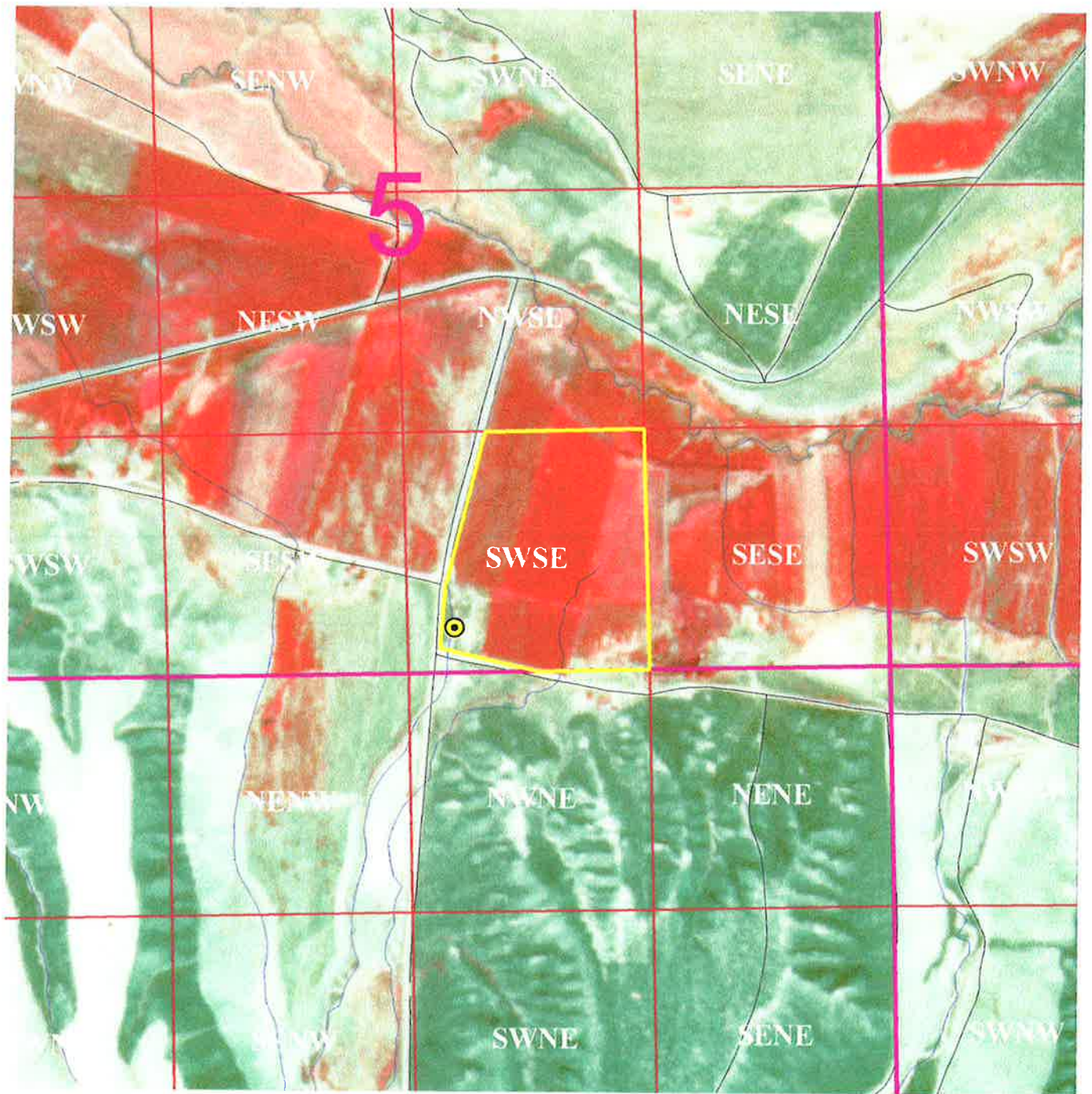
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.



