SRBA

RECEIVED
MAY 05 2005
DEPARTMENT OF WATER RESOURCES

04/12/2005

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: June 3, 2005

Water right number: 37-7174

BIRCH CREEK TROUT INC
PO BOX 201
HAGERMAN ID 83332
Telephone Number: (208)837-6116

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: 5-2-05 **SIGNATURE:** Clifton Jensen

Please print your name: Clifton E. Jensen
Sec. Treas. Birch Creek Trout, Inc.

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

SCANNED
MAY 05 2005

02/03/2003

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7174

NAME AND ADDRESS: BIRCH CREEK TROUT INC
PO BOX 201
HAGERMAN ID 83332

SOURCE: BIRCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 6.000 CFS

Right Nos. 37-7174, 37-7541 and 37-7997 are limited to a total combined diversion rate of 12.67 cfs.

PRIORITY DATE: 11/16/1972

POINT OF DIVERSION:

T06S R13E S34 SWSE Lot 4 Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FISH PROPAGATION	1/01 12/31	6.000 CFS

PLACE OF USE: FISH PROPAGATION Within GOODING County

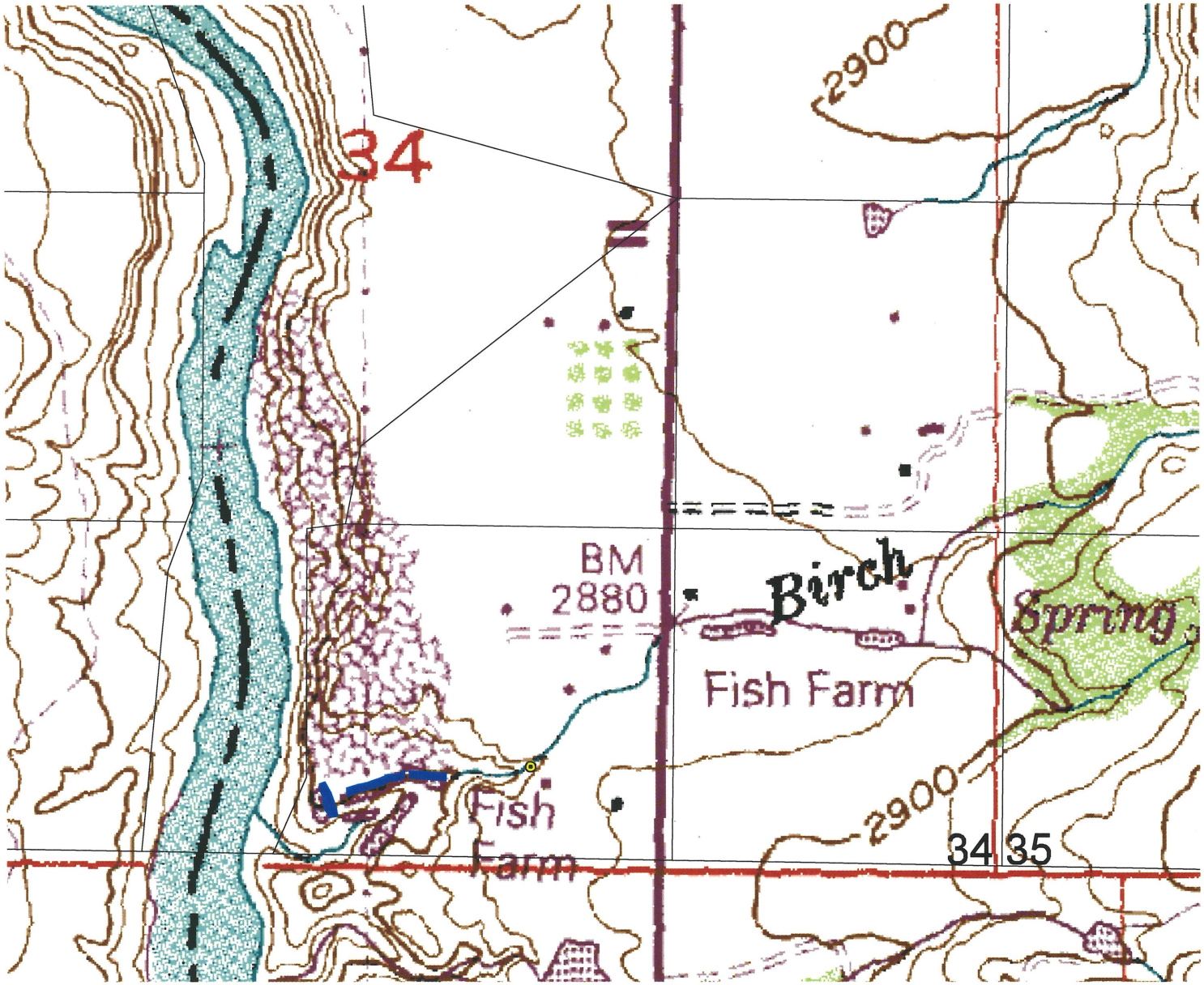
T06S R13E S34 Lot 4 SWSE

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

37-7174



T06S R13E
S34

N
W E
S

600 0 600 1200 1800 Feet

For informational purposes: CLF 02/03/03

01/07/2003

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7997

NAME AND ADDRESS: BIRCH CREEK TROUT INC
PO BOX 201
HAGERMAN ID 83332

SOURCE: BIRCH CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 12.000 CFS

Right Nos. 37-7174, 37-7541 and 37-7997 are limited to a total combined diversion rate of 12.67 cfs.

