

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAH
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: A37-12819
Date Received: 8/26/1988
Receipt No: S002272 *rat*
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID JENSEN 208-934-5443
Address: ~~P.O. BOX 323~~ 1723 E. 1250S. cell: 358-0272
GOODING, ID 83330

OR
Name: BRENDA JENSEN 208-934-5443
Address: ~~P.O. BOX 323~~
GOODING, ID 83330

2. Date of Priority: DEC 31, 1930

3. Source: WASTEWATER Trib. to: DOG CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	14E	1	SE	NW			GOODING
			NE	SW			GOODING

5. Description of diverting works:
OPEN DITCHES, PUMP, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	14E	1	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
					Section Acres		80.0
					Total Acres		80.0

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:
AMERICAN FALLS & BIG WOOD CANAL WATER

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
MAR 01 1989

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

A37-12819

Date Received

8-26-88

Receipt Number

6002270

RECEIVED

AUG 26 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) DAVID OR BRENDA JENSEN Phone (208) 934-5443Mailing Address P.O. BOX 323 GOODING, ID Zip 833302. Date of Priority (Only one (1) per claim) 12/31/ 19303. Source of water supply (a) WASTEWATER INTO DOG CREEK
which is tributary to (b) BIG WOOD4. a. Location of existing point of diversion is: Township 55 Range 14E Section 1,
1/4 of SE 1/4 of NW⁽²⁾ 1/4, Govt. Lot, B.M., County of GOODINGAdditional points of diversion if any: NE 1/4 SW 1/4 OF SAME SEC 1

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

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. OPEN DITCHES TO PUMPFOR ^{GRAVITY} SPRINKLER IRRIGATION

MICROFILMED

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 11/1 amount 1.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 240 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

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	
<u>SS</u>	<u>14E</u>	<u>1</u>							<u>40</u>				<u>40</u>						<u>80</u>

Total number of acres irrigated 80

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

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.

CANAL WATER FROM AMER FALLS + BIG WOOD

or None (X)

14. Remarks:

MICROFILMED

Last Name JENSEN Ident No. A37-

Copies: White - State, Yellow - Claimant

4S
5S



490 000
FEET

43°00'

114°45'

310 000 FEET

MICROFILMED
MAY 0 1 1993

Produced by the Geological Survey

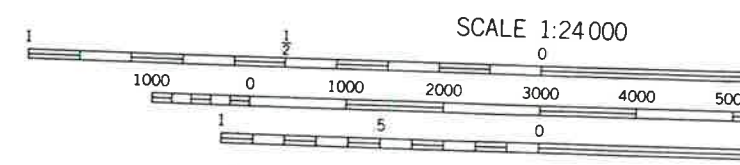
Orthophotograph prepared from 1:76,000-scale
aerial photographs taken August 4, 1974

Projection and 10,000-foot grid ticks: Idaho coordinate
system, central zone (transverse Mercator)
1000-metre Universal Transverse Mercator grid ticks,
zone 11. 1927 North American datum

Photoimagery transformed by scanning techniques
which may produce double or mismatched images;
use the center of image position as a map point.

TSS
R14E

NORTH



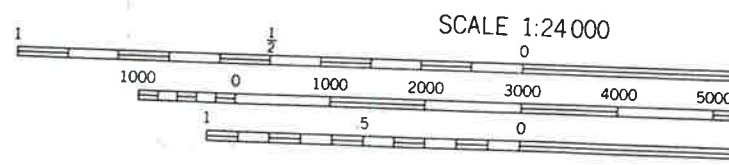
THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY
FOR SALE BY U.S. GEOLOGICAL SURVEY, MENLO PARK

4S
5S



TSS
R14E

310 000 FEET



Produced by the Geological Survey

Orthophotograph prepared from 1:76,000-scale aerial photographs taken August 4, 1974

Projection and 10,000-foot grid ticks: Idaho coordinate system, central zone (transverse Mercator)
1000-metre Universal Transverse Mercator grid ticks, zone 11. 1927 North American datum

Photoimagery transformed by scanning techniques which may produce double or mismatched images; use the center of image positions as a map point.

MICROFILMED
MAR 01 1998

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY FOR SALE BY U.S. GEOLOGICAL SURVEY, MENLO PARK

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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 _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

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

Signature of Claimant (s) David E. Jensen Date 08-12-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title 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 Id)
County of Booiling) SS.

Subscribed and sworn (or affirmed) before me this 12 day of Aug 19 88

SEAL

Notary Public Joh Sal Carlen

Residing at Burn Id

My Commission Expires 4/2/94

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 _____

Last Name JENSEN Ident. Number A37-

MICROFILMED

MAR 01 1993

Copies White-State, Yellow-Claimant

09/11/2006

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

RIGHT NUMBER: 37-12819
NAME AND ADDRESS: BRENDA JENSEN
1723 E 1250 S
GOODING ID 83330
DAVID E JENSEN
1723 E 1250 S
GOODING ID 83330

SOURCE: WASTE WATER TRIBUTARY: DOG CREEK
QUANTITY: 1.240 CFS
PRIORITY DATE: 03/15/1944
POINT OF DIVERSION:

T05S R14E S1 NWSWNE Within GOODING County
T05S R14E S1 NENESW Within GOODING County
T05S R14E S1 NWNWSE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.240 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R14E S01	SENW	25.00	T05S R14E S01	NESW	37.00
---------------	------	-------	---------------	------	-------

