

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Ruth Chambers, being first

duly sworn, deposes and says that s/he is the

Bookkeeper of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2 consecutive weeks, commencing with the issue

dated August 27, 1970, and ending with the issue dated Sept 3, 1970.

Ruth Chambers

Subscribed and sworn to before me this 3rd day of September, 1970.

Edith Raustadt Notary Public

Cost of Publication 8.50

Notary Fee

Total Cost
My commission expires October 23, 1971

70-235 NOTICE OF CLAIM TO A WATER RIGHT

No. 43-4035

Notice is hereby given that Harlan Jensen, 2227 Overland Avenue, Burley, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 4.32 cubic feet per second of water from a ground-water source with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 15S, R. 26E, B.M., Cassia County.

The water is claimed to be used from April 1 to October 31 for irrigation and from Jan. 1 to Dec. 31 for stock watering with a priority of April 22, 1958; the place of use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 24; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25; T. 15S, R. 26E, B.M. and SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4), Sec. 18; NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2) SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3), Sec. 19; T. 15S, R. 27E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, Idaho, on August 27 and September 3, 1970.

RECEIVED

SEP 8 1970

Department of Water Administration

43-4035

RECEIVED

AUG 18 1970

Identification No. _____
 Claim No. 43-4035
 Map No. _____

STATE OF IDAHO
 Department of Water Administration DEPARTMENT OF RECLAMATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Harlan Jensen
 post office address 2227 Overland Avenue, Burley, Idaho
2. The point of diversion is in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 24 Township 15S
 Range 26E B.M. located on Underground Water
(name of source)
 tributary to _____ in Cassia County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
 - a. Date of priority claimed:

<u>April 22, 1958</u>	amount: <u>4.32</u> c.f.s. or _____ acre feet
<u>(See Remarks)</u>	amount: _____ c.f.s. or _____ acre feet
_____	amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.	
 - b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use <u>Irrigation</u>	period of use from <u>April 1</u> to <u>October 31</u>	(both dates inclusive)
use <u>Stock Watering</u>	period of use from <u>January 1</u> to <u>Dec 31</u>	(both dates inclusive)
use _____	period of use from <u>(See Remarks)</u>	(both dates inclusive)
use _____	period of use from _____ to _____	(both dates inclusive).
4. Description of diverting works:
 - a. Surface water diversion dam and/or headgate: material is composed of _____
 _____; length is _____ feet; height is _____ feet;
 width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

 - b. Underground water diverting works: is well flowing or pumped Pumped; depth of well is 289 feet; diameter of well is 18 inches; type of pump is vertical turbine
 capacity of pump is 75 H. P.g.p.m.; name and address of well driller is Drilled by either F. O. Farris of San Jose California or Dean Rogers, Pima, Arizona (See Remarks);

43-4035

attach well logs if available; has there been any change in pump or motor since well was first completed
Yes _____; if so, give dates and explain _____ 50 H. P. to 75 H. P. --Date of Change--1966

c. Conveying works: length of ditch to place of use is _____feet; width of ditch at top is _____feet; width of bottom of ditch is _____feet; depth of water is _____feet; grade of ditch per 1000 feet is _____feet; material through which ditch passes is _____feet; maximum length of pipe line to first place of use is _____feet; diameter of pipe line is _____inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. (See Remarks)

d. If water is stored: name of reservoir _____
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

TWP.	RANGE	SEC.	NE¼			NW¼			SW¼			SE¼			TOTALS
15S	26E	24	40	25	40		40	40	40	40	40	40	40	261	
		25	30	27										57	
15S	27E	18												50	
		19												120	
—	—	Acreages determined by the property owner from aerial photographs.			Lot 1/-2/13			Lot 4							
—	—	Determined by the field examination made by Loy Johnson for the Idaho			Department of Reclamation on July 18, 1962.										
—	—	Acreages representing lands licensed to be irrigated from a well ½ mile to the													
		north, which is noted as water right #43-2276 in the files of the Department of													
		Water Administration.													

