

JAN 25 2000

Department of Water Resources
Eastern Region

LEGAL DESCRIPTION OF PROPERTY: See attached Grant Deed

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

MAR 22 2001 *L*

[x] Water Rights Number(s) Assigned by IDWR: All of A35-12159* and only the portion of A35-02926 described below

[x] Name and Address of Former Owner/Claimant(s)(Seller): Matilda C. Kolbet, acting not individually but as Trustee of those Testamentary Trusts established under the Wills of John Newman and Carolina Newman, and Allen Kolbet a/k/a Allan E. Kolbet and Matilda Kolbet a/k/a Matilda C. Kolbet
1254 South Skyline Drive
Idaho Falls, Idaho 83402

[x] New Owner/Claimant
(Purchaser): Wayne A. Jensen and Ann Jensen, husband and wife

[x] New Mailing Address: 2777 North 26 West
Idaho Falls, Idaho 83402

[x] New Telephone Number: (208) 522-9639

[x] Does the change in ownership result in a splitting of the water right owned/claimed?
 x yes no. If yes, then describe the portion of the
 water right that is now owned/claimed by the new owner:
Only the portion of A35-02926 which is appurtenant to the Northwest Quarter
Southwest Quarter of Section 4, Township 3 North, Range 37 East, Boise Meridian
is being transferred to the new owner

[x] Attach proof of ownership, describe proof attached: Copy of Grant Deed
(proof of ownership must describe either the property conveyed or include the claim
number. Proof of ownership is not required if this form is signed by the former
owner/claimant.)

is form is signed

[x] Signature of New
Owner/Claimant(s)

Wayne A. Jensen Date 3/23/98
Wayne A. Jensen

Ann Jensen Date 3/23/98
Ann Jensen

[x] Signature of Former
Owner/Claimant(s)

Matilda C. Kolbet
John & Carolina Newman Date 3/23/98
Matilda C. Kolbet, acting not individually
but as Trustee of those Testamentary Trusts
established under the Wills of John Newman
and Carolina Newman

Allen Kolbet Allen E. Kolbet Date 3/23/98
Allen Kolbet a/k/a Allan E. Kolbet

Matilda Kolbet Matilda C. Kolbet Date 3/23/98
Matilda Kolbet a/k/a Matilda C. Kolbet

(Signature of former claimant(s) is not required if
proof of ownership is attached)

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AUG 08 2001

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Number of Split, if any:

Received by
JC, 3/12/01, \$25, EO 26534

Original to be mailed to Idaho Department of
Water Resources. Copies to Former Owner and
New Owner

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AUG 08 2001

GRANT DEED

THIS INDENTURE is made this 23 day of March, 1998, between **MATILDA C. KOLBET**, acting not individually, but as Trustee of those Testamentary Trusts established under the Wills of John Newman and Carolina Newman, the "Grantor", and **WAYNE A. JENSEN and ANN JENSEN**, husband and wife, whose mailing address is 2777 North 26 West, Idaho Falls, Idaho 83402, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Bonneville, State of Idaho, to-wit:

Real Property:

Township 3 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho.

Section 4: S½.

Together with an appurtenant, perpetual easement over the SW¼ of Section 3, T3N, Range 37 East of the Boise Meridian (the servient property) extending 15 feet on either side of buried irrigation pipeline located approximately along the southern east-west quarter-quarter line in said SW¼, west from the pumping station on the west bank of the Osgood Canal in said Section 3 to the point where said pipeline enters the S½ of Section 4 (the dominant property), for the purpose of maintaining, and replacing at the sole expense of the holder of the dominant property, an irrigation water pipeline at least 18 inches below the surface level.

EXCEPTING THEREFROM ALL OF THE FOLLOWING DESCRIBED PROPERTIES:

- a. NW¼ SW¼.
- b. Beginning at the East ¼ Corner of Section 4, Township 3 North, Range 37 East of the Boise Meridian; running thence South along the Section line 266.00 feet; thence N 63°43'12" W. 616.70 feet to the East-West

1.6342
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Center Section line of said Section 4; thence S. 89°16'12" E. along said East-West Center Section line 553.00 feet to the point of beginning.

