

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 17 2007

Department of Water Resources
Eastern Region

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that CARMA M. JENSEN AKA CARMA M. JENSEN SMALL
(Name of Claimant)
148 OLD MILL ROAD, OVID, ID 83254 Telephone No: 208-945-2390
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) March 28, 1966
Property Purchase Date
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
SPRING tributary to NORTH CREEK

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs or af)	Use	(Irrigation, Domestic, Stock, Etc.)	Period of Use From	(Both dates inclusive) (MM/DD) (MM/DD)	to
Quantity	<u>1.02 CFS</u>	Use	<u>STOCK WATER</u>	Period of Use From	<u>3/28/66</u>	<u>2007</u>
Quantity		Use		Period of Use From	<u>05/01</u>	<u>10/31</u>
Quantity		Use		Period of Use From		
Quantity		Use		Period of Use From		

4. 1.02 CFS TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE Govt. Lot 28
Sec. 28 Township 12 S Range 43 E B.M., BEAR LAKE County; additional points of diversion, if any:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch etc.). Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

TILE AND ROCK COLLECTION SYSTEM, PIPE
AND STOCK WATER TROUGH

RECEIVED

AUG 01 2007

Department of Water Resources
Eastern Region

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	43E	28		S															

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. STOCK WATER FOR GRAZING ON PROPERTY. PROVIDES WATER FOR UP TO 100 ANIMAL UNITS. STOCK CATTLE, TYPICALLY COW/CALF PAIRS

NOTE: Include here the type and number of stock watered: 100 ANIMAL UNITS COW/CALF PAIRS

7. Remarks: SEE ATTACHED AFFIDAVITS

8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

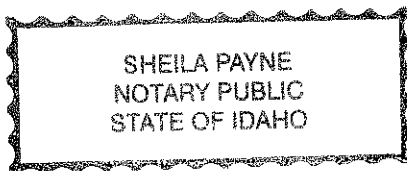
SEE ATTACHED COPY OF USGS MAP

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 forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Cornelia Jensen
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 16th day of July 2007.



