

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant

Shane A. Jensen

Phone

(208) 427-0026

- ☐ 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, 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**.

Mailing address

15852 N. Hwy 34 Thatcher, ID 83283

Email

shanesid@ida.net

Other person(s) such as attorneys, consultants, or court appointed representatives authorized to act on the applicant's behalf: _____

N/A

- ☐ Attach Power of Attorney or documentation providing authority to act on the applicant's behalf. Label it **Attachment #4**.

Mailing address _____

Phone _____

Email _____

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.

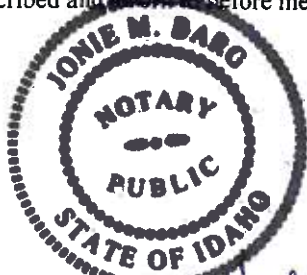
Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Subscribed and sworn to before me this

31

day of

December, 2008

My commission expires

July 24, 2013

(Notary Public)

RECEIVED

DEC 31 2008

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____

Department of Water Resources
Eastern Region

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred, and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Water Right # 13-807 is for irrigation purposes to farm ground located in TNS12S Range 40 EBM Section 13. It irrigates approximately 75 acres at a rate of 3.0 c.f.s. I want to split said water right and use .04 c.f.s. as year round domestic use for my home located in TNS12 South Range 41 EBM section 18.

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

[illegible]

2. Total amount of water being transferred .04 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Spring Creek tributary to Bear River

4. Point(s) of Diversion:

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion within ESPA. Label it **Attachment #5**.

[illegible]

5. Lands irrigated or place of use:

[illegible]

75 358

Total Acres .5 acres

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

6. 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:

I have a pump that is in the ground 10ft and pumps water from one of the springs through a 2" PVC line about 1200 ft. to 21 pressurized 550 holding tanks. I have a sprinkler system to irrigate the yard around the house.

- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, list the name of the entity and type of lien: yes: Home is mortgaged to Chase Financial

The farm where source is at is on contract with Arvel Alkman of Thatche, ID

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.

- ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. Label it **Attachment #6**.

- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

- d. 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:

- e. 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, or
currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT # _____ AS RECORDED

- ☐ For each water right listed in Part 1 B.1. of the application, attach a Proof Report (obtained from Department) or Details Report (obtained from website). Label it **Part 2A**.

B. DESCRIPTION OF PORTION OF RIGHT # _____ BEING TRANSFERRED

- ☐ Complete and attach one copy **Part 2B**. for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B. is not applicable.

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

1. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT # _____

- ☐ Complete and attach one copy of **Part 2C**. for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2C. is not applicable.

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____

2. Point(s) of Diversion:

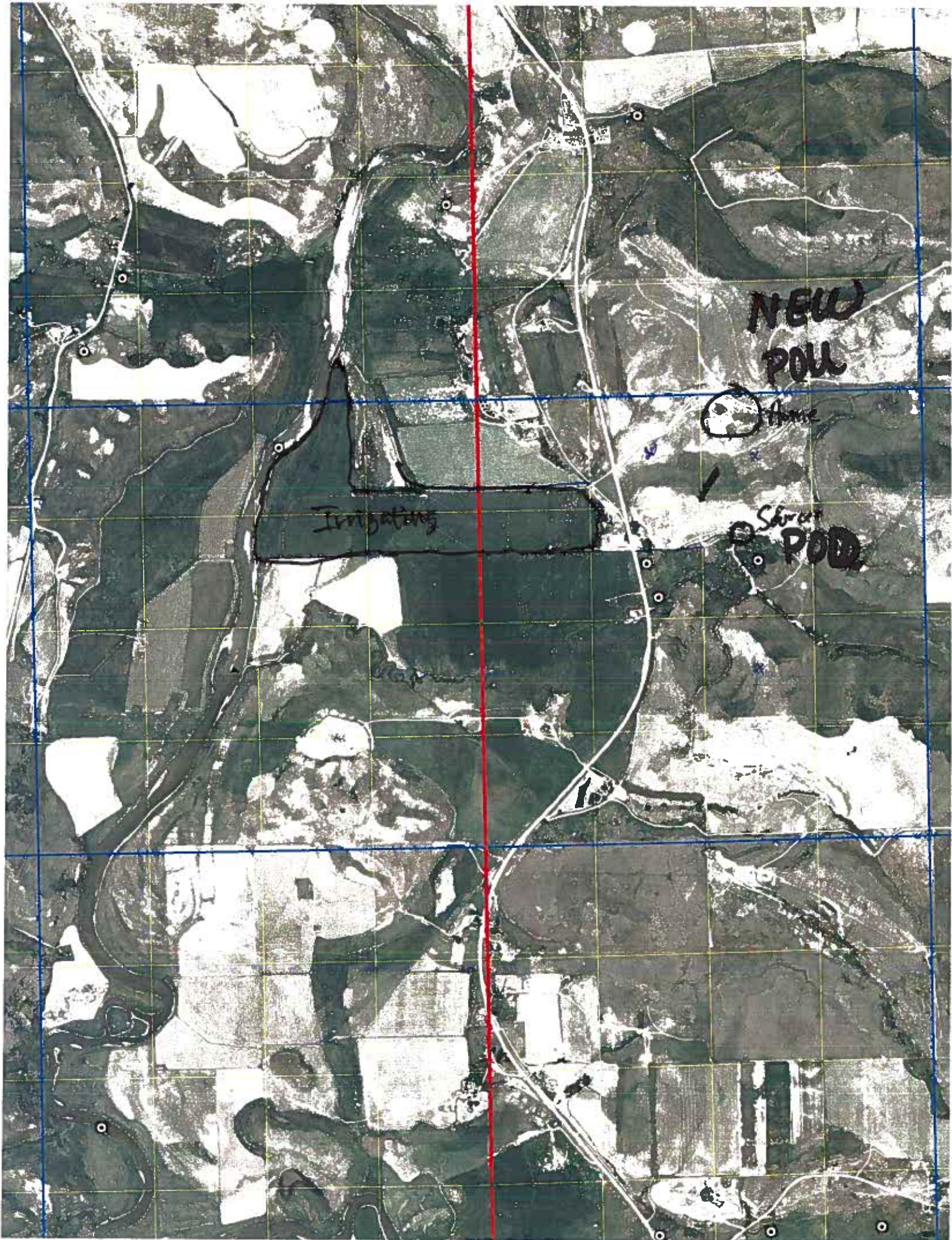
Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	40E	12															2.1		2.1
12S	40E	13	7.0	17.6	11.6	14.4													50.6
12S	41E	18					.5	6.8	4	1.0									27.3

