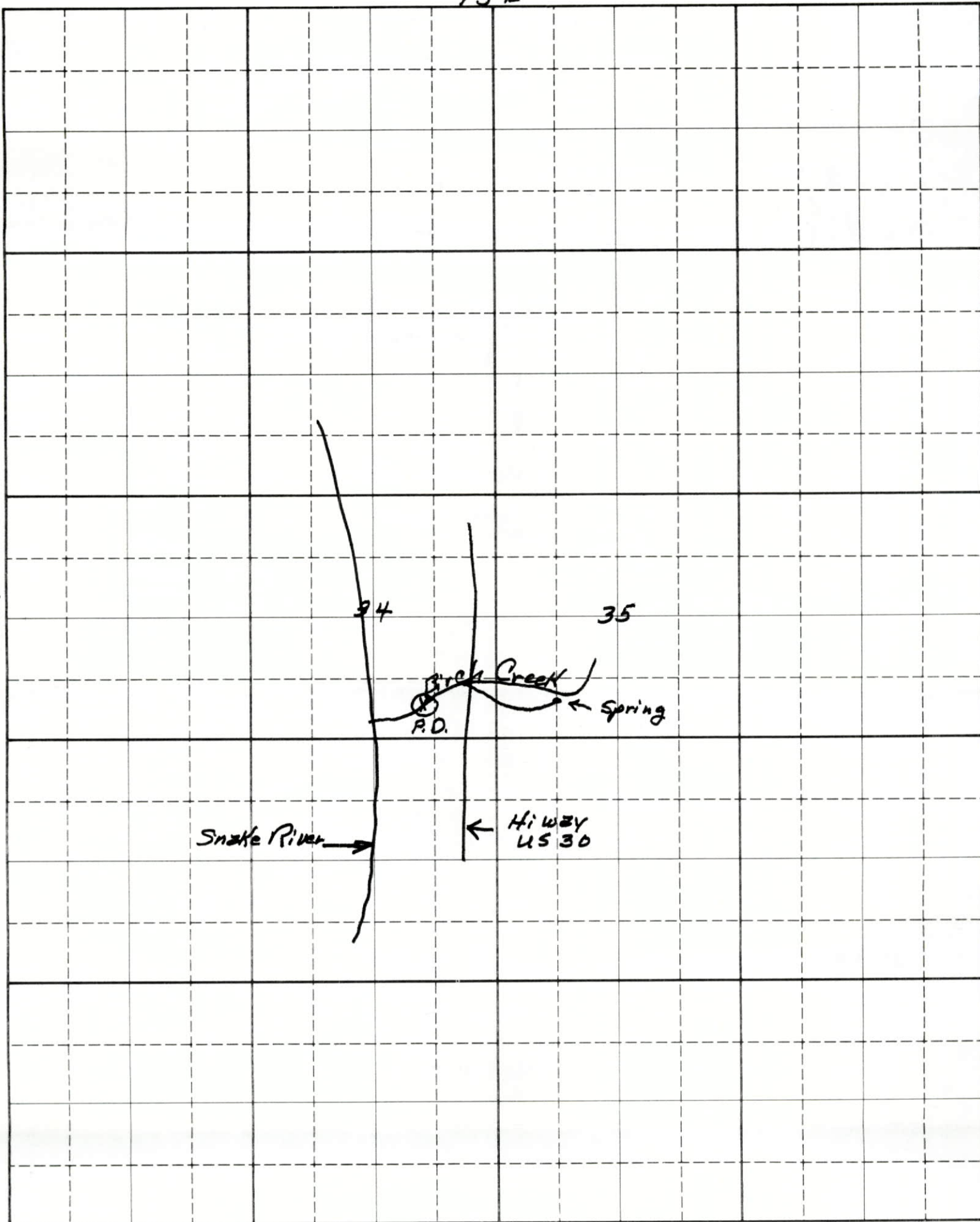


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

13 E

6 S



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ernest Jensen
(Applicant)

37 7174

Affidavit of Publication

RECEIVED

DEC 8 1972

State of Idaho, }
County of Gooding } ss.

Department of Water Administration
Southern District Office

Alfred E. Hogen, being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement

was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 30 day of Nov., 1972 and the date of the last publication was on the 7 day of Dec, 1972

Subscribed and sworn to before me this 7

day of December, 1972
(SEAL)

Mary Ann Hogen
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14¢

Lines at 10¢

TOTAL COST.....

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Everand Jensen, Star Route, Box 32, Bliss, Idaho has on Nov. 16, 1972 submitted Application No. 37-7174 for a permit to appropriate 6.0 cubic feet per second of water from Birch Creek by means of Concrete diversion with pipe to ponds within Lot 4, Sec. 34, T. 6S, R. 13E, B.M., Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation within Lot 4, Sec. 34, T. 6S, R. 13E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before Dec. 18, 1972.