Sheila Payne
Notary Public

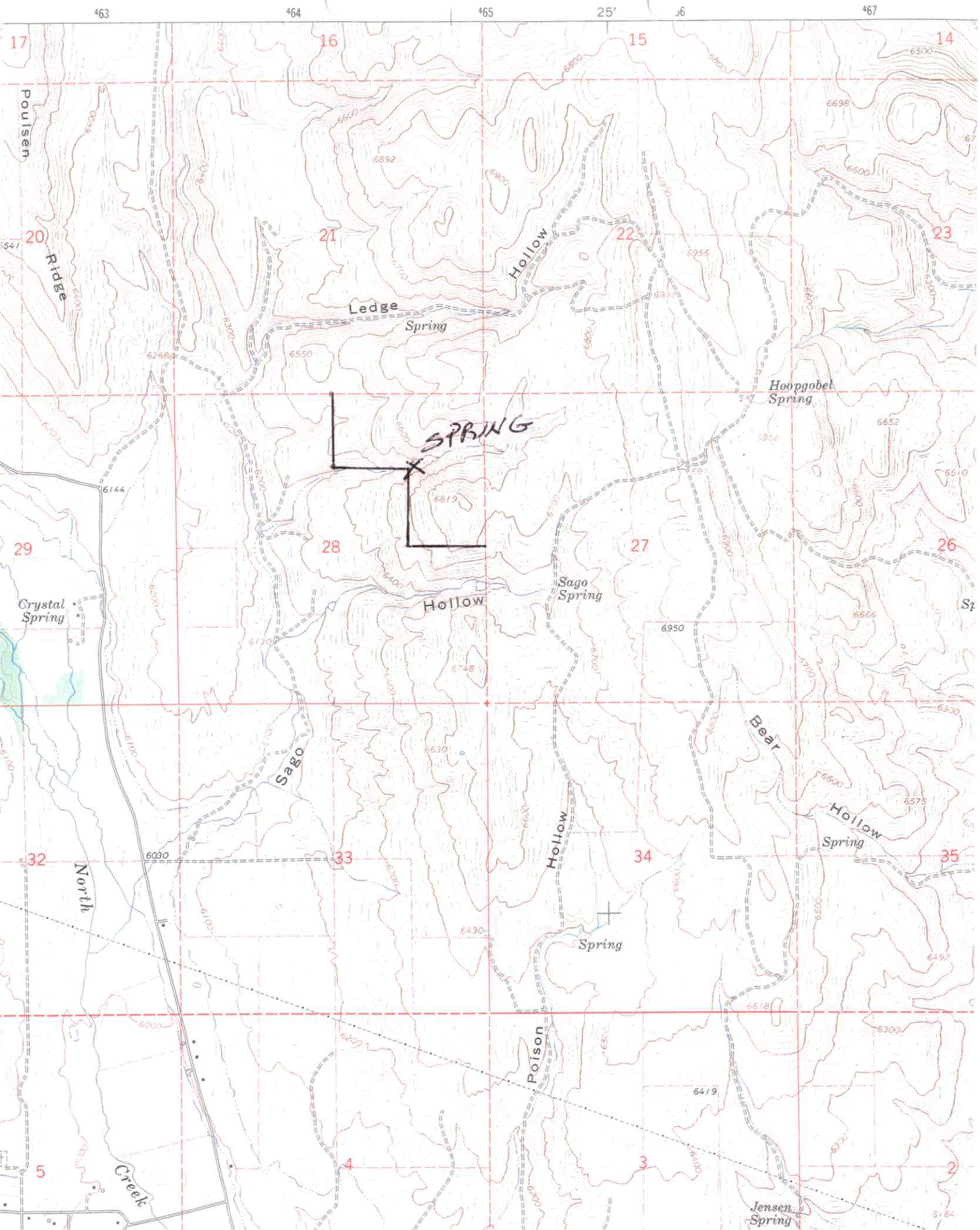
Residing at: Montpelier

My commission expires: 08-13-2013

FOR DEPARTMENT USE ONLY

Received by _____ Date _____
Prelim. check by _____ Date _____
Fee \$100 Receipt # E0033184
Receipt prepared by _____ Date _____

Published in News Examiner
Publication dates 8/29 & 9/5/07
Publication checked by _____ Date _____
Exceptions filed by _____



No. 87758.V

WARRANTY DEED

For Value Received ALONZO HULME MATTHEWS and CAROL MATTHEWS, husband and wife, and ALONZO HENRY MATTHEWS and CHARLOTTE H. MATTHEWS, husband and wife.. the grantors, do hereby grant, bargain, sell and convey unto ALFRED O. JENSEN and IVY JENSEN, husband and wife, and DON K. JENSEN and CARMA JENSEN, husband and wife. the grantees, the following described premises, in Bear Lake County, Idaho, to wit:

The South Half (S 1/2) of the South Half (S 1/2) of Section 21, Township 12 South, Range 43 East of the Boise, Meridian.

The Southwest quarter of the Southwest quarter (SW 1/4 SW 1/4) of Section 22, Township 12 South, Range 43 East of the Boise Meridian.

The East Half of the Northeast quarter (E 1/2 NE 1/4), the Northwest quarter of the Northeast quarter (NW 1/4 NE 1/4) of Section 28, Township 12 South, Range 43 East of the Boise Meridian.

\$7.15 Cancelled Documentary Stamps affixed.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, and their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, 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:

Alonzo Hulme Matthews

Carol M. Matthews

Alonzo Henry Matthews

Charlotte H. Matthews

STATE OF IDAHO, COUNTY OF BEAR LAKE

On this 28th day of March, 1966, before me a notary public in and for said State, personally appeared Alonzo Hulme Matthews and Carol Matthews, husband and wife, and Alonzo Henry Matthews and Charlotte H. Matthews, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

(SEAL)