Township , 12S37E



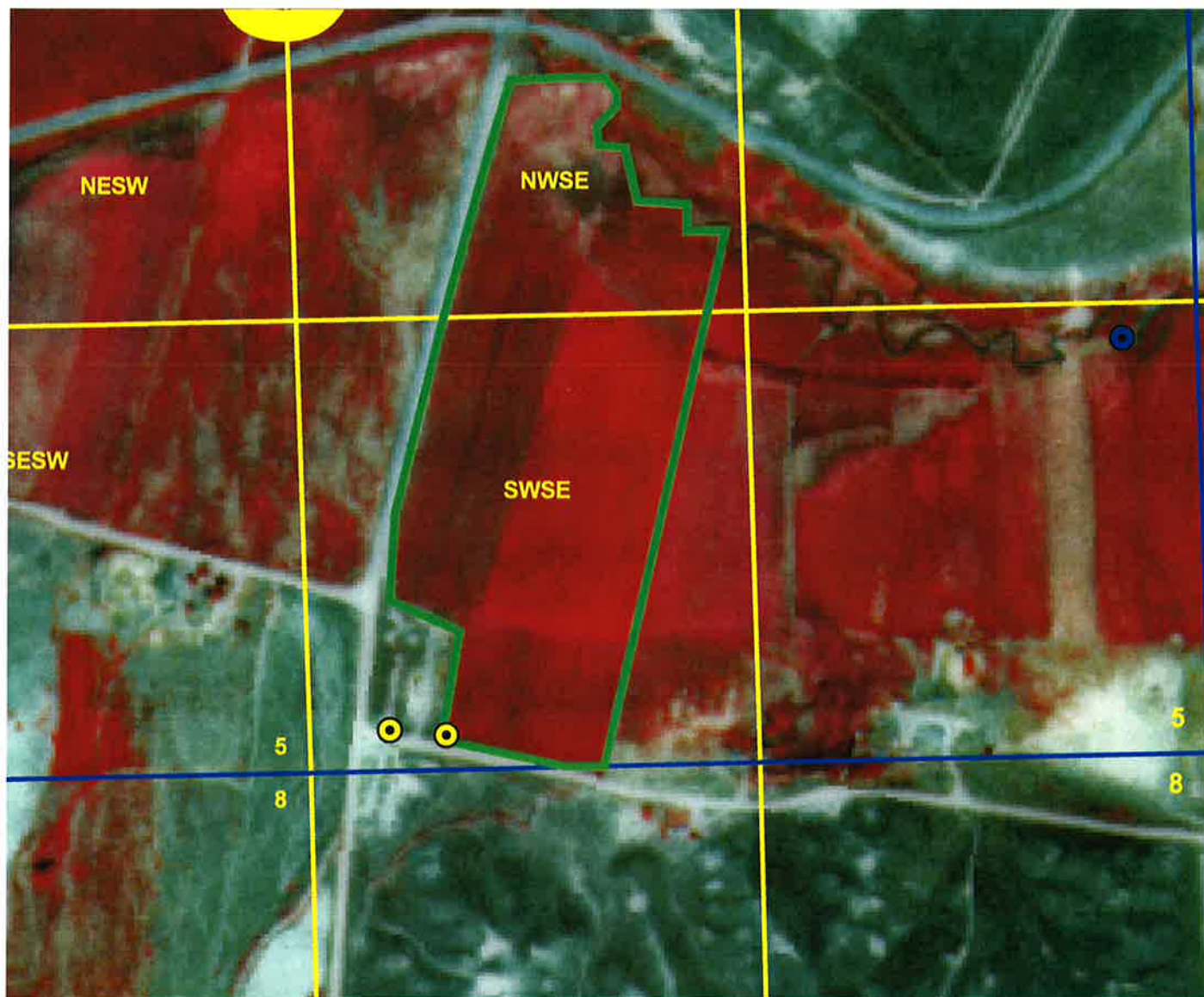
Township , 12S37E



IDAHO DEPARTMENT OF WATER RESOURCES

29-02187, 29-02325B

T12S, R37E SEC 5



PROFILED

ACRES IRRIGATED- 30



POINT OF DIVERSION



PLACE OF USE

SCANNED

DEC 30 2005

GIS: PLACE OF USE
POINT OF DIVERSION
1987/1988 NAPP PHOTOS
DAVE CARLSON



2 2187.

FAX

From: Kent Jensen
3883 E. Elison Rd
Downey, ID

To: Ernie Carlson
208 525-7177

Attached is copy of the Power of Attorney

SCANNED
DEC 30 2005

PROFILED

Received Time Apr. 19. 12:27PM

DURABLE POWER OF ATTORNEY

I, IVA LOU JENSEN, appoint LEON JENSEN my true and lawful attorney-in-fact, (hereinafter referred to as "agent") for me and in my name, to do any and all acts which I could do if personally present. This durable power of attorney becomes effective immediately when I sign it.

If LEON JENSEN is unable or unwilling to act as agent then KENT L. JENSEN shall act with all rights and responsibilities given to the original agent. If KENT L. JENSEN is unable or unwilling to act as agent then SHARON K. JENSEN shall act with all rights and responsibilities given to the original agent. If SHARON K. JENSEN is unable or unwilling to act as agent then ANNETTE SCOTT shall act with all rights and responsibilities given to the original agent. My agent(s) shall act without bond.

My agent may perform for me and in my name and on my behalf any act in the management, supervision, and care of my estate and affairs that I personally have authority to perform. My agent may exercise for me and in my name and on my behalf the powers enumerated below, which are intended to illustrate, and not to limit, the scope of this power. This power of attorney shall apply to all property owned by me, whether title is held as sole owner, as a joint tenant, as a tenant in common, as grantor or trustee of a revocable living trust, or otherwise.

- A. **SECURITIES**: My agent may buy, sell, pledge, exchange, assign, option, or otherwise transfer any securities of any kind; deal with any broker, banker, or other agent; receive all dividends and interest payments now or hereafter due or payable to me from any security or other indebtedness or investment; vote stock and otherwise represent me at all meetings of shareholders or companies or corporations in which I have an interest; sign proxies or other instruments; tender my resignation as director or officer; subscribe to shares of stock, and execute request for payment of United States Savings Bonds, and surrender paid securities and receive the proceeds thereof.
- B. **ACCOUNTS**: My agent may open, continue, maintain, change, or close any account, including without limitation any checking or savings account, certificate of deposit, share account, and other like arrangement with any bank, trust company, savings bank, building and loan association, savings and loan association, credit union, or other financial institution; make deposits and withdrawals by check, draft, or otherwise; and endorse checks, notes, and drafts for deposit, collection, or otherwise.
- C. **BENEFITS**: My agent may apply for and receive any government, insurance and retirement benefits to which I may be entitled. My agent may also exercise any right to elect benefits or payment options or to receive cash value in return for the surrender of any or all rights under any of the following: Life insurance policies or benefits; annuity

Page 2, Durable Power of Attorney of IVA LOU JENSEN

policies, plans or benefits; mutual fund or other dividend investment plans; and retirement, profit sharing and employee plans and benefits.