PRIORITY DATE: 02/03/1982

The water right confirmed in this partial decree for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this right.

POINT OF DIVERSION:

T06S R13E S34 SWSE Lot 4 Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
POWER	1/01 12/31	12.000 CFS

PLACE OF USE: POWER Within GOODING County

T06S R13E S34 Lot 4 SWSE

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 diversion and use of water under this right is subject to review by the Director 35 years from the date of issuance of License 37-7997. (License 37-7997 was issued November 13, 1990.) Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.

EXPLANATORY MATERIAL: License

Power is generated by two plants under this right.

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7174 Priority November 16, 1972 Amount 6.00 cfs

THIS IS TO CERTIFY, that EVERAND JENSEN

of Bliss, Idaho, has complied with the terms and conditions of Permit No. 37-7174 issued pursuant to Application for Permit dated November 16, 1972, and has submitted proof to the Department of Water Resources on November 3, 1976, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 7.2 of water from Birch Creek, tributary to Snake River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish Propagation	from January 1 to December 31	at 6.00 cfs	and N/A
	from to	at cfs	and
	from to	at cfs	and

(both dates inclusive)

Subject, however, to the condition that no more than 6.00 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed N/A acre feet per year, said waters to be diverted within the Government Lot 4, Sec. 34, Twp. 6S, Rge. 13E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	13E	34															L4 X		

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11 day of April, 19 79.

Director

MICROFILMED

RECEIVED

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder Everand Jensen

Department of Water Resources
Southern District

Post office address Star Rt., Box 32, Bliss, Idaho 83314 Phone _____

Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☑ Birch Cr.
(name spring, stream, etc.)

Tributary to Snake

3. Water will be used for the following purposes:

RECEIVED
DEC 28 1976
Department of Water Resources

Amount 6.00 c.f.s. for Fish Propagation
_____ AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Examination for b/u

Permit No. 37-7174

4. Total amount to be appropriated:

Max Rate of Diversion 6.00 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 6S N/S, Range 13E E/W, B.M., Section 34, Subdivision Lot 4 ~~XX~~ ¼, Gooding County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼, _____ County

Other Points of Diversions: _____

Description of diverting works: concrete flume to the fish ponds. Three fish ponds are used.

Measuring device required: yes ☑ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	13E	34															Lot	4	

