



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 22, 2013

AMY RUTH JENSEN TESTAMENTARY TRUST
C/O CLIFTON E JENSEN TRUSTEE
SUZANNE K JENSEN
CLIFTON E JENSEN
PO BOX 201
HAGERMAN ID 83332

RE: License Nos. 37-21827 & 37-21456

Issuance of Licenses

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right Licenses confirming that water rights have been established in accordance with your permits. Please be sure to thoroughly review the conditions of approval and remarks listed on your licenses. Also enclosed are copies of the approved applications for amendment.

The licenses are PRELIMINARY ORDERS issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become a final orders without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4916.

Sincerely,

Craig L. Saxton
Water Rights Supervisor

Enclosure(s)

cc: WATERMASTER CINDY YENTER

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2013, I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (Approved Licenses) to the person(s) listed below:

RE: WATER RIGHT NO. 37-21827

**CLIFTON E JENSEN
PO BOX 201
HAGERMAN ID 83332**

**SUZANNE K JENSEN
PO BOX 201
HAGERMAN ID 83332**

**AMY RUTH JENSEN TESTAMENTARY TRUST
C/O CLIFTON E JENSEN TRUSTEE
PO BOX 201
HAGERMAN ID 83332**

**WATERMASTER CINDY YENTER
WATER DISTRICT NO. 130
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380**

A handwritten signature in black ink, reading "Darla Block", is written over a horizontal line.

**Darla Block
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 37-21456

Priority: April 20, 2005

Maximum Diversion Rate: 1.80 CFS
Maximum Diversion Volume: 318.4 AF

It is hereby certified that AMY RUTH JENSEN TESTAMENTARY TRUST
C/O CLIFTON E JENSEN TRUSTEE
And
SUZANNE K JENSEN
And
CLIFTON E JENSEN
PO BOX 201
HAGERMAN ID 83332 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated July 31, 2006; and has
submitted Proof of Beneficial Use on September 12, 2008. An examination confirms water is diverted from:

SOURCE

WASTE WATER

Tributary: MALAD RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		318.4 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		318.4 AF
DIVERSION TO STORAGE	03/15 to 11/15	1.80 CFS	

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER NW¼NW¼ Sec. 36, Twp 06S, Rge 13E, B.M. GOODING County

PLACE OF USE: IRRIGATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S 13E 35														X			

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S 13E 34			22.0											30.0	13.0		65.0
			L 2											L 3	L 4		

Total Acres: 65

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

State of Idaho
Department of Water Resources
Water Right License

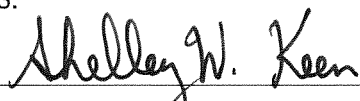
WATER RIGHT NO. 37-21456

CONDITIONS OF APPROVAL CONTINUED

3. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
4. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
5. The following rights are diverted through the point of diversion described above: 37-21456, 37-21486, 37-21827, and 37-21828.
6. At any instant in time rights 37-21456 and 37-21486 when combined shall not exceed the storage of 25 af in the reservoir. The reservoir may be refilled multiple times up to the total storage volume in a single year.
7. At any instant in time rights 37-21456, 37-21486, 37-21827, and 37-21828 when combined shall not exceed the storage of 99 AF in the reservoir. The reservoir may be refilled multiple times up to the total storage volume in a single year.
8. Rights 37-21456, 37-21486, 37-21827, and 37-21828 when combined are limited to an annual volume of 762.4 af which includes the initial fill of the reservoir, and multiple refills of the reservoir.
9. Rights 37-21456 and 37-21827 when combined shall not exceed a total diversion rate of 1.80 cfs, a total annual maximum storage volume of 318.4 af, and the irrigation of 65 acres.
10. Rights 37-21456, 37-21573, 37-21574 and 37-21827 when combined shall not exceed a total maximum diversion volume of 360.0 af at the field headgate and the irrigation of 90 acres.
11. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
12. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
13. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 18th day of July, 2013.


for GARY SPACKMAN
Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-21456

RECEIVED

JUN 19 2013

DEPARTMENT OF
WATER RESOURCES

Date of Priority: April 20, 2005

Maximum Diversion Rate: 1.80 CFS

Maximum Diversion Volume: 318.4 AF

Comes now AMY RUTH JENSEN TESTAMENTARY TRUST

And

CLIFTON E JENSEN

And

SUZANNE K JENSEN

PO BOX 201

HAGERMAN ID 83332

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 37-21456, and requests that the permit be changed as follows:

Source: WASTE WATER**Tributary:** MALAD RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	03/15 to 11/15	1.80 CFS	
IRRIGATION STORAGE	01/01 to 12/31		318.4 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		318.4 AF

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER

NW1/4NW1/4

Sec. 36, Twp 06S, Rge 13E, B.M.

GOODING County

PLACE OF USE: IRRIGATION STORAGE

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 35														X			

PLACE OF USE: IRRIGATION FROM STORAGE

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			22.0												30.0	13.0	65.0
			L 2												L 3	L 4	

Total Acres: 65

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 18th day of JUNE, 2013.


(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-21456

FOR DEPARTMENT USE ONLY

Preliminary check by CP Fee = 100⁰⁰ Received by HP # C097369 Date 6/19/13

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 37-21456 with the following:

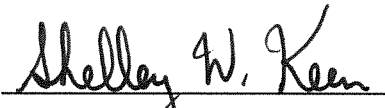
CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
3. The waste water diverted under this right is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
4. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
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7. At any instant in time rights 37-21456, 37-21486, 37-21827, and 37-21828 when combined shall not exceed the storage of 99 AF in the reservoir. The reservoir may be refilled multiple times up to the total diversion volume in a single year.
8. Rights 37-21456, 37-21486, 37-21827, and 37-21828 when combined are limited to an annual volume of 762.4 af which includes the initial fill of the reservoir, and multiple refills of the reservoir.
9. Rights 37-21456 and 37-21827 when combined shall not exceed a total diversion rate of 1.80 cfs, a total annual maximum storage volume of 318.4 af, and the irrigation of 65 acres.
10. Rights 37-21456, 37-21573, 37-21574 and 37-21827 when combined shall not exceed a total maximum diversion volume of 360.0 af at the field headgate and the irrigation of 90 acres.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 37-21456

11. The storage of water under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
12. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
13. This right does not grant any right-of-way or easement across the land of another.

Witness my hand this 18th day of July, 2013.


for GARY SPACKMAN
Director

Palmer, Cherie

From: Palmer, Cherie
Sent: Wednesday, July 17, 2013 1:13 PM
To: 'suzjensen@cableone.net'
Cc: Yenter, Cindy
Subject: IDWR-Place of Use for 37-21456 and 37-21827

Hi Cliff,

Thank you for your phone call today. Hopefully the attached map clarifies your question regarding the number of acres that are going to be authorized under your pending licenses.

Note that the purple outline represents the 90 acre place of use under your permit and the pink outline represents the 65 acres that was determined to be irrigated during the development of your permits.

Also please be aware that while your existing water rights on your place authorize 90 acres, your permits include a development period and the number of acres that can be authorized under your subsequent licenses must be based on what you actually irrigated during that time. And I think that the pink outline represents what was actually irrigated during the development of your permits. The development period for permit 37-21456 occurred 4/2005 thru 9/2008 and the development period for 37-21827 occurred from 7/2006 thru 9/2008. If I have made a mistake, please outline the area that I left out.

You may call me any time at (208) 287-4944 if you have any questions. I apologize that this has been such a long process and have really appreciated your patience while we get everything correct.



Jensen POU.jpg

Sincerely,

Cherie