- D. DEEDS: My agent may sign, execute, deliver and acknowledge such deeds, deeds of trust, covenants, indentures, agreements, mortgages, pledge agreements, notes, receipts, checks, bills of exchange, evidence of debts, releases and satisfactions of mortgage debts, judgment debts and other debts.
- E. OTHER PROPERTY, INCLUDING REAL ESTATE: My agent may sell, exchange, option, and convey my real and personal property, wherever located; execute and deliver deeds of general warranty, with the customary covenants for such property; manage and control my real and personal property, wherever located; negotiate, execute, and deliver any leases of my property; demand and collect rents; buy every kind of property, real or personal; arrange for appropriate disposition, use, insurance, and safekeeping of all my property; settle, compromise, and adjust insurance claims; borrow money in my name, and to receive such loans by real estate mortgage or by other collateral. My agent may also purchase medical insurance for any dependent of mine.
- F. TRANSFER OF ASSETS: My agent may transfer from time to time some or all of my assets to the trustee or trustees of any revocable trust that I may have established or may establish in the future, regardless of the extent or limitations on my beneficial interests in that trust, to be administered in accordance with the terms thereof, and may manage the assets of said trust as if they were my solely owned assets.
- G. OPERATION OF BUSINESS: My agent may continue the operation of any business belonging to me or in which I have a substantial interest for such time and in such manner as my agent may deem advisable or to sell or liquidate any business or interest herein, at such time and on such terms as my agent may deem advisable and in my best interests.
- H. COLLECTION AND LITIGATION: My agent may demand and collect all property, real or personal, now or hereafter due, payable, or belonging to me; contest, compromise, settle, or abandon claims in my favor or against me; give receipts, releases, and discharges; commence, pursue, or oppose any action, suit, or legal proceeding relating to any matter in which I am or may hereafter be interested; and compromise, settle, or submit to judgment any such action or proceeding.
- I. TAXES: My agent may represent me before any office of the Internal Revenue Service or the Treasury Department of the United States and before the tax department of any state, county, or municipality with regard to any tax with which I am concerned. In particular without limitation, my agent may represent me in connection with any federal income tax return, Form 1040, for all tax years between 1950 and 2050, inclusive; any federal gift tax returns, Form 709, for all tax years between 1950 and 2050, inclusive; any

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Received Time Apr. 19. 12:27PM

DEC 30 2005

Page 3. Durable Power of Attorney of IVA LOU JENSEN

Idaho income tax return, for all tax years between 1950 and 2050, inclusive; and any Idaho gift tax return, for all tax years between 1950 and 2050, inclusive. My agent may perform all acts that I can perform with respect to any tax matters without limitation. My agent may prepare, sign, and file any tax return; receive originals of all notices and other written communications; negotiate and make compromises; file claims; receive, endorse, and collect checks; receive and examine confidential information; and take appeals, file protests, and execute waivers and closing agreements. My agent may consent on my behalf to have any gift made by my spouse considered as made by each of us under section 2513 of the Internal Revenue Code.

- J. SAFE DEPOSIT BOX: My agent shall have access to any safe deposit box of mine (whether the box is held in my name alone, in my revocable trust, or jointly with another or others) wherever located, and may remove the contents and surrender the box on my behalf. Any institution in which a safe deposit box of mine is located is not liable to me or my heirs or estate for permitting my agent to exercise this power.
- K. POST OFFICE: My agent shall be able to request and authorize the post office to forward my mail to whatever address my agent may deem advisable.
- L. SOCIAL SECURITY: My agent may represent and act for me before the Social Security Administration of the United States, and any similar agency of a state or local government; collect all Social Security benefits due me; and make such arrangements in connection with Social Security benefits including without limitation Medicaid and Medicare as will facilitate their application to my care and support.
- M. EMPLOYMENT OF AGENTS: My agent may employ and dismiss agents, attorneys, investment advisors, accountants, housekeepers, and other persons, and terminate any agency that I may have created at any time.
- N. FIDUCIARY POSITIONS: My agent may renounce any fiduciary positions to which I have been or may be appointed, including, but not limited to personal representative, trustee, guardian, conservator, attorney-in-fact and officer or director of a corporation; to resign such positions in which capacity I am presently serving, and to file an accounting with a court of competent jurisdiction, or settle on a receipt or release or other informal method as my agent deems advisable.
- O. NOMINATION OF GUARDIAN: In accordance with Idaho Statutes, as amended from time to time, I nominate my agent to serve as my guardian, conservator, or in any similar capacity to serve without bond or security.
- P. SEVERABILITY: The invalidity of a provision of this power of attorney shall not affect another provision.

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DEC 30 2005

Page 4, Durable Power of Attorney of IVA LOU JENSEN

- Q. **POWER OF APPOINTMENT:** My agent may exercise any power of appointment given to me, whether by will or by trust agreement.
- R. **GIFTING:** My agent may make gifts to third parties or to the agent(s) as individual(s), as the agent(s), in the sole discretion of the agent, deem appropriate.
- S. **COMPENSATION:** My agent shall be reimbursed for all reasonable costs and expenses actually incurred and paid under this power of attorney. My agent shall act with reasonable compensation.
- T. **RIGHTS UNDER COMMUNITY PROPERTY LAW, INCLUDING RIGHT OF MANAGEMENT AND CONTROL:** My agent may exercise any management and control over community property or other property, as well as any other right I retain under the community property law. Further, my agent may enter into or amend existing agreements with my spouse or the personal representative of the estate of my spouse as to classification of property under community property law.

THIS POWER OF ATTORNEY SHALL NOT BE AFFECTED BY MY SUBSEQUENT DISABILITY, INCAPACITY, OR INCOMPETENCY.

I hereby declare that any act or thing lawfully done hereunder by my said agent(s) shall be binding upon myself, my heirs, legal and personal representatives and assigns.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 4 day of December, 2003, at the City of Pocatello, County of Bannock, Idaho.