62 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



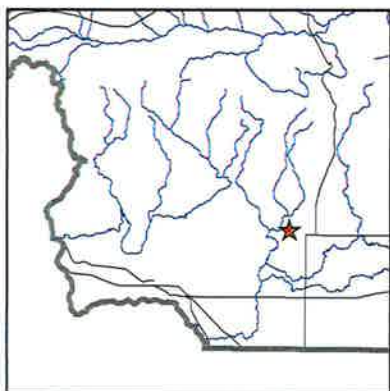
Idaho Department of Water Resources

SRBA Recommendation:

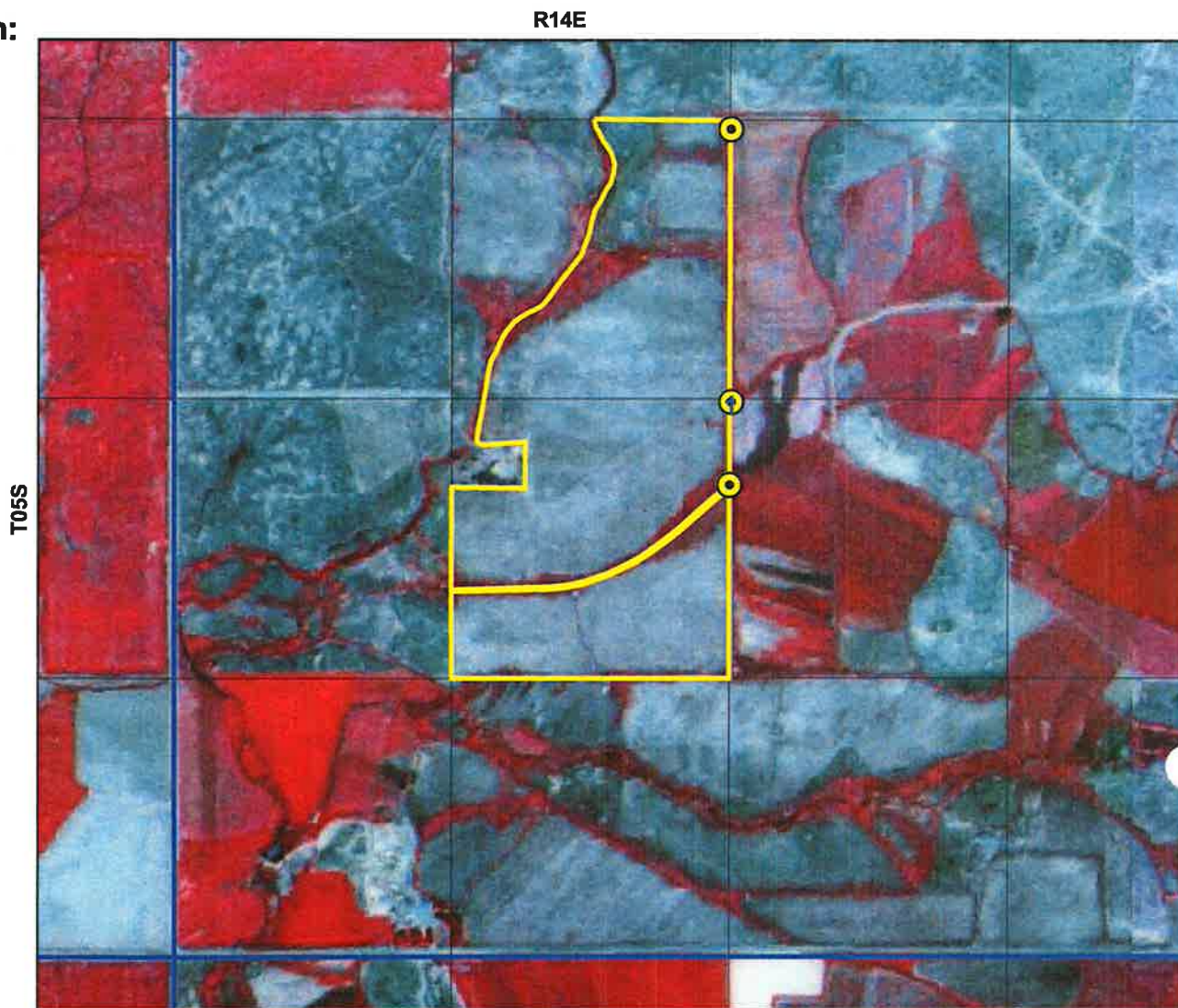
37-12819

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Gooding County
IDWR Basin 37



0 0.25 0.5 Miles



Prepared by M. Anders
On Monday, September 11, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-12819

Background Data

- Beneficial Use Claim
- Source is Wastewater tributary to Dog Creek
- Claimed 1.6 cfs on 80 acres

