



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Kirby A Jensen
2781 N 3375 W
Moore, ID
83255

February 28, 2017

Mr. Jensen,

It was brought to the Department's attention that the rate of diversion for water right 34-14230 was split incorrectly as part of an ownership change in 2011. The water right has been updated and reflects a correct diversion rate of 0.14 cfs for the land on Township 04N, Range 26E, Section 8, NWSE & SWSE. This correction is based on the Warrantee Deed which described the updated diversion rates. Attached you will find a copy of the water right with the updated diversion rate. Please do not hesitate to contact the office with questions.

Sincerely,

Chelsey Serrano

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/28/2017

Water Right 34-14230

Owner Type **Name**
Current Owner KIRBY A JENSEN
Original Owner DAVID S BOYACK
Previous Owner J DOYLE JENSEN
Previous Owner CATHERINE K JENSEN
Security Interest THE BANK OF COMMERCE
Priority Date: 5/20/1884
Basis: Decreed
Status: Active

Source **Tributary**
BIG LOST RIVER SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/15	0.140 CFS	
	<u>Total Diversion</u>		0.140 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

T04N R26E S8	NWSE	1.0
T04N R26E S8	SWSE	2.0
POU Total Acres:		3.0

Conditions of Approval:

1. 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.
2. WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER DIVERTED FROM GROUNDWATER UNDER RIGHT NO. 34-07223. WATER DIVERTED UNDER THIS RIGHT IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN RIGHT NO. 34-07223, AND WATER DIVERTED FROM GROUNDWATER IS USED FOR THE PURPOSES AND AT THE PLACE OF USE DESCRIBED ABOVE.
3. WATER IS DELIVERED THROUGH MOORE CANAL.
4. 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.

Combined Use Limits

N/A

2/27/2017

(Before correction)

Priority Date: 5/20/1884

Basis: Decreed

Status: Active

Tributary SINKS

Beneficial Use

IRRIGATION

From

To

05/01

10/15

Diversion Rate

0.060 CFS

Volume

0.060 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

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	26E	8														1.0	2.0		3.0

POU Total Acres: 3.0

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. WATER IS DELIVERED THROUGH MOORE CANAL.
3. 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.
4. WATER DIVERTED UNDER THIS RIGHT IS EXCHANGED WITH WATER DIVERTED FROM GROUNDWATER UNDER RIGHT NO. 34-07223. WATER DIVERTED UNDER THIS RIGHT IS USED FOR THE PURPOSES AND AT THE PLACES OF USE DESCRIBED IN RIGHT NO. 34-07223, AND WATER DIVERTED FROM GROUNDWATER IS USED FOR THE PURPOSES AND AT THE PLACE OF USE DESCRIBED ABOVE.

Dates and Other Information

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

2/27/2017

Decreed Date: 12/14/2001
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 34
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
168 West Pacific/P.O. Box 868
Blackfoot, ID 83221

NO 0047816
RECORDED

JUN 24 2010

A.M. 2:40 P.M.
BUTTE COUNTY RECORDER

Tulley S. Metcalfe

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **336837-B (Id)**

Date: **June 17, 2010**

For Value Received, **Kirby A. Jensen and Sharon W. Jensen, husband and wife**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Joel Andersen and Belva Andersen, husband and wife**, hereinafter called the Grantee, whose current address is **2791 North 3375 West, Moore, ID 83255**, the following described premises, situated in **Butte County, Idaho**, to-wit:

PARCEL 1:

**TOWNSHIP 4 NORTH, RANGE 26 E.B.M., BUTTE COUNTY, IDAHO
SECTION 8: W $\frac{1}{2}$ SE $\frac{1}{4}$,**

EXCEPT: BEGINNING AT THE NORTHWEST CORNER OF SAID SE $\frac{1}{4}$ AND RUNNING THENCE EAST 660 FEET; THENCE SOUTH 330 FEET; THENCE WEST 660 FEET; THENCE NORTH 330 FEET TO THE POINT OF BEGINNING,

ALSO EXCEPT: BEGINNING AT THE SOUTHWEST CORNER OF SAID SE $\frac{1}{4}$ AND RUNNING THENCE NORTH 300 FEET; THENCE EAST 300 FEET; THENCE SOUTH 300 FEET; THENCE WEST 300 FEET TO THE POINT OF BEGINNING.

INCLUDING, 73 inches of Decreed Water (Decree # 34-93) in the Big Lost River, with a priority date of May 20, 1884, together with all ditch rights and other improvements related to the above described property.