Subject to the following:

1. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.
2. Ditch Right-of-Way as evidenced by that certain Quitclaim Deed by and between J. W. HAYS and his wife OLLIE OLIVER HAYS, parties of the first part to the UTAH-IDAHO SUGAR COMPANY, party of the second part, dated February 5, 1924, and recorded in Book 25 at Page 177 of Deed Records on June 8, 1925, at 10:14 a.m., records of Bonneville County, Idaho.
3. Pole Line Easement given by UTAH-IDAHO SUGAR COMPANY, party of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated May 24, 1956, and recorded in Book 16 at Page 189 of Leases and Contracts on August 28, 1956, at 9:24 a.m., records of Bonneville County, Idaho.
4. Pole Line Easement given by UTAH-IDAHO SUGAR COMPANY, party of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors and assigns, party of the second part, dated June 1, 1964, and recorded in Book 24 at Page 293 of Leases and Contracts, records of Bonneville County, Idaho.
5. The effect of those certain Quitclaim Deeds recorded as Instrument Nos. 601728 and 601745 on February 20, 1981, and Assignment recorded as Instrument No. 601729 on February 20, 1981, said documents were executed by U AND I INCORPORATED, a corporation, as Grantor to THE OSGOOD CANAL COMPANY, a corporation, as Grantee, records of Bonneville County, Idaho, deeding "Canal and water conveyance rights", and "All natural flow water rights of Grantee" respectively.

6. Grant of Easement given by U& I INCORPORATED (formerly Utah-Idaho Sugar Company), a Utah corporation, party of the first part to THE OSGOOD CANAL COMPANY, an Idaho corporation, party of the second part, dated February 20, 1981, and recorded as Instrument No. 601730 on February 20, 1981, records of Bonneville County, Idaho.
7. The rights of the public in and to that portion of the premises lying within OSGOOD ROAD (a/k/a 35th) North Cinder Butte Road (a/k/a 129th North). (Affects Tract 1)
8. Easement given by UTAH-IDAHO SUGAR COMPANY, a corporation, party of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated April 25, 1927, and recorded in Book 4 at Page 339 of Miscellaneous Records on May 28, 1927, at 2:30 p.m., records of Bonneville County, Idaho.
9. Conditions regarding the Easement described in the Corporation Warranty Deed by and between UI GROUP, INC., a corporation, and MATILDA C. KOLBET, not individually, but as Trustee, or the successor trustees, of those testamentary trusts as established under the wills of John Newman and Carolina Newman, dated July 9, 1984, and recorded as Instrument No. 666715 on July 18, 1984, records of Bonneville County, Idaho.

Irrigation Equipment:

All buried irrigation main line located on the above described property.

1 pump, 1 motor and 2 pivot systems located on the above described property and the associated electrical panel, control equipment and wiring associated with such pump and motor.

TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

John & Carolina Newman Matilda C. Kolbet
Matilda C. Kolbet, acting not
individually but as Trustee of those
Testamentary Trusts established
under the Wills of John Newman
and Carolina Newman

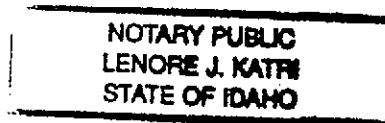
STATE OF IDAHO)
)ss.
County of Bonneville)

On the 23rd day of March, 1998, before me, the undersigned, a notary public in and for said State, personally appeared Matilda C. Kolbet, known or identified to me to be the person whose name is subscribed to the within instrument as Trustee of those Testamentary Trusts created under the Wills of John Newman and Carolina Newman and acknowledged to me that she executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)

Lenore J. Katri
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 1/28/2003



Residing at Idaho Falls, Idaho
My Commission Expires Jan. 28, 2003

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GRANT DEED

THIS INDENTURE is made this 33rd day of March, 1998, between ALLEN KOLBET a/k/a ALLAN E. KOLBET and MATILDA KOLBET a/k/a MATILDA C. KOLBET, collectively the "Grantor", and WAYNE A. JENSEN and ANN JENSEN, husband and wife, whose mailing address is 2777 North 26 West, Idaho Falls, Idaho 83402, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Bonneville, State of Idaho, to-wit:

Real Property:

Township 3 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho.

Section 4: NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Subject to the following:

1. All existing easements or claims of easements, patent reservations, rights-of-way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey or inspection of the premises.
2. Any lack of a right of access to and from the property except as may be obtained through contiguous property.
3. Ditch Right-of-Way as evidenced by that certain Quitclaim Deed by and between J. W. HAYS and his wife OLLIE OLIVER HAYS, parties of the first part to the UTAH-IDAHO SUGAR COMPANY, party of the second part, dated February 5, 1924, and recorded in Book 25 at Page 177 of Deed Records on June 8, 1925, at 10:14 a.m., records of Bonneville County, Idaho.