R. KEITH HIGGINSON,
Director

11-30-2tc

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956
7 pt. per line, straight 14c
7 pt. per line, tabular 20c
7 pt. per line, successive insertions.....10c
6 pt. per line, straight 15c
6 pt. per line, tabular 20c
6 pt. per line, successive insertions.....10c

No 1659

37 7174

R 13 E

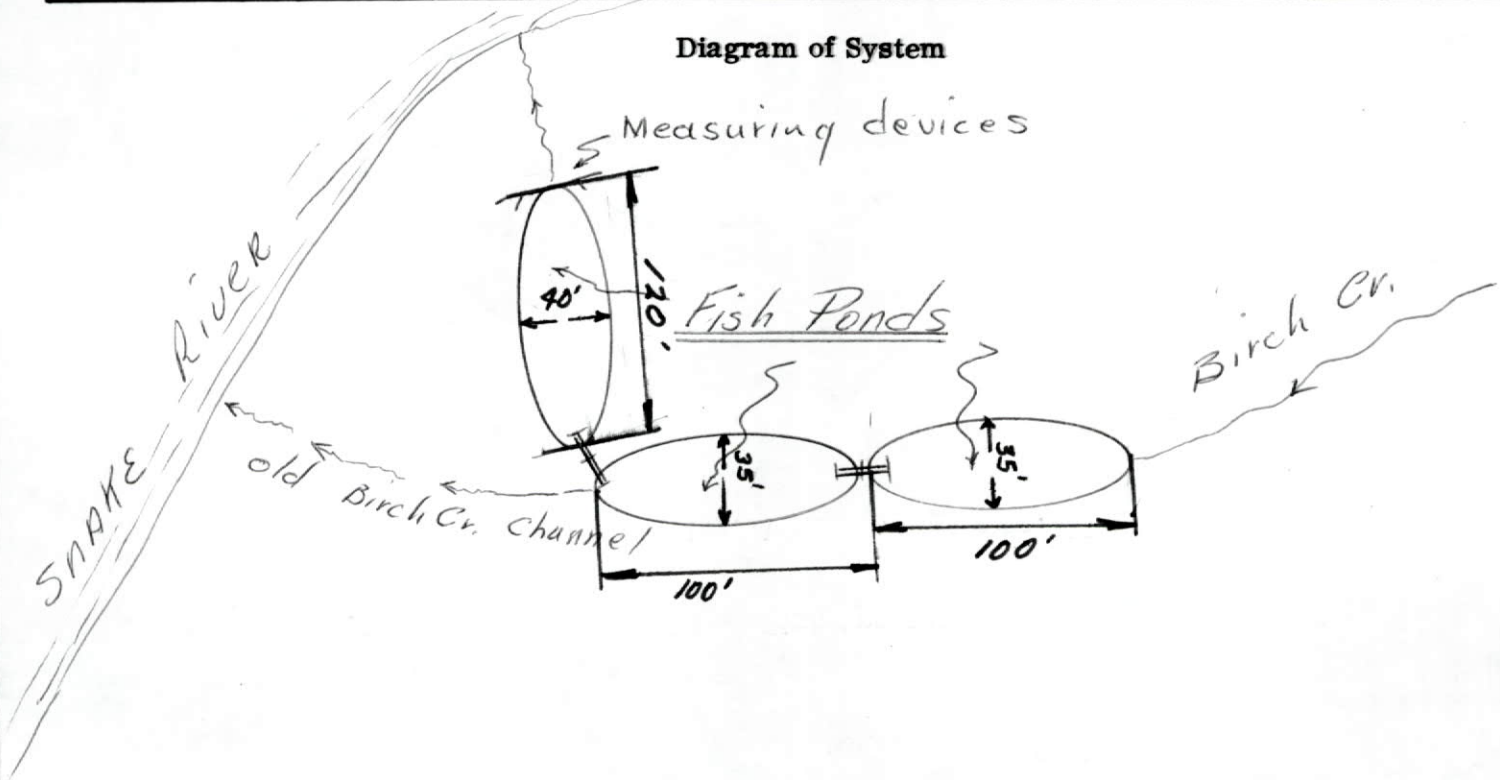
T
6
5

34

~~7-4~~

L.4
see govt plats
jo

Diagram of System



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 37-7174 Priority November 16, 1972 Amount 6.00 cfs

THIS IS TO CERTIFY, that EVERAND JENSEN
of Bliss, Idaho, has complied with the terms and conditions of Permit
No. 37-7174 issued pursuant to Application for Permit dated November 16, 1972,
and has submitted proof to the Department of Water Resources on November 3, 1976,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 7.2 of water from Birch Creek,
tributary to Snake River, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Fish			
Propagation	from <u>January 1</u> to <u>December 31</u>	at <u>6.00</u> cfs and	<u>N/A</u>
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 6.00 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
N/A acre feet per year, said waters to be diverted within the Government Lot 4, Sec. 34,
Twp. 6S, Rge. 13E, B. M. in the County of Gooding

Description and location of place of use:

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	13E	34																L 4	

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11 day of

April, 19 79

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 20 1974

APPLICATION FOR EXTENSION OF TIME

Department of Water Resources

State of Idaho)

County of Ada)

Permit No. 37-7174

Everand Jensen of Star Rte Box 32, Bliss, Idaho 83314
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. 37-7174.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before February 1, 1975.