PARCEL 2:

**TOWNSHIP 4 NORTH, RANGE 26 E.B.M., BUTTE COUNTY, IDAHO
SECTION 16: THE WEST ^{643.5}39 RODS OF THE SOUTH ¹²⁸⁷78 RODS OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$**

SECTION 17: THE EAST ⁴²⁹26 RODS OF THE SOUTH ^{1270.5}77 RODS OF THE SW $\frac{1}{4}$ NE $\frac{1}{4}$

SECTION 17: THE SOUTH ¹²⁸⁷78 RODS OF THE SE $\frac{1}{4}$ NE $\frac{1}{4}$

INCLUDING, 2 Water rights, water right No. 34-7210A from a Well that currently irrigates the parcel and 73 inches described in water right No. 34-10036(Big Lost River).

PARCEL 2A:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING:

^{16.5}
SOUTH 1 ROD OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 16, TOWNSHIP 4 NORTH, RANGE 26 E.B.M., BUTTE COUNTY, IDAHO

³³ ^{643.5}
NORTH 2 RODS OF THE WEST 39 RODS OF THE SW $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 16, TOWNSHIP 4 NORTH, RANGE 26 E.B.M., BUTTE COUNTY, IDAHO

Date: 06/17/2010

Warranty Deed
- continued

File No.: 336837-B (Id)

^{1/2}
NORTH 2 RODS OF THE SE¹/₄NE¹/₄ SECTION 17, TOWNSHIP 4 NORTH, RANGE 26 E.B.M.,
BUTTE COUNTY, IDAHO

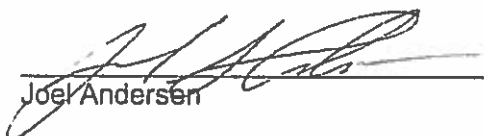
SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.


Kirby A. Jensen


Sharon W. Jensen

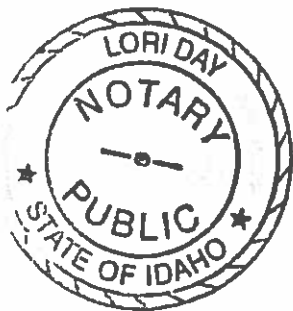
BUYER(S):

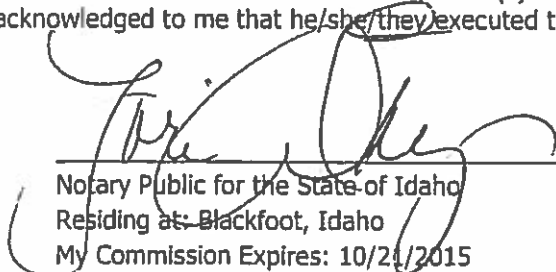

Joel Andersen


Belva Andersen

STATE OF Idaho)
SS.
COUNTY OF Bingham)

On this 23rd day of June, 2010, before me, a Notary Public in and for said State, personally appeared Kirby A. Jensen and Sharon W. Jensen, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.




Notary Public for the State of Idaho
Residing at: Blackfoot, Idaho
My Commission Expires: 10/21/2015

Water Dist 34

Split Required

RECEIVED

FEB 09 2011

Form 43-248/43-1409(4) 10/07

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

Department of Water Resources
 Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
34-7210A	OK				
34-10036	34-10037				
34-93	OK (Split	✓			
into 34-14230 + 34-14231)					

SUPPORT DATA

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

- A. The appropriate FILING FEE. See instructions for fee amounts. \$125. - IN FILE # 34-93
- B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent AERIAL PHOTO with the 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(s)

Kirby A. Jensen
 2781 N 3375 W
 Moore, Idaho 83255

4. New Owner/Claimant(s)

Joel Andersen Belva Andersen
 Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

2791 N 3375 W

City, State and ZIP Code

Moore, Idaho 83255

New Telephone Number

(208) 527-3379 Email:

589-0019

5. Date you acquired the property

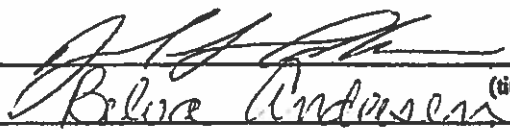
6-23-2010

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>34-7210 A</u>		
Irrigation	<u>1.08 CFS</u>	<u>73 Acres</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number <u>34-10036</u>		
Irrigation	<u>1.46 CFS</u>	<u>60 Acres</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number <u>34-93</u>		
Irrigation	<u>1.46 CFS</u>	<u>73 Acres</u>
Stock		
Domestic		
Other		
Totals		

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

7. Signature(s) of New Owner(s) or Claimant(s)

 (title if applicable)
Belva Andersen (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by JR
 Received by JR
 Processed by AJ

Date 3/11/2011
 Date 3/11/2011
 Date 3/11/2011

Receipt Amt. \$250.-
 Receipt No. E0316429
 WR Date

\$125.- for this application