

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
AUG 22 2019

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Jay Jensen Phone 208-390-2093
Mailing address 3320 W 2800 N Moore Id. 83255 Email jensen@netzero.net

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____
Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Jay Jensen
Signature of Applicant or Authorized Representative

Jay Jensen
Print Name and Title if applicable

8-20-19
Date

DeAnn Jensen
Signature of Applicant or Authorized Representative

DeAnn Jensen
Print Name and Title if applicable

8-20-19
Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

43607

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	34-397	2.40	Irrigation	05/01 to 10/15	Big Lost River
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.40 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed _____ cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NW	NW	NW	26	04N	26E	Butte	Big Lost River	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	26E	13																27.4	27.4
		24	27.3	9.3															36.6
Total Acres (for irrigation use)																			64.0

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APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

- b. Who owns the property at the point(s) of diversion? _____
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **If yes,** ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The land currently irrigated will be irrigated as specified in a companion transfer. The post-transfer place of use is covered by groundwater right 34-2357B.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/25/2019

Water Right 34-397

Owner Type **Name and Address**
Current Owner JAY JENSEN
 3320 W 2800 N
 MOORE, ID 83255

Current Owner DEANN N JENSEN
 3320 W 2800 N
 MOORE, ID 83255

Priority Date: 6/1/1888

Basis: Decreed

Status: Active

Source
BIG LOST RIVER

Tributary
SINKS

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	5/01	10/15	2.400 CFS	
	Total Diversion		2.400 CFS	