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo

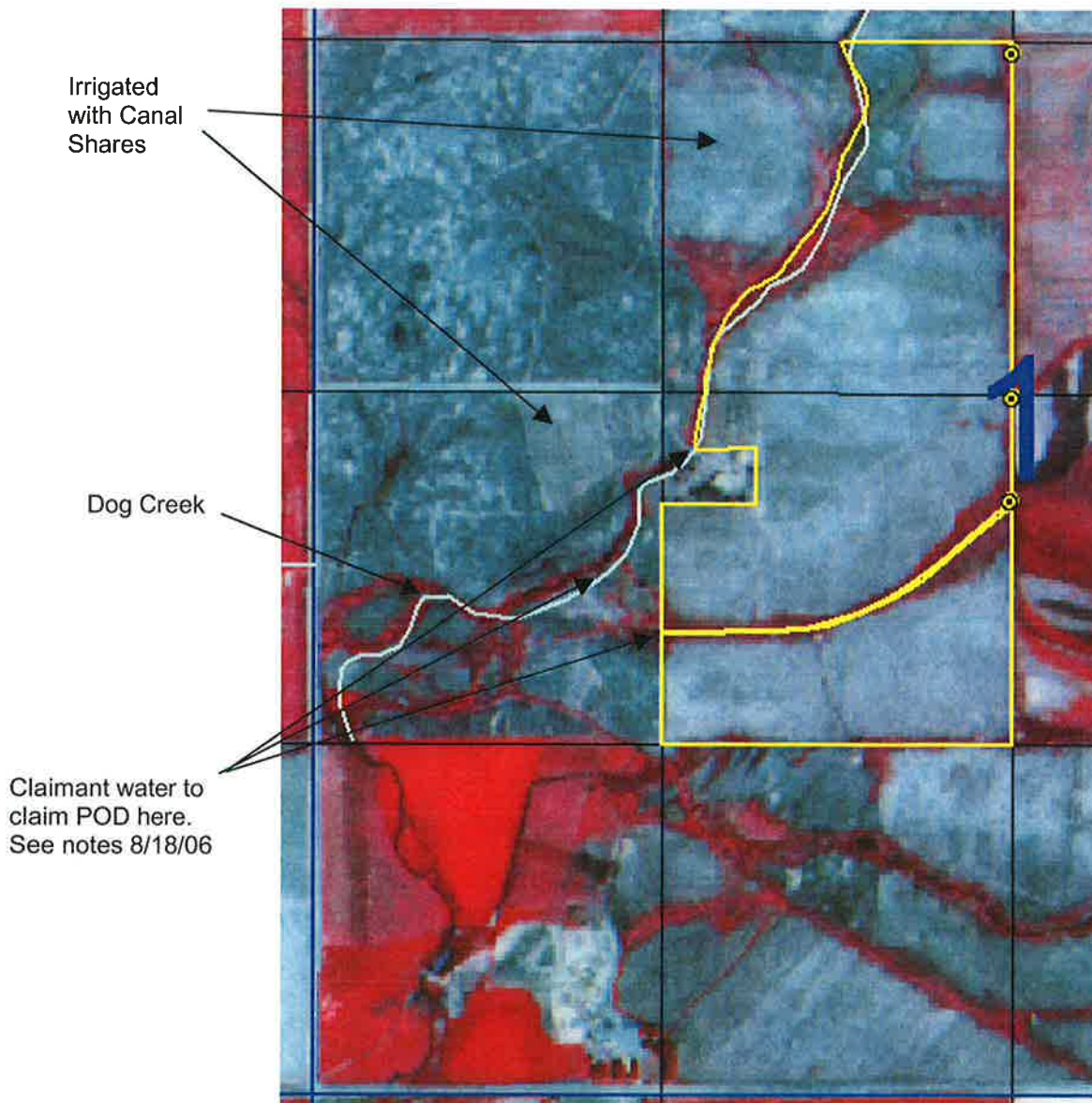




Photo of North POD taken by Lee Peterson during field exam.



Photo of Central POD taken by Lee Peterson during field exam.



Photo main line north of Central POD taken by Lee Peterson during field exam.



Photo of South POD taken by Lee Peterson during field exam.



Location of discharge measurement on wastewater ditch by Lee Peterson.



Location of discharge measurement on wastewater ditch by Lee Peterson.

Notes

T5S R14E Section 1

- Found 62 acres
- 11/29/05 talked to David Jensen on telephone. Mr. Jensen said he already gave southern 2 affidavits as evidence of priority, but since they are not in the claim file or back file he will send them again.
- 1/10/06 – Received evidence of priority from David Jensen. Source is referred to as Dog Creek in both states, but claimant says this is wastewater from neighbor. Decided to accept affidavits as proof of beneficial use of wastewater since from 1944, assuming that the source being described is actually wastewater rather than Dog Creek.
- 1/18/06 talked to David Jensen on telephone. Mr. Jensen sent us the evidence of priority that that establishes use back to 1944. If he finds someone that can document water use back to the claimed date of 1930, he will send it to us. Based on our conversation I revised the POU (claim map appears to be wrong). I told Mr. Jensen I will send him a copy of the draft POU that he can edit if he feel it is incorrect.
- 8/18/06 – Field exam conducted by Lee Peterson. Claimant confirmed that this is wastewater from his neighbor to the east. Canals shares are used to irrigate the land west of the Dog Creek. Claimant requested that 3 PODs be added to the claim in SWNW and SENW, 2 of these PODs appear to be pumps in Dog Creek and 1 POD appears to be associated with the wastewater ditch. These PODs appear to be locations where claimant is recapturing water on his land rather than taking control of water from his neighbor, so they do not need to be included in water right.
- Water was not running in some ditches at time of field exam. Based on photos and measurement of irrigation ditch by Lee Peterson, the distribution system appears adequate to for 1.24 cfs (0.02cfs/acre).
- Recommendation:
 - Source is wastewater
 - 1.24 cfs for Irrigation of 62 acres
 - Priority date: 3/15/1944
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

