

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
To Change the Point of Diversion and/or the Place of Use

**APPROVED**Name of applicant Roland G. Allen Phone 897-5737Post office address Downey, Idaho 83234**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree to \_\_\_\_\_ (Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)

b. License No. 29-2396 issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

**2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant** N/A**3. Source of water** Marsh Creek tributary to Portneuf River**4. Date of priority** Sept. 3, 1958**5. Water is used for the following purposes:**amount 1.20 cfs for Irrigation purposes from April 1 to Nov. 1

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day - both dates inclusive)

**6. Total amount of water under right:** a. 1.20 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum

**7. Location of original point of diversion is** NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 3  
Township 12S Range 37E, B.M., in Bannock County  
Additional points of diversion, if any \_\_\_\_\_

**8. Lands irrigated or place of use:**

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | 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 $\frac{1}{4}$ |        |
| 12S  | 37E   | 3    |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 20               |                  | 20     |
|      |       | 10   |                  | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
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|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 60**MICROFILMED**

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. \_\_\_\_\_ cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion \_\_\_\_\_ ¼ \_\_\_\_\_ ¼, Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_, B.M., \_\_\_\_\_ County  
Additional points \_\_\_\_\_

3. Place of use:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
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|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 1.20 c.f.s. &/or \_\_\_\_\_ acre feet
- b. Point(s) of diversion NE ¼ NE ¼, Section 10 Township 12S  
Range 37E, B.M., Bannock County  
Additional points \_\_\_\_\_
- c. Description of diverting works pump /motor, diversion box, and sprinkler delivery system.
- d. Describe the reasons for applying for a change in the point(s) of diversion This transfer of point of diversion if approved will decrease conveyance distance by approximately a mile and increase the systems efficiency by reducing the cost of operation.

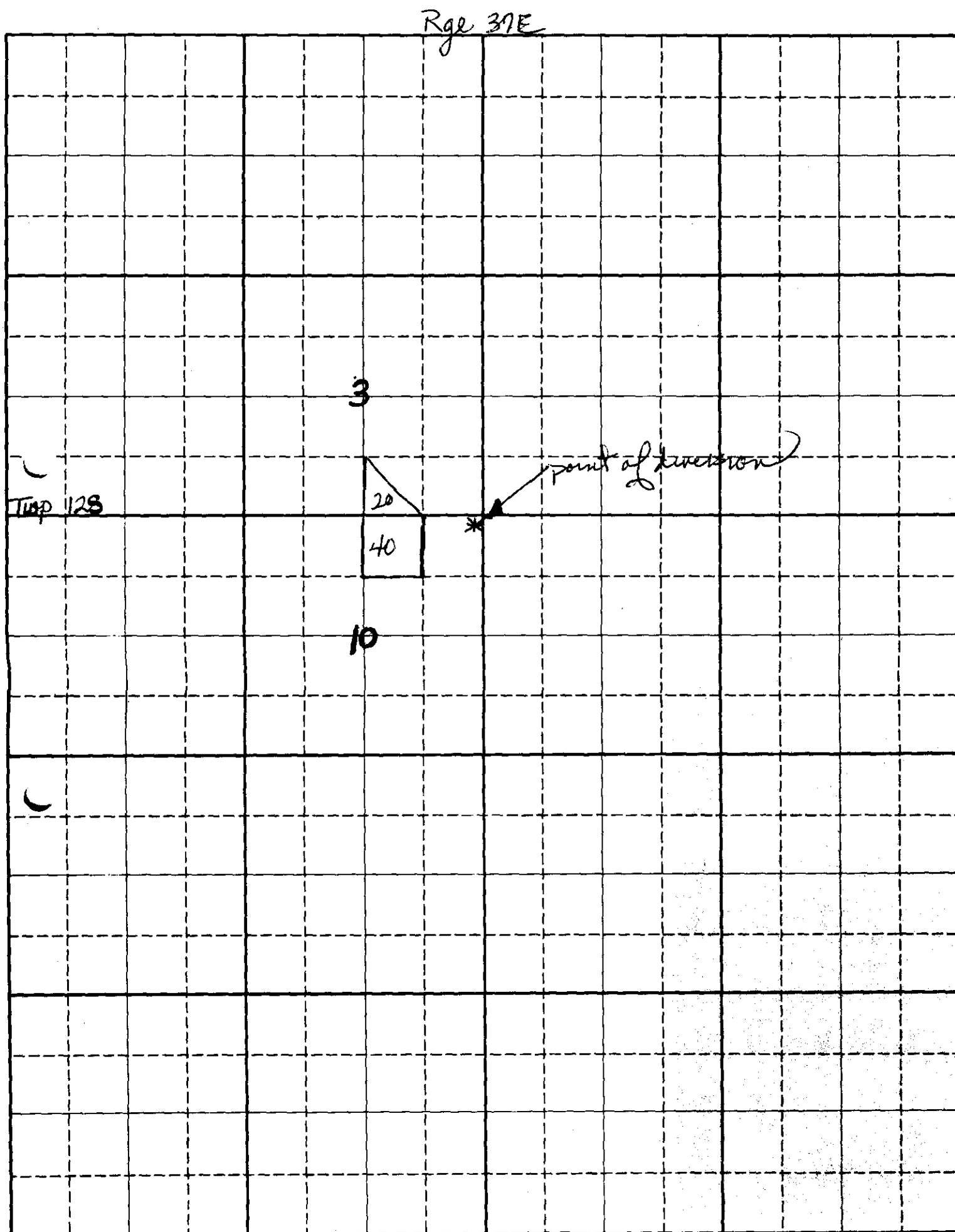
2. Change in place of use NO CHANGE

- a. Describe the lands or place of use to which the right will be transferred:

| TWP. | RANGE | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTALS |
|------|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
|      |       |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
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|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated \_\_\_\_\_

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

(Signature of applicant)

Subscribed and sworn to before me this 19th day of March, 1979.

(Notary public)

My commission expires 6/15/81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-2396

and said application is hereby APPROVED, subject to the following limitations and conditions:

(1) Use of water under this Right is subject to control by the watermaster of State Water District No. 29-H, Marsh Creek. (2) A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting

works.

Witness my hand this 2 day of June, 1979.

DAVID B. SHAW

Acting Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by dh Date 3-19-79

Prelim. check by ARK Fee \$35.00 #12964

Received by dh Date 3-19-79

Published in Idaho State Journal

Pub. dates March 29 & April 5, 1979

Watermaster recommendation requested on

rec'd.

Protest filed by

Copies of protest forwarded by

Hearing held by Date

Recommended for approval denial

by 55.

State of Idaho  
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 27496/29-2396 Priority Sept. 3, 1958 Amount 1.20 cfs

THIS IS TO CERTIFY, that ROLAND G. ALLEN  
of Downey, Idaho, has complied with the terms and conditions of Permit  
No. 27496/29-2396 issued pursuant to Application for Permit dated July 24, 1958,  
and has submitted proof to the Department of Water Resources on September 15, 1959 (late proof),  
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 1.26 cfs of water from Marsh Creek,  
tributary to the Portneuf 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                                     |
|-------------------|--------------------------------------|------------------------|---------------------------------------------------|
| <u>Irrigation</u> | from <u>April 1</u> to <u>Nov. 1</u> | at <u>1.20</u> cfs and | <u>210 acre feet or</u><br><u>3.5 af per acre</u> |
|                   | from _____ to _____                  | at _____ cfs and       |                                                   |
|                   | from _____ to _____                  | at _____ cfs and       |                                                   |

(both dates inclusive)

Subject, however, to the condition that no more than 1.20 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  
210 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 3,  
Twp. 12 S, Rge. 37 E, B.M. in the County of Bannock

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | 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 $\frac{1}{4}$ |        |
| 12 S | 37 E  | 3    |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 20               |                  | 20     |
|      |       | 10   |                  |                  | 40               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 60

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 15 day of  
December, 19 75.

Director

# Application For Permit To Appropriate the Public Waters of the State of Idaho

29-2376

LICENSE ISSUED FOR 1.20 SEC. FT.  
LICENSE PAGE NO.                     

APPLICATION No. 35429  
PERMIT No. 27496  
DISTRICT No.                     

Wilford H. Jensen  
208 North Grant  
Pocatello, Idaho

1. Name of Applicant: WILFORD H. JENSEN

Postoffice address: 208 N. Grant, Pocatello

County: Bannock

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:

- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 1.2 cubic feet per second.

3. Source of water supply: Marsh Creek which is a tributary of Portneuf River

4. Location of point of diversion: 850 Ft. W. & 2000 N. of the  $S\frac{1}{4}$  feet distant from the corner of Section 3, T. 12 S. R. 37 E., B.M., and is in the  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of section 3, T. 12 S., R. 37 E., B. M., County of Bannock

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section T. , R. , B.M., in the of Section of , T. , R. , B.M.
- (b) Amount of power generated: H.P., under feet head.
- (c) Water is to be returned to at a point feet distant from the corner of Section , T. , R. , B.M., in the of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 2,500.

8. Kind of works: Pumping 4500 Ft.

9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet; dimensions of flume:

Diameter of pipe 12 In. to 6 Inches inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is one years.

