

State of Idaho
Department of Water Resources
Amendment of Permit

NO. 37-21456

Priority: April 20, 2005

Maximum Diversion Rate: 1.80 CFS
Maximum Diversion Volume: 25.0 AF

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

has applied for an amendment of a permit and the amendment is APPROVED for development of water as follows:

Source: WASTE WATER

Tributary: MALAD RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	1.80 CFS	
IRRIGATION STORAGE	01/01 to 12/31		25.0 AF
IRRIGATION FROM STORAGE	03/15 to 11/15		25.0 AF

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER SW¼NW¼SE¼ Sec. 35, Twp 06S, Rge 13E, B.M. GOODING County

PLACE OF USE: IRRIGATION & IRRIGATION FROM STORAGE

Tw	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

PLACE OF USE: IRRIGATION STORAGE

Tw	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			

CONDITIONS OF APPROVAL

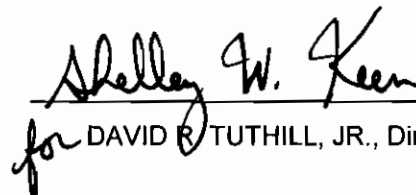
1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2008**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to 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.

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CONDITIONS OF APPROVAL CONTINUED

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. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. Permits 37-21456 and 37-21486 when combined shall not exceed a total annual maximum storage volume of 25.0 af.
7. 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.
8. Rights 37-799 and 37-21456 when combined shall not exceed a total diversion rate of 2.24 cfs.
9. Rights 37-799, 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.
10. 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.
11. This right authorizes the irrigation of land previously irrigated under Rt. 37-0799 and does not authorize development of lands not previously irrigated.
12. 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.
13. This right does not grant any right-of-way or easement across the land of another.
14. 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.
15. 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 amendment of permit is issued pursuant to the provisions of Section 42-211, Idaho Code. Witness the signature of the Director, affixed at Boise, this 23rd day of April, 2007.


for DAVID R. TUTHILL, JR., Director