File No.
37-12819

David Jensen
1723E 1250 S
Gooding, Id

8/18/06

I called David and made an apt. for this afternoon and I went to his home and met him this afternoon and reviewed this file with him and he drew on the photo how the water is used as per gated pipe, ditch's and how the water flowed on each field and he also showed me where he has Canal Co. water and the place of use. David told me that this year so far has been an average year for water at No. 2 from his neighbor approx 100% at POD # 2 so when needed at #3 he takes the water at 2 down south to #3, which he was doing but today the water supply at # 2 was very little as shown on the bubbler photo and the measurements on the ditch from #3 POD. The source of this water is from waste water from his neighbors East of his property. We now went out to his field to No. 1 POD photo # 1030306 and to my surprise the ditch from his neighbor was dry and the ditch on west thru David's field was dry and by my opinion it has been dry for some time. We then went South to No 2 POD which is a bubbler from his neighbors waste water from the East. While doing GPS at #2 I observed the water from the Bubbler which was very short and was all being sent south to No. 3 POD. When water is used at No. 2 water from bubbler is in a 12" pipe to gated pipe going North for approx ½ of the distance between 1 & 2 then it reduces to 10", also this water when used is sent South toward No 3 in 12" gated pipe approx ½ way then reduced to 10", there is no way of measuring the water within the piping system and with no more water than was at this bubbler he was not able to irrigate much land, but now he has all this hay cut and ready to bale so what little water he is getting he is sending it to # 3, Photo 1030309 shows gates pipe at 2.

Page 2

Now at 3 looking down ditch see photo 1030309 there is some water but short which is going thru a ditch west. As I traveled down the ditch for a place to measure this water I found a road culvert so I cleaned the ditch and tried to measure but the flow was almost none, but I did use my flow meter 622 and 5110 recorder and measured the flow as photos 1030310 & 311 show but as you will see the movement in this ditch is almost nothing. The place of use is as David shows on the color photo .

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
North POD 1	Jensn 1	2439490	1313742	None	1030306
CenterPOD 2	" 2	2439491	1313347	"	307 308
South POD 3	" 3	2439489	1313228	"	309

Measurement photo

310 - 311

Lee R. Peterson

Adjudication Claim Notes

Claim(s): 37-12819

Background Data

- Beneficial Use Claim
- Source is Wastewater tributary to Dog Creek
- Claimed 1.6 cfs on 80 acres