WITNESSES:

Debra Luttrich
Linda Bennett

Iva Lou Jensen
IVA LOU JENSEN

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DEC 30 2005

Received Time Apr. 19. 12:27PM

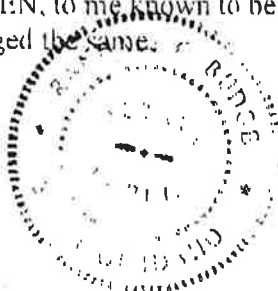
Page 5, Durable Power of Attorney of IVA LOU JENSEN

STATE OF IDAHO

)
) SS:
)

COUNTY OF BANNOCK

Personally came before me this 14th day of December, 2003, the above named IVA LOU JENSEN, to me known to be the person who executed the foregoing instrument and acknowledged the same.



Randall C. Budge
NOTARY PUBLIC FOR IDAHO,
Residing at Pocatello.
My Commission Expires 10/11/2006.

This instrument was drafted by
Randall C. Budge, Attorney-at-Law
PO BOX 1391, POCATELLO, Idaho 83204

Received Time Apr. 19. 12:25PM

SCANNED
DEC 30 2005

D. Scott Crook
Smith Hartvigsen, PLLC
215 S. State Street, Suite 615
Salt Lake City, Utah 84111
Idaho Bar No. 5543
Phone: 801-413-1600
Fax: 801-413-1620
Attorneys for Objector

248
AE

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED
2003 NOV 13 AM 11 30

**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

A. Subcase 29-2187

Case No. 39576

STANDARD FORM OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING:

Name: Reed & Doris Hartvigsen Family Trust
Address: 649 E. Center Street, Bountiful, Utah 84010
Daytime Phone: (801) 295-0844

Name & Address of Attorney, if any:

D. Scott Crook
SMITH HARTVIGSEN, PLLC
215 S. State Street, Suite 650
Salt Lake City, Utah 84111

C. CLAIMANT(S) OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Leon and Iva Lou Jensen
Address: P.O. Box 71, Downey, Idaho 83234
Name: Vestal and Helen Jensen
Address: 727 East 1550 North, Shelley, Idaho 83274

SCANNED
DEC 30 2005

D. OBJECTION:

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☒ **Quantity**

Should be reduced by the amount of water historically intercepted by the ditch that historically collected water from two springs as it traversed west from the original point of diversion on Aspen Creek to Cherry Creek.

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

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DEC 30 2005

E. REASONS SUPPORTING OBJECTION(S):

This water right, as originally filed, diverted water from 3 sources; i.e., Aspen Creek and two unnamed springs along the historic ditch. The Claimants and/or their predecessors ceased using that ditch approximately 50 years ago, apparently changing their point of diversion several miles downstream on Aspen Creek. In so doing, they abandoned and/or forfeited that quantity of water which was originally supplied from those springs. Those springs do not flow into Aspen Creek and cannot be replaced with Aspen Creek water. This objecting party does not know how much water those two springs contributed historically to the flow in that ditch; however, this water right should be reduced by whatever amount that was.

The objecting party has knowledge of these facts because the point of diversion for the historic ditch is located on this objecting party's property. This objecting party states that no water has been diverted from Aspen Creek into the historic ditch by any party for decades, other than this objecting party and family members who are co-owners of three water rights in Aspen Creek, i.e., 29-2174, 29-2176, and 29-11182. The initial section of the ditch has been exclusively used and maintained by family members between the point of diversion from Aspen Creek and the authorized places of use under these three family water rights. Beyond that point, the ditch has not been used by anyone for any purpose for approximately 50 years, and it essentially no longer exists.

In addition, the Claimants have, by moving their point of diversion several miles downstream, effectively converted this water right into a highwater water right because Aspen Creek rarely reaches their new point of diversion. One of this objecting party's upstream water rights is junior to the Claimants' right. However, this objecting party should not be required to bypass water needed to satisfy its junior right in order to satisfy the Claimants' right, except in those rare high water conditions where it is likely that such water will actually reach the Claimants' new point of diversion.

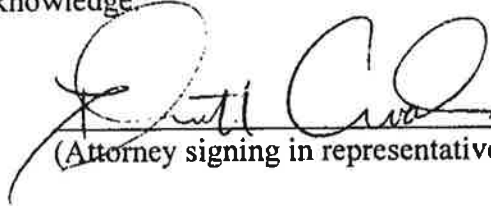
Therefore this objecting party respectfully requests that the Claimants' water right be modified accordingly in the Court's decree.

SCANNED
DEC 30 2005

F. VERIFICATION

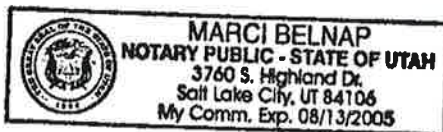
State of Utah }
 ss.
County of Salt Lake }

I, D. Scott Crook, being duly sworn, upon oath, depose and state that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Attorney signing in representative capacity)

Subscribed and sworn to before me on this 12th day of November, 2003.


Notary Public



G.

CERTIFICATE OF MAILING

I certify that on November 12, 2003, I sent the original by overnight delivery and mailed copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimants of the water right at the following addresses:

Leon and Iva Lou Jensen
P.O. Box 71
Downey, Idaho 83234

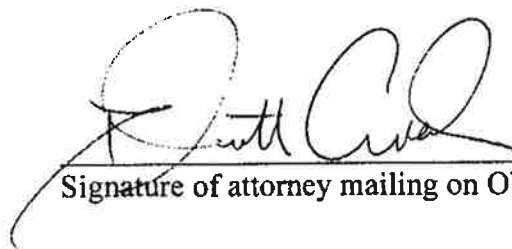
Vestal and Helen Jensen
727 East 1550 North
Shelley, Idaho 83274

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of attorney mailing on Objector's behalf

D. Scott Crook
Smith Hartvigsen, PLLC
215 S. State Street, Suite 615
Salt Lake City, Utah 84111
Idaho Bar No. 5543
Phone: 801-413-1600
Fax: 801-413-1620
Attorneys for Objector