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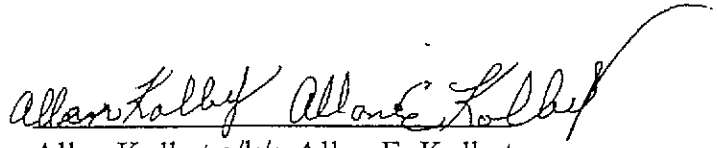
4. Pole Line Easement given by TAMCO, INC., a corporation, party of the first part to UTAH POWER & LIGHT COMPANY, a corporation, its successors in interest and assigns, party of the second part, dated May 16, 1956, and recorded in Book 16 at Page 190 of Leases and Contracts on August 28, 1956, at 9:24 a.m., records of Bonneville County, Idaho.
5. State of Idaho Easement No. 2212 given by the STATE OF IDAHO, acting by and through the State Board of Land Commissioners, and TAMCO, INCORPORATED, party of the first part to UTAH POWER AND LIGHT COMPANY, party of the second part, dated June 14, 1956, and recorded in Book 16 at Page 192 of Leases and Contracts on August 28, 1956, at 9:24 a.m., records of Bonneville County, Idaho.

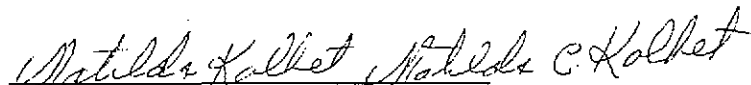
TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, any remainders, and rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to Grantee's heirs and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.


Allen Kolbet a/k/a Allan E. Kolbet

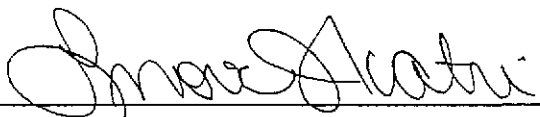

Matilda Kolbet a/k/a Matilda C. Kolbet

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 23rd day of March, 1998, before me, the undersigned, a notary public in and for said State, personally appeared Allen Kolbet a/k/a Allan E. Kolbet, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)



Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 1/28/2003

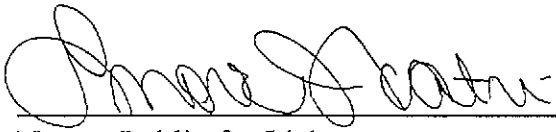
STATE OF IDAHO)
)ss.
County of Bonneville)

NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO
Residing at Idaho Falls, Idaho
My Commission Expires Jan. 28, 2003

On the 23rd day of March, 1998, before me, the undersigned, a notary public in and for said State, personally appeared Matilda Kolbet a/k/a Matilda C. Kolbet, known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)



Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 1/28/2003

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3 - Grant Deed

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NOTARY PUBLIC
LENORE J. KATRI
STATE OF IDAHO
Residing at Idaho Falls, Idaho
My Commission Expires Jan. 28, 2003

Wayne Jensen

Mr. Jensen says he bought the entire 40 acres

Other - The pump site on the Osgood Canal is located 500' west of the subject and FCS should have an easement for the pump and mainline. The mainline crosses is owned by Warren Walters.

I own
473 cfs from
#1 well.

Wayne

The NWSW (36 acres) has its water right in a well located 1/2 mile north of the subject. Lic. 35-02926 priority 4/27/1956 for 4.68 CFS for 356 acres from a well located NWNE Sec. 4.

Standard wording for appraisal assumptions:

280 shares in the Osgood Canal Company.

THE FOLLOWING EQUIPMENT IS REQUIRED:

100 % of the following equipment

(2) 8 tower Lockwood pivots plus corner systems

(4) 3"-4" diameter handlines each 1,320' long.

5,800' of 12" diameter transite mainline

2 tower Olson pivot

100 hp Westinghouse electric motor and Johnston Turbine pump.

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AUG 08 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO 1997 NOV 28 PM 3:10
I.R.C.P. 54(b) FOR

Water Right 35-12159

DISTRICT COURT-5th J.D.
TWIN FALLS CO., IDAHO
FILED _____

NAME & ADDRESS: JOHN AND CAROLINA NEWMAN TRUST
1254 S SKYLINE DR
IDAHO FALLS ID 83402

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/01/1932

POINT OF DIVERSION: T03N R37E S04 SENESE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within BONNEVILLE County
T03N R37E S04 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED:


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED:


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 35-12159

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AUG 16 1998

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AUG 08 2001

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OCT-21-1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

July 25, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WAYNE A JENSEN
ANN JENSEN
2777 N 26 W
IDAHO FALLS ID 83402

RE: Change of Ownership for Water Right 35-12159

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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