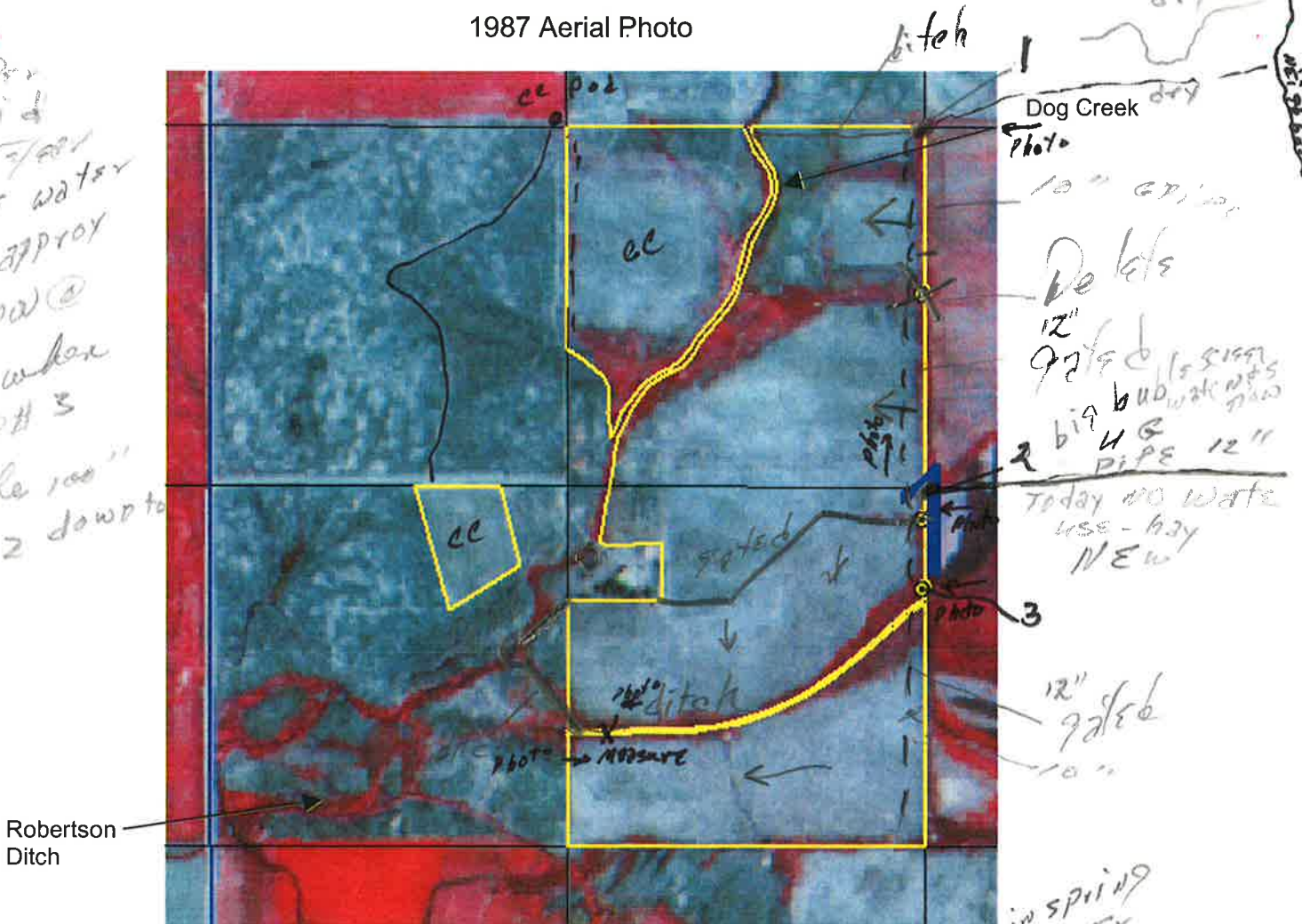
Place Of Use Data

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Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



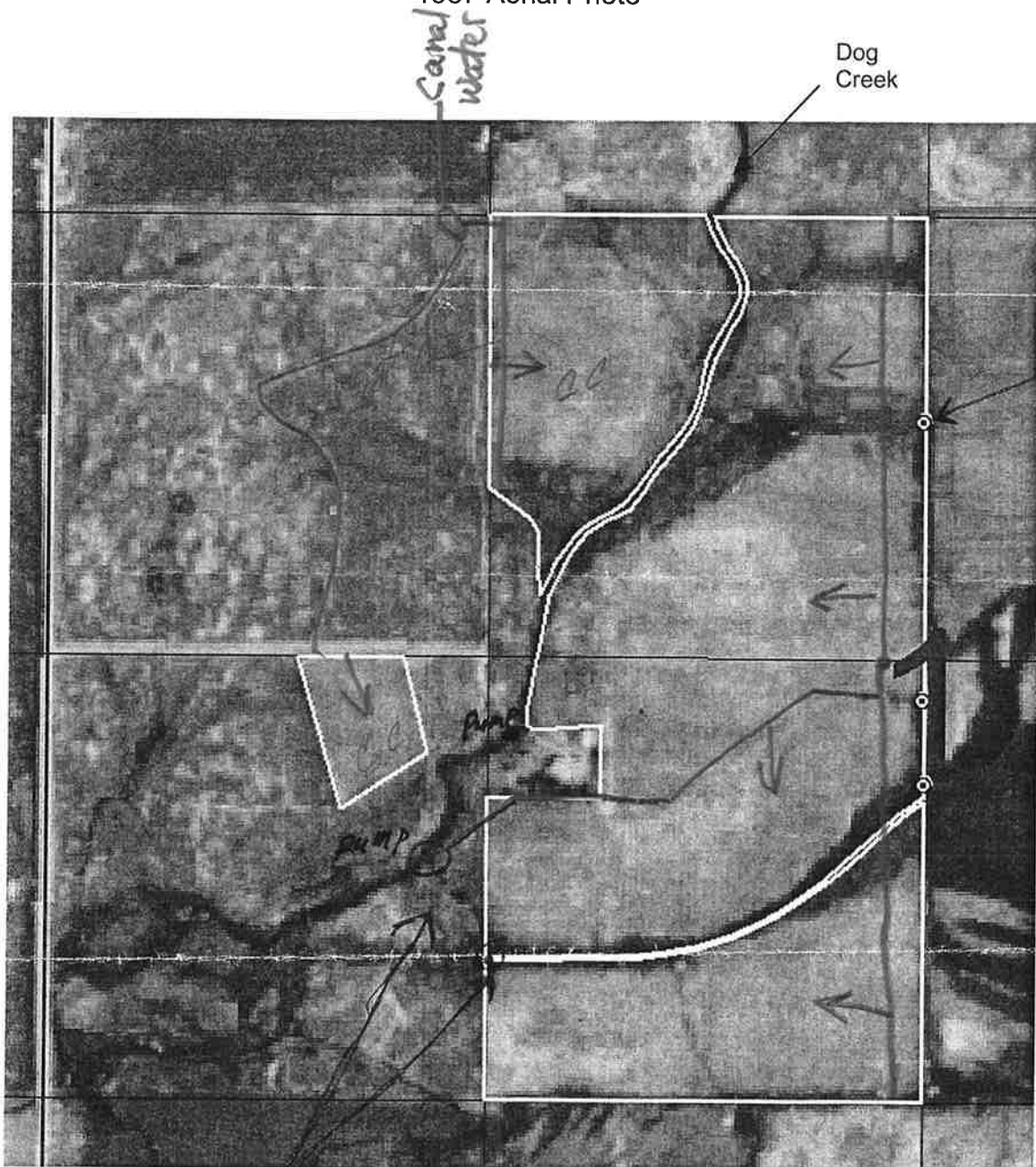
To do for field exam:

- 1) What is the source of this water? Is the water from dog Creek? Is it wastewater? *yes*
- 2) GPS PODs
- 3) Measure diversion rate at PODs
- 4) Confirm POU with claimant.

