

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested APPLICATION 11-7813 ^{Daryl Woolstenhulme}
Ruth Woolstenhulme
2. Name of protestant Bruce W. Jensen
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 4239 MARS WAY, SALT LAKE CITY, UTAH 84124
5. Service telephone no. 801 278-7638 Email Address: bwjensen1982@msn.com
6. Basis of protest (including statement of facts and law upon which the protest is based)

The water rights being applied for have been previously claimed (Idaho Water Right # 11-04045). The water has a claimed use SINCE 1907. I own a 50% interest in this spring (Rights acquired in September 1991). See additional information attached.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Approval of my "Application For Permit" documenting my INTEREST IN THIS spring. I am currently submitting my "Application"

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 23 day of June, 20 15

Bruce W. Jensen
Protestant

Protestant's Representative

Receipt
#204191

June 23, 2015

Director, Dept. of Water Resources
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

RECEIVED
JUN 25 2015
Department of Water Resources
Eastern Region

Dear Sirs:

Attached is a protest and documentation for Application for permit # 11-7813 filed by Daryl and Ruth Woolstenhulme that was published in the Public Notice section of the June 17, 2015 edition of *The News Examiner*. I have sent a copy of this letter, the Notice of Protest and all attached documentation to Daryl and Ruth Woolstenhulme, 725 Sawmill Road, Ovid, Idaho 83254.

Thank you for your attention to this matter.


Bruce W. Jensen

CC: Daryl and Ruth Woolstenhulme
725 Sawmill Road
Ovid, Idaho 83254

The water rights being applied for by Daryl Woolstenhulme and Ruth Woolstenhulme, Idaho Permit Application #11-7813, have been previously claimed. I, Bruce W. Jensen, have a 50% interest in the water rights being claimed by Application #11-7813. Please see copy of Idaho Water Right #11-04045, attached. The water from this spring has been in use since 1907. See "Claim to Water Right" signed February 10, 1976 by Reed S. Hymas, owner of the property with the spring on it at the time of signing. A copy is attached. I received a copy of this from Daryl and Ruth Woolstenhulme.

I, Bruce W. Jensen, purchased the property known as 571 Sawmill Road, located in Bear Lake County, Idaho on September 18, 1991. See attached copy of "Warranty Deed". Included in the purchase is an undivided one-half interest in the water rights connected with the spring on land adjacent to 571 Sawmill Road (Idaho Water Right #11-04045). Also included is a 50% interest in the pipeline from the spring to the house located at 571 Sawmill Road and an easement for the pipeline and ingress and egress to the facilities. A copy of the "EASEMENT AND CONVEYANCE OF 50% INTEREST IN WATER RIGHT (WITH WARRANTIES) AND BILL OF SALE" signed September 18, 1991 is attached. This document was recorded September 20, 1991 in Bear Lake County, Idaho, Instrument 153132. A copy of a map I made using Idaho Water Resources Mapping showing the location of the spring, the approximate location of the pipeline and the house at 571 Sawmill Road, is attached. I replaced the corroded galvanized steel pipeline with a plastic line in August 1998. Daryl Woolstenhulme and Ruth Woolstenhulme purchased the property adjacent to 571 Sawmill Road after this time and subsequently installed an additional pipeline on their property from the spring to the barn area and to the area where they later constructed a new home.

Note: Names, Permit information, etc. was obtained in the Public Notices section of the June 17, 2015 edition of the "The News Examiner".

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Reed J. Hyman (name of claimant)
of Ovid Idaho (mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Snyder Creek
+ its immediate springs & tributaries, tributary to, Emigration - north canyon
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | |
|-----------------------------|---------------------|---|
| Amount <u>1/2 of stream</u> | Use <u>Irrigate</u> | Period of Use: From <u>May 15</u> To <u>Oct 1</u> |
| Amount <u>1/2 in pipe</u> | Use <u>Domestic</u> | Period of Use: From <u>Jan 1</u> To <u>Dec 31</u> |
| Amount _____ | Use _____ | Period of Use: From _____ To _____ |
- (cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: 1.00 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 49 years since 1907

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NW 1/4 NW 1/4, Sec. 30 Twp. 12 South Rge. 43 East B. M. County of Bear Lake
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. _____