APPROVED

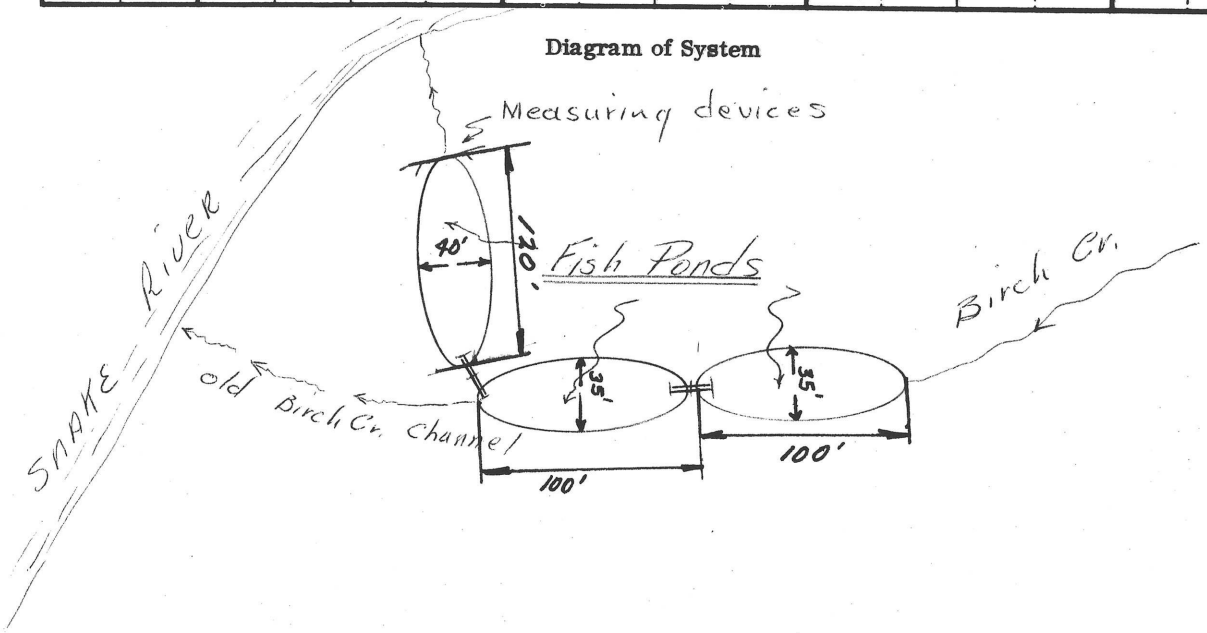
R 13 E

T 6 S

34

T4. L.4 See go.t. plats j6

Diagram of System



DATE OF EXAM 12-1-76

ACREAGE
Found ✓
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE
Irrigation Q=_____c.f.s. V=_____ AF/Ann. from _____ to _____
Domestic Q=_____c.f.s. V=_____ AF/Ann. from _____ to _____
Livestock Q=_____c.f.s. V=_____ AF/Ann. from _____ to _____
Fish Propagation Q= 6.0 c.f.s. _____ from Jan 1 to Dec 31

Is water co-mingled? yes_____ no ✓

Name source: _____
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Exchange? yes_____ no ✓

Name source exchanged with: _____
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Point of injection:
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Point of exchange:
twp._____N/S, Rge_____E/W, B.M., Sec._____, Sub._____¼_____¼_____
County

Total Q measured 7.20 c.f.s. Method of measurement (3) Weirs

Total Q recommended 6.0 c.f.s. Meter No. ✓ Type ✓ Condition good

Total V recommended Not Required.

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:
Measured (3) Weirs .Reading .32-4' Crest Rectangular - 2.37 c.f.s.
.32-3' Crest Rectangular - 1.77 c.f.s.
.38-4' Crest Rectangular - 3.06 c.f.s.
Amount Allowed 6.0 c.f.s. Amount Applied for. Total — 7.20 c.f.s.

SYSTEM DESCRIPTION:
Water is diverted from Birch Cr. to fish ponds. Water is then discharged into the Snake River. Measuring devices are located at the outlet. (2) ponds are 100' long 35' wide and 4' deep. (1) pond is 120' long 40' wide and 3.5' deep.

REMARKS:
Everand Jensen was present during Field Exam.

Examiner's Signature Gary Sunderburg Date 12-7-76

Checked by Reid Thewlis Date 12-22-76

Approved by Michael L. Stule Date 12-23-76

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 5, 2000

BIRCH CREEK TROUT INC
PO BOX 201
HAGERMAN ID 83332

RE: Change of Ownership of SRBA Claims A37-07174, A37-07541 & A37-07997

Dear Mr. Jensen,

Pursuant to your request for a change in ownership and/or the notification that you recently purchased portions of the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owner as requested for right listed above.

Please find enclosed a copy of your adjudication report, as it now appears in our records. Please refer to this number in your future correspondence with IDWR.

If you have any further corrections or questions please contact our office.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

Form 42-248/42-1409(6) March 26, 1999

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

RECEIVED
MAR 30 2000
Department of Water Resource
Southern Regior

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: A37-07174, A37-07541 & A37-07997

   Adjudication Claim No(s).: Same As Above

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

   A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

   AND

   B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)

   OR

   C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with 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: Everand Jensen & Amy Jensen
   17825 B, U.S. Highway #30, Bliss, Idaho 83314

4. New Owner/Claimant(s): Birch Creek Trout, Inc.
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
   New Mailing Address: P. O. Box #201
   City, State and ZIP Code: Hagerman, Idaho 83332
   New Telephone Number: (208) 837-6116

5. Date you acquired the property: August 1, 1980

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7.** If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

   Number of acres you irrigate with this water right_____ Number and type of stock_____

   Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s): Clifton E. Jensen - SECRETARY - TREASURER
   BIRCH CREEK TROUT INC.

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

STATE OF IDAHO
PETE T. CENARRUSA
SECRETARY OF STATE
700 WEST JEFFERSON
PO BOX 83720
BOISE, ID 83720-0080

RETURN SERVICE REQUESTED

PRESORTED
FIRST - CLASS
U.S. POSTAGE PAID
Boise, ID
PERMIT NO. 1

IDAHO ANNUAL REPORT FORM

C 67682
BIRCH CREEK TROUT, INC.
CLIFTON EARL JENSEN
P. O. BOX 201
HAGERMAN ID 83332

AUTO 83332

No. C 67682	Annual Report Form 1999 *Due No Later Than November 30,*	2. Registered Agent and Office **NOT A P.O. BOX**
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 **NO FEE REQUIRED** ★ FIRST NOTICE ★	**1. Mailing Address - Please Correct, If Not Correct** BIRCH CREEK TROUT, INC. CLIFTON EARL JENSEN P. O. BOX 201 HAGERMAN ID 83332	CLIFTON EARL JENSEN 151 N STATE ST HAGERMAN ID 83332 3. Organized Under the Laws of: ID C 67682