~~1988~~ Total number of acres to be irrigated

Explain any significant increase in area irrigated since first use, give dates and acreages if known. ~~10~~—

~~(See Remarks)~~

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch _____ The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 400 head of cattle—
25 head of horses

7. Where water is used for domestic or municipal purposes give number of families served N. A.
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities. N. A.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

As has been previously stated in preceding paragraphs, this property was originally developed by the Hawkins family. In 1960, Harlan Jensen, the claimant, acquired the property and made some additional improvements. The right to drill this well was initiated by application G-26357. That right remained in the name of Hawkins and because of confusion that resulted from the land ownership being different than the permit ownership, that permit was allowed to lapse without going to license because of the failure to pay \$33 in fees, even though all of the proof work and the field examination by the Department of Reclamation have been accomplished. This claim, therefore, is merely to place on record the right that was established by constitutional means with the priority of April 22, 1958 when the water was first used. This was necessarily because of failure of the permit holder to follow through with the completion of proof by paying the final fees. The microfilmed documents on file at the Department of Water Administration under G-26357 should be considered as a part of this claim. (SEE GENERAL REMARKS)

State of Idaho

County of Cassia

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Harlan B. Jensen
Claimant

Sworn to before me this 4th day of Aug., 1970.

John Arnold Bant
Notary Public

Residing at Boise, Idaho

My commission expires Jan. 21, 1974

Let # 5042 Jensen
For Department Use Only

Received by <u>[Signature]</u>	Date <u>8-11-70</u>	Exception filed by:	Forwarded to claimant by:	Date
Prelim. check by <u>[Signature]</u>	Date <u>8-11-70</u>			
Fee received by <u>[Signature]</u>	Date <u>8-11-70</u>	Fee \$ <u>10.00</u>		
Approved for publication by <u>[Signature]</u>				
Published in <u>South Idaho</u>	Dates <u>8-27 & 9-3, 1970</u>			
Press				

43-4035

INSTRUCTIONS

Paragraph No.

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	May 18, 1871	amount:	0.8 c.f.s. or	acre feet
	June 1, 1901	amount:	0.4 c.f.s. or	acre feet
	Total claimed:		1.2 c.f.s. or	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:
use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Remarks--3A Con't

The amount of flow claimed was determined by the field examination made by Loy Johnson of the Idaho Department of Reclamation on July 10, 1962 in connection with Permit #G-26357. The amount determined by that measurement was set forth in a letter of June 11, 1964 written by Ralph Thomas, the Deputy State Reclamation Engineer acting in behalf of Carl E. Tappin, the State Reclamation Engineer concerning Permit #G-26357.

Remarks--3B Con't

The prior use of the well has been for irrigation and the stock watering use as indicated to this paragraph and paragraph # 6 is only incidental to the irrigation.

Remarks--4B Con't

The fact that this is an 18-inch 289-foot deep well, which was originally equipped with a 50 horse power motor was determined from the Deposition of Holder for the proof to Permit #G-26357. The person making the deposition was Vivian B. Hawkins. This information was received on October 27, 1961 by the Idaho Department of Reclamation and can be found in their microfilm files. The well was drilled prior to the spring of 1958 by either Mr. Farris or Mr. Rogers and the log of the well is not available.

Remarks--4C Con't

When irrigation first took place in 1958, the water was conveyed through a 12-inch discharge pipe just a few feet long to dirt ditches that run for several thousand feet through the various irrigated fields. These ditches also convey water from a well located about $\frac{1}{4}$ mile to the north of the one described in this claim. The ditches were capable of conveying in excess of 5 second feet. When the present property owner, Harlan Jensen came on the property in 1960, a land leveling and ditch improvement program was begun and some cement head ditches and cement check points in the ditches were installed to improve irrigation efficiencies.

Remarks--5A Con't

Portions of the ground were initially irrigated as early as 1936 when the well $\frac{1}{4}$ mile to the north of this one was first drilled and used for irrigation purposes. On April 22, 1958, this well was first used in connection with the other well. There were about 300 acres irrigated. In 1960, the present property owner purchased the land and started a program of land leveling by improving the fields. By 1962, the two wells combined irrigated the amount presently being irrigated of 524 acres. Of these, 488 acres were either solely or supplementally benefitted from the irrigation by waters pumped from the well herein claimed.

42-4035

General Remarks (con't)

The claimant's affidavit has been marked Exhibit B. Because the claimants' knowledge of the use of the water dates back only to 1960, the affidavit of Gene Baxter, representing the Raft River Electric Corporation, has been included as Exhibit B to document the date of first use of electricity to supply power for the well as well as its continuous use. Affidavit C is included to preserve the knowledge and statement of a long-term resident of the area, Mr. Earl Udy. Jack Barnett, Consulting Engineer and Ground Water Geologist, residing in Boise, Idaho, was employed to help in the preparation of the claim and his affidavit has been included as Exhibit D.