Source and Point(s) of Diversion

BIG LOST RIVER NWSESE Sec. 4, Twp 05N, Rge 26E, BUTTE County

Place Of Use

IRRIGATION within BUTTE County

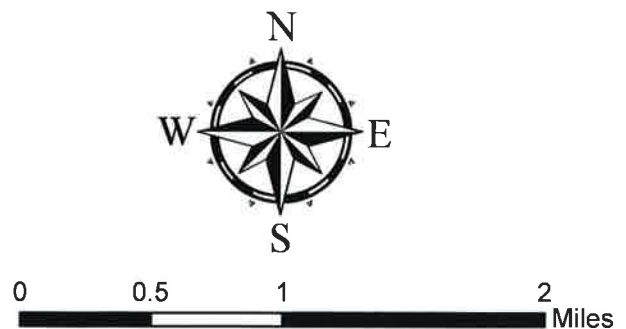
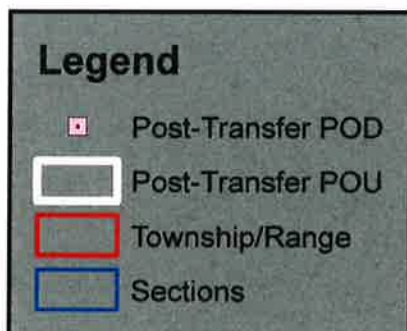
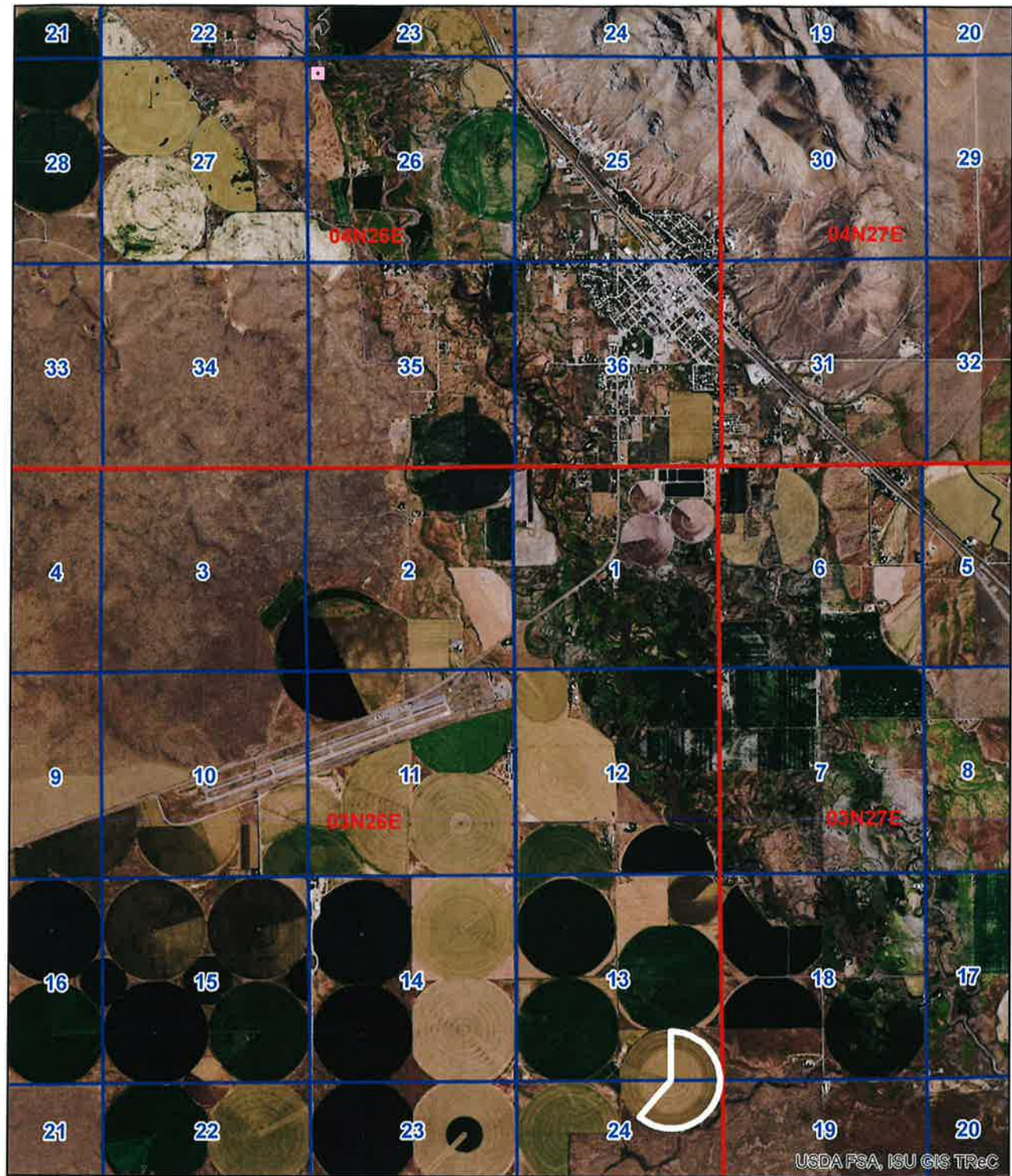
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	26E	10																9.0	9.0
05N	26E	14						1.0	24.0										25.0
05N	26E	15	18.0			12.0													30.0