248
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED
2003 NOV 13 AM 11 30

**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

A. Subcase 29-2187

STANDARD FORM OBJECTION

B. NAME AND ADDRESS OF PERSON OBJECTING:

Name: Richard N. Hartvigsen
Address: 1023 E. Millstream Way, Bountiful, Utah 84010
Daytime Phone: (801) 299-1771

Name & Address of Attorney, if any:

D. Scott Crook
SMITH HARTVIGSEN, PLLC
215 S. State Street, Suite 650
Salt Lake City, Utah 84111

C. CLAIMANT(S) OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Leon and Iva Lou Jensen
Address: P.O. Box 71, Downey, Idaho 83234
Name: Vestal and Helen Jensen
Address: 727 East 1550 North, Shelley, Idaho 83274

D. OBJECTION:

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☒ **Quantity**

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4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

This water right, as originally filed, diverted water from 3 sources; i.e., Aspen Creek and two unnamed springs along the historic ditch. The Claimants and/or their predecessors ceased using that ditch approximately 50 years ago, apparently changing their point of diversion several miles downstream on Aspen Creek. In so doing, they abandoned and/or forfeited that quantity of water which was originally supplied from those springs. Those springs do not flow into Aspen Creek and cannot be replaced with Aspen Creek water. This objecting party does not know how much water those two springs contributed historically to the flow in that ditch; however, this water right should be reduced by whatever amount that was.

The objecting party has knowledge of these facts because the point of diversion for the historic ditch is located on property owned by this objecting party's family. This objecting party states that no water has been diverted from Aspen Creek into the historic ditch by any party for decades, other than this objecting party and family members who are co-owners of three water rights in Aspen Creek, i.e., 29-2174, 29-2176, and 29-11182. The initial section of the ditch has been exclusively used and maintained by family members between the point of diversion from Aspen Creek and the authorized places of use under these three family water rights. Beyond that point, the ditch has not been used by anyone for any purpose for approximately 50 years, and it essentially no longer exists.

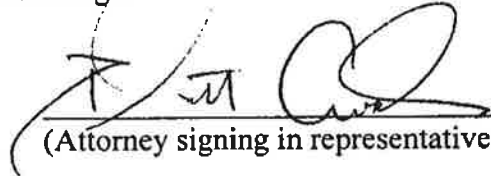
In addition, the Claimants have, by moving their point of diversion several miles downstream, effectively converted this water right into a highwater water right because Aspen Creek rarely reaches their new point of diversion. One of this objecting party's upstream water rights is junior to the Claimants' right. However, this objecting party should not be required to bypass water needed to satisfy his junior right in order to satisfy the Claimants' right, except in those rare high water conditions where it is likely that such water will actually reach the Claimants' new point of diversion.

Therefore this objecting party respectfully requests that the Claimants' water right be modified accordingly in the Court's decree.

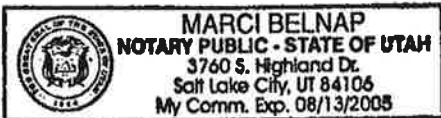
F. VERIFICATION

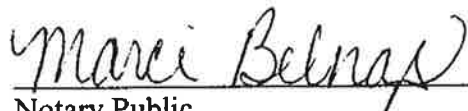
State of Utah }
 ss.
County of Salt Lake }

I, D. Scott Crook, being duly sworn, upon oath, depose and state that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Attorney signing in representative capacity)

Subscribed and sworn to before me on this 12th day of November, 2003.




Notary Public

G.

CERTIFICATE OF MAILING

I certify that on November 12, 2003, I sent the original by overnight delivery and mailed copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimants of the water right at the following addresses:

Leon and Iva Lou Jensen
P.O. Box 71
Downey, Idaho 83234

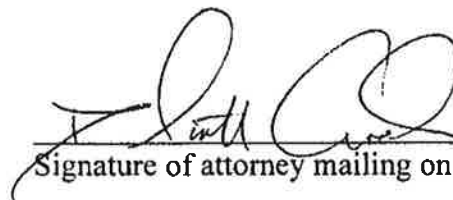
Vestal and Helen Jensen
727 East 1550 North
Shelley, Idaho 83274

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of attorney mailing on Objector's behalf

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): A29-02187, A29-02325B
and A29-02326

[] Old Mailing Address: Vestal + Helen Jensen
~~727 E. 1550 N.~~ 689 N. Main
~~Shelley, ID~~ Downey, ID 83234

[] New Mailing Address: Helen Jensen
727 E. 1550 N.
Shelley, ID 83274

[] Telephone Number: 208-357-7497

[] Signature of Claimant: Helen S Jensen

[] Date: 6-11-01

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

RECEIVED

JUN 13 2001

Department of Water Resources
Eastern Region

PROFILED

SCANNED

DEC 30 2005

JUNE 14, 2001

DEAR MS. JENSEN

WATER RIGHT NUMBERS A29-02187, A29-02325B AND A29-02326
HAVE BEEN CHANGED TO REFLECT THE ADDRESS ON THE FRONT OF THIS
CARD.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CONTACT THIS OFFICE
AT 208-525-7161.