That he has heretofore performed the following work described under said permit:

Three fish ponds have been constructed.

Costing \$ 5000⁰⁰

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: The lessor of the fish ponds,
who was also constructing the diversion structures, died
of a heart attack

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to Feb 1, 1977.

Everand Jensen
(signature) *

Subscribed and sworn before me this 20 day of December, 1974.

Phyllis Smith
Notary Public residing at
Boise Idaho

My commission expires May 17, 1976

ACTION OF THE DEPARTMENT OF WATER RESOURCES

Operations Division

I, A. KENNETH DUNN, Admin. XXXXXX of the Idaho Department of Water Resources, hereby approve the above application for extension of time for Permit No. 37-7174 to February 1, 1977.

Witness my hand this 23rd day of December, 19 74.

A. Kenneth Dunn
Director, Operations Division

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Resources, State Capitol, Boise, Idaho 83720.

REPROFILMED

Identification No. _____

Application No. 37-7174

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

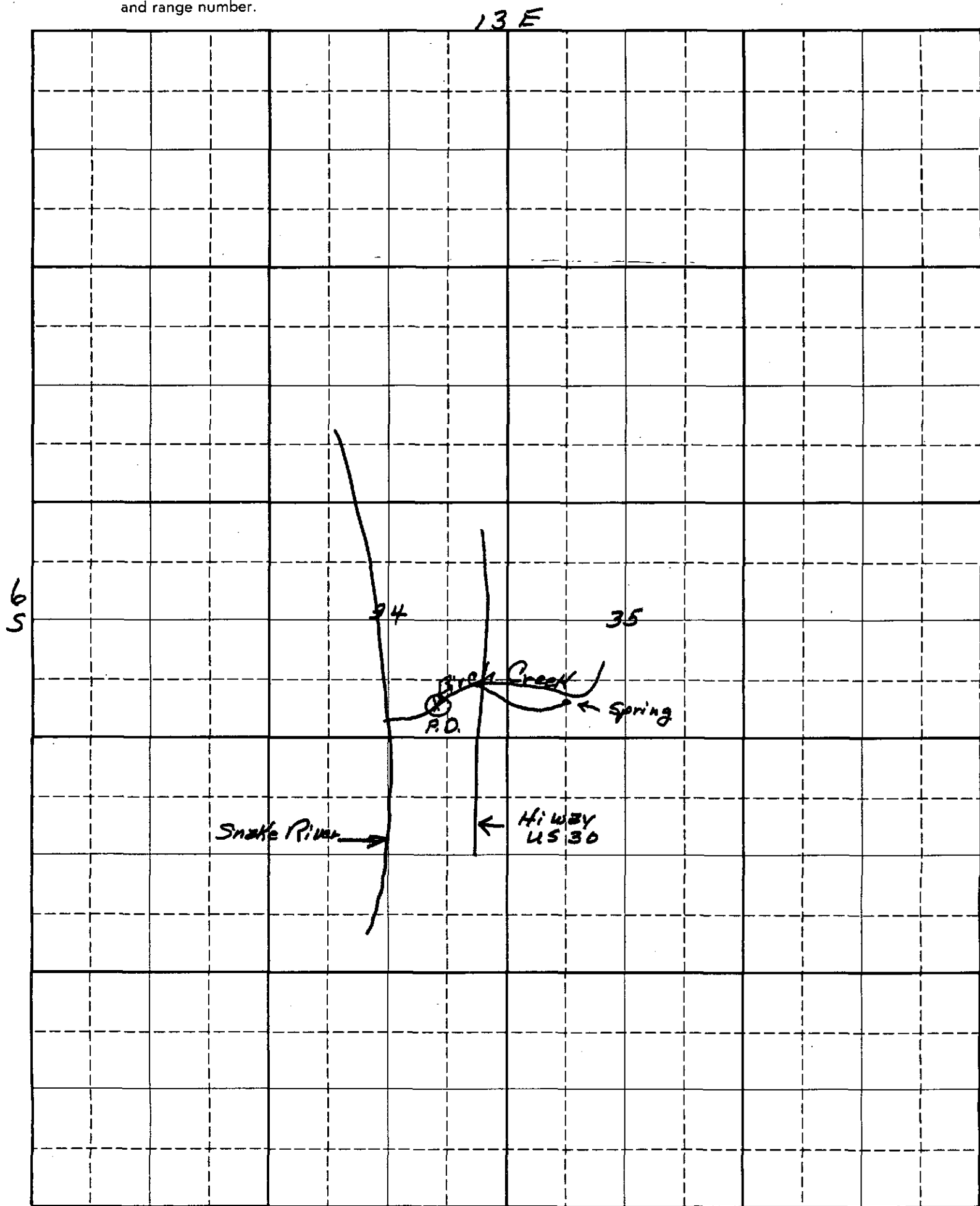
1. Name of applicant Everand Jensen
post office address Bliss, Idaho 83314 Star Route, Box 32
2. Source of water supply Birch Creek which is a tributary of Snake River
3. a. Location of point of diversion is ~~Lot 4~~ Lot 4 $\frac{1}{4}$ of Section 34 Township 6S
Range 13E B.M. Gooding County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Birch Creek at a point in ~~Lot 4~~ Lot 4 $\frac{1}{4}$ of Section 34 Township 6S Range 13E B.M. _____
4. Water will be used for the following purposes:
Amount 6.0 for Fish Prop. purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated: 0.00
a. 6.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Concrete diversion with check boards, headgate, metal pipe to ponds.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years.
b. Estimated construction cost is \$ 4000.00
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: ~~Lot 4~~ Lot 4 $\frac{1}{4}$ of Section 34 Township 6S
Range 13E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: fish propagation- 2 raceways- three deep. 6 ponds total

