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:

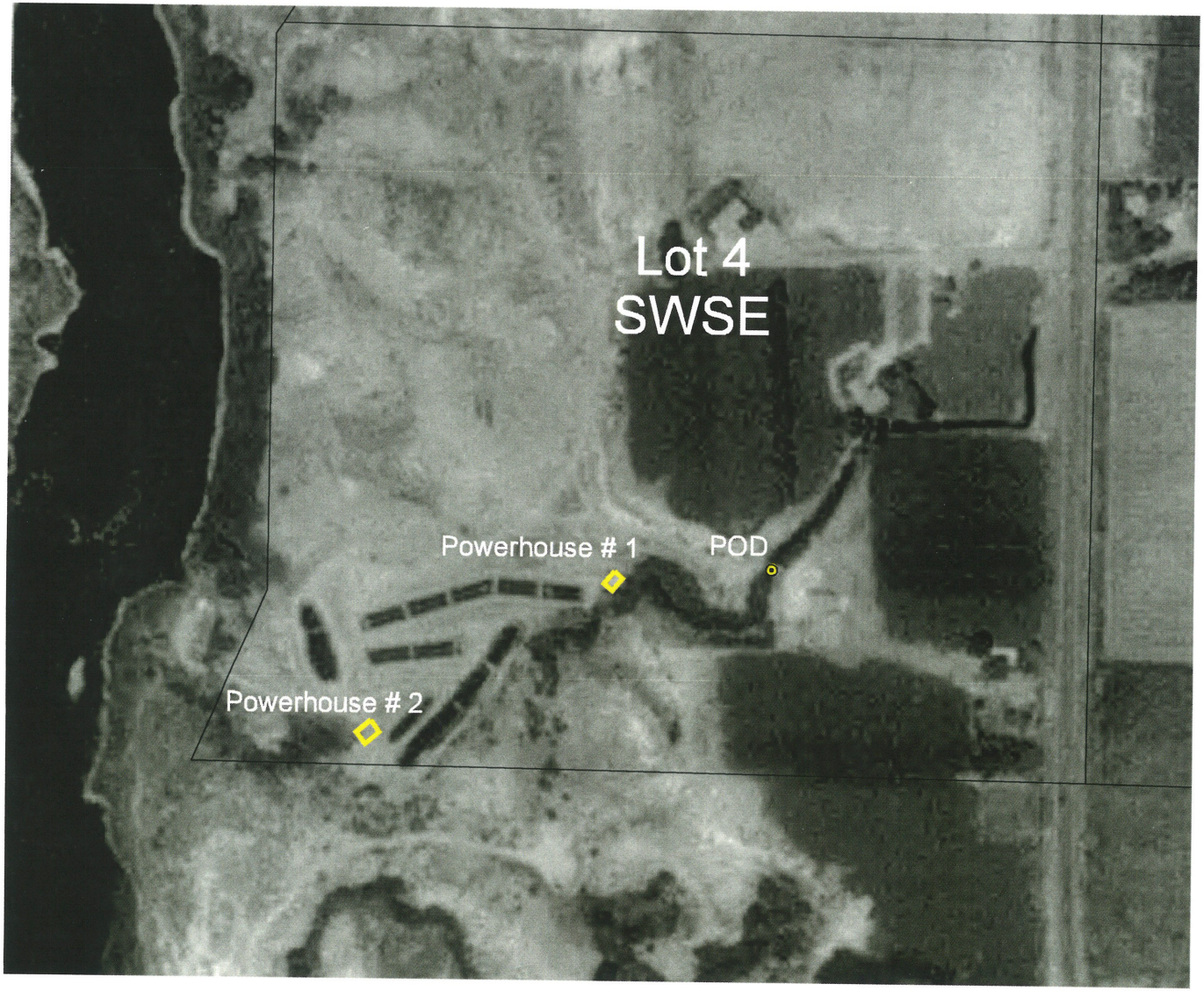
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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.

37-7997



300 0 300 600 900 1200 Feet

T06S R13E
S34



Map Prepared Date: 7/10/02
DOQ AA69 5/16/1992

37 - 7997 5-16-1992



1 Meter Resolution

01/07/2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-7997

WATER RIGHT NUMBER: 37-7997

Owner Type	Name and Address
Current Owner	BIRCH CREEK TROUT INC PO BOX 201 HAGERMAN, ID 83332 (208)837-6116
Original Owner	AMY JENSEN 17825 B US 30 BLISS, ID 83314 (208)837-4879
Original Owner	EVERAND JENSEN 17825 B US 30 BLISS, ID 83314 (208)837-4879

Priority Date: 02/01/1982

Basis: Permit

Status: Active

Source	Tributary
BIRCH CREEK	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
POWER	1/01 to 12/31	12.000 CFS	
	Total Diversion:	12.000 CFS	

Location of Point(s) of Diversion

BIRCH CREEK L4 (SW1/4SW1/4SE1/4) Sec. 34, Twp 06S, Rge 13E, B.M.