Comm. Expires January 6, 1969

James P. Tasso

Notary Public

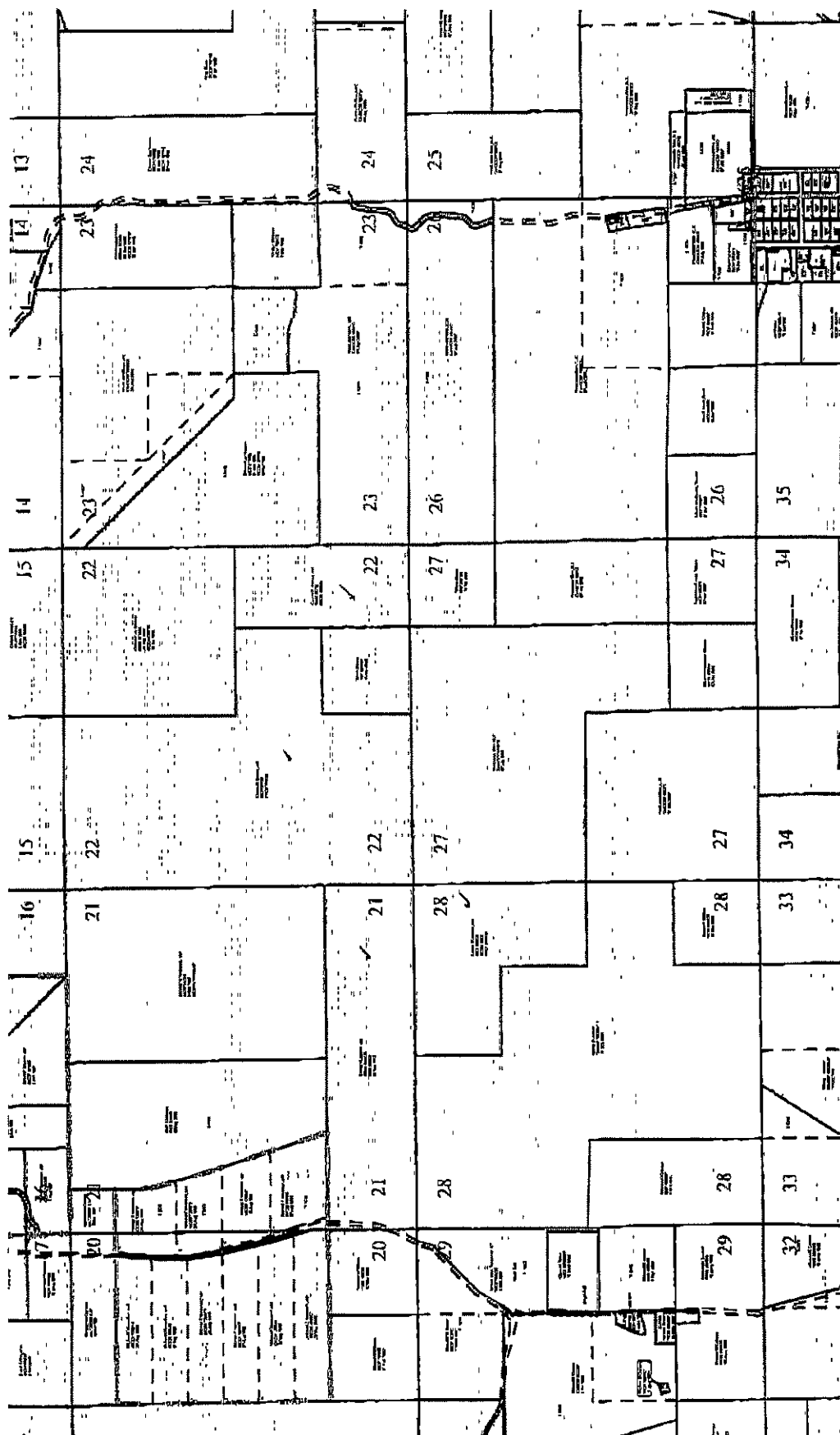
Residing at Montpelier, Idaho

Recorded at the request of Southeast Title & Realty Co.; 10:30 A.M.; March 29th, 1966; Book 50 of Deeds at page 474.

By Ruby E. Humphrey Deputy

Amos B. Hulme, Recorder

Fee: \$1.20



AFFIDAVIT of CARMA M. JENSEN

Re: Appropriation and use of water in support of application for water right

I, **Carma M. Jensen**, also known as Carma M. Jensen Small, living at 148 Old Mill Road, Ovid, Bear Lake County, Idaho, 83254, swear and depose upon oath as follows:

1. That I am a resident of Ovid, Bear Lake County, Idaho, that I am a citizen of the United States of America and that I am over the age of twenty-one years.

2. That I am owner, along with Alan Don Jensen and Bruce William Jensen as Co-Trustees, of the following described real property, along with all appurtenances, located in Bear Lake County, State of Idaho, as verified by Deed (copy of which is attached to this Affidavit as "Exhibit A") dated March 28, 1966, recorded in the Office of the Bear Lake County Clerk in Paris, Idaho, on March 29, 1966, No. 87758.

N1/2 NE1/4 and SE1/4 NE1/4 of Section 28, T. 12 S., R. 43 E.

3. That I, along with my former husband, Don K. Jensen (now deceased) and family used or leased said real property for grazing purposes. As our deed included a grant of "the premises, with all their appurtenances," we diverted water from the existing spring located on the premises to provide water for our livestock. We, or our Lessee, keep approximately 80 to 100 animals units on the property. The quantity of water provided by the spring was and is essential to keep the animals watered.

4. Because our deed included a grant of all "appurtenances" to the premises as well as the real property, itself, we assumed that the spring water was appurtenant and that we had the right to use it. Therefore, we did not apply for an additional water right, license or permit from the State of Idaho to divert the water and apply it to beneficial use when we first appropriated the spring water. There may be no written record of our consistent water use on file with the State of Idaho. However, I can swear from my own personal knowledge and experience that the water has, in fact, been diverted and used for grazing purposes continuously since 1966, at least.