4. Corporations: Enter Names and Business Addresses of **President, Secretary and Directors**
Limited Liability Companies: Enter Names and Addresses of ❑ **Managers** or ❑ **Members** (check one)

Office held	Name	Street or P.O. Address	City	State	Zip
President -	Clifton Everand Jensen,	17825B, U.S. Highway #30,	Bliss,	Idaho	83314
Secretary -	Clifton Earl Jensen ,	17825A, U.S. Highway #30,	Bliss,	Idaho	83314
Director -	Clifton Everand Jensen,	17825B, U.S. Highway #30,	Bliss,	Idaho	83314
Director -	Clifton Earl Jensen ,	17825A, U.S. Highway #30,	Bliss,	Idaho	83314
Director -	Cori Elizabeth Matthews,	20332 S.W. Rock Court,	Aloha,	Oregon	97006

5. Signature of New Registered Agent

6. Signature Clifton Earl Jensen Date 7-14-99
Name (Typed or Printed) Clifton Earl Jensen Title Secretary

ISSUED: 07-03-1999 5697

C Fold, seal and mail this portion. C

WARRANTY DEED

For Value Received

CLIFTON EVERAND JENSEN and AMY R. JENSEN,
husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

BIRCH CREEK TROUT, INC., an Idaho Corporation
P. O. Box #201
Hagerman, Idaho 83332

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

Township 6 South, Range 13 East of the Boise Meridian

Section 34: That part of Lot 4 more fully described as follows:

Beginning at the Southeast corner of said Lot 4;

thence South 89° 25' West, 659.00 feet to the True Point of Beginning;

thence North 12° 35' West, 246.00 feet;

thence due North to a point that is 370.00 feet South of the North boundary line of said Lot 4;

thence West, running parallel to the North boundary of said Lot 4, to a point on the East bank of the Snake River;

thence along the East bank of said Snake River to the Southwest corner of said Lot 4;

thence East along the South boundary of said Lot 4 to the True Point of Beginning.

COUNTY OF GOODING, STATE OF IDAHO

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: August 1, 1980

Clifton Everand Jensen

Amy R. Jensen

STATE OF IDAHO, COUNTY OF GOODING

On this 1st day of August 1980 before me, a notary public in and for said State, personally appeared

Clifton Everand Jensen and Amy R. Jensen, husband and wife

known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public
Residing at Hagerman, Idaho.

8-23-82

Instrument No. 125607

STATE OF IDAHO
COUNTY OF GOODING, SS
FILED FOR RECORD AT REQUEST OF
'80 DEC 30 PM 2 13
RECORDED IN BOOK 12 OF DEEDS
PAGE 216