GOODING County

Place of Use

POWER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 13E 34															X L 4		

Conditions of Approval:

Remarks:

1. General

NO RECEIVED DATE ON CLAIM
HLHT 2/3/89

CHANGE OF OWNERSHIP 4/5/00 SCC.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-7997

Comments:

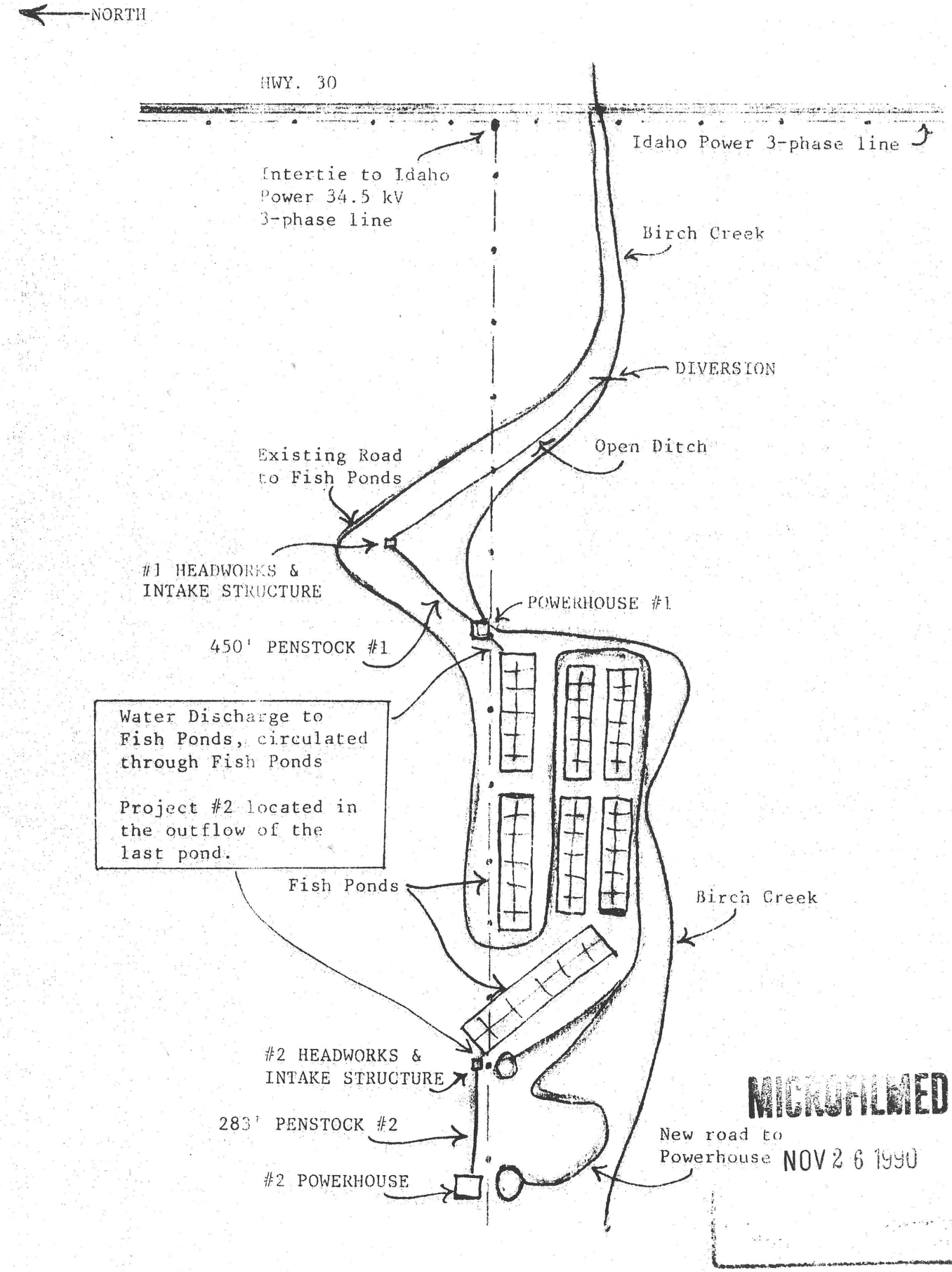
Dates and Other Information:

Claim Received Date: 9/16/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Attachment No. 2 to Petition 01-1997

