

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 37-21827

Priority: July 31, 2006

Maximum Diversion Volume: 74.0 AF

This is to certify, that AMY RUTH JENSEN TESTAMENTARY TRUST
C/O CLIFTON E JENSEN TRUSTEE
PO BOX 201
HAGERMAN ID 83332
And
CLIFTON E JENSEN
PO BOX 201
HAGERMAN ID 83332
And
SUZANNE K JENSEN
PO BOX 201
HAGERMAN ID 83332

has applied for a permit to appropriate water from:

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

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31	74.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15	74.0 AF

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER SW¼NW¼SE¼ Sec. 35, 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			40.0												35.0	15.0	90.0
			L 2												L 3	L 4	

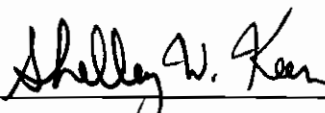
Total Acres: 90

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CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **April 1, 2009**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. 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.
5. Permits 37-21827 and 37-21828 when combined shall not exceed a total annual maximum storage volume of 74.0 af.
6. Rights 37-21456, 37-21486, 37-21827 and 37-21828 when combined shall not provide for a storage volume greater than 99.0 af within the authorized reservoir.
7. Right 37-0799, 37-21456 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.
8. 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.
9. This right authorizes the irrigation of land previously irrigated under Rt. 37-0799 and does not authorize development of lands not previously irrigated.
10. The source of water being diverted is waste water subject to the rights 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.
11. This right does not grant any right-of-way or easement across the land of another.
12. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
13. The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 23rd day of April, 2007.


for DAVID R. TUTHILL, JR., Director