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

1987 Aerial Photo



Matt, Please add ~~an~~ additional points of diversion as I placed on the map above. Thanks

David E. Jensen

Adjudication Claim Notes

Claim(s): 37-12819

Background Data

- Beneficial Use Claim
- Source is Wastewater tributary to Dog Creek
- Claimed 1.6 cfs on 80 acres

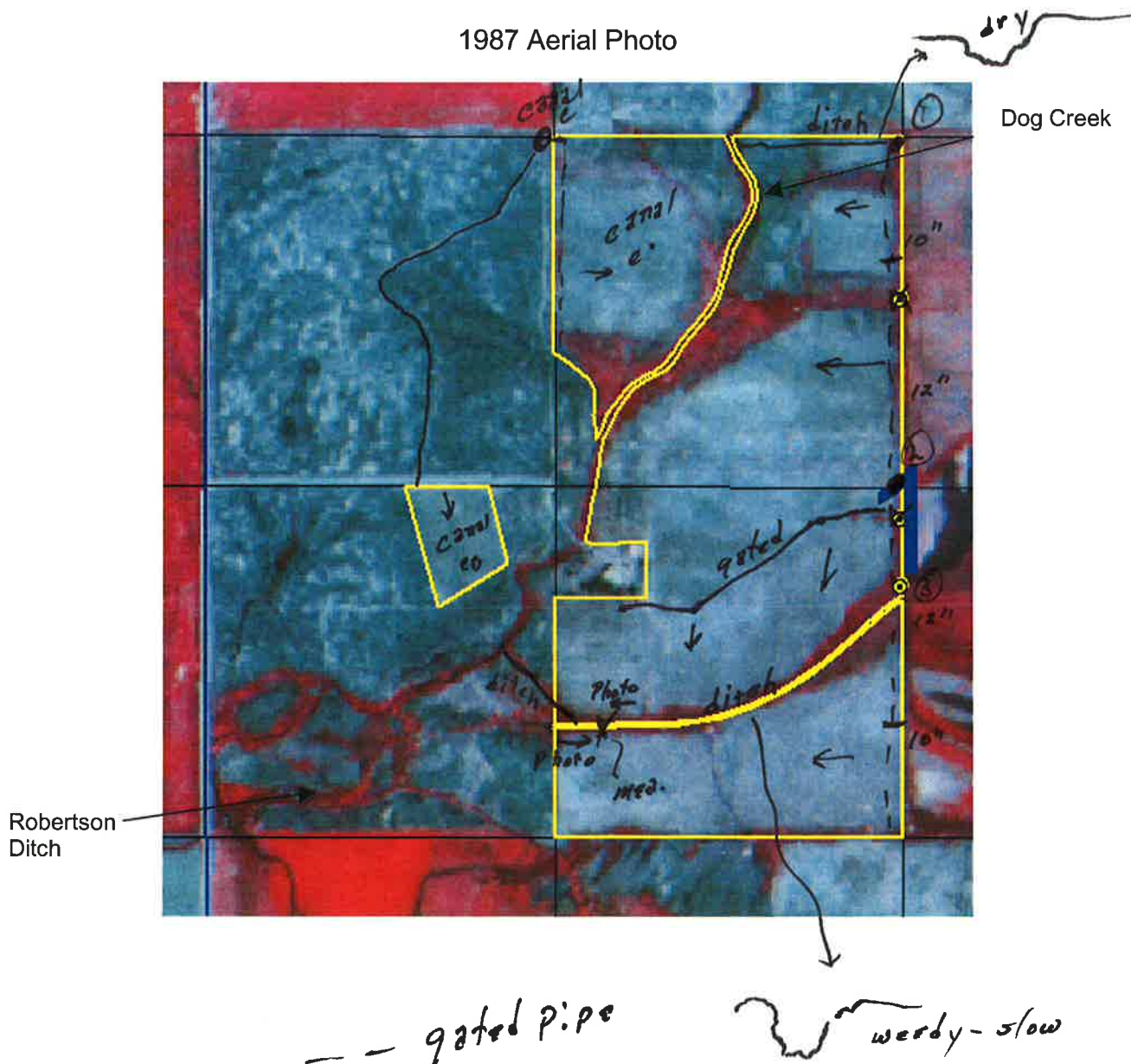
Place Of Use Data

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Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



37-12819

Water Right No.
(if applicable)

A. GENERAL INFORMATION

1. Name of stream or ditch: David Jensen POD#3 .92
2. Location: 1723 E 1250 S. Gooding
3. Person conducting measurement: LEE PETERSON .94
4. Date and time of measurement: 8/18/06 7 PM
5. Accompanied by: none .96
6. Measuring device size and ID no.: 622 flow meter 5110 recorder
7. Spin test before measurement OK? yes after measurement OK? _____ .97
8. Purpose of measurement: try to account flow in ditch .98

B. MEASUREMENT DATA

IT DATA The flow in this ditch was precisely 0
There was times meter stopped.

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 18, 2006

David Jensen
1723E 1250S
Gooding, ID 83330

RE: Snake River Basin Adjudication claim 37-12819

Dear Mr. Jensen,

I have received the evidence of priority from Valoy Jensen and Floyd Thornton that you submitted for Snake River Basin Adjudication claim 37-12819 and added the information to the claim file.

I have enclosed a 1987 aerial photograph with a draft outline of the claimed place of use and points of diversion. If you feel there is an error in the draft place of use or points of diversion, please use a pen to make edits on the 1987 aerial photo, then return the photo to me. I have also enclosed a 2004 aerial photograph to help you locate your property.

Feel free to contact me at (208) 287-4937 if you have any questions.