Dated this 16 day of July, 2007.

Carma M. Jensen *Carma M. Jensen Small*
Carma M. Jensen, AKA Carma M. Jensen Small

Acknowledgement/ Notary

State of Idaho
County of Bear Lake ss.

On this 16 day of July, 2007, before me personally appeared Carma M. Jensen, also known as Carma M. Jensen Small, to me known to be the person whose name is subscribed to this instrument, and acknowledged to me that she executed the same.

My Commission Expires: 08-13-2013

Notary *Sheila Payne*

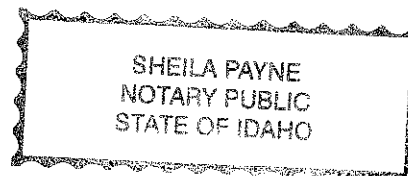


Exhibit A

Attachment to Affidavit of Carma M. Jensen re: appropriation and use of water.

No. 87758.V	WARRANTY DEED
For Value Received ALONZO ERLINE MATTHEWS and CAROL MATTHEWS, husband and wife, and ALONZO HENRY MATTHEWS and CHARLOTTE E. MATTHEWS, husband and wife... the grantors, do hereby grant, bargain, sell and convey unto ALFRED O. JENSEN and IVY JENSEN, husband and wife, and DON E. JENSEN and CARMA JENSEN, husband and wife, the grantees, the following described premises, in Bear Lake County, Idaho, to wit:	
The South Half (S 1/2) of the South Half (S 1/2) of Section 21, Township 12' South, Range 43 East of the Boise, Meridian.	
The Southwest quarter of the Southwest quarter (SW 1/4 SW 1/4) of Section 22, Township 12 South, Range 43 East of the Boise Meridian.	
The East Half of the Northeast quarter (E 1/2 NE 1/4), the Northwest quarter of the Northeast quarter (NW 1/4 NE 1/4) of Section 28, Township 12 South, Range 43 East of the Boise Meridian.	
\$7.15 Cancelled Documentary Stamps affixed.	
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, and their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, 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:	
<u>Alonzo Erline Matthews</u>	<u>Carol M. Matthews</u>
<u>Alonzo Henry Matthews</u>	<u>Charlotte E. Matthews</u>
STATE OF IDAHO, COUNTY OF BEAR LAKE	
On this 28th day of March, 1966, before me a notary public in and for said State, personally appeared Alonzo Erline Matthews and Carol Matthews, husband and wife, and Alonzo Henry Matthews and Charlotte E. Matthews, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that executed the same.	
(SEAL) Comm. Expires January 6, 1969	<u>James P. Tasso</u> Notary Public Residing at Montpelier, Idaho
Recorded at the request of Southwest Title & Realty Co.; 10:30 A.M.; March 29th, 1966; Book 50 of Deeds at page 474	Arno B. Erlins, Recorder
By <u>Raymond B. Sandberg</u> Deputy	
Fee: \$1.20	

AFFIDAVIT of JAMES HARDCASTLE

(In support of water right claim made by Carma M. Jensen)

I, **James Hardcastle**, living in Bern, Bear Lake County, Idaho, swear and depose upon oath as follows:

1. That I am a resident of Bern, Bear Lake County, Idaho, that I am a citizen of the United States of America and that I am over the age of twenty-one years.

2. That I am the Lessee of the following described real property located in Bear Lake County, State of Idaho:

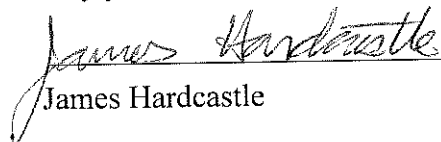
N1/2 NE1/4 and the SE1/4 NE1/4 of Section 28, T. 12 S., R. 43 E.

3. That I lease the subject real property from Carma M. Jensen, also known as Carma M. Jensen Small, for the purposes of grazing my livestock---averaging 80 to 100 animal units a year-- and I have leased the same property for the same purpose for more than twenty consecutive years.

4. That I am dependent upon the spring located upon the subject real property to supply the water necessary for my livestock.

5. That I know from my own personal knowledge that the spring water has been appropriated and diverted and consistently applied to the beneficial use of grazing for the last twenty consecutive years, at least, because I have used the same spring as the source of water for my livestock for the last consecutive twenty years

Dated this 16 day of July, 2007.


James Hardcastle

Acknowledgement/ Notary

State of Idaho
County of Bear Lake ss.

On this 16 day of July, 2007, before me personally appeared James Hardcastle, to me known to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same.

My Commission Expires: 08-13-2013

Notary 