43-4035

RECEIVED

Department of Agriculture

Exhibit A

A F F I D A V I T

STATE OF IDAHO)
 : SS
COUNTY OF CASSIA)

HARLAN JENSEN, being first duly sworn on his oath, deposes and says:
The affiant is the owner of certain agricultural lands located in Townships 15 S. 26 E., and 15 S. 27 E. in Cassia County. More particularly, the affiant owns a well located in the SW SE $\frac{1}{4}$, Sec. 24, T. 15 S, R. 26 E.
The affiant purchased the well and the lands irrigated by it in April of 1960. There was a total of 597 acres purchased and at that time about 300 acres were being irrigated.
Under the affiant's directions, the land was leveled and improved so that by 1962 virtually all of the land was irrigated with the exception of two small acreages and the necessary outages that occur related to roads and ditches.
The affiant had prepared water right claim #43-4035 and has reviewed it in detail and believes that the information is correct to the best of the affiant's knowledge.
Every year since 1960, water has been pumped from the well located in the SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 24, T. 15S, R. 26E and used to irrigate the acreage. For the most part potatoes, sugar beets, hay, and grain have been raised.

Harlan Jensen
Harlan Jensen

Subscribed and sworn to before me this 20 day of August, 1970.

Oleddu Macdonald
Notary Public residing in Burley, Idaho

My Commission Expires: 6-1-71

43-4035

Exhibit B

A F F I D A V I T

STATE OF IDAHO)
 : SS
COUNTY OF CASSIA)

GENE BAXTER, being first duly sworn on his oath,
deposes and says:

The affiant is the office manager of the Raft
River Electric Coop. with offices at Malta, Idaho. That
the Coop supplies electrical power for many irrigation
wells in Raft River Valley. That the Coop has for several
years supplied electrical power to the properties owned
by Harlan Jensen. The affiant states that the records of
the Coop show that electrical power was first delivered and
used to pump irrigation water from a well in the SW SE
of Sec. 24, T. 15S, R. 26E. during 4/22/58 and power has
been used at this location each year since 4/22/58 to date.

Gene Baxter
Gene Baxter

Subscribed and sworn to before me this 4th day of
Aug, 1970.

Jack Arnold Bennett
Notary Public residing in Boise, Idaho

My Commission Expires:

Jan. 21, 1974

43-4035

Exhibit C

A F F I D A V I T

STATE OF IDAHO)
 : SS
COUNTY OF CASSIA)

EARL UDY, being first duly sworn on his oath,
deposes and says:

The affiant has resided in the Raft River Valley since 1939 and has knowledge of agricultural activities in the area of Bridge, Idaho a few years prior to that date. The affiant has observed the irrigation of lands presently owned by Harlan Jensen and previously owned by the Hawkins family since 1939 or before. The affiant states that a portion of this irrigation was from a well that was in existence on the property in 1939.

The affiant knows of his own personal knowledge that a well was drilled in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Sec. 24, T. 15 S, R. 26 E, on or before 1958 and that water has been used to irrigate lands and raise crops from this well continuously since the spring of 1958 to the present. At times, the affiant was involved in the actual production and/or harvesting of the crops and at other times the affiant was just personally familiar enough with the lands to observe the raising of crops.

Earl Udy
Earl Udy

Subscribed and sworn to before me this 20 day of
August, 1970.

Oelden Mechem
Notary Public residing in Burley, Idaho

My Commission Expires: 6-1-71

43-4035

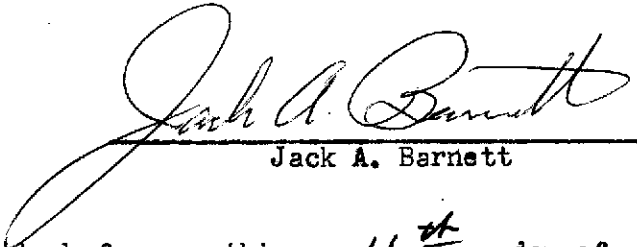
Exhibit D

A F F I D A V I T

STATE OF IDAHO)
 : SS
COUNTY OF ADA)

JACK A. BARNETT, being first duly sworn on his oath,
deposes and says:

The affiant is a registered professional engineer
in the State of Idaho and a consulting ground water
geologist. The affiant specializes in water right and
water resource work. During August of 1970, the affiant
visited properties in the Raft River Valley owned by
Harlan Jensen and observed the irrigation of lands by
wells located on the property. After interviewing residents
of the area, the property owner, the Electrical Power
Company and researching the files of the Idaho Department
of Water Administration, the affiant prepared water right
claim # 43-4035, which he believes is a correct
representation of the water right established by the
constitutional method to the best of his knowledge.