BIRCH CREEK

HYDROPOWER PROJECT FEATURES



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NOV 2 6 1990

RECEIVED
JUL 12 1988
Department of Water Resources

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 37-7997

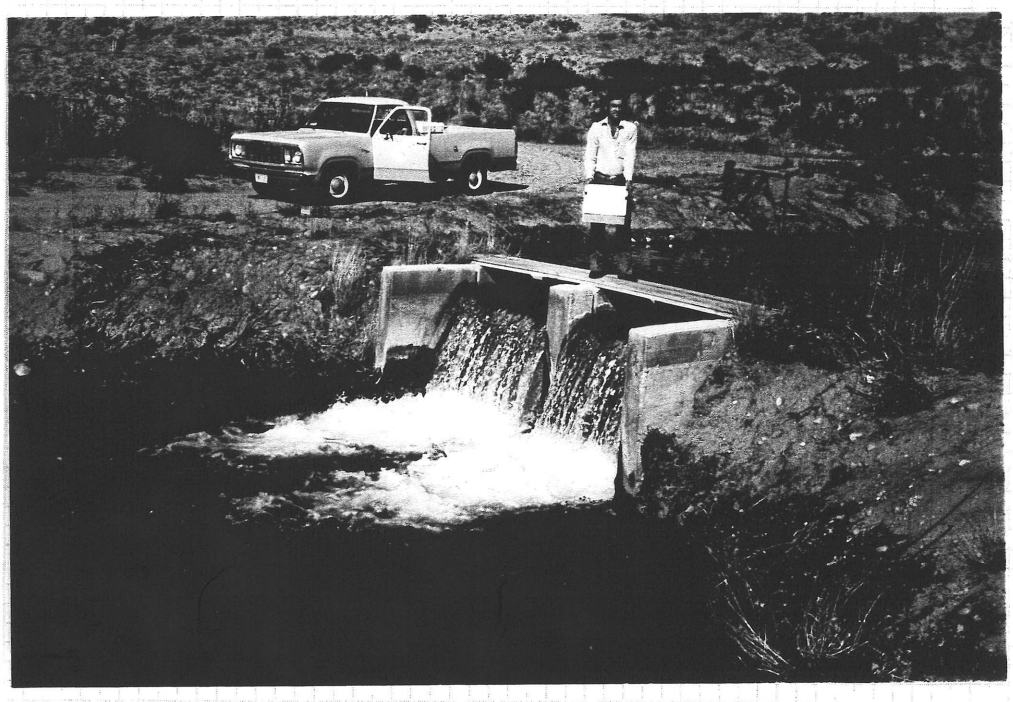
1. Owner: Everand Jensen — Phone No. 837-4879
   Current Address: Star Route, HC-60, Box # 1270, Bliss, Idaho
2. Accompanied by: Clifton E. Jensen — EXAM. DATE: 10-22-86
   Address: P.O. Box # 201, Hagerman, IDAHO 83332 — Phone No. 837-6179 Home 837-6116 Office
   Relationship to Permit Holder: Son
3. Source: Birch Creek tributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with same place of use: Fish ponds between power plants 37-7174, 37-7541 ☐ Copies Attached
2. Other water rights with same point of diversion: _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☒ Alternative diagram attached



M.P.
2 5'
Rectangular
Suppressed
Weirs

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NOV 26 1990

Scale: 1" = _____.

2. ☒ Copy of U.S.G.S. Quadrangle Attached
   Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☐ Aerial Photo Attached
   (required for irrigation of 10 acres or more).
   ☒ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Water diverted from Creek into open ditch to head works and intake structure Then is divert into a 26" penstock which reduces to 20" before reaching #1 powerhouse Where it flows through a Pacific Hydroworks Turbine Mod # 356 12C 1624-30 Ser. # 1004 producing 16 Amps of power turns a 40 HP GE Generating unit Model # 5KS 3248L205A. Then water discharges into fish farm flows across measuring device and into 26" penstock to lower power plant which consists of a Byron Jackson (Borg Warner) Turbine Model 8.6 H 1-5+6 Turning 75hp US Motor Generator ID# 940543-034R322 338° K 2300 394 Generating 61 Amps

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

**Code to correspond with No. on map and aerial photo*

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	4		SW	SE	34	6S.	13E.	Gooding	Quad sheet + Govt. Lot Map

6. **Place(s) of Use:** Indicate Method of Determination _____

Twp.	Rge.	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															P		
																	LOT 4		

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NOV 2 6 1990

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Rectangular Weirs	Suppressed	Homemade			5'	

2. **Measurements:**

.52' and .53' respectively on 2 5' rect. Suppressed weirs

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

h = .52' Q = 6.24 cfs* *From Table 9 p 261 Water Meas. Manual B.O.C.