13. The time required for the complete application of the water to the proposed use is No additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 1.2 Ft.

16. (a) Is reservoir to be used? No If so, fill in (b) and (c) below:  
(b) Name of Reservoir and number of Storage Permit:  
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

/s/ W. H. Jensen  
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 8:00 A. M. July 24, 1958

Returned to applicant for correction: July 24, 1958

Corrected application received: July 30, 1958

## Approval of State Reclamation Engineer

The number of this permit is 27496

Recorded in Book 97 Page 27496 Approved August 5, 1958

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before October 5, 1958

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before February 5, 1959

The whole of said work to be completed on or before August 5, 1959

Beneficial use of water appropriated in accordance herewith, to be made on or before August 5, 1959

WITNESS My hand this 5th day of August, 1958

/s/ GEO. N. CARTER  
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho,

and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 5th

day of August, 1958

STATE OF IDAHO

Countersigned:

(SEAL) By /s/ JAS. H. YOUNG

By /s/ ROBERT E. SMYLIE

Governor.

Secretary of State.

REMARKS: It should be noted here that we have a pumping plant and in order to irrigate the designated land we are just lengthening the pipe line. At the present time all work is completed.

14.

| Twp.                                          | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|-----------------------------------------------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|                                               |       |      | 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 $\frac{1}{4}$ |        |
| 12 S.                                         | 37 E. | 3    |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 20     |
| 12 S.                                         | 37 E. | 10   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40     |
| Total number of acres to be irrigated - - - - |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 60     |

APPLICATION FOR AMENDMENT

TO PERMIT TO APPROPRIATE THE PUBLIC WATERS  
OF THE STATE OF IDAHO, No. 27496

Comes now WILFORD H. JENSEN, and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 27496.

That the point of diversion is described in said permit as being located 850 ft. W. & 2000' N. of the S  $\frac{1}{4}$  of Section 3, Twp. 12, Rge. 37 EBM., in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, T. 12 S., R. 37 E., B. M.

That he now requests that the point of diversion be changed to a point located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 3, T. 12 S., Rge. 37 E., B. M.

That the reason for desiring to make such change is as follows: That the original description of point of diversion is erroneous, mistake having been made in the original application. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Pocatello, Idaho, this 5th day of August, 1959.

s/ W. H. Jensen

Date of Receipt at Department of Reclamation: August 12, 1959

### APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer, of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 27496. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ GEO. N. CARTER  
State Reclamation Engineer

Recorded in Book 97 of Permits

August 18, 1959

Permit No. 27496  
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN;

This is to certify that WILFORD H. JENSEN, of Pocatello, County of Bannock, and State of Idaho, the holder of Permit No. 27496, issued upon Application No. 35429, bearing date of priority of July 24, 1958, authorizing the diversion of 1.2 second feet of the waters of Marsh Creek, County of Bannock, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.2 second feet of the waters of Marsh Creek, a tributary of Protneuf River, that the point of diversion of said waters is NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, T. 12 S. R. 37 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

60 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 3; NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, T. 12 S., R. 37 E., B. M.

Witness my hand this 19th day of August, 1959.

s/ GEO. N. CARTER  
State Reclamation Engineer

Proof of Completion of Works Made: July 20, 1959

July 11, 1979

Rolland G. Allen  
Downey,  
Idaho 83234

Dear Mr. Allen:

RE: Water Rights No. 29-2396

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2302). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:rr  
Enclosure

MICROFILMED

FROM Jim J.

DATE 6/15/79

TO ERNIE CARLSON

SUBJECT Transfer of 29-2396

NEED watermaster comments or reason why  
watermaster did not submit comments

~~MICROFILMED~~

INTER-DEPARTMENT MEMO — 1

FROM

Ernest *EMC*

DATE 6/22/79

TO

Jim

*J.J. - 6/27/79*

SUBJECT

WATERMASTER COMMENTS T - 29-2396

Although there are several decrees for Marsh Creek and tributaries, it is an inactive district with no watermaster. There was a field exam conducted by the Department to insure accuracy of the application and that other existing rights would not be injured.

**MICROFILMED**

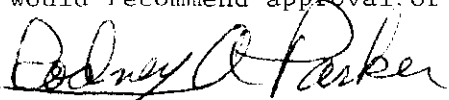
SIGNATURE

MEMO TO FILE

Date: May 17, 1979

Re: Transfer of Point of Diversion -  
Application for Transfer No. T. 29-2396

A pre-permit exam was conducted to check the new point of diversion for possible conflicts. The new point of diversion will decrease the pumping lift and distance to lands being irrigated. Mr. Allen owns the entire NE $\frac{1}{4}$  of Sec. 10 and would not be crossing any other person's property with his new line. I would recommend approval of this transfer of point of diversion.

A handwritten signature in cursive script, reading "Rodney A. Parker". The signature is written in dark ink and is positioned above the printed name.

RODNEY A. PARKER  
Sr. Water Resources Agent

RAP:dh

March 27, 1979

Mr. Robert Curtis  
P. O. Box 189  
Downey, Idaho 83234

Dear Mr. Curtis:

Re: Application for Transfer No. 29-2396 - Allen

We are enclosing a copy of an application that may be of interest to Water District #29-H, Marsh Creek. Please review the application and submit any comments you may have to our Department as soon as possible. The last date of protest is April 16, 1979, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:dh

Enclosure

**MICROFILMED**

March 23, 1979

Idaho State Journal  
Box 431  
Pocatello, Idaho 83201

RE: Transfer No. 29-2396 - Allen

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 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.

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Enclosure

Bill submitted \_\_\_\_\_ by \_\_\_\_\_

RECORDED

NOTICE OF PROPOSED  
CHANGE OF WATER RIGHT  
NO. 29-2396

Notice is hereby given that Roland G. Allen, Downey, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters from Marsh Creek, tributary to Portneuf River. The right sought to be changed is evidenced by License No. 29-2396 and is recorded as follows:

Amount: 1.20 c.f.s.

Priority: 9/03/1958

Point of diversion: NW1/4SW1/4, Sec. 3, T. 12S, R. 37E, B.M., Bannock County

The water is used to irrigate 60 acres located within the SW1/4SE1/4, Sec. 3, NW1/4NE1/4, Sec. 10, T. 12S, R. 37E, B.M.  
TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE1/4NE1/4, Sec. 10, T. 12S, R. 37E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before April 16, 1979.

C. STEPHEN ALLRED

Director

March 29, 1979

April 5, 1979

No. 238

82X

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 29-2396

Notice is hereby given that Roland G. Allen, Downey, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters from Marsh Creek, tributary to Portneuf River. The right sought to be changed is evidenced by License No. 29-2396 and is recorded as follows:

Amount: 1.20 c.f.s.      Priority: 9/03/1958

Point of Diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, T. 12S, R. 37E, B.M.,  
Bannock County

The water is used to irrigate 60 acres located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, T. 12S, R. 37E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, T. 12S, R. 37E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before April 16, 1979.

C. STEPHEN ALLRED  
Director

Published in the Idaho State Journal, Pocatello, Idaho on 3/29 & 4/5/79.

8-4

RECORDED

# PROOF OF PUBLICATION

STATE OF IDAHO  
County of Bannock

ss.

*Patricia Tech*  
being first duly sworn on oath deposes and says, That *She*

was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

|       |    |      |    |
|-------|----|------|----|
| MARCH | 29 | 1979 | 19 |
| APRIL | 5  | 1979 | 19 |
|       |    | 19   | 19 |
|       |    | 19   | 19 |
|       |    | 19   | 19 |
|       |    | 19   | 19 |

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

*Patricia Tech*  
Subscribed and sworn to before me this *18th*  
day of *April*, 1979

*[Signature]*  
Notary Public, State of Idaho  
Residence: Pocatello, Idaho

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 29-2396

Notice is hereby given that Roland G. Allen, Downey, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters from Marsh Creek, tributary to Portneuf River. The right sought to be changed is evidenced by License No. 29-2396 and is recorded as follows:

Amount: 1.20 c.f.s.

Priority: 9/03/1958

Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, T. 12S, R. 37E, B.M., Bannock County

The water is used to irrigate 60 acres located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, T. 12S, R. 37E, B.M.

### TO BE CHANGED AS FOLLOWS

The water will be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, T. 12S, R. 37E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before April 16, 1979.

C. STEPHEN ALLRED

Director

March 29, 1979

April 5, 1979

No. 238

**RECEIVED**

APR 20 1979

Department of Water Resources  
Eastern District Office

# PROOF OF PUBLICATION

STATE OF IDAHO }  
County of Bannock }

ss.

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT NO. 29-2396

Notice is hereby given that Ronald G. Allen, Downey, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters from Marsh Creek, tributary to Portneuf River. The right sought to be changed is evidenced by License No. 29-2396 and is recorded as follows:

Amount: 1.20 c.f.s.

Priority: 9/03/1958

Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, T. 12S, R. 37E, B.M., Bannock County

The water is used to irrigate 60 acres located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 3, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, T. 12S, R. 37E, B.M.