Gooding Leader Printing

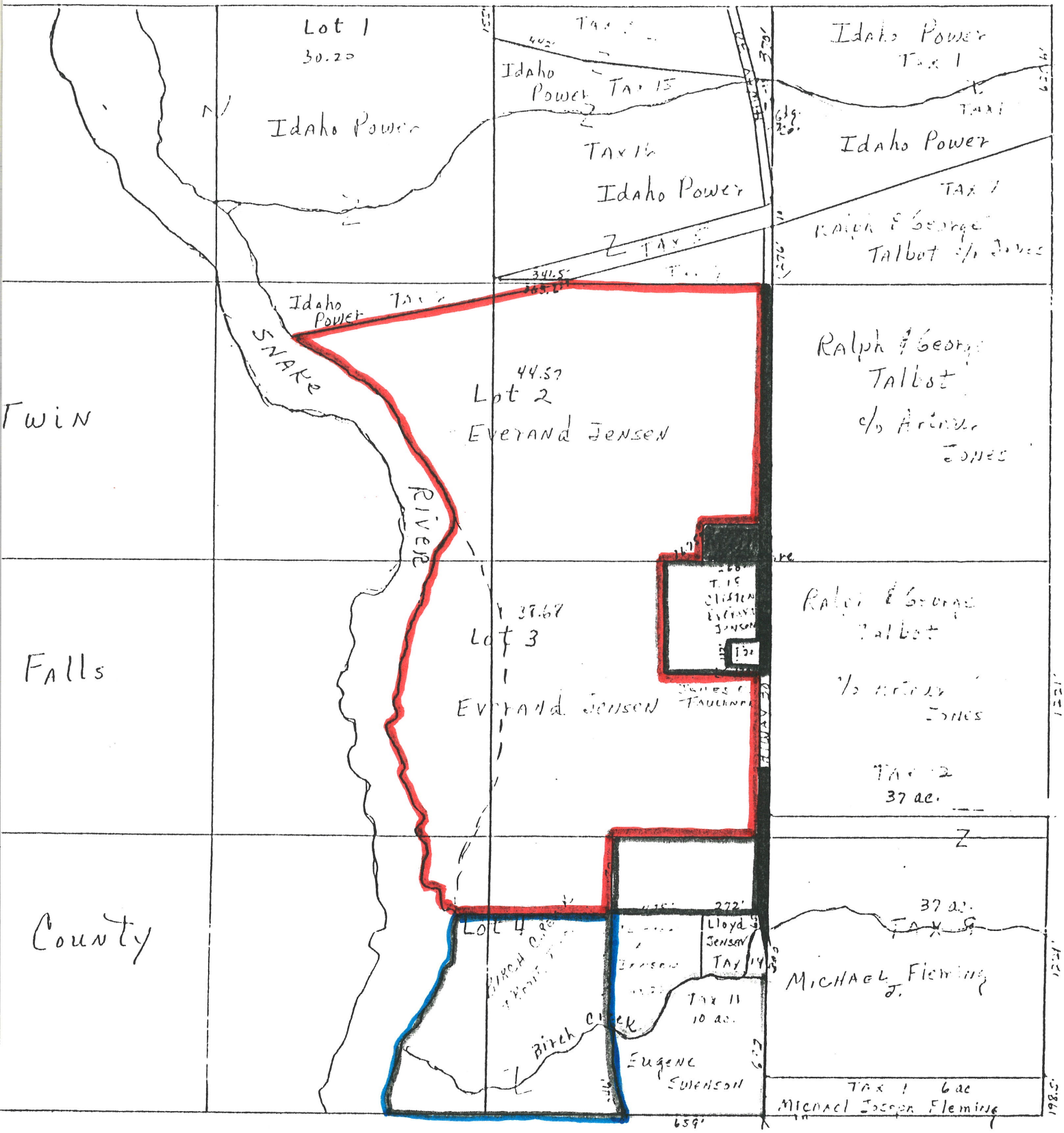
y Dist. 2

ol Dist. 233

Dist. H Fire Dist. H

Sec. 34 Twp. 6 Rng. 13

Sec. 34 Twp 6 Rng 13



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: **A37-07174**
Date Received: 9/16/1988
Receipt No: S002255
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: BIRCH CREEK TROUT INC 208-837-6116
   Address: PO BOX 201
   HAGERMAN ID 83332

2. Date of Priority: NOV 16, 1972

3. Source: BIRCH CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06S	13E	34	SW SW SE	4	GOODING

5. Description of diverting works:
   CONCRETE DIVERSION, 24" PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	6.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   H/14 FISH PONDS, 14'X 80', 3 DIRT PONDS, 50' X 100' ALL 4' DEEP

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	13E	34	SW SE	4	FISH	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
    37-07541

14. Remarks:
    ****
    * NO RECEIVED DATE ON CLAIM HLHT 2/3/89 *
    ****
    CHANGE OF OWNERSHIP 4/5/00 SCC.

15. Basis of Claim: LICENSE

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: A37-07174
Date Received:
Receipt No: S002255
Received By:

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: EVERAND JENSEN 208-837-4879
   Address: 17825 B, U.S. 30
   BLISS, ID 83314
   AND
   Name: AMY JENSEN 208-837-4879
   Address: 17825 B, U.S. 30
   BLISS, ID 83314

2. Date of Priority: NOV 16, 1972

3. Source: BIRCH CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06S	13E	34	SW SW SE	4	GOODING

5. Description of diverting works:
   CONCRETE DIVERSION, 24" PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
FISH PROPAGATION	01/01	12/31	6.000	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   H/14 FISH PONDS, 14'X 80', 3 DIRT PONDS, 50' X 100' ALL 4' DEEP

MICROFILMED
FEB 24 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	13E	34	SW SE	4	FISH	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
37-07541

14. Remarks:
****
* NO RECEIVED DATE ON CLAIM HLHT 2/3/89 *
****

15. Basis of Claim: LICENSE

MICROFILMED
FEB 2 4 1993

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): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
FEB 24 1993

Form No. 42-1409 (2) a 1/88

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: 39356
Ident. Number A37-07174
Date Received ?
Receipt Number 6002255

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) EVERAND JENSEN & AMY JENSEN Phone (208) 837-4879

   Mailing Address 17825 B, U.S. 30, Bliss, Idaho Zip 83314

2. Date of Priority (Only one (1) per claim) November 16, 1972

3. Source of water supply (a) Birch Creek & its Tributaries
   which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 6 South Range 13 East Section 34 ,
   SW 1/4 of SW 1/4 of SE 1/4 , Govt. Lot, 4 B.M., County of Gooding

   Additional points of diversion if any:

   b. If instream flow, beginning point of claimed instream flow is:

   Township 6 South Range 13 East Section 34 , SW 1/4 of SW 1/4 of SE 1/4,
   Govt. Lot 4 B.M., County of Gooding

   ending point is: Township 6 South Range 13 East Section 34 , SW 1/4 of SW 1/4 of
   SE 1/4, Govt. Lot 4 B.M., County of Gooding

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. From the concrete diversion in Birch Creek, the flow goes into a 24" pipeline, through a co-generation power plant and then through fourteen (14) concrete fish ponds that are 14' by 80'and then through three (3) dirt fish ponds that are 50' by 100' and then through another co-generation power plant. From the lower power plant, the water flows into the Snake River.