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Ernest Jensen
(Applicant)

37 7174

RA

Received by alw Date 11-16-72 Time 3:15 pm
 Preliminary check by RA Fee \$ 75.00
 Receipted by alw Date 11-16-72 # 9472
 Publication prepared by alw Date 11-22-72
 Published in Cooding County Leader, Cooding, ID
 Publication dates 11-30 & 12-7-72
 Publication approved alw Date 12-8-72
 Priority reduced to 11-16-72 Reason _____

 Protests filed by: _____

 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for (approval) denial by 1)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-7174, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 75.
 - c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
2. Denial of said application is for the following reasons:

Witness my hand this 4th day of January 19 73.

R. Keith Higin
 Director

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item Initial Date

- (1) Application No. 37-7174 Name Everand Jensen
- (2) RA 11-21-72 Check:
☒ Signature
☒ Point of Diversion
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for C/W and application of water to B/U
☒ Place of Use
☒ Map
☒ Fee
- (3) Send copies to:
☐ Idaho State Health Department
☐ Idaho Fish and Game Department
☐ Bureau of Land Management
- (4) ☐ Request Special Use Permit from U.S.F.S.
☐ Request Easement from B.L.M.
- (5) RA 11-21-72 In form for advertising _____
- (6) alw 12-6-72 Affidavit of Publication received _____
- (7) Final date for protests 12-18-72
Protests received: yes _____ no ☒
- (8) Date and Place of hearing _____
Decision reached at hearing _____
- (9) Located within Water District No. _____
- (10) Critical groundwater area: yes _____ no _____
- (11) Groundwater levels:
☐ Decline (comment) _____
☐ Stable (comment) _____
☐ Increasing (comment) _____
- (12) Comments: _____
- (13) Action recommended:
☒ Approve Priority 11-16-72
☐ Deny Reason for Reduction _____
RA See attached sheet for conditions of approval
No conditions for approval
- (14) District Southern By Bob Haynes
Date 12-18-72 Title DW Enger

37 7174

RECOMMENDED

CONDITIONS OF APPROVAL

☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

D ☒ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

☐ Maximum rate of diversion shall not exceed _____ c.f.s.

☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.

D ☒ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.

☐ The proposed well shall not be drilled within _____ feet of another well.

☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

D ☒ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.

☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

☐ Other: _____

Affidavit of Publication

RECEIVED

State of Idaho, }
County of Gooding } ss.

DEC 8 1972

Department of Water Administration
Southern District Office

Alfred E. Hagen, being first duly sworn,
deposes and says that he is the printer (publisher) of the Gooding
County Leader, a newspaper published every week in Gooding,
County of Gooding, State of Idaho; that said newspaper has been
continuously and uninterruptedly published for a period of seventy-
eight consecutive weeks prior to the first publication of the annexed
notice and is a newspaper qualified to publish legal notices as pro-
vided by act of the 1919 session of the legislature of the State of
Idaho, known as House Bill 145; that the annexed advertisement

was published once each week for 2 consecutive issues in
said newspaper proper and not in a supplement; that the date of the

first publication of said advertisement was on the 30 day

of Nov., 1972 and the date of the last publication

was on the 7 day of Dec, 1972

Subscribed and sworn to before me this 7

day of December, 1972

(SEAL)

NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice.....

Number of Insertions

Lines at 14¢

Lines at 10¢

TOTAL COST.....

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that
Everand Jensen, Star Route,
Box 32, Bliss, Idaho has on
Nov. 16, 1972 submitted Ap-
plication No. 37-7174 for a
permit to appropriate 6.0 cu-
bic feet per second of water
from Birch Creek by means
of Concrete diversion with
pipe to ponds within Lot 4,
Sec. 34, T. 6S, R. 13E, B.M.,
Gooding County to be used
from Jan. 1 to Dec. 31 for fish
propagation within Lot 4,
Sec. 34, T. 6S, R. 13E, B.M.