h = .53' Q = 6.43 cfs* Total = 12.67 cfs

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

not meaningful

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = _____

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = _____

2. Volume Calculations for Other Uses:

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NOV 26 1990

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Mr. Jensen stated that the upper generating facility was not very efficient and had reliability problems and plans are to replace it in the near future

head at upper plant is 35' 15-18 KW/hr 16 Amps
head at lower plant is 56' 45 KW/hr 61 Amps

Plants operate at 440 volts

Plants produce 400,000 KW/yr

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Power	1/1	12/31	12.0	N/A
		Totals:	12.0	

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name TERRY Blan

Signature Terry Blan

Certification Date 5/15/87

Field Report Preparation Date 2/19/88

PROFESSIONAL ENGINEER * LAND SURVEYOR REGISTERED 3405 STATE OF IDAHO LORIN O HOLMES

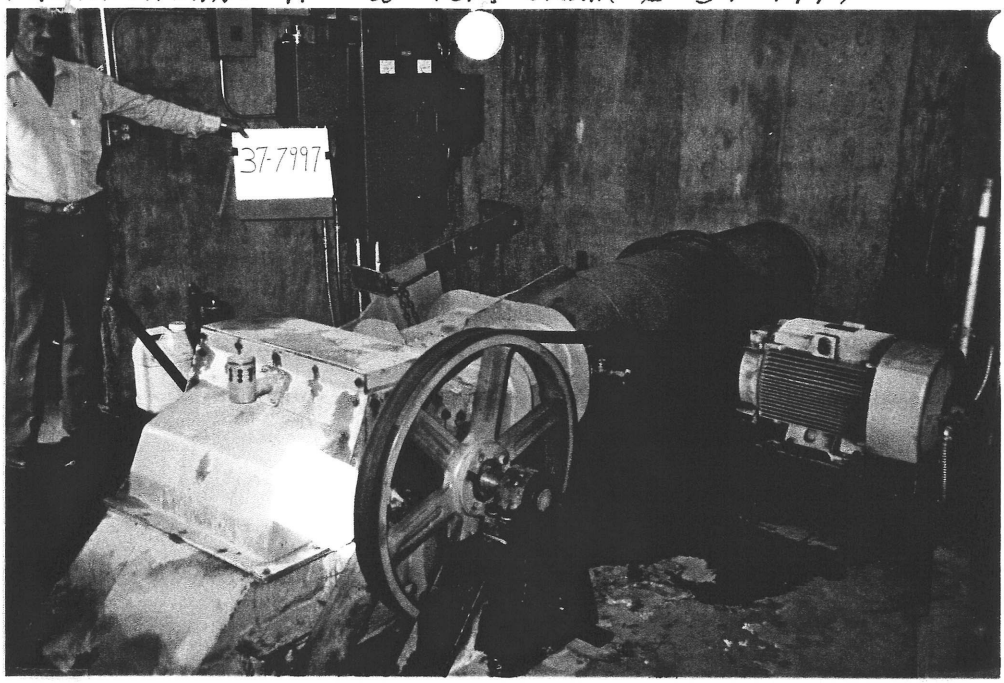
CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