TO BE CHANGED AS FOLLOWS  
The water will be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, T. 12S, R. 37E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401, on or before April 16, 1979.

C. STEPHEN ALLRED  
Director

March 29, 1979

April 5, 1979

No. 238

*Patricia Tech*  
being first duly sworn on oath deposes and says: That *She* was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

MARCH 29, 1979 ..... 19.....  
APRIL 5, 1979 ..... 19.....  
..... 19..... 19.....  
..... 19..... 19.....  
..... 19..... 19.....

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

*Patricia Tech*  
Subscribed and sworn to before me this *18th* day of *APRIL*, 1979

*[Signature]*  
Notary Public, State of Idaho  
Residence: Pocatello, Idaho

RECEIVED

APR 20 1979

Department of Water Resources  
Eastern District Office

MAILED

December 17, 1975

Re: Permit No. 27496/29-2396

Roland G. Allen  
Downey,  
Idaho 83234

Dear Mr. Allen:

This office acknowledges receipt of your Assignment of Permit No. 27496/29-2396 and our records have been changed.

Enclosed herewith is a copy of your water license issued on the above referenced permit along with Receipt No. 3265 for \$4.

Sincerely,

D. DARLENE REICH  
Water Rights Supervisor

DDR:rb

Enc.

ENCLOSURE

November 19, 1975

Mr. Roland G. Allen  
Downey,  
Idaho 83234

Dear Mr. Allen:

Pursuant to our phone conversation this date, enclosed is a partially completed assignment form in connection with Permit 27496/29-2396.

Also enclosed is a copy of Water License No. 21774 (New No. 29-2293).

Sincerely,

D. Darlene Reich  
Water Rights Supervisor

ddr  
Enclosures

November 13, 1975

Re: Permit No. 27496/29-2396 - Wilford H. Jensen

Mr. Roland G. Allen  
Downey,  
Idaho 83234

Dear Mr. Allen:

In July, 1961, a representative of the Department made an examination of the works covered by the above referenced permit and found the following:

Quantity of water diverted: 1.26 cfs                      Source: Marsh Creek

Amount of water that can be recognized as beneficially used under  
Idaho law: 1.20 cfs

The maximum quantity diverted shall not exceed 210 acre feet per  
year, or 3.5 acre feet per acre.

Point of diversion: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, Twp. 12 S, Rge. 37 E, B.M.

Beneficial use: Irrigation of 60 acres from April 1 to Nov. 1 within  
the SW $\frac{1}{4}$ SE $\frac{1}{4}$  (20), Sec. 3; NW $\frac{1}{4}$ NE $\frac{1}{4}$  (40), Sec. 10; Twp. 12 S, Rge.  
37 E, B.M.

Priority date established: September 3, 1958

Please be advised that there is a \$4.00 licensing fee due. We will withhold action regarding this permit for 30 days to allow you time to submit the fee and secure an assignment from Mr. Jensen.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:DR

cc: Mr. Wilford H. Jensen

State of Idaho  
Department of Water Resources

RECEIVED

DEC 10 1975

ASSIGNMENT OF PERMIT

Department of Water Resources

I, Wilford H. Jensen, hereby assign to Roland G. Allen  
of Downey, Idaho 83234  
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 27496/29-2396  
to appropriate the public waters of the State of Idaho.

☐ 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.

(Describe that portion of the permit being assigned by listing the acreage within  
each 40 acre subdivision, the point of diversion and the amount of water in cubic  
feet per second for direct diversion, or acre feet for storage)

Made this 21 day of Nov, 19 75.

Wilford H. Jensen  
Permit Holder - Wilford H. Jensen

\_\_\_\_\_  
Spouse of Permit Holder

State of Idaho )  
County of Bannock ) ss.

On this 21st day of November, 19 75, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged to me  
that he (she) (they) executed the same.

seal

Lorraine Waters

Notary Public residing at

Laetitia Idaho

My commission expires:

4-29-79

RECEIVED

November 6, 1975

Re: Permit No. 29-2396 @ W. H. Jensen

Mr. B. W. Davis, Attorney  
Spaulding Bldg.  
Pocatello, Idaho 83201

Dear Mr. Davis:

Mr. Roland G. Allen visited our office last week concerning the licensing of Permit No. 29-2396.

He explained to us the operation of the system and it now appears that a water right license may be issued on this permit. We have sent Mr. W. H. Jensen an assignment form so that he may assign this permit to the present owner, Mr. Allen.

We appreciate your concern in this matter.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:jfr

MICROFILMED

November 6, 1975

Re: Permit No. 29-2396

Mr. W. H. Jensen  
208 N. Grant  
Pocatello, Idaho 83201

Dear Mr. Jensen:

Thank you for your October 29 letter calling our attention to the fact that there is no well on this property.

Your records are correct in stating this and my letters should have referred to a pump from Marsh Creek rather than a well.

Mr. Roland G. Allen who has purchased the property from you was in the office last week and explained more fully his operation of this pump and the irrigation of the land. On further consideration of this permit, it appears that a license should be issued for the irrigation of this sixty (60) acres of land.

Enclosed is an assignment form which you should complete so that the license may be issued in the name of the present owner of the land.

If you have any questions, please let us know.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

Pocatello RECEIVED  
Oct 29, 1975  
NOV 3 1975  
from the desk of...

Dept. of Water Resources  
Re: Permit No. 24-2394.

Two times in your letter you refer  
to a well, producing 1.24 cubic feet  
per second.

It  
Please be advised there has been  
a well on this property I have no  
knowledge of it. In fact a well,  
has never been used for pumping water  
on the described property.

Will you please check your  
records and correct the error.

Very truly

W. H. Jensen

W. H. Jensen

B. W. DAVIS  
ATTORNEY AT LAW  
SPAULDING BUILDING, PHONE 232-2773  
POCATELLO, IDAHO 83201

31 October 1975

RECEIVED  
NOV 3 1975  
Department of Water Resources

State of Idaho  
Department of Water Resources  
State House  
Boise, Idaho 83720

Attention: Bobby D. Fleenor, Chief, Water Rights

Re: Permit No. 29-2396

Dear Mr. Fleenor:

Answering yours of October 27, naturally you would have thought I expect to represent someone as attorney in this matter, however that is not the fact. Mr. Jensen has been my friend for many years and it was merely a gesture of friendship in so far as he and I are concerned.

It was considerate of you to postpone the action for 30 days and we will see to it that the present owner is fully notified and given notice and all the correspondence.

Sincerely,



BWD/n

RECEIVED  
NOV 11 1975  
DEPARTMENT OF WATER RESOURCES



## STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

October 27, 1975

Re: Permit No. 29-2396

Mr. B. W. Davis  
Spaulding Building  
Pocatello, Idaho 83201

Dear Mr. Davis:

Enclosed is a copy of water right license no. 21774, new no. 29-2293, for the irrigation of the land covered by the permit on which cancellation is pending.

As mentioned in my previous letter, this well was found to be producing 3.00 cubic feet per second and the license was issued for this permit, at that amount. However, now the well is producing only 1.26 cubic feet per second and, therefore, there is no additional water on which a further license can be issued.

Normally a hearing is not conducted to resolve these matters. If Mr. Jensen feels that the well is producing more than 3.00 cubic feet per second, he should send us any evidence that he has to support that claim and request a new field examination.

This permit is presently in the name of Mr. Jensen and should be considered his personal property but probably should be assigned to the current owners of the land. Enclosed is an assignment form for this purpose.

We are withholding further action on this permit for 30 days to allow you an opportunity to contact the present owners regarding current operations of this project.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:jfr

Enclosure

cc: W. H. Jensen

B. W. DAVIS  
ATTORNEY AT LAW  
SPAULDING BUILDING, PHONE 232-2773  
POCATELLO, IDAHO 83201

RECEIVED

OCT 27 1975

Department of Water Resources

24 October 1975

Mr. Bobby D. Fleenor  
Chief, Water Rights  
State of Idaho  
Department of Water Resources  
State House  
Boise, Idaho 83720

Re: Permit No. 29-2396

Dear Mr. Fleenor:

Your letter of October 21 regarding the above matter has just been received. You can, of course, ignore the letter that I wrote you yesterday.

It may be necessary, which I presume is possible, to postpone any hearing on this matter because of the fact that Mr. Jensen, an elderly man with some disability, might not be able to attend a hearing at that date. I assume that he is entitled to a hearing and can it be held in Pocatello where he lives.

The land to which the water is appurtenant has been transferred several times but Mr. Jensen feels some moral responsibility to the people to whom it has been sold. Isn't it necessary to notify the actual owners and users of this water at the present time? Jensen has not owned it for several years.

He will greatly appreciate your advising me concerning these questions.

Yours sincerely,



B. W. DAVIS

BWD:jh  
cc: W. H. Jensen

RECEIVED

RECEIVED

## Documents and Resources

THE



# STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

October 21, 1975

Re: Permit No. 29-2396

Mr. B. W. Davis, Attorney  
Spaulding Building  
Pocatello, Idaho 83201

Dear Mr. Davis:

We received your October 7 letter concerning the cancellation of Permit No. 29-2396 in the name of Wilford H. Jensen.