POU Total Acres: 64.0

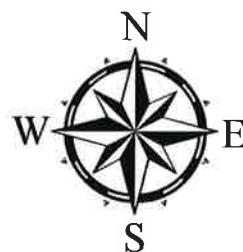
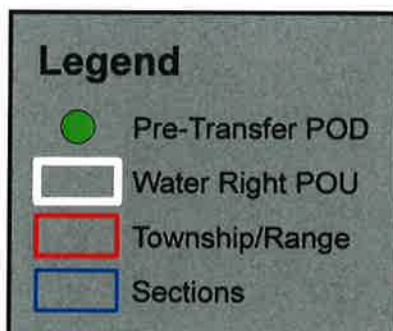
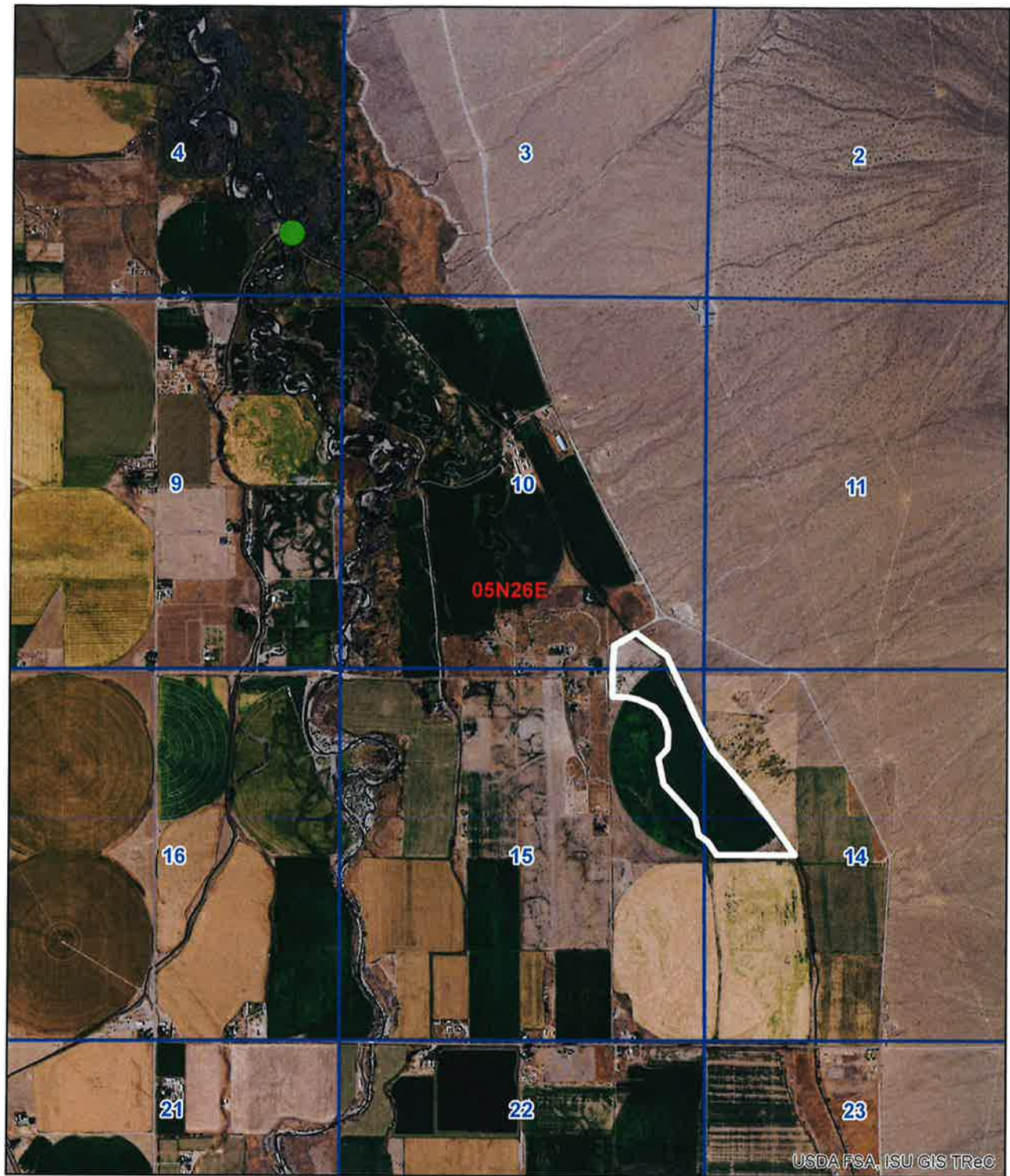
Conditions of Approval:

1. S34 THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. C18 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.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. WATER IS DELIVERED THROUGH EASTSIDE DITCH.