If issued, this permit will
be subject to all prior water
rights. Protests against the
granting of the permit must
be filed with the Idaho De-
partment of Water Admini-
stration, 1041 Blue Lakes
Boulevard North, Twin Falls,
Idaho, 83301 on or before
Dec. 18, 1972.

R. KEITH HIGGINSON,
Director

11-30-2tc

PUBLICATION RATES:

(Idaho Code, (Rev. Statutes) 1956
7 pt. per line, straight 14c
7 pt. per line, tabular 20c
7 pt. per line, successive
insertions.....10c
6 pt. per line, straight 15c
6 pt. per line, tabular 20c
6 pt. per line, successive
insertions.....10c

No 1659

37 7174



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

April 12, 1978

Re: Water Right No. 37-7174

Everand Jensen

Star Route, Box 32

Bliss, Idaho 83314

Dear Mr. Jensen:

Enclosed is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED

RECEIVED

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

NOV 16 1976

Department of Water Resources
Southern District Office

1. Name of permit holder Everand Jensen

Post office address Star Rt., Box 32, Bliss, Idaho 83314 Phone _____

Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☐ Surface water ☒ Birch Cr.
(name spring, stream, etc.)

Tributary to Snake

3. Water will be used for the following purposes:

Amount 6.00 c.f.s. for Fish Propagation
AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 6.00 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 6S N/S, Range 13E E/W, B.M., Section 34, Subdivision Lot 4 xx 1/4, Gooding
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County

Other Points of Diversions: _____

Description of diverting works: concrete flume to the fish ponds. Three fish ponds are used.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	13E	34																Lot 4	