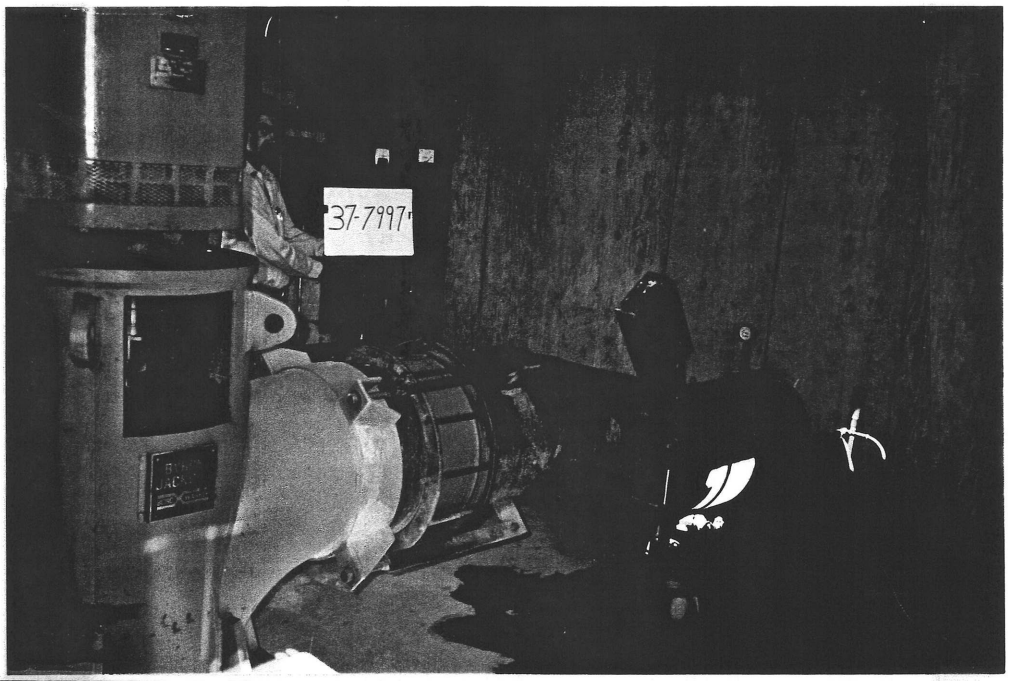
MICROFILMED

NOV 2 6 1990

Attachment H to Field exam # 37-1997



Upper Power Plant



Lower Power Plant



Outlet of
Lower Power Plant

RECEIVED
NOV 2 6 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07997

Priority: February 3, 1982 Maximum Diversion Rate: 12.00 CFS

This is to certify, that EVERAND JENSEN
HC 60 BOX 1270
BLISS, ID 83314 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 1, 1982; and has submitted Proof of Beneficial Use on September 12, 1985. An examination indicates that the works have a diversion capacity of 12.670 cfs of water from:

BIRCH CREEK tributary to SNAKE RIVER

source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
POWER	01/01 to 12/31	12.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: LOT 4(SWSE), Sec. 34, Township 06S, Range 13E
GOODING County

PLACE OF USE: POWER

TWN	RGE	SEC	
06S	13E	34	LOT 4(SWSE)

CONDITIONS/REMARKS:

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The diversion and use of water under this license is subject to review by the Director 35 years from the date of issuance. 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.
5. The water right confirmed in this license 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 license 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 license.

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NOV 26 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07997

CONDITIONS/REMARKS:

6. The maximum combined rate of diversion under this right & Rights 37-7174 & 37-7541 shall not exceed 12.67 cfs.
7. Power is generated by two plants under this right.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 13TH day of NOVEMBER, 1990.

Acting for R. Keith Higginson, Director

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NOV 26 1990

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.