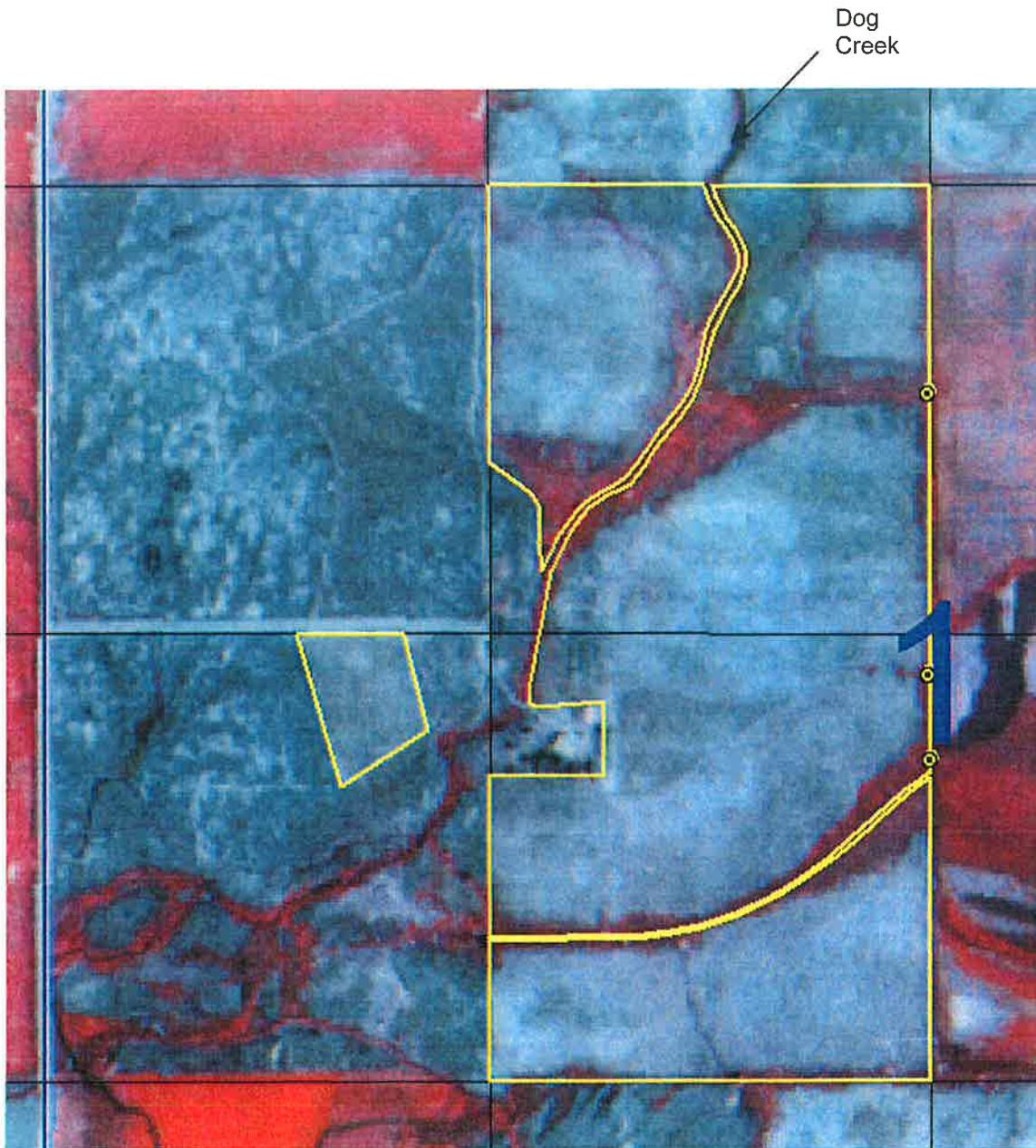
Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

1987 Aerial Photo



2004 Aerial Photo



RECEIVED

JAN 17 2006

DEPARTMENT OF
WATER RESOURCES

Matt Anders
Idaho Department of Water Resources
Boise, Idaho

January 10, 2006

Dear Matt Anders:

In November or December of 2005 I got a call from you letting me know I was in danger of losing my water right (number 37-12819.) I was to submit proof substantiating this water right or lose it. Earlier in the year of 2005, I had received a letter from the Twin Falls office of the Dept. of Water Resources informing me that I needed to provide proof of water rights. I personally took 3 letters to the Twin Falls office: one letter from me, one letter from my mother (a former resident of the property) and one letter from a former next-door neighbor. I took these letters to the Twin Falls office because that was the return address on the letter I received. I took them personally to ensure that they were received in the office without problem or incident. At the Twin Falls office I spoke with a receptionist and a gentleman (whose name I don't remember) who said I'd done all I needed to do. After I received your phone call, I contacted the Twin Falls Office and asked if they still had those letters in their possession. They told me that they send everything they receive on to Boise. Obviously, you did not receive them, and then you advised me to repeat the process. I have done that, and am now sending these 3 letters to you via registered mail. Will you please contact me and verify that I have done everything I need to do in regards to Water Right number 37-12819. I would appreciate a phone call, in addition to a written letter of verification. Thank you.

Sincerely,



David Jensen
1723 East 1250 South
Gooding, Idaho 83330
Cell 208-358-0272
Home 208-934-5443
Enclosures: 3

SCANNED

JAN 18 2006

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

To Whom It May Concern:

This letter is in regards to Water Right Number 37-12819, David and Brenda Jensen's beneficial use of water from Dog Creek. When we filed our claim to the water from Dog Creek 20 years ago, we had a claim date of 1930. This date was obtained from Vic Cheney, a former owner of this farm who told us that he used water from Dog Creek for irrigation purposes. We are no longer able to verify this 1930 date because Vic Cheney is now deceased. We do have two verifications of a 1944 date, but we would like to be able to retain the 1930 claim date, but are not sure how to do this, since Vic Cheney is gone. Can you tell us if it is possible for us to retain this 1930 date? We look forward to hearing from you.