 Total Acres 75

75 35 8



Water Right Report 13-807

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALPHEUS ANDERSON , ZZ

Status: Active

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/20 to 9/30	3.000 CFS	
	<u>Total Diversion:</u>	3.000 CFS	

SPRING CREEK FRANKLIN County	SW1/4NE1/4	Sec. 18, Twp 12S, Rge 41E, B.M.
SPRING CREEK FRANKLIN County	SE1/4NW1/4	Sec. 18, Twp 12S, Rge 41E, B.M.

IRRIGATION

Tw	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
12S	40E	13	X	X	X	X					X	X	X	X	X	X	X	X	
12S	41E	18					X	X	X	X	X	X	X	X					

See transfer form

1. P/D DITCH "B" LEGAL NEAR CENTER SEC. 18, T. 12S, R. 41E.
P/U AC. IRR. = 150.
USGS MAP SOURCE SPRING CREEK.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 13-807

Comments:

1. kwalker 3/24/2003 Source

Comment: This right was decreed for use of Warm or Clear Creek. In looking at topo CC45 the only creek running through the section for pods is Spring Creek. It is assumed that Spring Creek was previously known as Warm or Clear Creek and record has been changed to reflect this.

Dates and Other Information:

Licensed Date:

Decreed Date: 7/14/1920

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant: Last Chance Canal Co

Decree Plaintiff: Utah Power & Light Co

Civil Case Number:

Judicial District: District Court Eastern Division

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

REAL ESTATE MORTGAGE

For Value Received, EDDIE S. JENSEN and SANDRA L. JENSEN, husband and wife;
TOD EDDIE JENSEN and DEITA JENSEN, husband and wife; and SHANE A. JENSEN
and SIDNEY G. JENSEN, husband and wife,
the mortgagors, do hereby grant, bargain, sell and convey unto

ARVEL ALLEMAN and ARLENE B. ALLEMAN,
husband and wife,
the mortgagees, the following described premises, in Franklin County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said mortgagees,
their heirs and assigns forever.

This conveyance is intended as a mortgage to secure the payment of the sum of \$140,000.00
ONE HUNDRED FORTY THOUSAND AND NO/100 - - - - - DOLLARS
with interest, in accordance with the terms of a promissory note of even date herewith, payable to the order of the
mortgagee, with final payment due December 1, 2010
and providing for acceleration of the due date of the principal for default in the payment of interest or any installment
of principal, and providing for a reasonable attorney's fee in case of suit or action.