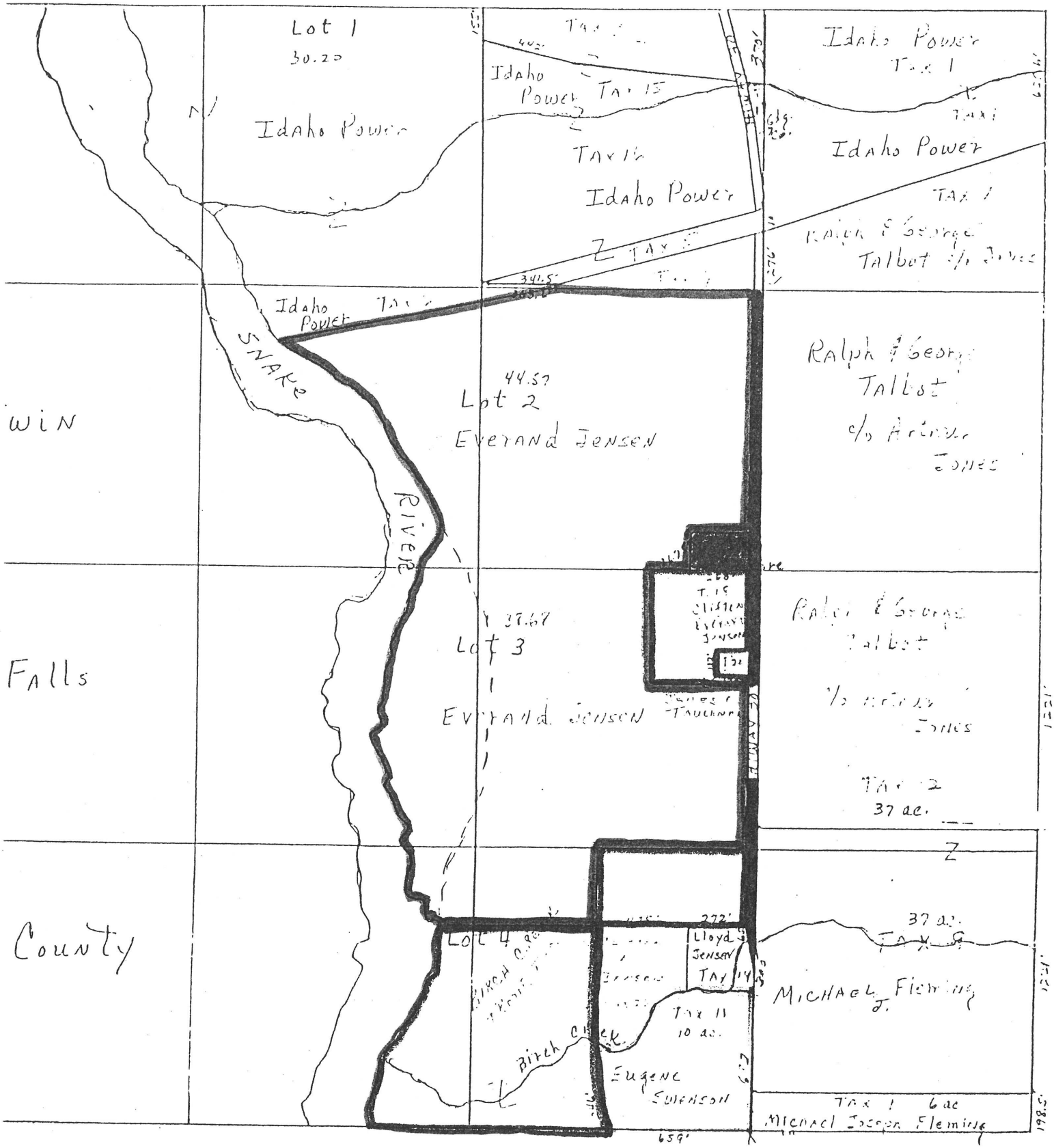
COUNTY OF GOODING, STATE OF IDAHO

Dist. 3

Dist. 233

Dist. H Fire Dist. H

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: **A37-07997**
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: FEB 1, 1982

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:
   PIPE, TURBINE, CONCRETE HEADWORKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	12.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   P/SITE #1, 40' HEAD, 45 KW; SITE #2, 60' HEAD, 75 KW

10. Place of Use:

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

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:
NONE

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

15. Basis of Claim: PERMIT

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: A37-07997
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: FEB 01, 1982

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:
   PIPE, TURBINE, CONCRETE HEADWORKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	12.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
   P/SITE #1, 40' HEAD, 45 KW; SITE #2, 60' HEAD, 75 KW

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	POWER	

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:
NONE

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

15. Basis of Claim: PERMIT

MICROFILMED
FEB 24 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 Riv Basin Adjudication." (b.) I/We do ____ do not ____ wish to receive and p 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 2 4 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 A37-07997
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) February 1, 1982

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 (Site #1), then through fourteen (14) concrete fish ponds that are 14' by 80', then through three (3) dirt ponds that are 50' by 100', and then through another co-generation power plant (Site #2). 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 Power Generation purposes from Jan. 1 to Dec. 31 amount 12.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 12.0 (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.) Hydropower generation - Site #1 has 40' head & 45 KW generator and Site #2 has 60' head & 75 KW generator.

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															Lot4 P		

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.
_____ or None (X)