RECEIVED

DEC 23 1976

Department of Water Resources

Permit No. 37-7174
Examination for b/u

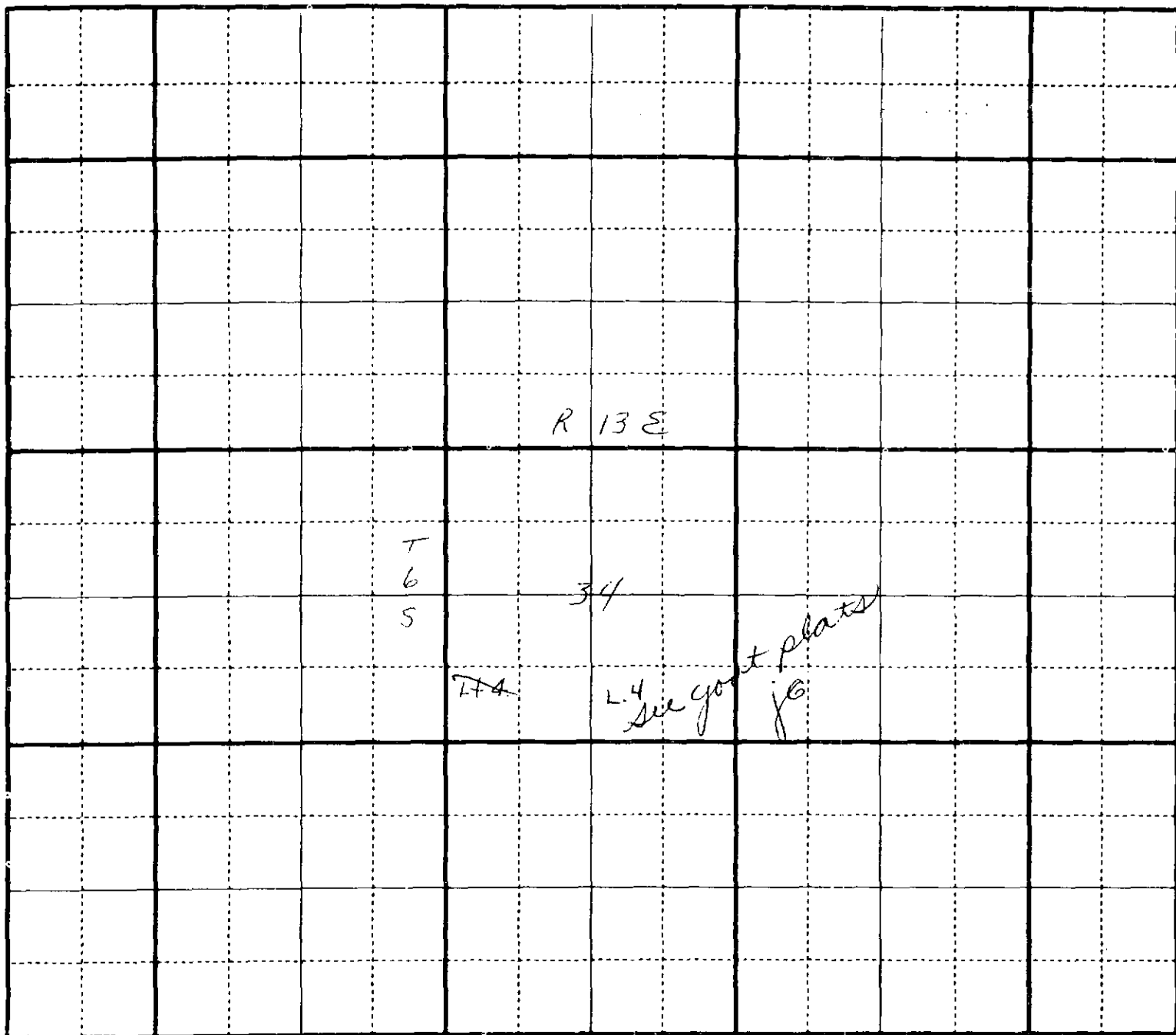
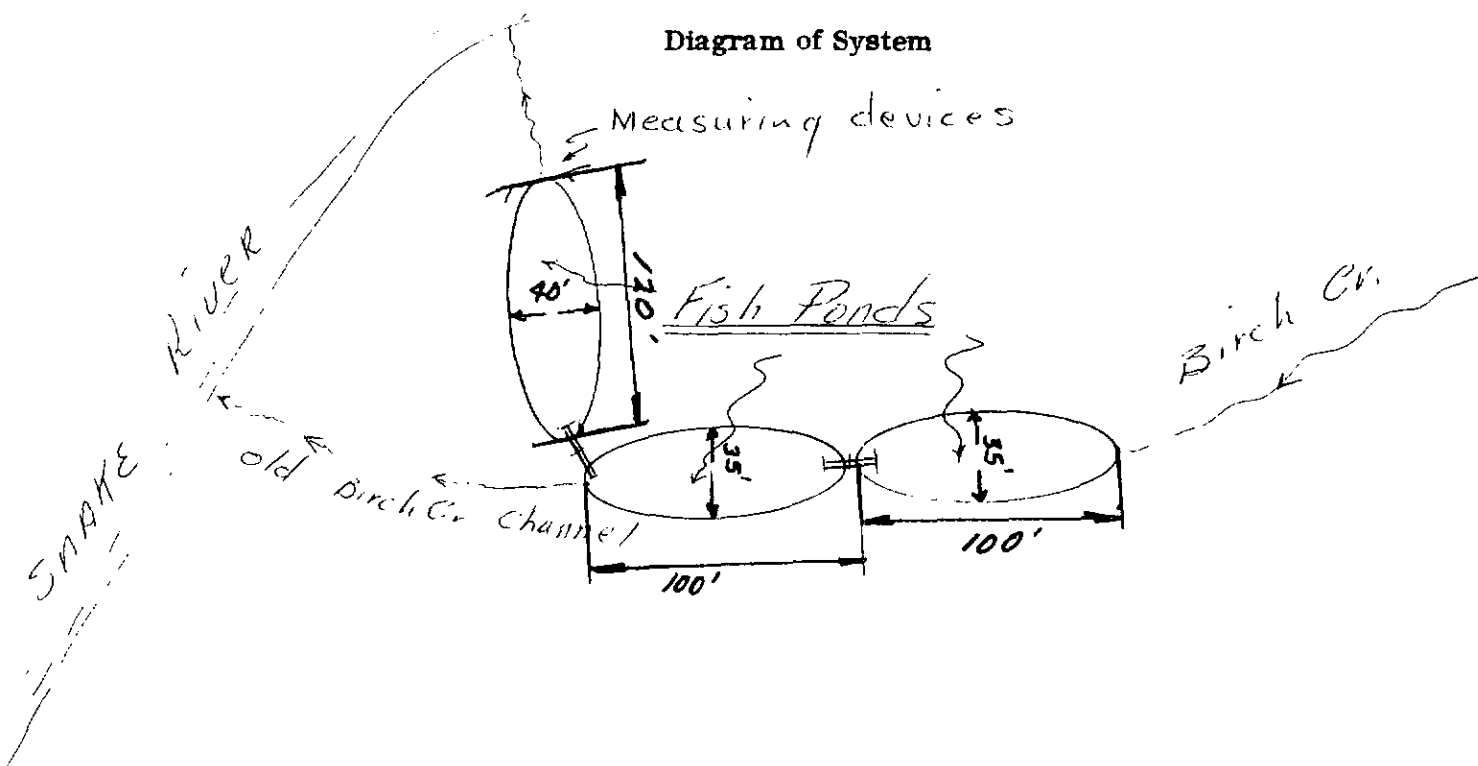


Diagram of System



DATE OF EXAM 12-1-76

ACREAGE

Found ✓
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE

Irrigation: Q= c.f.s. V= AF/Ann. from to
Domestic: Q= c.f.s. V= AF/Ann. from to
Livestock: Q= c.f.s. V= AF/Ann. from to
Fish Propagation Q= 6.0 c.f.s. from Jan 1 to Dec 31

Is water co-mingled? yes no ✓

Name source:
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4
County

Exchange? yes no ✓

Name source exchanged with:
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4
County

Point of injection:
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4
County

Point of exchange:
twp. N/S, Rge E/W, B.M., Sec. Sub. 1/4 1/4
County

Total Q measured 7.20 c.f.s. Method of measurement (3) Weirs

Total Q recommended 6.0 c.f.s. Meter No. ✓ Type ✓ Condition good

Total V recommended Not Required.