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

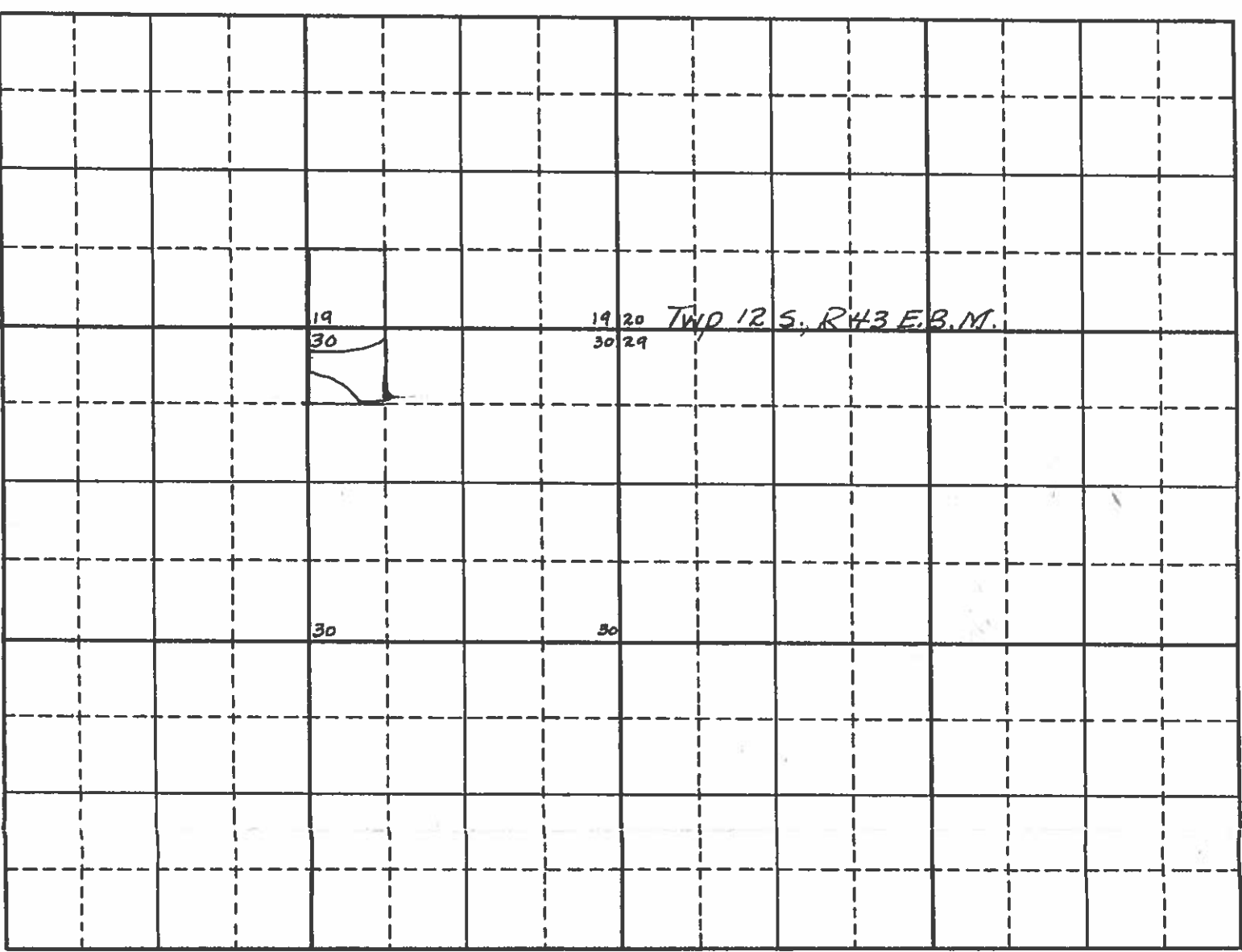
T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	43E	30						25											25

Total No. of acres 25

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: 1/2 in pipe at lower end of one small spring for house & garden & lawn water

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bear Lake) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 10 day of February 19 76.
Rudolf J. Hyman (Claimant)
Donald O. Peterson
Notary Public
Residing at Montpelier
My commission expires 8-23-77