Jack A. Barnett

Subscribed and sworn to before me this 11th day of
August, 1970.



Notary Public residing in Boise, Idaho

My Commission Expires: Jan 19, 1973

43-4035

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Ruth Chambers

, being first

duly sworn, deposes and says that S...he is the

Bookkeeper..... of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2..... consecutive weeks, commencing with the issue

dated August 27..... 19..70., and ending with the issue dated Sept. 3..... 19..70.

Ruth Chambers

Subscribed and sworn to before me
this 3rd..... day of *September*
19..70..

Edith Rautstett Notary Public

Cost of Publication 8.50.....

Notary Fee

Total Cost

My commission expires October 23, 1971

70-235

NOTICE OF CLAIM TO A WATER RIGHT

No. 43-4035

Notice is hereby given that Harry Jensen, 2227 Overland Avenue, Burley, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 4.32 cubic feet per second of water from a ground-water source with point of diversion in the SW1/4SE1/4 Sec. 24, T. 15S, R. 26E, B.M., Cassia County.

The water is claimed to be used from April 1 to October 31 for irrigation and from Jan. 1 to Dec. 31 for stock watering with a priority of April 2, 1958; the place of use is within the E1/2NE1/4, SW1/4NE1/4, SE1/4, Sec. 24; N1/2NE1/4, Sec. 25; T. 15S, R. 26E, B.M. and SW1/4SW1/4 (Lot 4), Sec. 18; NW1/4NW1/4 (Lot 1), SW1/4NW1/4 (Lot 2) SE1/4NW1/4 (Lot 3), Sec. 19; T. 15S, R. 27E, B.M.

An exception to this claim of water right may be filed with the Idaho Department of Water Administration.

R. KEITH HENNINGSON

Published in the South Idaho Press, Burley, Idaho, on August 27 and September 3, 1970.

43-4035

October 21, 1970

Re: #5442 43-4035

Mr. Vern Roberts, Manager
LAND TITLE & EXCROW, INC.
Post Office Box # 177
Burley, Idaho 83318

Dear Mr. Roberts:

We are placing a copy of your letter of September 25, 1970, with water licenses No. 18180 and 29644. We have recorded the assignment from Harlan B. and Bette J. Jensen to THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, and placed it on file in Claim No. 43-4035. We are returning two copies of the assignment with our date received stamp affixed, as requested.

If we may be of any further assistance in this matter, please do not hesitate to contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:cm

Enclosures

43-4035

Land Title and Escrow, Inc.

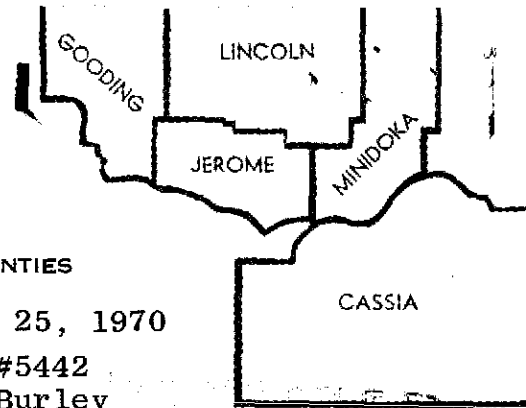
COMPLETE SERVICE

5 IDAHO COUNTIES

September 25, 1970

REFER TO: #5442

OFFICE: Burley



State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Assignment of Claim of Use Permit
43-4035

Department of Water Administration

Gentlemen:

You will find enclosed, Assignment of Claim of Use Permit signed by Harlan B. Jensen and Bette J. Jensen, to be filed with your office.

Also given as collateral security in connection with Mr. Jensen's loan to The Mutual Life Insurance Company of New York are Water License Nos. 18180 and 29644. If for any reason the water licenses should become in jeopardy of being canceled or forfeited would you please notify The Mutual Life Insurance Company of New York whose address is: Broadway at 55th Street, New York, New York 10019.

Will you please return the two copies of the enclosed assignment to this office showing that they have been filed.

Thank you for your courtesy in this matter.

Very truly yours,

LAND TITLE AND ESCROW, INC.