Recommended Amendments:

P.D.:
Place of Use:
Other:
None: ✓

MEASUREMENT CALCULATION:

Measured (3) Weirs Reading .32-4' crest Rectangular - 2.37 c.f.s.
.32-3' crest Rectangular - 1.77 c.f.s.
.38-4' crest Rectangular - 3.06 c.f.s.
Amount Allowed 6.0 c.f.s. Amount Applied for Total - 7.20 c.f.s.

SYSTEM DESCRIPTION:

Water is diverted from Birch Cr. to fish ponds. Water is then discharged into the Snake River. Measuring devices are located at the outlet. (2) ponds are 100' long 35' wide and 4' deep. (1) pond is 120' long 40' wide and 3.5' deep.

REMARKS:

Everand Jensen was present during Field Exam.

Examiner's Signature: Harry Sundberg Date: 12-7-76

Checked by: Reid J. Hewley Date: 12-22-76

Approved by: Michael L. Stule Date: 12-23-76

RECEIVED
NOV 11 1976
SAND COUNTY

November 10, 1976

Re: Permit No. 37-7174

Everand Jensen
Star Route, Box 32
Bliss, Idaho 83314

Dear Mr. Jensen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

If you have any questions regarding the field examination, please contact our District Office in Twin Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

RECEIVED

NOV 8 1976

OK

Department of Water Resources
Southern District Office

Identification No. _____

Permit No. 37-7174

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

NOV 8 1976

Department of Water Resources

1. a) Name of Permit Holder Everand Jensen
b) Post Office Address Star Rte Box 32 Bliss, Idaho
2. Permit Number 37-7174
3. Date of Priority that you are prepared to establish 11/16/1972
4. a) Source from which water was appropriated Dirich
b) Location of the point of diversion: Lot 4 1/4 Section 34
Township 6S Range 13E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 6.00 cfs for Fish Prop. purposes from Jan 1 to Dec 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 6.00 cfs cfs and/or acre-feet per annum
- X c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Concrete flume to the fish ponds. Three fish ponds are used.
b) Describe the type and size of measuring device which you have installed at your point of diversion: Simulative weirs
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Fish Propagation of 30,000 lbs of fish in Lot 4, Sec. 34, T6S, R13E, B.M.

Exam typed 11/10/76 by j

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres irrigated _____

10. Remarks: Martin Minard is operating the ponds at the present
time.

The above information is a true statement of the extent to which the above numbered permit has been developed.

11-1-76
(Date)

Guerrand Jensen
(Signature)

State of Idaho)
County of Gooding) ss.

On this 1st day of November, 1976, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Clifton Jensen
Notary Public residing at HAGERMAN, IDA.

My commission expires 5-10-77

37-7174

PARRY, ROBERTSON, DALY AND LARSON

APR 3 1972

AM
8/7/8/9/10/11

BEFORE THE IDAHO DEPARTMENT OF WATER ADMINISTRATION
OF THE STATE OF IDAHO

Re: Application No. 37-7116,

Vernon J. Huff

STIPULATION

Comes now Parry, Robertson, Daly and Larson of Twin Falls, Idaho, on behalf of the applicant, Vernon J. Huff, and Becker, Swenson and Shaw, of Gooding, Idaho attorneys for protestants E. Bud Jensen and Paul Fleming, of Hagerman, Idaho, and stipulate as follows:

1. That the protest of E. Bud Jensen and Paul Fleming is hereby withdrawn and the Department of Water Administration may issue a permit pursuant to application No. 37-7116 to Vernon J. Huff if said application meets the other requirements of the Department.

2. The undersigned request that the Department of Water Administration condition any permit issued pursuant to Application No. 37-7116 as follows:

- a. So long as the applicant utilizes the water of Birch Creek pursuant to the provisions of a permit which may be issued pursuant to application No. 37-7116, the applicant guarantees that the pipeline of E. Bud Jensen will be kept full at all times during the irrigation season when requested by Jensen and that during Jensen's use of said water the water level will be maintained at least twelve (12) inches from the top of the headwall where the water enters Jensen's pipeline. The pipeline owned by Jensen is located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34, Township 6 South, Range 13, E.B.M., Gooding, Idaho.