The mortgagors covenant and agree with the mortgagees as follows: That they the owner S in fee simple of the above described premises and that they
are free from all encumbrances

That they will pay the indebtedness hereby secured promptly, according to the terms of said promissory note. That they will pay all taxes, liens and assessments
of any nature hereafter levied or imposed, or becoming payable, upon said premises not later than the twentieth day before delinquency. ~~That they will pay all taxes, liens and assessments~~
~~of any nature hereafter levied or imposed, or becoming payable, upon said premises not later than the twentieth day before delinquency.~~
The mortgagees may from time to time and whenever it so desires, cause an abstract of title to be continued to the then date or procure a title report
from a reputable title company and the mortgagor agree to pay the cost thereof upon demand.

If the mortgagor shall fail to pay any such tax or lien, abstract or title report charge, or fail to maintain such fire insurance, the mortgagees may pay the same or
procure said insurance, abstract continuation or title report and pay the cost thereof, and all payments by the mortgagees S for any such purpose shall be added to the indebted-
ness hereby secured, and shall be repayable on demand, with interest at the rate of eight (8) per cent per annum until paid.

For the purpose of further securing said indebtedness and performance of the covenants herein contained, the mortgagor S hereby sell and assign to the mortgagees S
any and all rentals accruing, or to accrue on said premises, during the life of this mortgage.

Now, if the said mortgagors shall pay or cause to be paid all moneys which may become due upon said promissory note and shall otherwise comply with the terms
and conditions hereof, this conveyance shall be void; but in case default shall be made in the payment of the indebtedness hereby secured, or any part thereof, principal or interest,
or in any of the covenants or agreements herein contained, then the mortgagees or assigns, at his option, may declare the entire indebted-
ness hereby secured immediately due and payable, and foreclose this mortgage and cause said mortgaged premises to be sold in the manner provided by law, and out of the
moneys arising from such sale retain principal and interest together with any sums advanced as provided herein, with interest as aforesaid, together with the costs and charges of
such foreclosure suit and sale, including such sum as the court may adjudge reasonable as an attorney's fee to be allowed the plaintiff, and the overplus, if any there be, pay over
to the mortgagor S their heirs and assigns.

Dated: November 17, 1998

Deita Jensen
Shane A. Jensen
Sidney G. Jensen
Arvel Alleman
Arlene B. Alleman

STATE OF IDAHO, COUNTY OF FRANKLIN
On this 17th day of November, 1998,
before me, a Notary Public in and for said State, personally
appeared EDDIE S. JENSEN, SANDRA L.
JENSEN, TOD EDDIE JENSEN, DEITA
JENSEN, SHANE A. JENSEN and SIDNEY G.
JENSEN,

known to me to be the person whose name S are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Residing at Swan Lake Idaho.
Comm. Expires 5/25/2000

Recorded at the request of
First American Title

a.m. NOV 18 1998 1:40 p.m.

V. ELLIOTT LARSEN, RECORDER
By *Camille Larsen* Deputy
FRANKLIN COUNTY, IDAHO

RECEIVED

DEC 31 2008

Department of Water Resources
Eastern Region

INSTRUMENT NO.

Township 12 South, Range 40 East of the Boise Meridian, Franklin County, Idaho.

Section 13: NW~~1~~NE~~1~~4, South 10 rods of NE~~1~~NE~~1~~4, North 34 rods of S~~1~~NE~~1~~4, EXCEPTING THEREFROM: Commencing at the Northwest corner of the NE~~1~~4 of said Section 13, running thence South to the West bank of Bear River; thence Northeasterly along the West bank of Bear River to a point East of the POINT OF BEGINNING; thence West to the POINT OF BEGINNING.

Township 12 South, Range 41 East of the Boise Meridian, Franklin County, Idaho.

Section 8: West 31 rods of SW~~1~~SW~~1~~4.

Section 17: West 31 rods of NW~~1~~NW~~1~~4.

Section 18: NW~~1~~SE~~1~~4, W~~1~~NE~~1~~4, NE~~1~~NW~~1~~4, South 10 rods of NW~~1~~NW~~1~~4 and North 34 rods of S~~1~~NW~~1~~4.

EXCEPT: Beginning at the Northwest corner of said Section 18 located North 00°12'29" East 5278.92 feet from the Southwest corner of said Section; thence South 00°12'29" West 949.21 feet; thence East 1570.17 feet to a found right of way monument on the West right of way line of State Highway 34, the TRUE POINT OF BEGINNING; thence South 12°05'38" East 719.07 feet to a 5/8 inch rebar with cap set on said right of way line; thence West 295.87 feet to a 5/8 inch rebar with cap set at a fence post; following said fence the next 5 courses:

thence North 01°48'12" West 325.36 feet to a 5/8 inch rebar with cap;
thence North 67°38'44" West 116.92 feet to a 5/8 inch rebar with cap;
thence North 31°54'19" West 165.61 feet to a 5/8 inch rebar with cap;
thence North 87°24'06" East 24.97 feet to a 5/8 inch rebar with cap;
thence North 68°17'14" East 79.12 feet to a 5/8 inch rebar with cap;
thence North 71°11'58" East 52.25 feet to a 5/8 inch rebar with cap;
thence North 54°22'32" East 249.99 feet along said fence to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM: 5.52 acres deeded for highway purposes under Warranty Deed dated August 13, 1964, executed by Burton C. Carnahan and Audrey Carnahan, husband and wife, covering property in E~~1~~NW~~1~~4 of Section 18.