Mr. Jensen submitted proof of beneficial use on this permit and an examiner from the Department has made an examination of Mr. Jensen's project. During that examination, the pump was delivering only 1.26 cubic feet per second of water for the irrigation of 60 acres of land. However, Mr. Jensen has a previous water license no. 21774, new no. 29-2293, for the use of the same pump at a diversion rate of 3.00 cubic feet per second for the irrigation of 197 acres which includes the 60 acres covered by this permit. Therefore, the pump is producing less than Mr. Jensen's existing license, which makes the issuance of a license under this permit impossible. This permit should be relinquished, otherwise, we will continue with the cancellation procedure.

Sincerely,

BOBBY D. FLEENOR  
Chief, Water Rights

BDF:jfr

Encl: Relinquishment form

cc: Wilford H. Jensen

RECEIVED

OCT. 8

Department of Water Resources

[illegible]

Re: Permit No. 27496 (New No. 29-2396)  
W. H. Jensen

**This is in reply to your notice to Wilford H. Jensen of October 1, 1975.**

Will you please furnish us the information that causes you to determine that the water has not been so used. Who, if anyone, has made a complaint concerning the matter and what facts are necessary to show to you that your information as contained in your notice is not factual.

*B. W. Davis*  
B. W. DAVIS

BWD:jh  
cc: W. H. Jensen

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.

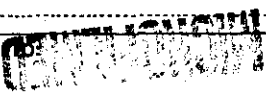
1. The following service is requested (check one).  

☐ 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¢

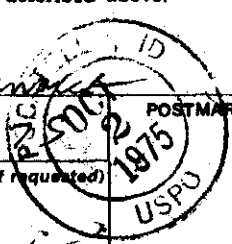
2. ARTICLE ADDRESSED TO: 

3. ARTICLE DESCRIPTION:  

|                |               |             |
|----------------|---------------|-------------|
| REGISTERED NO. | CERTIFIED NO. | INSURED NO. |
|                | 32311         |             |

(Always obtain signature of addressee or agent)

I have received the article described above.  
SIGNATURE  


4. DATE OF DELIVERY 10-2-75  
POSTMARK 2-506 1975  


5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:  
CLERK'S INITIALS

★ GPO : 1974 O - 527-803

October 1, 1975 CERTIFIED MAIL #32311

Re: Permit No. 27496 (New No. 29-2396)

Wilford H. Jensen  
208 N. Grant  
Pocatello, Idaho 83201

Dear Mr. Jensen:

It appearing to the Department of Water Resources (formerly the Department of Water Administration) that the terms and conditions of Permit 27496/29-2396 to appropriate the public waters of the State of Idaho have not been complied with as to failure to show adequate proof of beneficial use of water, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Resources on or before November 10, 1975, why said permit should not be cancelled.

Permit 27496/29-2396 claims the use of 1.2 cubic feet per second of water from Marsh Creek, the point of diversion was to be located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 3, Twp. 12 S, Rge. 37 E, B.M. and the permit was approved August 5, 1958.

s/ R. Keith Higginson

R. KEITH HIGGINSON  
Director

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
**REPORT OF ENGINEER**

Permit No. 27496

This proof is for Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant Wilford H. Jensen

2. Source of water supply: Marsh Creek

3. Location of point of diversion: Is in the NW 1/4 SW 1/4 of Section 3

T. 12 S R. 37 E.B.M. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: 100 H.P. 65' Motor

RKJ 324025, Laque Power Pump # 19363, 8" x 8" <sup>Column</sup> 10" discharge

Est. Vertical lift to be 100'

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

20 acres in SW 1/4 SE 1/4 of Sec. 3., 40 acres in NW 1/4 NE 1/4 of Sec. 10., all in

Twp. 12 S., Rge. 37 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Snoke River via Portneuf

Remarks: Mt. Tanks along

Marsh Creek very low: 2 section of bowls exposed:  
on pump. not pumping air - that is - no swirling or draw down depression  
at pump. Marsh Creek very mossy.

This examination was made on the 28<sup>th</sup> day of July, 1961

(Signed)

L. Johnson

Examiner.

# INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED

JUL 31 1961

Department of Reclamation

Permit No. 27496

Examination for Beneficial Use

County Bannock

3-12S.-37E.

Dorsey

Q - 1.2 c.f.s

S - Marsh Cr.

P.D. = NW. SW. Sec. 3, T. 12S. - R. 37E.

Use = Irrigation

Filed - July 24, 1958

Due - Aug. 5, 1959

(See Permit 21774)

c/w = 8-19-59

no other right.

Abornata Hot! spgs on

91 - 4 mi. (

Mr. Jensen - Probate Judge. Could find him in Court house.

Mr. Jensen sold to Ted Weston and Sanford Weston to Helena. Dorsey Id. Ranchad range a year.

Faulkner Dykeman

San Jensen  
Dorsey Beat co  
San - 8

(Check water right of)  
Eley Barker  
John Sharp - 14 yrs ago

Under Wood Ranch original filing

LB

27496

$$\begin{array}{r} 9 \\ 15 \\ 15 \\ \hline 3139 \\ 12 \\ \hline 13 \end{array}$$

$$\begin{array}{r} 10 \\ 10 \\ 13 \\ \hline 33 \\ 11 \\ \hline 11 \end{array}$$

$$\begin{array}{r} 18 \\ 9 \\ 11 \\ \hline 38 \\ 126 \\ \hline 13 \end{array}$$

$$\begin{array}{r} 14 \\ 12 \\ 15 \\ 22 \\ \hline 594 \\ 1482 \\ \hline 15 \end{array}$$

$$\begin{array}{r} 14 \\ 17 \\ 20 \\ 29 \\ \hline 80 \\ 20 \end{array}$$

$$\begin{array}{r} 72.40 \\ 122.47 \\ 108.60 \\ 133.04 \\ 129.90 \\ \hline 566.41 \end{array}$$

3.62  
x 20

3.31  
x 37

3.62  
x 30

3.91  
x 34

4.33  
x 30

62.93 inches

72.40

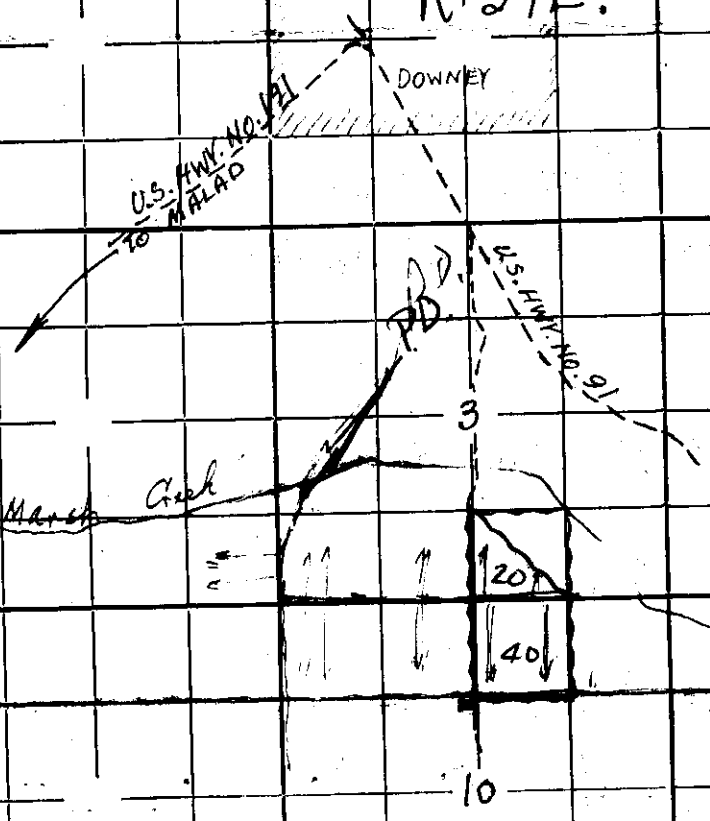
122.47

108.60

133.04

129.90

R-37E.



Subdivision ss

2

AREA

60

Q = 0

See License 5078 = Q = 30 cfs.  
for 1972-2000  
Pump now delivering 1.26 cfs

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 27496

REPORT ON PROOF OF Beneficial Use

Wilford H. Jensen, 208 N. Grantst., Pocatello, Idaho

I am not sure if this check  
is the right amount. There is  
40 acres in this project.  
If not please advise me.  
W. L. Jensen

27496

RECEIVED  
MAY 28 1958

Department of Recreation

X  
Pocatello, Ida  
May, 27 1958.

Mr. Mark Kulp  
State Engineer  
State House.  
Boise, Idaho

Dear Mark;

Will you please send me application to  
make a filing on water.

Very truly yours.

*W.H. Jensen*  
W.H. (Pete) Jensen.

Po Bx.470.



ROBERT E. SMYLLIE  
Governor

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
MARK R. KULP, STATE RECLAMATION ENGINEER  
BOISE

May 29, 1958

RECEIVED  
JUN 17 1958  
Department of Reclamation

Re: Application for Permit

Mr. W. H. Jensen  
P. O. Box 470  
Pocatello, Idaho

Dear Mr. Jensen:

We are in receipt of your letter of May 27, 1958, which states as follows - "Will you please send me application to make a filing on water".