MICROFILMED
FEB 24 1993

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

		(both dates are inclusive)			(cfs)		(acre feet)
For	Fish Propagation	purposes from	Jan. 1	to Dec. 31	amount	6.00	or
For		purposes from		to	amount		or
For		purposes from		to	amount		or
For		purposes from		to	amount		or

7. Total quantity claimed (a) 6.00 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Water is used through 14 concrete fish ponds that are 14' by 80' and through 3 dirt ponds that are 50' by 100'. All ponds are 4' in depth.

10. Description of place of use:
    a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
    b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6 S	13 E	34															Lot 4 H		

Total number of acres irrigated N/A

11. In which county (ies) are lands listed above as place of use located? Gooding County

12. Do you own the property listed above as place of use? Yes X No _____
    If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
    IDWR Water Right Number 37-7541 or None ( )

14. Remarks:

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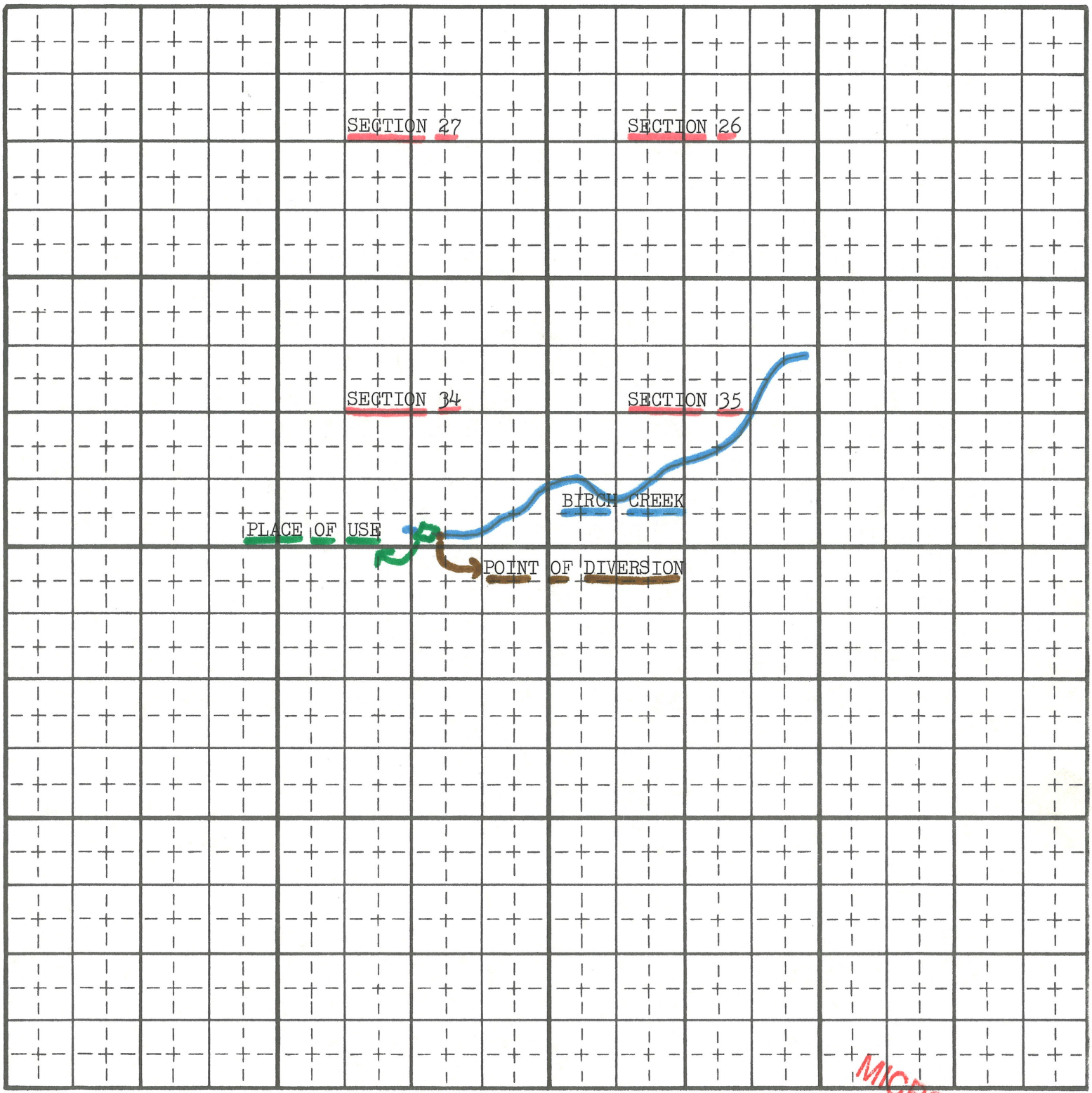
Last Name JENSEN Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TOWNSHIP 6 SOUTH, RANGE 13 EAST OF THE BOISE MERIDIAN