RESPECTFULLY SUBMITTED,

Cheri Vandermeulen

CHERI VANDERMEULEN
RECORDS CLERK



VESTAL & HELEN JENSEN
727 E 1550 N
SHELLEY ID 83274

PROFILED

SCANNED
DEC 30 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 7, 2001

VESTAL & HELEN JENSEN
727 E 1550 N
SHELLEY ID 83274-5037

RE: CHANGE OF ADDRESS FOR A29-02187, A29-02325B AND
A29-02326

Dear Mr. & Mrs. Jensen:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Vestal & Helen Jensen
Po Box 91
Downey ID 83234

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED

DEC 30 2005

PROFILED

SCANNED

JUN 04 2001

Log for claim A29-02187

Spatial Dynamics TWB

5/16/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
12s37e	5	SWSE	30	31	
Totals:			30	31	

Amount: $\frac{1}{2}$ of 1 cu. ft.
Use: Irrig. & Domestic
Priority: 1-9-15

STATE OF IDAHO

Water License No. 10953

29-02187

WHEREAS, On the 9th day of January, A. D. 1915, Jos. A. Jensen

of Downey, County of Bannock, State of Idaho, duly made application (No. 16017) to me for a permit to use $\frac{1}{2}$ of 1 cubic foot per second of the waters of Quakenasp Hollow and two unnamed springs, County of Bannock, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 18th day of January, A. D. 1915, Permit No. 10953 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 18th day of July, A. D. 1915, and for the application to beneficial use of said water on or before the 18th day of July, A. D. 1916, and,

WHEREAS, On the 1st day of June, A. D. 1915, Jos. A. Jensen

the holder of said permit, duly made proof of the completion of adequate works for the diversion of $\frac{1}{2}$ of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 10953 dated July 7, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use $\frac{1}{2}$ of 1 cubic foot per second of said water, with date of priority of January 9, 1915, and

WHEREAS, On the 10th day of January A. D. 1916, Jos. A. Jensen

the holder of said permit, duly made proof of the application to beneficial use of $\frac{1}{2}$ of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Jos. A. Jensen

of Downey, County of Bannock, State of Idaho, the holder and owner of said Permit No. 10953, a perpetual right, dating from January 9, 1915 to the use of $\frac{1}{2}$ of 1 cubic foot per second of the waters of Quakenasp Hollow and two springs,

in the County of Bannock and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted as Follows: From Quakenasp Hollow in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 27, T. 12 S., R. 37 E., B.M.; from Spring No. 1 in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 28, and Spring No. 2, in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 28, T. 12 S., R. 37 E., B.M. and conducted to and upon about 30 acres in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 5, T. 12 S., R. 37 E. B.M.

29-02187

for the purpose of irrigation and domestic use. subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 29th day of January A. D. nineteen hundred and Sixteen.

J. E. Smith

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Jos. A. Jensen.

Postoffice address: Downey

County: Bannock State: Idaho.

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is $\frac{1}{2}$ cubic feet per second.

3. Source of water supply: Quakenasp Hollow and two unnamed springs. See Remarks.

4. Location of point of diversion: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 27, T. 12 S. 37 E. B. M. See Remarks.

County of Bannock.

5. To be used for: Irrigation

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 40 acres.

(b) In the following legal subdivisions: SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 5, T. 12 S. R. 37 E. B. M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

(c) Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: \$50.00

7. Description of works for diversion:

I. Kind of works: Ditch

II. Dimensions of works:

(a) Height of dam feet, length of dam at top feet,

length of dam at bottom feet. Material used in construction:

(b) Capacity of reservoir acre feet. (c) Size of headgate, width feet,

Height feet. (d) Conduit ditch width at bottom 2 feet,

width at water line 3 feet, depth of water feet; diameter of pipe

inches; average grade per mile is 20 feet. Length of conduit is 7 miles,
and it crosses the following quarter sections: SW $\frac{1}{4}$ Sec. 27, the S $\frac{1}{2}$ Sec. 28, the E $\frac{1}{2}$ Sec. 29,
the NW $\frac{1}{4}$ Sec. 29, the W $\frac{1}{2}$ Sec. 20, the W $\frac{1}{2}$ Sec. 17, the W $\frac{1}{2}$ Sec. 8 and the NE $\frac{1}{4}$ Sec.
8 All in T. 12 S. R. 37 E. B. M.

8. The time required for the completion of the construction of such work is $\frac{1}{2}$ years.

9. Time required for the complete application of the water to the proposed use is
additional years.

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

Jos. A. Jensen,

Applicant.

By R. H. Palmer,

Agent.

APPROVAL OF STATE ENGINEER

The number of this permit is 10953.

Recorded in Book 37 Page 10953 Approved January 18, 1915.

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

Bond in the sum of to be filed on or before

Work to begin on or before March 19, 1915 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before April 19, 1915.

The whole of said work to be completed on or before July 18, 1915.

Beneficial use of water appropriated in accordance herewith, to be made on or before January 18, 1916.

Witness my hand this 18th day of January, 1915.

Herbert Wing,
Acting State Engineer.

Remarks:

The fact that this is a company ditch accounts for its large size.

One of the springs is located on SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 28. From this 2/27 sec. ft. of water is taken.

Spring located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 28 T. 12 S. R. 37 E. B. M. From this 4/ sec. ft. is taken.

Both springs are located on government land. 5/18 sec. ft. is the amount taken from Quakenasp Hollow Creek. The point of diversion is indicated under D. 4 above.

Proof of Completion of Works made June 1st, 1915.

Certificate of Completion issued July 7, 1915.

Permit No. 10953.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Jos. A. Jensen of Downey, County of Bannock, and State of Idaho, the holder of Permit No. 10953, issued upon Application No. 16017, bearing date of priority of January 9, 1915, authorizing the diversion of 1/2 of 1 second foot of the waters of Quakenasp creek and two springs, County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1/2 of 1 second foot of the waters of Quakenasp creek and two springs; that the points of diversion of said waters are as follows; from Quakenasp creek in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 27, T. 12 S., R. 37 E. B. M.; from Spring No. 1, in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 28, and from Spring No. 2, in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, sec. 28, T. 12 S., R. 37 E. B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 5, T. 12 S., R. 37 E. B. M., containing 40 acres.