We have three different forms for filing on a water right in this department, one for subterranean water and one for surface water and one for reservoir filing.

If you will let us know on what kind of water you are filing on, we will be glad to send you the application requested.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

RWT:lw

Dear Mr. Thompson;

Pocatello, Idaho  
June 16, 1958

Thank you for your answer. The application I need is a surface filing.

Very truly yours.

P.O. Bx. 470.

W. H. Jensen

27496

May 29, 1958

Re: Application for Permit

Mr. W. H. Jensen  
P. O. Box 470  
Pocatello, Idaho

Dear Mr. Jensen:

We are in receipt of your letter of May 27, 1958, which states as follows - "Will you please send me application to make a filing on water".

We have three different forms for filing on a water right in this department, one for subterranean water and one for surface water and one for reservoir filing.

If you will let us know on what kind of water you are filing on, we will be glad to send you the application requested.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

RWT:lw

June 17, 1958

Re: Application for Permit

Mr. W. H. Jensen  
P. O. Box 470  
Pocatello, Idaho

Dear Mr. Jensen:

In reply to your letter of June 16, 1958, we enclose Application for Permit to Appropriate the Public Waters of the State of Idaho, together with a pamphlet which gives regulations and instructions, also sketch maps in duplicate, which are required to accompany the application. The map is to be drawn by "cross-hatch" or color, showing the lands to be irrigated by 40 acre sub-division, section number, township and range and clearly show the point of diversion (the point where the water is taken from the - spring, stream, & etc).

After this application is approved and signed by the Governor and Secretary of State, it will be returned to you as a "Use Permit".

To complete the water right, two proofs are required - First - Proof of Completion of Works. The time necessary for making this proof is to be indicated under Question (12). The minimum time allowed is one year, the maximum time is five years. Second - Proof of Beneficial Use, which is the final proof, is made when the water has been applied to irrigation or to whatever purpose it is to be used. The time for making this proof should be indicated under Question (13). The maximum time is an additional six years from the time the Completion of Works Proof is made.

When returning the application to this office, be sure to include the sketch-maps in duplicate, and the filing fee, also make sure you have your complete address on the application.

Very truly yours,

E. W. HUMPHREY  
Deputy State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

RWT:lw  
Encls. - Application For Permit - Form 1

27496

GEO. N. CARTER  
~~XXXXXXXXXX~~

July 24, 1958

Re: Application for Permit

Mr. Wilford H. Jensen  
208 N. Grant  
Pocatello, Idaho

Dear Mr. Jensen:

We herewith return your Application for Permit to Appropriate the Public Waters of the State of Idaho for answers to questions 12, 13, 15 and 16, together with your check for \$7.50, remitted for the filing fee. The fee is based at the rate of five dollars for the first cubic foot and 25¢ for each additional foot or fraction thereof, of the water filed on. The fee would therefore be \$5.25.

Proof of Completion of Works: The time required for completion of works is to be indicated under question 12 of the application. This may be for a period of time from 1 year (minimum) to 5 years (maximum).

Proof of Beneficial Use - This is the final proof and is made when the water is applied to beneficial use. The time required for this should be indicated under question 13 of the application. This can be for a period of time from "no" to 6 additional years, from the time proof of completion of works is due.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Chief Clerk

EPR:nls Application for Permit  
Enc. Personal check - \$7.50 - Idaho Bank & Trust Co.

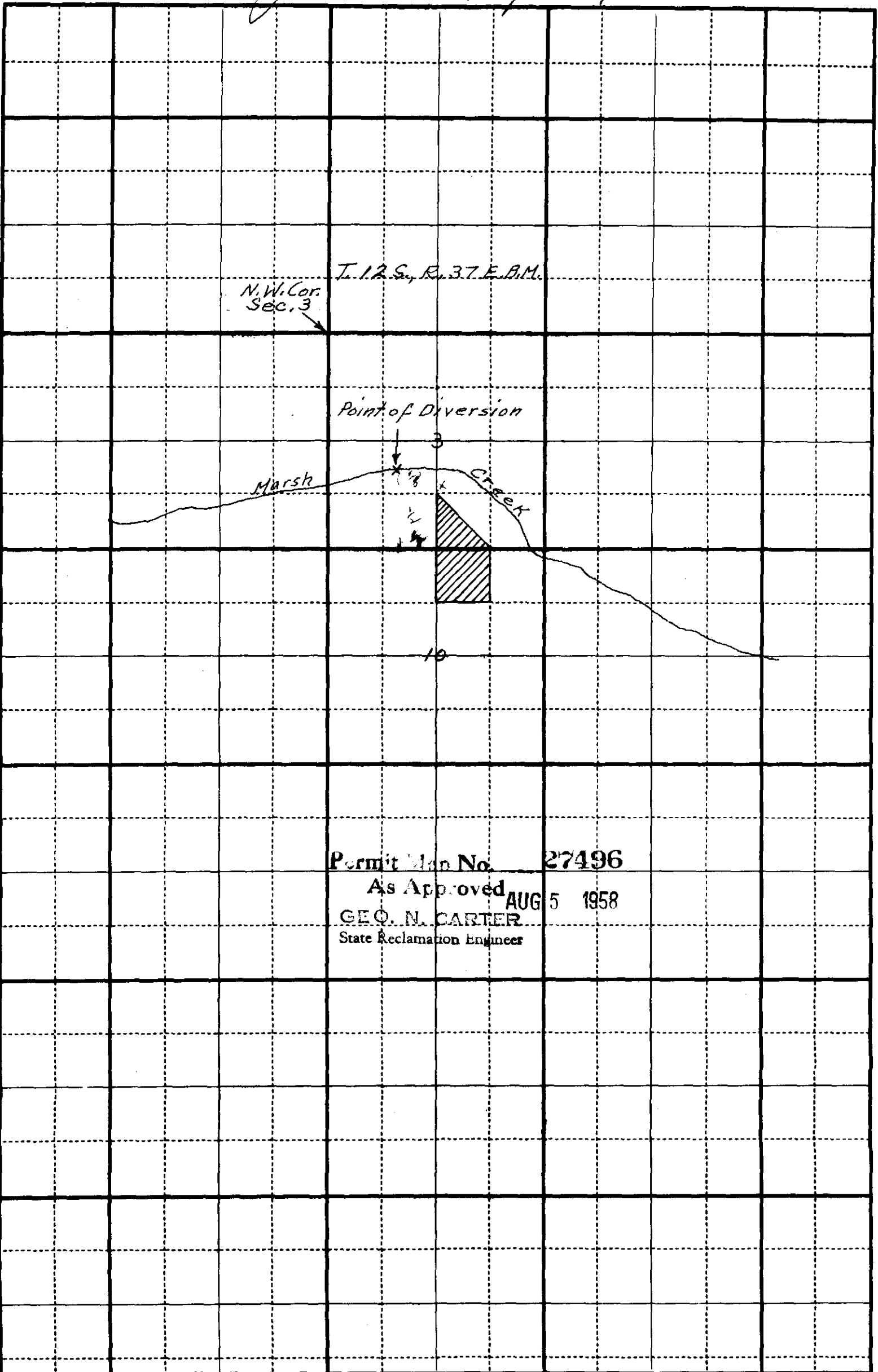
27496

It should be noted that in question # 12 my Son  
on the Ranch had extended a pipe line to the Sixty Acres  
application is made on, and begin to use~~ing~~ the water  
at that time. (May 1st. 1958. So the work was completed  
and water put to benefical use.

*W. H. Jensen*

**RECEIVED**  
JUL 30 1958

Department of Reclamation



XXXXXXXXXX

August 13, 1958

Re: Permit No. 27496

Mr. Wilford H. Jensen  
208 North Grant  
Pocatello, Idaho

Dear Mr. Jensen:

We enclose Permit No. 27496 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

You will note, under Question 12 that we have changed the required time to one year for the completion of works and application of water to Beneficial Use, however, you may make the required proofs at any time you are prepared to do so within that time.

We also enclose departmental receipt No. 29211, which was issued covering payment in the amount of \$5.25 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Mrs. Edna P. Rutledge  
Chief Clerk

EPR:lw  
Encls. (2)

27496

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

RE: Permit No. 27496

Date June 1, 1959

Wilford H. Jensen  
208 North Grant  
Pocatello, Idaho

Dear Sir:

Under the terms of your Permit No. 27496 you are required to make proofs of completion of works and application of water to beneficial use on or before August 5, 1959.