Vern Roberts, Manager

VR/bv
encls.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524
BOX 36, JEROME, IDAHO 83338
PHONE 324-4842

43-4035

ASSIGNMENT OF CLAIM OF USE PERMIT

We HARLAN B. JENSEN and BETTE J. JENSEN, husband and wife, hereby assign and transfer to THE MUTUAL LIFE INSURANCE COMPANY OF NEW YORK, all our right, title and interest, in and to Claim Permit of Use/No. 43-4035.

This is given as collateral security for a loan of \$90,000.00 made by The Mutual Life Insurance Company under Loan No. 8217 MS to permit holder(s) evidenced by a Promissory Note dated July 17, 1970, and secured by a mortgage of even date, microfilmed as Instrument No. 52562, records of Cassia County, Idaho.

Made this 17th day of July, 1970.

Harlan B. Jensen
Harlan B. Jensen

Bette J. Jensen
Bette J. Jensen

STATE OF IDAHO)
) SS.
COUNTY OF CASSIA)

On this 24 day of September, 1970, before me, the undersigned, a Notary Public in and for said State, personally appeared HARLAN B. JENSEN and BETTE J. JENSEN, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

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

Robert McLean
Notary Public
Residing at Burley, Idaho.

43-4035

September 24, 1970

Re: Water License Nos. 18180, 29644, & Claim No. 43-4035

Mr. Vern Roberts, Manager
Land Title and Escrow, Inc.
Post Office Box # 177
Burley, Idaho 83318

Dear Mr. Roberts:

We have reviewed the assignments submitted in connection with the above referenced documents. After evaluating the assignments and the files, we find we are unable to accept this assignment you have submitted. The department does not have a procedure for recording an assignment in connection with a water license. We are sure that you can appreciate the problem in connection with the ownership of real property, which the water right license has the characteristics of being. We would need title insurance, or chain of title to assure that the water right was with the property. Therefore, it is an impractical matter to record assignments in connection with the license.

We also have been advised that although normally we could record the assignment in connection with a claim, that since the other water licenses are on the same document as the claim form, we are not able to accept it for the claim either. An assignment specifically on the Claim No. 43-4035, would be acceptable. We have conferred with Bob Baker, of Utah Mortgage and Loan, in Boise, in connection with this matter, and he stated that he would contact you.

If you have any questions in the matter, please contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

Enc: original assignment, and copies

43-4035

Land Title and Escrow, Inc.

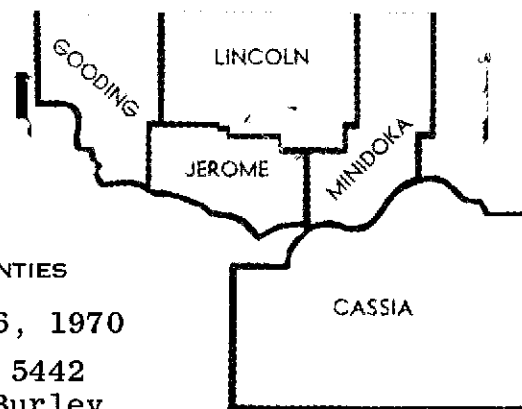
COMPLETE SERVICE

5 IDAHO COUNTIES

August 26, 1970

REFER TO: 5442

OFFICE: Burley



State of Idaho
Department of Reclamation
State House
Boise, Idaho

RECEIVED

AUG 27 1970

Re: Harlan B. Jensen

Department of Water Administration

Gentlemen:

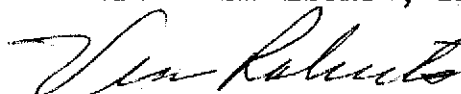
We are enclosing an original and two copies of an Assignment of Permits given as security for a real estate loan.

Will you please acknowledge receipt of this Assignment on the copies and return them to our office.

If there is any charge for this, please notify us.

Very truly yours,

LAND TITLE AND ESCROW, INC.


Vern Roberts, Manager

VR/bv
encl.