Witness my hand this 7th day of July, A. D. 1915.

J. H. Smith,

State Engineer of the State of Idaho.

REPORT OF ENGINEER

No 10453

1. State name of applicant and number of permit: *Jos. A Jensen Permit No. 10453*
2. State source of water supply: *Quakenaese Hollow & Two Ancestral Springs*
3. Location of point of diversion: *SE 1/4 of SW 1/4 Sec 27 T. 12 S. 37 E. B. M.*
First spring SW 1/4 of the SE 1/4 Sec. 28. Spring No. 2 SW 1/4 of SW 1/4 Sec 28
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: *Work completed*
5. Describe works as they exist, giving dimensions and capacities of same: *Ditch*
width at Bottom 2 feet width at water line
3 feet, Depth of water 1/2 feet, Grade per mile 2.2
feet. Length of Ditch 7 miles
6. State whether or not water has been turned into works of diversion: *Water is in*
Ditch all the time
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
SW 1/4 of the SE 1/4 Sec 5 T. 12 S. R. 37 E. B. M.
30 Acres to irrigate

RECEIVED

DEC 20 1915

OFFICE OF STATE ENGINEER

8. Submit map on enclosed plat, showing location and details of above description.

Remarks:

This is to the best of my knowledge

This examination was made on the

27

day of

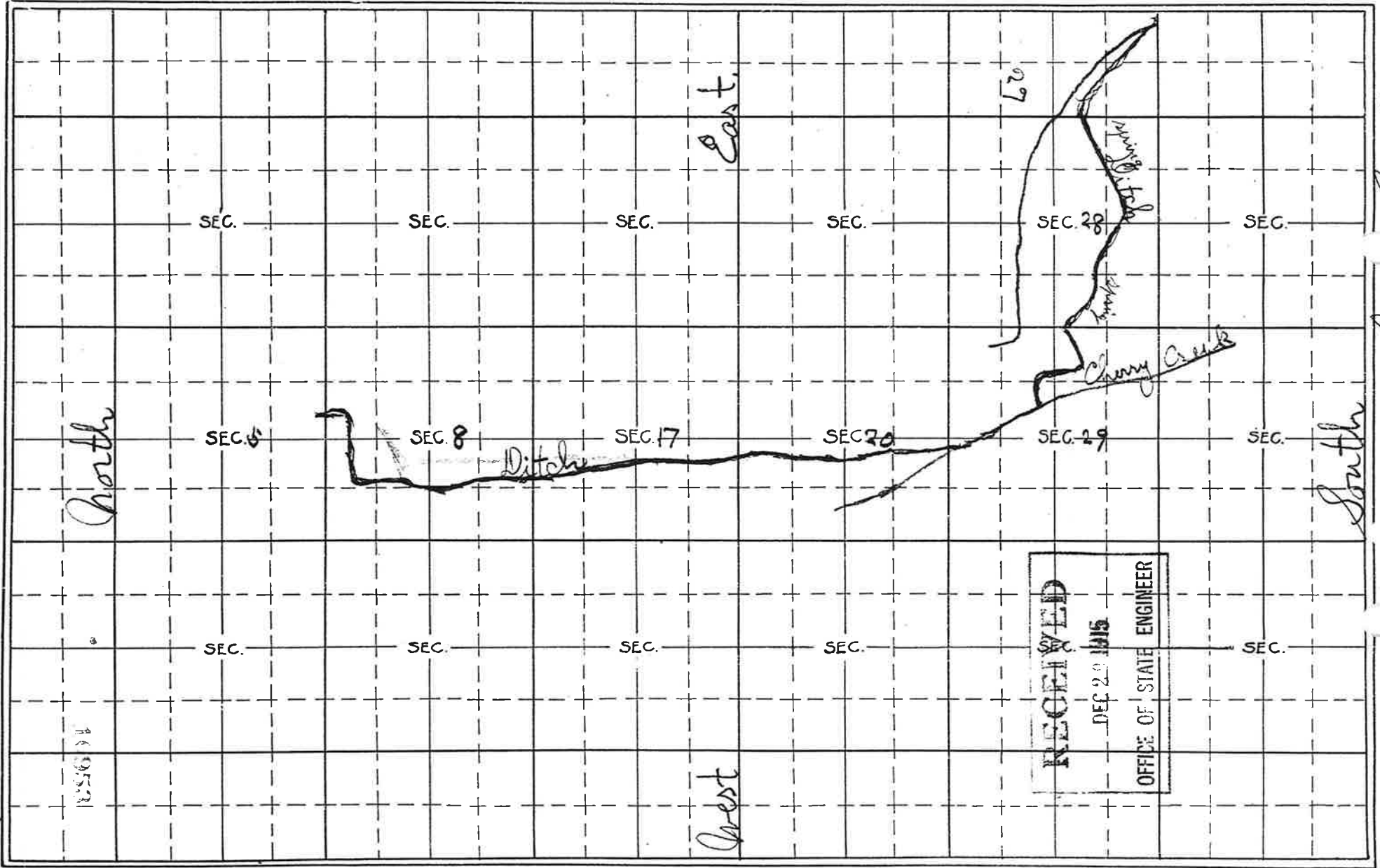
*Dec*19*15*

(Signed)

Edwin Webb

Examiner.