We enclose Form 6 to be filled in and sworn to by you before a Notary Public, and returned to this department on or before the above date, for making proof of completion under the permit. Upon receipt of this affidavit, provided same satisfactorily shows the completion of works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated—by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

Also enclosed is Form 11, which is the authorization for us to have the Notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper will will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

Enc. Form 6  
Form 10-2, Form 11-1  
Instructions

27496

**BISTLINE & BISTLINE**  
ATTORNEYS AND COUNSELLORS AT LAW  
POCATELLO, IDAHO  
July 23, 1959

FRANCIS M. BISTLINE  
R. DON BISTLINE  
BEVERLY B. BISTLINE

RECEIVED  
JUL 24 1959  
Department of Reclamation

State Reclamation Engineer  
Boise, Idaho

Dear Sir:

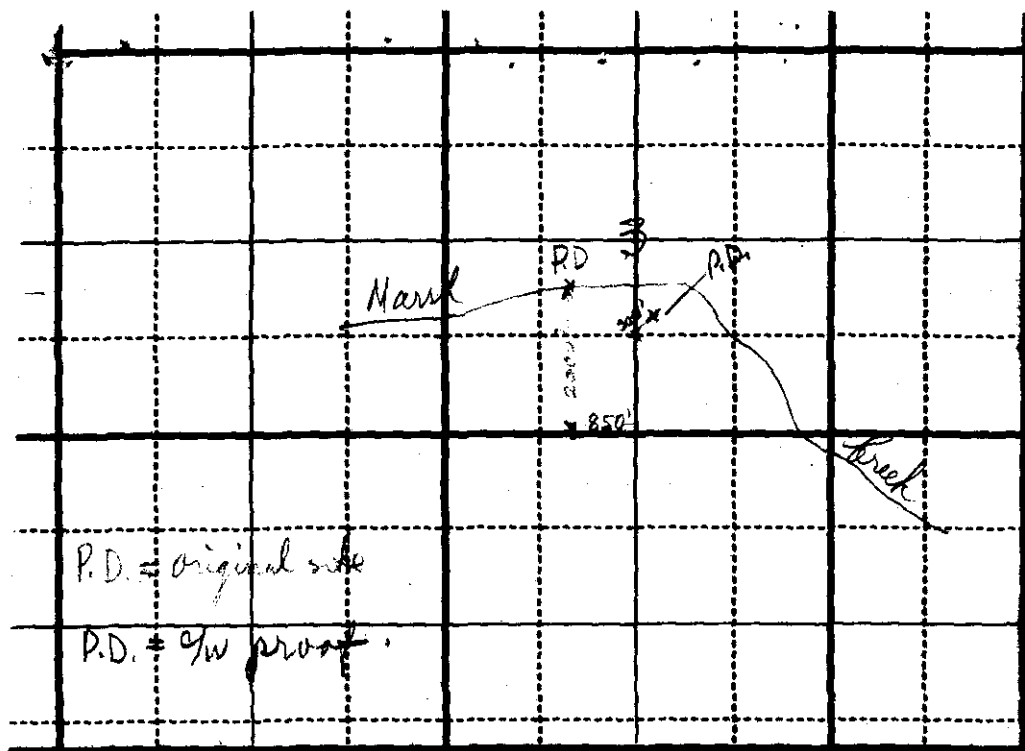
I'm enclosing herewith Proof of Completion  
of Works in connection with Permit No. 27496, Wilford H.  
Jensen.

Yours very truly,

  
F. M. Bistline

FMB:vc

27496



P.D. = original site

P.D. = 9w proof.

n in ink.

27496

Permit No. 27496

STATE OF IDAHO  
Department of Reclamation

no fee  
**RECEIVED**  
JUL 24 1959  
Department of Reclamation

# Proof of Completion of Works

## AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Bannock

ss.

Wilford H. Jensen

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

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No 27496, and that his postoffice address is 208 North Grant, Pocatello, State of IDAHO.

Second: That the name of the stream from which said water is to be diverted is

Marsh Creek

Third: That the point of diversion of said water is About One Hundred yards

Northeast of the Southwest corner of the Northwest Quarter of the Southeast quarter of Section 3, Township 12 South, Range 37 E. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 5, 1959.

Fifth: That the use for which said water is intended is Irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (~~or were not~~) fully completed and consisted of the following:

I. Kind of works: STEEL MAINLINE PIPE FOR SPRINKLER SYSTEM  
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam                      feet, length of dam at top                      feet, length of dam at bottom                      feet. Material used in construction                     

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir                      acre feet.

(c) Size of headgate: Width                      feet, height                      feet.

(d) Conduit 12 width at bottom                      feet, width at water line                       
(State whether ditch, flume or pipe)

feet, depth of water                      feet; diameter of pipe 12 inches, average grade per mile is                      feet. Length of conduit is                      miles.

Seventh: That said works are capable of conducting to the place of intended use 1.2 second feet of water.

Eighth: That water appropriated under said permit is available for Sixty acres of land described as follows: South (West) Half of the Southwest Quarter of the Southeast Quarter of Section 3, township 12, South, Range 37, E. B. M., and the Northwest Quarter of the Northeast Quarter of Section 10, Township 12 South, Range 37, E. B. M.

Ninth: Remarks: That Pumping plant is installed in Marsh Creek at Point of Diversion.

Wilford H. Jensen  
(Sign Here)

Subscribed and sworn to before me this 20th day of July, 19 59.

My commission expires August 1, 1959.

J. B. Rustine  
Notary Public.

2749685

July 27, 1959

Re: Permit No. 27496  
Wilford H. Jensen

Bistline & Bistline  
Attorneys at Law  
Pocatello, Idaho

Attn: F. M. Bistline

Dear Mr. Bistline:

Enclosed is Permit 27496 issued to Wilford H. Jensen, which should be in his file, also a form for amending the point of diversion.

Form 6, Proof of Completion of Works, submitted on the permit shows the point of diversion is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 3, Twp. 12 S., Rge. 37 E., whereas the application shows the diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 3. Provided the location shown on Form 6 is correct, it will be necessary that the point be amended by filling in the enclosed form.

The legal notice will be held until you notify us or submit the amendment form giving the correct point of diversion.

A prompt reply will be appreciated.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge

RT:EPR:ew  
Enc. Permit 27496  
amendment form

P. S. There is also a \$5.00 fee for completion of works that should be mailed into this office.

27496

**BISTLINE & BISTLINE**  
ATTORNEYS AND COUNSELLORS AT LAW  
POCATELLO, IDAHO

FRANCIS M. BISTLINE  
R. DON BISTLINE  
BEVERLY B. BISTLINE

**RECEIVED**  
AUG 12 1959  
Department of Reclamation

August 7th, 1959.

State Reclamation Engineer,  
Boise, Idaho.

Dear Sir:

Herewith is Application for Amendment to  
Permit to Appropriate the Public Waters of the State of Idaho, No. 27496,  
issued to Wilford H. Jensen.

Yours very truly,

  
F.M. BISTLINE

FMB. B

27496

APPLICATION FOR AMENDMENT  
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS  
OF THE STATE OF IDAHO, NO. 27496

Comes now Wilford H. Jensen and  
represents to the State Reclamation Engineer of the State of Idaho:

That he is (are) the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 27496.

That the point of diversion is described in said permit as being located:

850 Ft. W & 2000' N. of the S. 1/4 of Sec. 3 Twp. 12 Rge 37 EBM.

in the NE 1/4 of the SW 1/4 of Sec. 3, T 12 S., R 37 E. B. M.

That he now requests that the point of diversion be changed to a point

located 2170 ft. W. and 2000' North of the S 1/4 corner of Sec. 3, T. 12 R. 37 EBM  
IN THE NW-1/4 of the Sw-1/4 of S. 3. T 12 S., R 37 E. B. M.

That the reason for desiring to make such change is as follows:

That the original description of point of diversion is erroneous, mistake  
having been made in the original application.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at p Pocatello, Idaho, this 5th day of August, 1959.



Date of receipt at Department of Reclamation August 12, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 27496. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Recorded in Book 97 of  
Permits, at Page 27496  
August 18, 1959

  
State Reclamation Engineer

RECEIVED  
JUL 24 1959  
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 20, 1959.

(P. O.) Pocatello, Idaho.

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Downey Comet of Downey published in  
the county in which the works are situated.

*Barrett*

*W. T. Jensen*

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

27496

**RECEIVED**  
JUL 24 1959

Department of Reclamation

NOTICE FOR PUBLICATION  
NOTICE OF PROOF APPLICATION OF WATER  
TO BENEFICIAL USE

Notice is hereby given that at 11 A. M. on the 15th day of September, 1959,  
at Pocatello, County of Bannock, State of Idaho, before  
E. M. Bistline, Notary Public, proof will be submitted of the  
application to beneficial use of 1.2 cubic feet per second of the waters of Marsh Creek  
in accordance with the terms and conditions of Permit No. 27496  
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Name: Wilford  
H. Jensen, Postoffice Address: 208 North Grant Avenue, Pocatello, Idaho,

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 1.2 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)  
Southwest Half of the Southwest Quarter of the Southeast Quarter of Section 3,  
20 acres, and the Northwest Quarter of the Northeast Quarter of Section 10,  
all in Township 12 South, Range 37 East of the Boise Meridian, in Bannock County,  
Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

MAINLINE PIPE

The right to take water from such works is based upon Permit No. 27496.

The source of supply from which such water is diverted is Marsh Creek, in the NE 1/4 of  
Sec. 3, T.12 S. - R. 37 E.

The date of priority which said user is prepared to establish is July 25,  
May 25, 1958.