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FEB 24 1993

Last Name JENSEN Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 37-7174
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 One (1)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Everard Jensen Date 7-28-88

Amy Jensen Date 7-28-88

For Organizations: I do solemnly swear or affirm that I am _____ (Title)

of _____ (Organization), that I have signed the foregoing document in the space below as _____ (Title) of _____ (Organization)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
) SS.
County of Gooding)

Subscribed and sworn (or affirmed) before me this 28th day of July 19 88

SEAL

Notary Public _____

Residing at Hagerman, Idaho

My Commission Expires 5-10-91

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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FEB 24 1993

Last Name JENSEN Ident. Number _____

Copies White-State, Yellow-Claimant

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7174 Priority November 16, 1972 Amount 6.00 cfs

THIS IS TO CERTIFY, that EVERAND JENSEN

of Bliss, Idaho, has complied with the terms and conditions of Permit No. 37-7174 issued pursuant to Application for Permit dated November 16, 1972, and has submitted proof to the Department of Water Resources on November 3, 1976, that he has applied water to a beneficial use: an examination by the Department indicates that the works have a capacity for the diversion of 7.2 of water from Birch Creek tributary to Snake River, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use			Rate of Diversion		Annual Volume
Fish Propagation	from January 1	to December 31	at	6.00	cfs and	N/A
	from	to	at		cfs and	
	from	to	at		cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 6.00 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed N/A acre feet per year, said waters to be diverted within the Government Lot 4, Sec. 34, Twp. 6S, Rge. 13E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	13E	34															L 4 X		

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11 day of April, 19 79

Director

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Jensen CLAIM IDENT. NO. A37-07174

DATE RECEIVED ? CK # 5002255 AMOUNT $ _____

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	X		*
2. Is a priority date entered?	X		*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	X		*
3. (a) Is a source entered?	X		*
(b) Is a tributary to entered? (if required) N/A ___	X		
4. Is the legal description of the p.d. sufficient?	X		*
5. Is there a description of the diverting works?	X		
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.	X		*
Is the period of use included?	X		
Is a quantity claimed for each use?	X		*
7. Is a total quantity claimed entered?	X		
8. If required is a consumptive use entered? N/A X			
Is the consumptive use correct? N/A X			
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ___	X		*
10. Is (are) the place(s) of use and purpose(s) indicated?	X		*
11. Is (are) the county(ies) entered?	X		
12. Is the ownership of p.u. checked?	X		
13. Are other water rights listed or "none" indicated?	X		
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A X			
15. Is the basis of the claim indicated?	X		
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A X	X		
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	X		*
18. Has the claim been signed, sealed, and dated by a notary?	X		*
19. Was this claim filed on time, or was an extension granted?	X		*
20. Is the fee enclosed correct? Exempt ___			*
21. If this claim is based on an existing water right, has the identification number been entered? N/A ___	X		
22. Should this claim be receipted and data entered?	X		

Claim checked by: RAT Date: 2-3-88

Claim must be returned to claimant: ___(Yes) ___(No)

Claim must be notified of modifications: ___(Yes) ___(No)

Receipt Prepared by: A. Merritt Date: 9-16-88

Claim data entered by: RAT Date: 2-3-89 Checked by: RAT Date: 2-3-89

Sent to claimant by: _____ Date: _____

Comments: _____

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RECEIVED

MAR 19 1993

Department of Water Resources
Southern Region Office

March 17, 1993
(Date)

Idaho Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301-6602

Dear IDWR:

This is a request for all of the files relating to my water right claim # A37-00799, #A37-07174, #A37-07541 & #A37-07997 in the Snake River Basin Water Adjudication.

This request is being made under I.C. Section 9-337 et. seq.

Please inform me if I am expected to pay the costs of obtaining these records in advance. I will be happy to pay those reasonable costs as soon as you inform me what that amount is.

Thank you.