For Department Use Only

Received by <u>me</u>	Date <u>2-11-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by _____	Date _____		claimant by:	
\$10.00 fee received by _____	Date <u>no fee received</u>			
Approved for publication by _____				
Published in _____				
Dates _____				

WARRANTY DEED

For Value Received TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

RANDY W. PIKE and BEVERLY K. PIKE, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

BRUCE W. JENSEN

4239 Mars Way, Salt Lake City, UT 84124

the grantee, the following described premises, in Bear Lake County Idaho, to wit:

Beginning at the Southeast Corner of Lot 1 of Section 30, Township 12 South, Range 43 East of the Boise Meridian, thence North 108 feet; thence West 185 feet; thence South 108 feet; thence East 185 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 18 September 1991

Randy W. Pike
Beverly K. Pike

STATE OF IDAHO, COUNTY OF Bear Lake
On this 18th day of Sept., 1991,
before me, a notary public in and for said State, personally
appeared

RANDY W. PIKE and BEVERLY K.
PIKE, husband and wife

Known to me to be the persons whose names are
subscribed for the within instrument, and acknowledged to
me that they executed the same.

Notary Public
, Idaho

Residing at _____
Comm. Expires 12-1-94

91 SEP 20 AM 9 24
DEPUTY *Joan P. Enorn* FEE \$3.00

BEAR LAKE COUNTY RECORDER
JOAN P. ENORN

153131

INSTRUMENT No

153132

**"THIS IS A LEGALLY BINDING CONTRACT.
IF NOT UNDERSTOOD, SEEK COMPETENT ADVICE."**

**EASEMENT AND CONVEYANCE OF 50% INTEREST IN WATER RIGHT
(WITH WARRANTIES)
AND BILL OF SALE**

KATHERINE HYMAS, a Widow, of 6584 U.S. Highway 36, Ovid, Idaho, the Seller, hereby conveys, transfers, warrants and sells to BRUCE W. JENSEN of 4239 Mars Way, Salt Lake City, Utah 84124, the Buyer, in exchange for TEN AND NO/100 DOLLARS . . . (\$10.00) and other valuable consideration, receipt and sufficiency of which is hereby acknowledged, the following described WATER RIGHT, EASEMENT RIGHTS, AND PIPELINE INTERESTS in Bear Lake County, Idaho:

1. An undivided one-half interest in the water rights connected with that certain spring located on Seller's Real Property, adjacent to home located at 571 Sawmill Road, Ovid, Idaho. Said spring being located in Lot 1, Section 30, Township 12 South, Range 43 East of the Boise Meridian, in Idaho. Said water right is referred to by the State of Idaho Department of Water Resources as "WATER RIGHT NUMBER 11-04045."
2. A Fifty Percent (50%) interest in the existing pipeline from the spring described in No. 1 above to the property at 571 Sawmill Road, Ovid, Idaho.
3. A perpetual easement to accomodate a water pipeline for use of the water from the spring described in No. 1 above and for the maintenance of said spring and pipeline.
4. A perpetual right of ingress and egress to the spring and pipeline described in No. 1 and No. 2 above. Ingress and egress to be by foot for inspection and minor maintenance purposes.

Seller, upon the consideration recited above, warrants ownership of and good title to the water right, easement and pipeline interest granted herein to buyer, and seller warrants that she has the right to sell and convey the same and that there are no liens, encumbrances, or charges thereon or against the

same and to defend the title and possession herein transferred to
buyer against all lawfull claims.

IN WITNESS WHEREOF, I have hereunto set my hand this 18
day of September 1991.

Katherine M Hyman
KATHERINE HYMAS

STATE OF IDAHO)
) ss.
COUNTY OF BEAR LAKE)

On this 18th day of September, 1991 before me, the
undersigned, a notary public in and for said state, personally
appeared KATHERINE HYMAS, known to me to be the person whose name
is subscribed to the within instrument, and acknowledged to me
that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal, the day and year in this certificate first
above written.

Wayne Beck
Notary Public
Residing at: Ovid, Idaho
Commission Expires: 12/1/94



153132

BEAR LAKE COUNTY RECORDER
JOAN P. EBORN

'91 SEP 20 AM 9 25
Joan P. Eborn \$6.00
DEPUTY FEE

IDAHO

Department of
Water Resources
Transfer Application Internet Mapping