*Don H. Banta*

State Reclamation Engineer.

27496

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION  
Boise, Idaho

Date: August 12, 1959

Re: Permit No. 27496  
Wilford H. Jensen

Downey Comet,  
Downey, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to September 15, 1959 the date set for proof; the expense of the publication is to be paid by the applicant

Wilford H. Jensen of 208 North Grant Ave., Pocatello, Idaho  
to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.\*\*

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By *Edna P. Rutledge*  
Chief Clerk

\*\* If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

27496

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION  
Boise, Idaho

Date: August 12, 1959

Re: Permit No. 27496  
Wilford H. Jensen

Downey Comet,  
Downey, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **September 15, 1959** the date set for proof; the expense of the publication is to be paid by the applicant

**Wilford H. Jensen** of **208 North Grant Ave., Pocatello, Idaho**  
to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.\*\*

Very truly yours,

**GEO. N. CARTER**  
State Reclamation Engineer  
By

\*\* If the first copy is not received in this office for <sup>Chief Clerk</sup> checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

27496

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

August 12, 1959

Re: Permit No. 27496  
Wilford H. Jensen

Bistline & Bistline,  
Attorneys at Law,  
Pocatello, Idaho.

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 27496, in the name of Wilford H. Jensen. Final Proof is to be made before you, as Notary on the 15th day of September, 1959, at 11:00 o'clock A.M., at Pocatello, Idaho.

As of this date we have mailed the Notice to the Downey Comet with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge  
Chief Clerk

EPR:Pk  
cc: Applicant  
Encl.

27496

August 12, 1959

RE: Permit No. 27496  
Wilford H. Jensen

Bistline and Bistline  
Attorneys at Law  
Postello, Idaho

Attention: F.M. Bistline

Dear Mr. Bistline:

Amendment to the point of diversion, signed by Mr. Jensen, was received and the legal notice will be sent to the paper in regard to proof of beneficial use of the water.

We have not received the \$5.00 fee for the Certificate of Completion of Works, Kindly remit promptly to help keep our "pending" file clean.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rutledge  
Chief Clerk

CNC:EPR:mr

27496

THE  
**INTERMOUNTAIN**  
AND ALAMEDA ENTERPRISE  
BOX 86  
POCATELLO, IDAHO

RECEIVED  
AUG 18 1959  
U. S. DEPT. OF AGRICULTURE

Dear Mr. Carter

This is just to let you  
know that a proof of Publication  
is enroute to you. As to the  
Wilford H. Jensen in Downey  
Comet, Notice of Proof of Publi-  
cation of Works, and Appli-  
cation of Water to Beneficial  
Use, in the Intermountain.

The Intermountain

Editor

Secret

27496



ROBERT E. SMYLLIE  
Governor

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

GEO. N. CARTER, STATE RECLAMATION ENGINEER

BOISE

AUG 18 1959  
Department of Reclamation

August 12, 1959

RE: Permit No. 27496  
Wilford H. Jensen

Bistline and Bistline  
Attorneys at Law  
Postello, Idaho

Attention: F.M. Bistline

Dear Mr. Bistline:

Amendment to the point of diversion, signed by Mr. Jensen, was received and the legal notice will be sent to the paper in regard to proof of beneficial use of the water.

We have not received the \$5.00 fee for the Certificate of Completion of Works, Kindly remit promptly to help keep our "pending" file clean.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

*Edna P. Rutledge*  
(Mrs.) Edna P. Rutledge  
Chief Clerk

CNC:EPR:mr

*8/15/59 \$5.00 ok Herewith  
ZmB*

27496

August 19, 1959

Re: Permit No. 27496  
Wilford H. Jensen

Bistline & Bistline  
Attorneys at Law  
Pocatello, Idaho

Gentlemen:

We enclose Certificate of Completion of Works and Application for Amendment to the point of diversion issued on Permit No. 27496 in the name of Wilford H. Jensen.

We also enclose departmental receipt No. 29706 in the amount of \$5.00 covering fees.

Very truly yours,

ED. M. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge  
Chief Clerk

EPR:aw  
Enc. certificate  
amendment  
receipt  
cc: Wilford H. Jensen  
208 N. Grant  
Pocatello, Idaho

27496

**THE**  
**INTERMOUNTAIN**  
**AND ALAMEDA ENTERPRISE**  
BOX 86  
POCATELLO, IDAHO

**RECEIVED**  
AUG 24 1959

Department of Reclamation

August 22, 1959

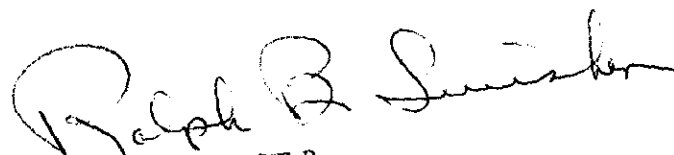
George N. Carter  
State Reclamation Engineer  
Boise, Idaho

Gentlemen:

This is to acknowledge receipt of Notice of Proof of Application of Water to Beneficial Use for Wilford H. Jensen, Permit No. 27496. Enclosed is a copy of the first issue of The Downey Comet in which the notice appeared.

Don't let the stationery confuse you. We are publishers of the Downey Comet and several other papers. Simply didn't have the correct stationery on hand.

Cordially,

  
RALPH B. SWISHER  
Business Manager

27496

**BISTLINE & BISTLINE**  
ATTORNEYS AND COUNSELLORS AT LAW  
POCATELLO, IDAHO  
September 18, 1959

FRANCIS M. BISTLINE  
R. DON BISTLINE  
BEVERLY B. BISTLINE

RECEIVED  
OCT 8 1959  
Department of Reclamation

Honorable George N. Carter,  
Department of Reclamation  
Boise, Idaho.

Dear Mr. Carter:

Enclosed herewith are the final proofs on the  
Jensen application for water right.

Yours very truly,

  
F. M. Bistline

FMB. vc

27496

October 9, 1959

Re: Permit No. 27496

W. H. Jensen  
208 North Grant  
Pocatello, Idaho

Dear Mr. Jensen:

Enclosed are the depositions of holder and two witnesses, affidavit of publication and your copy of amendment to the point of diversion.

The description of the land you are irrigating is incomplete under Question 6. You show 40 acres in Sec. 3 whereas the permit shows 40 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 10, T. 12 S., R. 37 E. Kindly show the complete description of the land being irrigated under Permit 27496.

Mr. Bistline neglected to sign your deposition. Kindly get his signature.

You retain the amendment to the point of diversion and return the three depositions and affidavit of publication to this office.

Very truly yours,

GEO. W. CARTER  
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge  
Chief Clerk

RT:  
EPK:ew  
Enc. depositions  
amendment

27496

**BISTLINE & BISTLINE**  
ATTORNEYS AND COUNSELLORS AT LAW  
POCATELLO, IDAHO

October 21, 1959

FRANCIS M. BISTLINE  
R. DON BISTLINE  
BEVERLY B. BISTLINE

RECEIVED  
OCT. 22 1959  
Department of Reclamation

Honorable George N. Carter

State Reclamation Engineer

Boise, Idaho

Re: Permit No. 27496

ATTENTION: Mrs. Edna P. Rutledge,  
Chief Clerk

We are returning herewith the Proof of  
Application of Water to Beneficial Use, same being  
the Deposition of Holder and deposition of each of two  
witnesses.

These have been duly sworn to before me  
as Notary Public and also attached to same is Proof of  
Publication.

The corrections as to the descriptions have  
been made.

Yours very truly, .



F. M. Bistline

FMB:vc

27496

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
OCT 8 1959  
Department of Reclamation

RECEIVED  
OCT 2 1959  
Department of Reclamation

Permit No. 27496

## Proof of Application of Water to Beneficial Use

### Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. W. H. Jensen,

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Not a corporation.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Number of permit: 27496. Date of permit: August 5, 1958. The property date I propose to establish under the permit it: June 1, 1958.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Marsh Creek, source of supply: Place of diversion in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 3, Township 12 south, Range 37 E.B.M., (Approx 2170 ft. W and 2000' N. of S1/4 corner said section 3.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Pump, operated by electric motor, with 12 inch main line, reduced to 8 inches. Four cubic feet per second. Depth of well- No well, out of Marsh creek. Discharge 4 cfs. Nozzles 11/64ths, 45 pounds pressure for end lateral. Other ground with prior existing water rights/are irrigated with this pump. This water right is 1.2 cfs.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used for Irrigation. Used on: 20 acres--S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 3, T. 12 S., R. 37 EEM, 40 acres--NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. D, T. 12 S., R. 37 E. B.M., which have been actually irrigated with said water. Aluminum water sprinkling system constitute the improvements on said land.

27496T

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. Not for other than irrigation purposes.

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 1.2 CuBic feet of Water per second.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Permit originally issued to me.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. 1.2 c.f.s. has been used on the above described land for the irrigation seasons of 1958, and 1959.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None.