14. Remarks:

_____

_____

_____

_____

_____

_____

Last Name JENSEN Ident No. _____

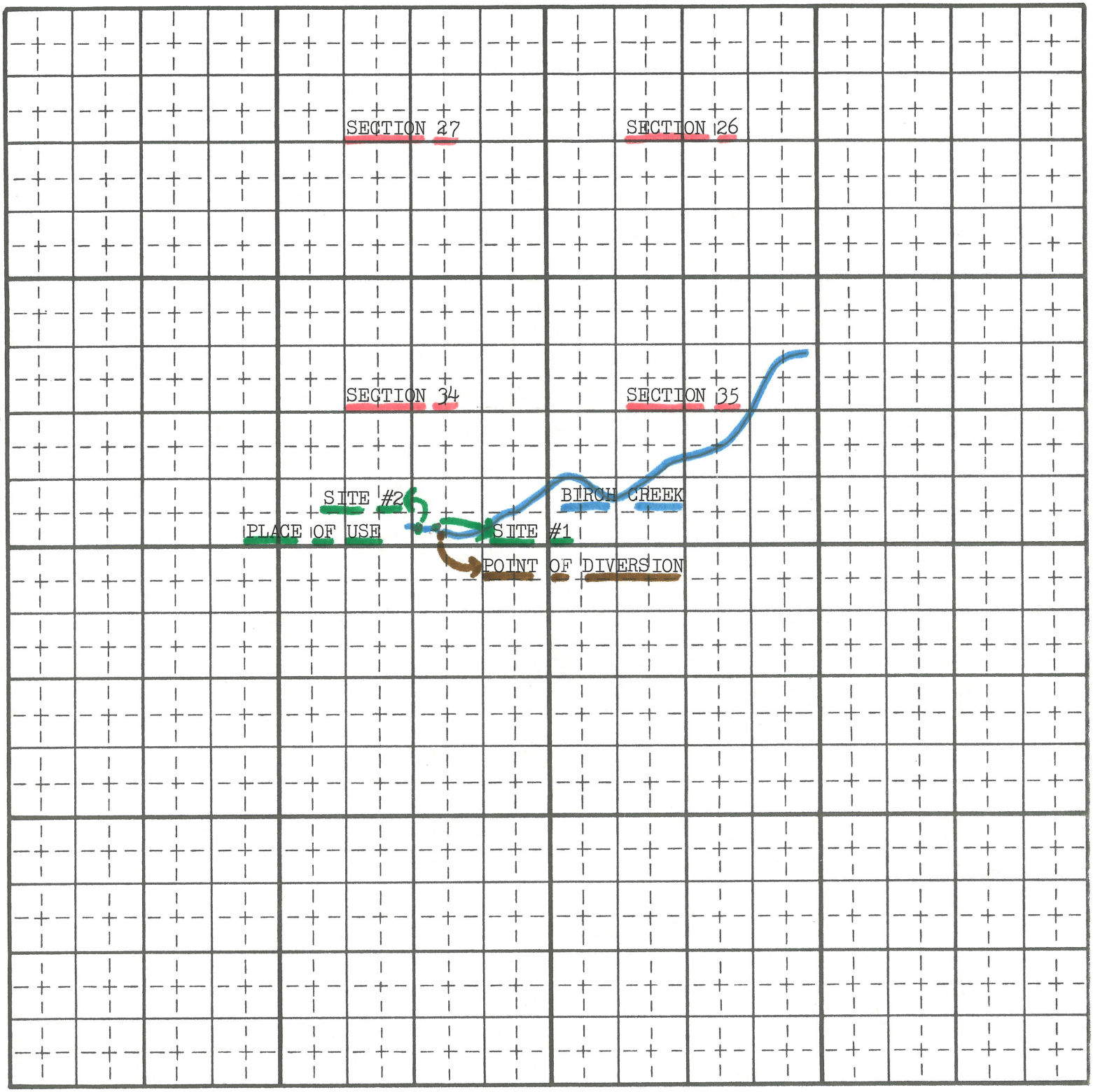
Copies: White-State, Yellow-Claimant

MICROFILMED
FEB 24 1993

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



MICROFILMED
FEB 24 1993

Last Name JENSEN Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ ~~Applied For~~ License ~~X~~ Permit X
Decree _____
If applicable provide IDWR Water Right Number 37-7997
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) Sherri 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 _____

MICROFILMED
FEB 24 1993

Last Name JENSEN Ident. Number _____

Copies White-State, Yellow-Claimant

3/78

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Everand Jensen Phone 837-4879

Post office address Star Route, Box #32, Bliss, Idaho 83314

2. Source of water supply Birch Creek which is a tributary of Snake River

3. Location of point of diversion is Lot 4 ¼ of Section 34 Township 6 South

Range 13 E., B.M. Gooding County, additional points of diversion if any:

4. Water will be used for the following purposes:

Amount 12cfs (cfs or acre-feet per annum) for Power Generation purposes from Jan. 1st to Dec. 31st (both dates inclusive)

Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

a. 12 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Site #1 - Metal pipe to turbine from concrete headworks. Site #2 - Metal pipe to turbine from existing concrete headworks.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ (Month/Day) to _____ (Month/Day) inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years *(minimum 1 year – maximum 5 years).*

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: Lot 4 ¼ of Section 34 Township 6 South Range 13 E., B.M.

(2) Amount of power to be generated: Site #1-43 Site #2-64 horsepower under Site #1-40 Site #2-60 feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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