ALSO EXCEPTING:

A parcel of land located in Section 18, Township 12 South, Range 41 East of the Boise Meridian, Franklin County, Idaho, and further described as follows:

Beginning at the Northwest corner of said Section 18 located North 00°12'29" East 5278.92 feet North from the Southwest corner of said Section, thence South 00°12'29" West 1383.00 feet; thence East 1777.26 feet to a 5/8" rebar with cap labeled "A.A. Hudson, PLS 4735" set on the East right of way fence of State Highway 34, The True Point of Beginning; thence East 491.03 feet to a 5/8" rebar with cap; thence South 497.35 feet to a 5/8" rebar with cap set on a fence line, following said fence line the next 3 courses:
thence South 89°53'05" West 110.24 feet to a 5/8" rebar with cap;
thence North 87°47'45" West 101.25 feet to a 5/8" rebar with cap;
thence South 87°13'55" West 172.36 feet to a 5/8" rebar with cap set on said East right of way fence; thence North 12°04'56" West 513.38 feet to the True Point of beginning.

SUBJECT to a 24 foot access easement over an existing road along the South side of the above described parcel.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon, including but not limited to rights of 2.9 c.f.s. of the waters of Warm Creek or Clear Creek, having a priority of April 1, 1872, rights to 1.3 c.f.s. of the waters of Williams or Bridge Creek having a priority of April 1, 1885.

\$ 140,000.00

Preston Idaho, November 17, 19 98

For Value received, the undersigned promise to pay to the order of: _____

ARVEL ALLEMAN and ARLENE B. ALLEMAN

the Principal sum of ONE HUNDRED FORTY THOUSAND AND NO/100 Dollars \$140,000.00
in lawful money of the United States of America, with interest thereon at the rate of seven
percent per annum from November 17, 1998, in installments as follows:

12 payments of \$17,626.28 paid annually on December 1.
The first payment of \$17,626.28 being due and payable on or
before December 1, 1999 and a final payment being due and
payable on or before December 1, 2010.

The maker hereof may repay any or all sums due hereunder at anytime without prior notice to the holder and without penalty or premium of any kind.

All such pre-payments shall be applied against principal in the inverse order of maturity, however, not to have the effect of reducing the amount of nor excusing the monthly obligatory installments.

In case of failure to pay any installment when same shall become due, the holder at his option, may declare the whole principal hereof as immediately due and payable. In case this note is collected by an attorney, either with or without suit the undersigned hereby agree to pay a reasonable attorney's fee.

This note is secured by a Mortgage of even date executed by the undersigned on certain real property described therein.

The undersigned hereby waive presentment, protest, and notice.

Ed Edliff Arvel Alleman
Arne A. Jensen Arlene B. Alleman
Arvel Alleman Arlene B. Alleman

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. The instructions, fee schedule and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website @ <http://www.idwr.idaho.gov/>.

Yes N/A Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

☒ Means this item is always required and should be included in application.

- ☐ ☒ Completed Application for Transfer of Water Right form, Part 1.
- ☐ ☒ Notarized signature of applicant(s) or applicant's authorized representative on first page of transfer application form. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ ☒ Application for Transfer Part 2A. Attach a Proof Report (obtained from Department) or Details Report (obtained on website) describing each water right in the transfer as currently recorded.
- ☐ ☐ Complete and attach an Application for Transfer Part 2B/C for each water right for which only a portion is proposed to be changed through this transfer application.
- ☐ ☐ Application for Transfer Part 3 must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ ☒ Correct fee submitted with transfer application form. (See last page of the application for transfer instructions.)

Attachments to Application Label each attachment with the corresponding number shown below as **Attachment #1-9**.

- ☐ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☐ #2a Water Right ownership documentation if Department records do not show the transfer applicant as the current water right owner.
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer, attach documentation showing land and/or water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☐ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River.
- ☐ ☐ #6 Notarized statement of agreement from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.6.b.)
- ☐ ☒ #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and describe how enlargement will be avoided. (See Part 3B.)
- ☐ ☐ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ #9 Other. Please describe: _____