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524
BOX 36, JEROME, IDAHO 83338
PHONE 324-4842

Titles insured by **Lawyers Title Insurance Corporation** Richmond, Virginia "One of the Nation's largest and strongest title insurance companies"

43-4035

3.
RECEIVED

STATE OF IDAHO

AUG 27 1970

DEPARTMENT OF RECLAMATION

Department of Water Administration

ASSIGNMENT OF PERMIT

I, HARLAN B. JENSEN, hereby assign to The Mutual Life Insurance
Company of New York Name
of Broadway at 55th Street New York, N. Y. 10019,
Address

CHECK ONE

- ☒ All my right, title, and interest, in and to Permit Nos: 18180 & 29644 and
to appropriate the public waters of the State of Idaho. License
Claim #43-4035
- ☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

This is given as collateral security for a loan of \$90,000.00
made by The Mutual Life Insurance Company of New York to permit
holders evidenced by a Promissory Note dated July 17, 1970, and
secured by a mortgage of even date, microfilmed as Instrument
No. 52562 records of Cassia County, Idaho.

Made this 26th day of August, 19 70.

Harlan B. Jensen
Permit Holder

Betty Jensen
Wife of Permit Holder

State of Idaho)
County of Cassia) ss.

On this 26th day of August, 19 70, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

John Roberts
Notary Public residing at _____
Burley, Idaho

My commission expires 3-22-74

43-4035

September 16, 1970

C Re: Claim to a Water Right No. 43-4035

Mr. Harlan Jensen
2227 Overland Avenue
Burley, Idaho 83318

O Dear Mr. Jensen:

P The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225 of the Idaho Code. Your claim will remain in our files and will be available at any time for your or the courts use.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

Y If, at a later date, you find that you have additional information or evidence that you would like to have included in your claim file, you may add that information at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:dr
Enclosure : Copy of claim

43-4035

September 9, 1970

Re: Claim No. 43-4035

C
O
Anderson & Kelly
8700 Emerald Street
Boise, Idaho 83704

Attn: Jack Barnett

P
Dear Jack:

This letter is to advise you that we have placed the two notarized exhibits, which you submitted, to the above numbered claim.

Y
Very truly yours,

C. Stephen Allred
Deputy Director

CSA:KH

43-4035

ANDERSON & KELLY
CONSULTANTS IN ENGINEERING AND GEOLOGY
6700 EMERALD STREET
BOISE, IDAHO 83704

RECEIVED

SEP 8 1970

Department of Water Administration

September 3, 1970

Steven Allred
Deputy Director
Department of Water Administration
Statehouse
Boise, Idaho

Dear Steve:

Recently we filed for a client, water right claim #43-4035.
I would appreciate it if you would have these two notarized
exhibits attached to the claim and make them a part of the
claim. If there are any questions on this, I would appreciate
your notifying me directly.

Sincerely,

ANDERSON & KELLY

Jack (re)

Jack A. Barnett

JAB/rl

Enc.

43-4035

70-235

NOTICE OF CLAIM TO A WATER
RIGHT

No. 43-4035

Notice is hereby given that Harlan Jensen, 2227 Overland Avenue, Burley, Idaho, has filed a claim to a water right established by diversion and application to beneficial use of 4.32 cubic feet per second of water from a ground-water source with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 15S, R. 26E, B.M., Cassia County.

The water is claimed to be used from April 1 to October 31 for irrigation and from Jan. 1 to Dec. 31 for stock watering with a priority of April 22, 1958; the place of use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 24; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25; T. 15S, R. 26E, B.M. and SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4), Sec. 18; NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2), SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3), Sec. 19; T. 15S, R. 27E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press, Burley, Idaho, on August 27 and September 3, 1970.

43-4035

August 19, 1970

Re: Application for Permit No. 45-7067
Claim to a Water Right No. 43-4035

The South Idaho Press
Post Office Box 190
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:CM

Enc: Legal notices (2)

Bill submitted 9-9-70 By ds

43-4035

NOTICE OF CLAIM TO A WATER RIGHT

No. 43-4035

Notice is hereby given that Harlan Jensen, 2227 Overland Avenue,
Burley, Idaho,

has filed a claim to a water right established by diversion and appli-
cation to beneficial use of 4.32 cubic feet per second acres
of water from a ground-water source

with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24, T. 15S, R. 26E, B.M.,
Cassia County,

The water is claimed to be used from April 1 to October 31 for
irrigation and from Jan. 1 to Dec. 31 for stock watering
with a priority of April 22, 1958;

the place of use is within the E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 24; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25;
T. 15S, R. 26E, B.M. and SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4), Sec. 18; NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1), SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2),
SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3), Sec. 19; T. 15S, R. 27E, B.M.

Any exception to this claim of water right may be filed with the
Idaho Department of Water Administration.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press, Burley, Idaho,
on August 27 and September 3, 1970.

43-4035