Thank you,

David E. Jensen
Brenda Kay Jensen

David and Brenda Jensen
1723 East 1250 South
Gooding, ID 83330
934-5443
358-0272

SCANNED
JAN 18 2006

14 June 2005

In the spring of 1944 I, Valoy Christopherson Jensen, moved with my family, the Leonard and Grace Christopherson family onto the farm northwest of Gooding with the present address of 1723 E. 1250 S. My dad pumped and diverted water from Dog Creek beginning in 1944 and for many years after.

Respectfully,

A handwritten signature in cursive script that reads "Valoy Christopherson Jensen". The signature is written in dark ink and is positioned above the printed name and address.

Valoy Christopherson Jensen
1719 E. 1250 S.
Gooding, ID 83330

SCANNED

JAN 18 2006

June 13, 2005

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

To Whom It May Concern:

This letter is in regards to Water Right Number 37-12819, and the beneficial use of water that runs in Dog Creek. David and Brenda Jensen are the current owners of the property at 1723 East, 1250 South in Gooding. Leonard Christopherson purchased this farm in 1944. He was a neighbor to me and he diverted and pumped water out of Dog Creek for irrigation purposes from the time he purchased the farm. Water from Dog Creek has been used for irrigation since this time.

Sincerely,



Floyd Thornton
310 12th Avenue West
Gooding, ID 83330

SCANNED

JAN 18 2036



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

RECEIVED

JUN 17 2005

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 16, 2005

DAVID E JENSEN
1723 E 1250 S
GOODING ID 83330

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No #37-12819.
Change of Address Notification

Dear Claimant:

Thank you for notifying us of your change in address on the water right claims referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Carrie Hahn
Clerk

SCANNED
JUN 16 2005



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

April 15, 2005

David E. Jensen

37-12819

JENSEN

1723 E 1250 S

GOODING ID 83330

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-_____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

SCANNED
JUN 16 2005



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

April 15, 2005

X
X
X
X

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

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Sincerely,

Douglas Jones, R.E.
Water Rights Supervisor

Enclosures

1/30/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME JensenCLAIM IDENT. NO. A 37DATE RECEIVED 8-26-88CK # 1384AMOUNT \$ 1305002270

- | | YES | NO | Required Info? |
|--|-----------|-----------|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | <u> </u> | * |
| 2. Is a priority date entered? | <u>X</u> | <u> </u> | * |
| Is the priority date acceptable in view of mandatory filing dates? | <u>X</u> | <u> </u> | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | <u> </u> | * |
| 3. (a) Is a source entered? | <u>X</u> | <u> </u> | * |
| (b) Is a tributary to entered? (if required) | <u> </u> | <u> </u> | * |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | <u> </u> | * |
| 5. Is there a description of the diverting works? | <u>X</u> | <u> </u> | * |
| 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. | <u>X</u> | <u> </u> | * |
| Is the period of use included? | <u>X</u> | <u> </u> | * |
| Is a quantity claimed for each use? | <u>X</u> | <u> </u> | * |
| 7. Is a total quantity claimed entered? | <u>X</u> | <u> </u> | * |
| 8. If required is a consumptive use entered? | <u>X</u> | <u> </u> | * |
| Is the consumptive use correct? | <u>X</u> | <u> </u> | * |
| 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. | <u>X</u> | <u> </u> | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | <u> </u> | * |
| 11. Is (are) the county(ies) entered? | <u>X</u> | <u> </u> | * |
| 12. Is the ownership of p.u. checked? | <u>X</u> | <u> </u> | * |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | <u> </u> | * |
| 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.) | <u>X</u> | <u> </u> | * |
| 15. Is the basis of the claim indicated? | <u>X</u> | <u> </u> | * |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | <u>X</u> | <u> </u> | * |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u>X</u> | <u> </u> | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | <u> </u> | * |
| 19. Was this claim filed on time, or was an extension granted? | <u>X</u> | <u> </u> | * |
| 20. Is the fee enclosed correct? | <u>X</u> | <u> </u> | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | <u>X</u> | <u> </u> | * |
| 22. Should this claim be receipted and data entered? | <u>X</u> | <u> </u> | * |

Claim checked by: RATDate: 2-3-89

Claim must be returned to claimant:

(Yes) (No)

Claimant must be notified of modifications:

(Yes) (No) Receipt Prepared by: A. MerrittClaim data entered by: RATSent to claimant by: RATDate: 98-19-88Date: 2-3-89Checked by: RATDate: 2-3-88

Comments: _____

MICROFILMED

MAR 1 1989

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 5002270

RECEIVED

AUG 24 1989

Department of Water Resources
Southern Region Office

Date: 09/19/88
Time: 09:28:58

Received

From: JENSEN, DAVID & BRENDA

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$130.00
	Total	\$130.00

CHECK 1384

WR/NO: A37-12819

Idaho Department of Water Resources

Region: SOUTHERN

Signature: Bruce A. Schuch

Change Rcpt to include WR/NO 8/17/89
Copy to File

MICROFILMED
MAR 01 1990