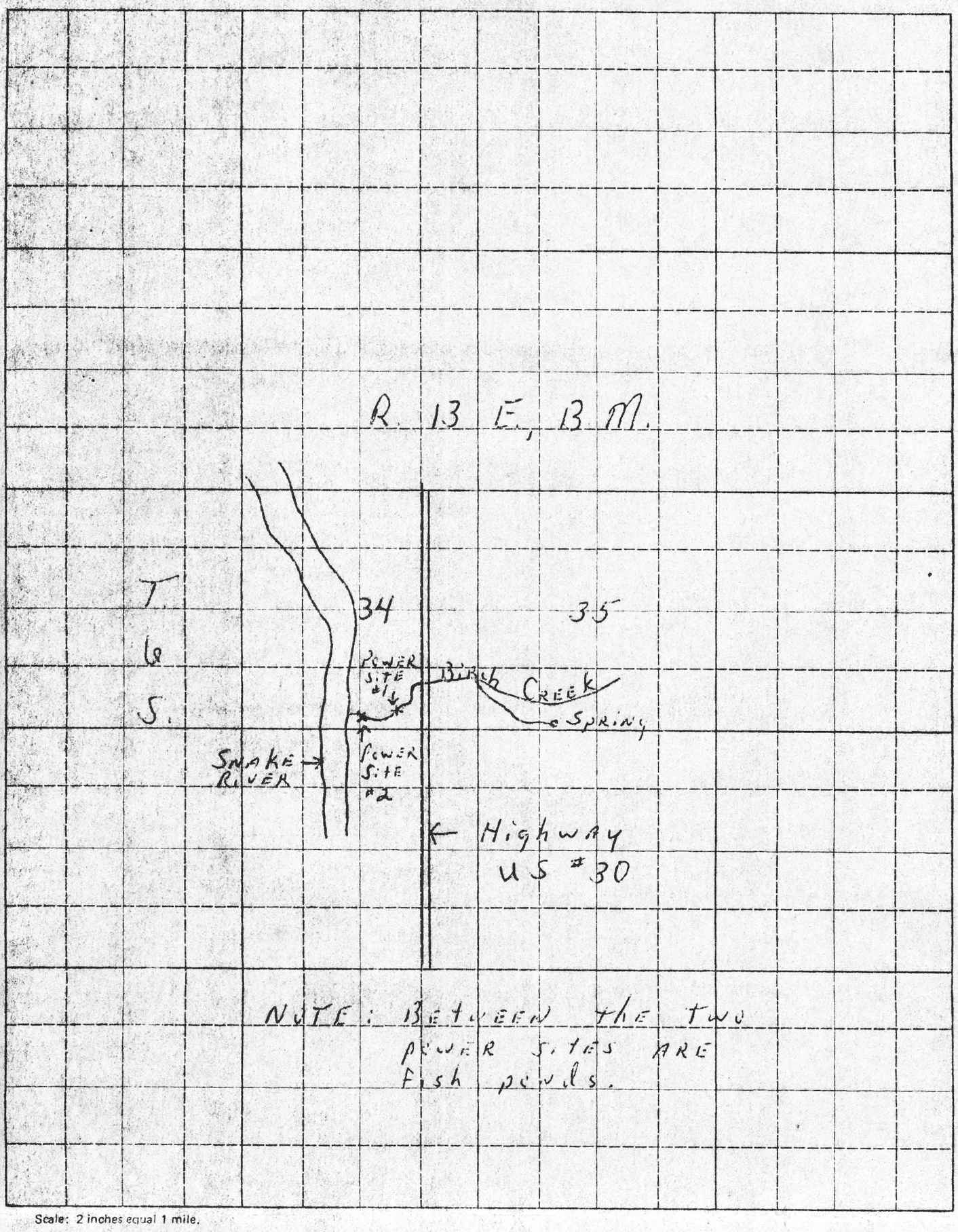
9. a. Who owns the property at the point of diversion Everand Jensen

b. Who owns the land to be irrigated or place of use Everand Jensen

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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



Scale: 2 inches equal 1 mile.

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

Durand Jensen
(Applicant)

Proposed Priority 2/1/1982

Received by TGB Date 2-1-82 Time 2:00

Preliminary check by JS Fee $ 265.00 # 20795

Receipted by [illegible] Date 2-1-82

Publication prepared by mecpa Date 2/3/82

Published in Gooding County Leader

Publication dates 2/10 & 2/17/82

Publication approved mecpa Date 2/17/82

Protests filed by: None

Copies of protests forwarded by

Hearing held by Date

Recommended for (approval) denial by ADM RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7997, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 87.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

   An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

   This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

   This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

   This project shall be operated in a manner that will not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption.

Witness my hand this 23rd day of August, 1982.

L. Glen Saxton

Chief, Operations Bureau

Proposed Priority 2/1/1982

Received by TGB Date 2-1-82 Time 2:00

Preliminary check by [illegible] Fee $ 265.00 # 2079.5

Receipted by [illegible] Date 2-1-82

Publication prepared by macupa Date 2/3/82

Published in Gooding County Leader

Publication dates 2/10 & 2/17/82

Publication approved macupa Date 2/17/82

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by ADM RC

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Witness my hand this 23rd day of August, 1982.

L. Glen Saxton

Chief, Operations Bureau

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Jensen

CLAIM IDENT. NO. A37-07997

DATE RECEIVED 7. CK # 5002255 AMOUNT $ 670.

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	X		*
2. Is a priority date entered? 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 permit		*
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			
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: lkt Date: 2-3-89

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

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

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

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

Sent to claimant by: Date:

Comments:

MICROFILMED
FEB 24 1993

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 25 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

MICROFILMED
OCT 25 1994

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

37-07997

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

MICROFILMED
OCT 25 1994

RECEIVED
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

MICROFILMED
OCT 25 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 25 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

MICROFILMED
OCT 25 1994

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

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

MICROFILMED
OCT 25 1994