



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 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 15, 2008

CLIFTON E JENSEN
SUZANNE K JENSEN
AMY RUTH JENSEN TESTAMENTARY TRUST
PO BOX 201
HAGERMAN ID 83332

Re: Permit No. 37-21456

Dear Permit holder:

The Department acknowledges receipt of a Proof of Beneficial Use form ("proof") and a license examination fee in the amount of \$100.00 for the above-referenced water right permit. The Department issued a lapse notice to you for this permit, which appears to have been issued in error. Therefore, enclosed is an order that reinstates this permit without advancing the original priority date.

The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water according to the conditions of the permit.

During my review of the proof you submitted, I realized that you paid the filing fee based on the storage volume of 25 AF. Because you have both a storage volume and a diversion rate for irrigation purposes, the larger of the two would be the appropriate rate to base the filing fee upon. The fee you submitted is considered to be for a diversion rate of 1.00 cfs. Therefore, according to the Department's Beneficial Use Examination Rule 50.01.c, which reads:

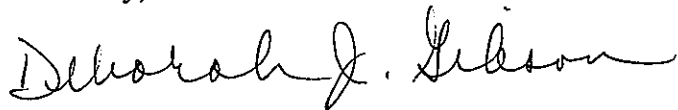
A license shall not be issued for an amount of water in excess of the amount covered by the examination fee. Subsequent to the examination and prior to a license being issued, the director will notify the permit holder that the licensed amount will be limited because an insufficient examination fee was paid. The permit holder will be allowed thirty (30) days after the notice is mailed to pay the additional examination fee, along with a late payment penalty of twenty-five dollars (\$25) or twenty percent (20%) of the amount of the additional required fee whichever is more. If payment is received within the thirty (30) day period, the rate or volume licensed shall not be reduced by reason of the examination fee. If payment is not received within the thirty (30) day period, the rate or volume licensed shall be limited by the original examination fee paid. For the purpose of determining advancement of priority for late fee as provided in Section 42-217, Idaho Code, fees shall not be considered as having been paid until paid in full, including any subsequent fee.

If you have been successful in developing an irrigation system that can provide you with 1.80 cfs of water, you may consider changing the proof you filed to reflect the full rate of diversion as permitted and pay the additional amount now. However, you could wait until the field examination is conducted to determine the actual rate of diversion your system is capable of providing, then if you want to claim the full amount determined by the examination you would be required to pay the additional licensing fee and a penalty fee as described above, before the license is issued.

Be advised that Section 42-248, Idaho Code, requires you as the owner of water rights to maintain current ownership and address records on file with the Department. For your information, forms to file a change of ownership of a water right, or a change in the address of the water right owner are available from any Department office or from the Department's website: www.idwr.idaho.gov

If you have questions about the field examination, please contact the regional office in Twin Falls at (208) 736-3033. If you have questions about my review of your proof, please contact me or a water right agent at (208)287-4800.

Sincerely,



Deborah Gibson
Administrative Assistant
Water Management Division

Enclosures

cc: Southern Region