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June 11, 2012

RECEIVED

JUN 13 2012

DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
Attn: Nick Van Dyke
PO Box 83720
Boise, ID 83720-0098

RE: Companion Water Supply Bank Lease and Rental Applications to Resolve a Notice of Violation on a Short Term Basis.

Dear Nick:

Enclosed for processing are companion Water Supply Bank Rental and Lease Applications. Foster Land & Cattle is offering up 137.1 acres of ground water right to be leased by Ray Clement and Marilyn Jensen for the irrigation of 135.6 acres. These applications are necessary to resolve, on a short term basis, a Notice of Violation received by Alan Taylor, who is assigning an interest in the BLM lease to Ray Clement for 80 acres, while the other 80 acres identified in the unauthorized water use letter in lease by Ray Clement.

You will see that the lease is for only one month, and is needed simply to allow crops to be taken care of on this particular property to provide sufficient time for the landowner to plumb his system into a lateral ditch that receives water from the Burgess Canal Company. The property is already located within the boundaries of the canal company, and historically, the land did receive surface water for irrigation. Over time, the well was used on the property, and based on a recent field visit from the Department, it was discovered that the well was being used in an unauthorized fashion to irrigate land under which the center pivot is located.

We have confirmed with James Cefalo of the Idaho Department of Water Resources that this would be a resolution to resolve the Notice of Violation, and that in his experience, it is possible to receive a water bank approval for a short term basis. In visiting with Foster Land & cattle, whose members are friends of the renters in this case, they desire not to have any rental revenue, and therefore, we have only submitted a check in the amount of \$79.80 to cover the Department's administrative fees associated with processing these applications.

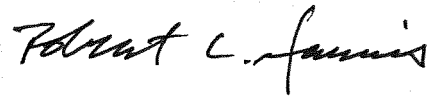
As you might expect, time is of the essence on this approval, and we hope that it can be processed in a short time period. If you have any questions or concerns, please let me know right away.

Idaho Department of Water Resources

June 11, 2012

Page 2 of 2

Best Regards,

A handwritten signature in black ink, appearing to read "Robert L. Harris". The signature is fluid and cursive, with the first name "Robert" being more prominent and the last name "Harris" written in a more compact, cursive style.

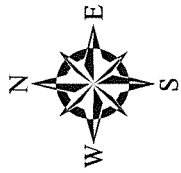
Robert L. Harris

HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

G:\WPDATA\RLH_Marilyn Jensen\nick vandyke ltr 2012.06.11.docx

JENSEN WATER BANK APPLICATION



Legend

- Proposed POD
- Proposed POU
- Sections
- Quarter Quarters



Prepared by:
Luke H. Marchant
06/08/2012

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/8/2012

WATER RIGHT NO. 35-7192A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FOSTER LAND & CATTLE PO BOX 40 RIRIE, ID 83443

Priority Date: 11/29/1971

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	5.45 CFS	2144.8 AFA
Total Diversion			5.45 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENW|Sec. 11|Township 04N|Range 35E|JEFFERSON County

IRRIGATION Use:
Acre Limit: 536.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	35E	11		NENE	33.7		NWNE	40		SWNE	40		SENE	34.5
				NENW	40		NWNW	35.4		SWNW	32.7		SENW	38
				NESW	39.2		NWSW	34.3		SWSW	33.5		SESW	40
				NESE	35.2		NWSE	40		SWSE	40		SESE	35.6

Total Acres: 592.1

Conditions of Approval:

1. X27 This right is limited to the irrigation of 536.2 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-7192A and 35-9069 when combined shall not exceed the irrigation of 592.1 acres.
3. R05 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. 120.
4. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. 214 Prior to the diversion and use of water under Transfer approval 77732, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. 205 The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of

water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 01/31/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 592.1

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

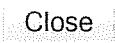
Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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