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK



Name of Applicant of *Geo. C. Jensen*

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 48

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	IVA LOU JENSEN PO BOX 71 DOWNEY ID 83234 (208) 897-5218	01/09/1915	IRRIGATION	03-15 11-15	0.500 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	0.500 CFS	75.00 AFA
C	VESTAL JENSEN					
C	HELEN JENSEN PO BOX 91 DOWNEY ID 83234 (208) 897-5332					
C	LEON JENSEN PO BOX 71 DOWNEY ID 83234 (208) 897-5218					

Tributary to: MARSH CREEK
ASPEN CREEK

Stage: LICENSE

Point(s) of Diversion: T12S R37E S05 SWSE

BANNOCK County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE								
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	:	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	:	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	:	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	:	SUM
12S	37E	5	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
																						30	30.0
																						TOTAL ACRES	30.0

POU County: BANNOCK

Non-Irrigation Uses: NONE

Other Rights: A29-02325B

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-02325A A29-02325B A29-02325C

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00348B A29-02325 A29-02325B A29-02325C A29-11799

Remarks: GEN SOURCES ARE QUAKENASP HOLLOW & SPRINGS.
ASPEN CK. KNOWN LOCALLY AS QUAKENASP HOLLOW.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 29H Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A29-02187

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 49

=====

Audit: 04/17/90 JONES 06/02/94 COX 03/29/95 POST-STD 04/12/00 CVANDERM



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

JULY 5, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

DAVID HANSEN
5258 PINEMONT DR #B115
MURRY UT 84123

RE: WATER RIGHTS

Dear David:

To answer your telephone enquiry I have enclosed the following:

- * Proof reports of Licenses 29-2325 and 29-2187
- * Proof reports of SRBA Notices of Claims A29-02325B and A29-02187
- * Copy of court decree entitled J. W. Morgan vs Charles R. Evans
- * Copy of unsigned Water Owner's Agreement.

I do not know the disposition of the Water Owner's Agreement, but I included a copy of it because the SE1/4 Sec 18 T12S R37E is listed as the property of Randy Jones. A Notice of Claim has not been filed on this property in the SRBA for the use of Cherry Creek.

Feel free to contact this office if you have questions concerning these documents.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure

FILE: A29-02325B

CL 29-2187 (decree)

MICROFILMED

NOV 14 1996

JUN 04 2001

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A29-02187
Date Received: 4/16/1990
Receipt No: E013187
Received By: HWT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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



2. Date of Priority: JAN 09, 1915

3. Source: QUAKENASP CREEK SPRINGS Trib. to: MARSH CREEK
QUAKENASP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	37E	5	SW	SE			BANNOCK

5. Description of diverting works:
DITCH TO FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

A.F.A.

A29-02187

Page

1

Date: 04/16/90

MICROFILMED
NOV 13 1992

8. Total consumptive use is

75.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	37E	5	SW	SE		IRR	30.0

Section Acres 30.0

Total Acres 30.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
A29-02325B

14. Remarks:

SOURCES ARE QUAKENASP HOLLOW & SPRINGS.

ASPEN CK. KNOWN LOCALLY AS QUAKENASP HOLLOW.

15. Basis of Claim: LICENSE
Water Right Number: 10953

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *Nesta Jensen* Date: *4-16-90*
_____ Date: _____

State of Idaho)
County of *Bonneville*) SS.

Subscribed and sworn (or affirmed) before me this *16th* day

of *April* 19 *90*

William Wray
Notary Public

Seal

Residing at *Idaho Falls*

My Commission Expires *5/29/1991*

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A29-02187	12S	37E	5		SW	SE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-02325A NONE
A29-02325B
A29-02325C

WR RECORDS IN SAME 40 ACRE TRACT

29-02325
29-02356
29-04398

SOURCE: ASPEN CREEK
SPRINGS

TRIB: MARSH CREEK
ASPEN CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-02187	12S	37E	27		SE	SW			BANNOCK		
29-02187	12S	37E	28		SW	SE			BANNOCK		
29-02187	12S	37E	28		NW	SW			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

29-02174
29-02175
29-02176
29-02177
29-02178

A29-02174 29-11808
A29-02176
A29-02177
A29-11182
A29-11808

SOURCE: ASPEN CREEK
SPRINGS

TRIB: MARSH CREEK
ASPEN CREEK

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

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

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

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

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

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

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM)

Y() N()

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

Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY BANNOCK	DIVERSION NAME	DIVERSION NBR
12S	37E	5		SW	SE					
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: ASPEN CREEK

TRIB: MARSH CREEK

REVIEWED BY: _____ DATE: _____

=====

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

A. ROOT WATER RIGHT NUMBERS: A29-02187

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12S	37E	5	SW	SE		JENSEN, IVA LOU	A29-02187 / 30.0	29-02187 / 30.0			40.0
			SW	SE		LISH, DENNIS	A29-02325C / 4.7	- /			
			SW	SE		BARNES, CARL	A29-11799 / 14.0	- /			
			SW	SE		BARNES, CARL	A29-00348B / 14.0	- /			
			SW	SE		JENSEN, VESTAL	A29-02325B / 30.0	- /			
			SW	SE		JENSEN, VESTAL		29-02325 / 26.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-02187	30.00	30.00	40.00
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POU COUNTY: BANNOCK

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

Y() N()

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-02187	ASPEN CREEK SPRINGS	JENSEN, IVA LOU	0.500	0.016		
A29-00348B	CHERRY CREEK	BARNES, CARL	0.680	0.020		
A29-02325B	GROUNDWATER	JENSEN, VESTAL	0.600	0.020		
A29-02325C	GROUNDWATER	LISH, DENNIS	0.600	0.025		
A29-11799	MARSH CREEK	BARNES, CARL	0.560	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A29-02325B

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

N/A() Y() N()

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

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

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

NOTES: _____

RECOMMENDATIONS:

TOTAL ACRES: _____ N/A(____)

REVIEWED BY: _____ DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 29-02187

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.500

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A29-02187	0.500			29-02187	0.500
TOTAL CFS		0.500				0.500

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE
Y

FIELD
EXAMINER
Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

A29-02187

Downey
(BM 4856)

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MICROFILMED

NOV 16 1992

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