RECEIVED
MAY 1 1972

- b. Applicant Vernon J. Huff will not alter the natural rock diversion of Birch Creek as previously set out in that certain agreement dated May 4, 1943, concerning the diversion at the "forks" of Birch Creek located in the Southwest Quarter of the Southwest Quarter of Section 35, Township 6 South, Range 13 East, Boise Meridian, Gooding, County, Idaho.
- c. The parties further stipulate that if the natural flows of Birch Creek ever diminish to a point where the one cubic foot of water for consumption use for irrigation purposes set out in application No. 37-7116 cannot be filled without interferences with the water right E. Bud Jensen, his successors, or assigns, Vernon J. Huff will cease consumptively using said one second foot of water covered by said application No. 37-7116 or any permit issued pursuant thereto, and the parties will then determine the respective amounts of water and the priority dates to which each are entitled to by constitutional usage in addition to the amounts set out in the decree of Swineheart v. Vader filed in Gooding County, December 19, 1971, recorded in Book I of Civil Judgments at page 533.
- d. Vernon J. Huff will provide access to E. Bud Jensen and Paul Fleming to their domestic well located on the property of Vernon J. Huff for the purpose of maintaining said domestic well and will co-operate if additional construction is required.

The Applicants and the Protestants agree to bind their heirs, personal representatives, their successors and assigns.

DATED: March 30, 1972.

Applicant Vernon J. Huff

Protestants E. Bud Jensen
Paul Fleming

BY John A. Rossmo
Parry, Robertson, Daly & Larson
P. O. Box 525
Twin Falls, Idaho 83301

BY Harry W. Shaw
Becker, Senon & Shaw
P. O. Box 238
Gooding, Idaho 83330

January 2, 1975

Re: Permit No. 37-7174

Everand Jensen
Star Route, Box 32
Bliss, ID 83314

Dear Mr. Jensen:

Enclosed is a copy of the approved application for extension of time submitted in connection with the above referenced permit.

The time within which to submit proof of beneficial use of water has been extended to February 1, 1977.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDP:JG
Enclosure

MICROFILMED

PS Form 3811, Nov. 1973

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to-whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ DELIVER ONLY TO ADDRESSEE and
show to whom and date delivered..... 65¢
☐ DELIVER ONLY TO ADDRESSEE and
show to whom, date, and address of
delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

26267

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

4.

DATE OF DELIVERY

POSTMARK

12-7-74

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

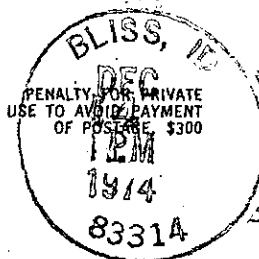
SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



December 2, 1974

CERTIFIED MAIL

#26267

Re: Permit No. 37-7174

Everand Jensen
Star Route, BBox 32
Bliss, ID 83314

Dear Mr. Jensen:

One of the conditions of approval of your water Permit No. 37-7174 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

MICROFILMED

January 5, 1973

Re: 37-7174

Everand Jensen
Star Route, Box 32
Bliss, Idaho 83314

Dear Mr. Jensen:

Enclosed is a copy of your approved Application for Permit No. 37-7174. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

37 7174

November 22, 1972

Re: Application Nos. 36-7274 - Francis Peed Hulet
37-7174 - Everand Jensen

Booding County Leader
Box 3
Booding, Idaho 83330

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. 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,

Bob Haynes
District Engineer
Southern District

Bill submitted 12-6-72 by dlw

TH:alv

Enc: Legal Notices (2)

37 7174

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Everand Jensen,
Star Route, Box 32, Bliss, Idaho
has on Nov. 16, 1972 submitted Application No. 37-7174
for a permit to appropriate 6.0 cubic feet per second ~~XXXX XXXX XXX XXXXX~~ acre feet per annum
of water from Birch Creek
by means of Concrete diversion with pipe to ponds
within the ~~XXX~~ Lot 4, Sec. 34, T. 6S, R. 13E, B.M., Gooding County

to be used from Jan. 1 to Dec. 31 for fish propagation
for

within the Lot 4, Sec. 34, T. 6S, R. 13E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before Dec. 18, 1972.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader, Gooding, Idaho
on Nov. 30 and Dec. 7, 1972

37 7174

Need Galley Proof
**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Everand Jensen, Star Route, Box 32, Bliss, Idaho has on Nov. 16, 1972 submitted Application No. 37-7174 for a permit to appropriate 6.0 cubic feet per second of water from Birch Creek by means of Concrete diversion with pipe to ponds within Lot 4, Sec. 34, T. 6S, R. 13E, B.M., Gooding County to be used from Jan. 1 to Dec. 31 for fish propagation within Lot 4, Sec. 34, T. 6S, R. 13E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, Idaho, 83301 on or before Dec. 18, 1972.

R. KEITH HIGGINSON,
Director

alw OK 12-1-72 11-30-2tc

37 7174

November 16, 1972

Re: Application No. 37-7174 - Everand Jensen

Everand Jensen
Star Route
Bliss, ID 83314

Dear Mr. Jensen:

Attached herewith is your Receipt No. 8472 in the amount of \$75.00 for the above reference Application for Permit which was received in this office under the above date.

Very truly yours,

Eob Haynes
District Engineer
Southern District

BU:alw

Enc.

37 7174