Clifton Thomas
(Signature)

P. O. Box #201
(Address)

Hagerman, Idaho 83332

MICROFILMED
OCT 24 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-Mar-1993

CLIFTON JENSEN
PO BOX 201
HAGERMAN ID 83332

RE: Copy of SRBA File(s): 37-00799, 37-07174, 37-07541, 37-07997

Dear Mr. Jensen:

Please find enclosed the copies of documents you recently requested contained in the above referenced SRBA file(s) as of this date. Please note that copies of orthophoto quad maps or NAPP photography or aerial slides which may have been used in the review of your claim(s) have not been included since they are not easily reproduced. These items are however available for your review at our office. Please also note that in some situations some water rights may have other associated files which contain privileged information between IDWR staff and our legal council which has not been copied.

Please remit the following for the cost of the copies and postage:

$4.09

Sincerely,

Jeanie Robertson
Records Clerk

Encl:

Jensen
11
9
9
12
41 x 5 = 2.05
post. 1.90
env. .14
4.09

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OCT 24 1994

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

37-07174

Receipt No: S015541

RECEIVED
MAR 24 1993
Department of Water Resources
Southern Region Office

Date: 3/24/1993
Time: 10:45:38

Received From: JENSEN CLIFTON

Type of Payment	Program Acct Class	Amount
COPIES OF ADJUDICATION CLAIMS		
64100	229 21 1760	4.09

Total $4.09

CHECK 753

Region: SOUTHERN Signature: R. Foster

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OCT 24 1994

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 22, 1993

RECEIVED
APR 30 1993
Department of Water Resources
Southern Region Office

Patrick D. Brown
Hepworth, Nungester & Lezamiz
P.O. Box 389
Twin Falls, ID 83303-0389

RE: Snake River Basin Adjudication (SRBA)
Blaine County - A37-00799, A37-07174, A37-07541
and A37-07997

Dear Mr. Brown:

With respect to your client's (Hagerman Water Right Owners, Inc.) Fifth Supplemental Notice of Appearance, Clifton E. Jensen is not recorded at IDWR as the claimant for the listed water right claims. A report is enclosed showing the recorded current owners of these water right claims. Your client is the recorded owner, however, of claim A37-12825, an abstract of which is also enclosed.

A Change of Ownership form is enclosed for use by the owners if a change has occurred as required by Idaho Code 42-1409(7). The processing of the Notice of Appearance to reflect your appearance in the Department's computer records will be suspended until such time as the name problem is resolved.

If you have any questions, please contact me.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:state:south
Enclosures:
Adjudication Name Index, Amy and Everand Jensen
Adjudication Listing of Water Rights, A37-12825
Change of Ownership Form

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OCT 24 1994

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APR 0 6 1993
Department of Water Resources
Adjudication Bureau

HEPWORTH, NUNGESTER & LEZAMIZ,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510
Attorneys for Claimant
(PPK\21530SUP.NO5\lmr)

RECEIVED
APR 20 1993
Department of Water Resources
Southern Region Office

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	Case No. 39576
The State of Idaho, ex rel. R. Keith Higginson in his official capacity as director of the Idaho Department of Water Resources, Petitioner, vs. United States; State of Idaho; and all claimants to the use of water from the Snake River Basin Water System, Respondents.	**HAGERMAN WATER RIGHT OWNERS, INC. AND ITS INDIVIDUAL MEMBERS' FIFTH SUPPLEMENTAL NOTICE OF APPEARANCE**

* * * * * * * * * * *

COMES NOW the law firm of Hepworth, Nungester & Lezamiz and supplements its Notice of Appearance to add on behalf of

LAW OFFICES
HN&L
Chartered
Hepworth, Nungester, & Lezamiz

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OCT 24 1994

Hagerman Water Right Owners, Inc. and its individual members, the following individuals:

Clifton E. Jensen	A37-00799
Clifton E. Jensen	A37-07174
Clifton E. Jensen	A37-07541
Clifton E. Jensen	A37-07997

Dated this 5 day of April, 1993.

HEPWORTH, NUNGESTER & LEZAMIZ, CHARTERED

By: _____
Patrick D. Brown
Attorneys for Respondents

CERTIFICATE OF MAILING

The undersigned, a resident attorney of the State of Idaho, with offices at 133 Shoshone St. North, P.O. Box 389, Twin Falls, Idaho 83303, and one of the attorneys for the respondents in this matter, certifies that he caused to be mailed a copy of the above and foregoing FIFTH SUPPLEMENTAL NOTICE OF APPEARANCE on the 5 day of April, 1993, to:

Snake River Adjudication (original)
District Court
P.O. Box 27070
Twin Falls, ID 83303-0126

Chief, Natural Resources Division (1)
Office of Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

LAW OFFICES
HN&L
Chartered
Hepworth, Nungester, & Lezamiz

MICROFILMED
OCT 24 1994

The United States Department of Justice (1)
Environment and Natural Resources Division
550 West Fort Street, Box 33
Boise, ID 83734

Patrick D. Brown

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OCT 24 1994