Post-Transfer Overview



Pre-Transfer Overview



82607

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/25/2019

Water Right 34-2357B

Owner Type **Name and Address**
Current Owner JAY V JENSEN
 3320 W 2800 N
 MOORE, ID 83255
 (208) 554-2093

Current Owner DE ANN N JENSEN
 3320 W 2800 N
 MOORE, ID 83255
 (208) 554-2093

Priority Date: 3/31/1960

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	2.000 CFS	287.0 AF
	<u>Total Diversion</u>		2.000 CFS	287.0 AF

Source and Point(s) of Diversion

GROUND WATER SWSW Sec. 27, Twp 05N, Rge 26E, BUTTE County

Place Of Use

IRRIGATION within BUTTE County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	26E	13																27.4	27.4
03N	26E	24	27.3	27.3															54.6

POU Total Acres: 82.0

Conditions of Approval:

1. R01 A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. 005 Use of water under this right is subject to control by the watermaster of State Water District No. 34.
3. X51 The right holder shall accomplish the change authorized by this approval within <1> year.
4. R25 This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
5. A portion of this right, 0.36 cfs, is limited to use for conveyance losses in delivery of this right.
6. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/25/2019

7. 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. 0.36 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

September 26, 2019

JAY JENSEN
3320 W 2800 N
MOORE, ID 83255

RE: Transfer No. 83607
Water Right No(s). 34-397

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the ARCO ADVERTISER on 10/3/2019 and 10/10/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Thursday, September 26, 2019 11:57 AM
To: ARCO ADVERTISER (arcoadv@aol.com)
Subject: Arco Advertiser Legal Ads
Attachments: 83566, 83607 Arco Advertiser (Notice & Cover Letter).doc

Hello,

Please see attached for information regarding ads to run in your paper.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

This may contain more than one (1) page

September 26, 2019

LEGAL NOTICE DEPARTMENT

ARCO ADVERTISER

PO BOX C

ARCO, ID 83213

RE: Transfer No. 83566, 83607,

Water Right No(s): 34-2386, 34-264, 34-265, 34-434, 34-7233, 34-397

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/21/2019. Your cooperation is appreciated.

Sincerely,

Christina Henman

Administrative Assistant

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83566

MARILYN LAMBERT, 2524 N 3300 W, ARCO, ID 83213; has filed Application No. 83566 for changes to the following water rights within BUTTE County(s): Right No(s). 34-2386, 34-264, 34-265, 34-434, 34-7233. The purpose of the transfer is to change a portion of the above rights as follows: change place of use and change points of diversion. The points of diversion will be in SESE Sec 4 (1.71 cfs from Big Lost River) and NWNW Sec 14 (1.90 cfs from ground water), T5N R26E. The place of use will be in Secs 10, 14, and 15, T5N R26E for 95 acres.

TRANSFER NO. 83607

JAY JENSEN, 3320 W 2800 N, MOORE, ID 83255; has filed Application No. 83607 for changes to the following water rights within BUTTE County(s): Right No(s). 34-397 The purpose of the transfer is to change a portion of the above rights as follows: change place of use and change point of diversion. The point of diversion will be in NWNWNW Sec 26 T4N R26E for 2.40 cfs from Big Lost River. The place of use will in Sec 13 and 24, T3N R26E for 64 acres. To see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 10/21/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 10/3/2019 and 10/10/2019

September 26, 2019

Lucas Yockey
Watermaster 34
PO Box 53
Mackay, ID 83251

RE: Application for Transfers 83566, 83607, 83628

Dear Watermaster:

A copy of each of the above referenced applications is enclosed. Please review the applications, then complete the enclosed recommendation forms and return them to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure(s)

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No.: 83607

Applicant's Name: Jay Jensen

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this _____ day of _____, 20____.

Water District No: 34

Watermaster's Signature