(Sign)

*W. A. Jensen*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

~~Bannock~~ Pocatello

County of

~~Bannock~~

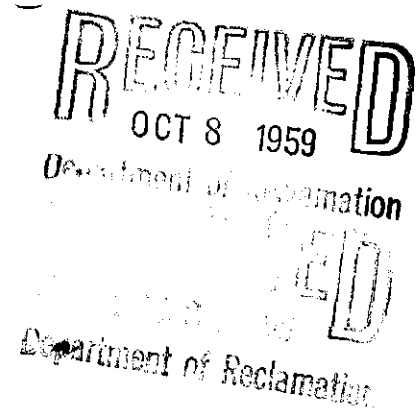
State of Idaho, on this 15th day of September, A. D. 1959.

*Em Butler*

Notary Public,  
Pocatello, Idaho.

My commission expires August 1, 1961.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO



PERMIT NO. 27496

## Proof of Application of Water to Beneficial Use

### Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Roy L. Carson, Age, 20 years, Residence, Pocatello, Idaho,  
Laborer, postoffice address, 325 South 5th Ave., Pocatello, Idaho.

Ques. 2. Are you acquainted with W. H. Jensen, the  
holder of Permit No. 27496? How long have you known him and where does  
he reside?

Ans. Yes.

Ques. 3. Have you read or heard read said Permit No. 27496, and are you  
familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for con-  
veying water from point of diversion to place of use.

Ans. Marsh Creek is source of supply; place of diversbn, in the NW 1/4 SW 1/4 of  
Section 3, Township 12 South, Range 37 E. B.M.

Ques. 5. How many second feet of water do you estimate said works will safely con-  
duct to place of use, and how much water have you seen being so conveyed?

Ans. 1.2 cubic feet per second.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give  
each subdivision in which water has been used and number of acres irrigated in each  
subdivision.) State whether cultivated or natural meadow land and the nature of all im-  
provements which have been made as a direct result of said use.

Ans. Purpose of water used is irrigation. The subdivisions in which water has been  
used and number of acres irrigated in each subdivision: 20 Acres, S 1/2 SW 1/4, Section 3,  
T. 12 S., Range 37 E. B.M.; 40 acres, NW 1/4 NE 1/4 Sec. 10, Township 12 South, Range 37 E. B.M.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not for power or other purposes than irrigation.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The character of the land is light and rocky, and requires four or five water applications by sprinkler system, --inch to the acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I Have worked on the ranch for four or five years, and am familiar with the use of the water on this particular ground, and on the entire ranch, having been on the ground and witnessed the use of the water thereon.

(Signed)

Ray L. Larson

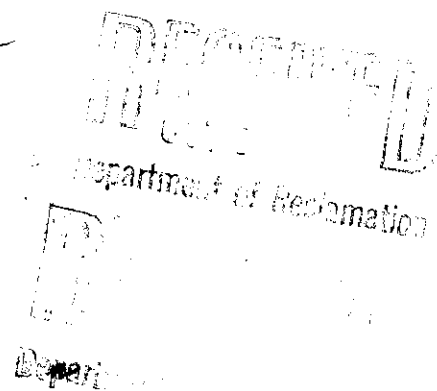
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Pocatello,  
County of Bannock, State of Idaho, on this 15th day of September,  
A. D. 1959.

[Signature]

Notary Public.

My commission expires August 1, 1961.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO



PERMIT NO. 27496

## Proof of Application of Water to Beneficial Use

### Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Melvin Wakley,

Ques. 2. Are you acquainted with W. H. Jensen, the holder of Permit No. 27496? How long have you known him and where does he reside?

Ans. Yes.

Ques. 3. Have you read or heard read said Permit No. 27496, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Marsh Creek is source of supply; place of diversion, in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3, Township 12 South, Range 37 E. B.M.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1.2 cubic feet per second.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Purpose of water used is irrigation. The subdivision in which water has been used and number of acres irrigated in each subdivision: 20 Acres, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 3, T.12 S., Range 37 E.B.M.; 40 acres, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 10, Township 12 South, Range 37 E.B.M.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Not for power or other purposes than irrigation.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The character of the land is light and rocky, and requires four or five water applications by sprinkler system, --inch to the acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I Have worked on the ranch for four or five years, and am familiar with the use of the water on this particular ground, and on the entire ranch, having been on the ground and witnessed the use of the water thereon.

(Signed) Melvin Wally

I hereby certify that the foregoing testimony was read to the above subscriber before its signing; that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Pocatello,  
County of Bannock, State of Idaho, on this 15th day of September,  
A. D. 1959.

J. M. Rustine

Notary Public.

My commission expires August 1, 1961.

RECEIVED  
OCT. 22 1959

Department of Reclamation

RECEIVED  
OCT 8 1959  
Department of Reclamation

PROOF OF PUBLICATION

STATE OF IDAHO, )

) ss.

County of Bannock )

Ralph B. Smith

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

That he is a citizen of the United States of America, over the age of 21 years; that he was at all times herein mentioned the principal Clerk of the Downey Comet

\_\_\_\_\_, a weekly newspaper published at Downey, County of Bannock, State of Idaho, and having a general circulation therein.

That said deponent, during all times mentioned in this affidavit, has had and still has charge of all the advertisements in said newspaper; that the Notice of Proof \_\_\_\_\_, of which the annexed is a true printed copy, was published in the said Downey Comet

\_\_\_\_\_ on the following dates, to wit:  
August 21, 28, September 4, 11, 1959

That said newspaper has been consecutively, continuously and uninterruptedly published in said county for a period of 78 weeks prior to publication of said notice, and is a "newspaper" within the meaning of the laws of Idaho.

Ralph B. Smith

SUBSCRIBED and sworn to before me this 30 day of October, 19 59

Imbrieth

Notary Public, Pocatello, Idaho

My commission expires: 8-1-61

**NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.**

Notice is hereby given that at 11 A. M. on the 15th day of September, 1959, at Pocatello, County of Bannock, State of Idaho, before F. M. Bistline, Notary Public, proof will be submitted of the application to beneficial use of 1.2 cubic feet per second of the waters of Marsh Creek in accordance with the terms and conditions of Permit No. 27496 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Wilford H. Jensen, Postoffice Address: 203 North Grant Avenue, Pocatello, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 1.2 cubic feet per second.

The place where said water is used is Southwest Half of the Southwest Quarter of the Southeast Quarter of Section 3, 20 acres, and the Northwest Quarter of the Northeast Quarter of Section 10, all in Township 12 South, Range 37 East of the Boise Meridian, in Bannock County, Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Mainline Pipe.

The right to take water from such works is based upon Permit No. 27496.

The source of supply from which such water is diverted is Marsh Creek, in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 3, T. 12 S. R. 37 E.

The date of priority which said user is prepared to establish is July 24, 1958.

GEO. N. CARTER, State Reclamation Engineer.

9-11-4D

Document of Reclamation

**PROOF OF PUBLICATION**

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

Ralph B. Smith

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

That he is a citizen of the United States of America, over the age of 21 years; that he was at all times herein mentioned the principal Clerk of the Idaho Statesman

\_\_\_\_\_ a weekly newspaper published at Downey, County of Bannock, State of Idaho, and having a general circulation therein.

That said deponent, during all times mentioned in this affidavit, has had and still has charge of all the advertisements in said newspaper; that the Idaho Statesman, of which the annexed is a true printed copy, was published in the said Idaho Statesman

\_\_\_\_\_ on the following dates, to wit:

That said newspaper has been consecutively, continuously and uninterruptedly published in said county for a period of 78 weeks prior to publication of said notice, and is a "newspaper" within the meaning of the laws of Idaho.

Ralph B. Smith

SUBSCRIBED and sworn to before me this 5th day of

October

19 59

F. M. Bistline

Notary Public, Pocatello, Idaho

My commission expires: 8-1-61

October 22, 1959

RE: Permit No. 27496

Mr. Wilford H. Jensen  
208 North Grant Street  
Pocatello, Idaho

Dear Mr. Jensen:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the Downey Comet, all submitted in proof of beneficial use on Permit No. 27496.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

Geo. N. Carter  
State Reclamation Engineer  
By

(Mrs.) Edna P. Rutledge  
Chief Clerk

EPR

July 25, 1961

Re: Permit No. 27496

Wilford H. Jensen  
208 N. Grant  
Pocatello, Idaho

Dear Mr. Jensen:

This is a follow up of the notice from the Department of Reclamation office that an inspection would be made on your water filing as soon as possible.

I will plan to inspect your permit on or about Friday,  
July 28, 1961.

Please arrange to be on the premises so that you can accompany me over the work.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

---

Loy N. Johnson  
Field Engineer

LNJ:mr

27496

August 8, 1961

Re: License No. 21774  
Permit No. 27496

Wilford H. Jensen  
208 N. Grant St.  
Pocatello, Idaho

Dear Mr. Jensen:

We have the report of the field engineer in regard to your permit No. 27496 to divert water from Marsh Creek.

The report shows you were actually diverting 63 miners inches of water through 151 sprinkler nozzles.

Water License No. 21774 shows a right to 150 miners inches of water from the same diversion point.

Your deposition of beneficial use of the water shows 11/64 inch nozzles with 45 pounds pressure at the end of the lateral. Computing average pressure of 50 pounds for five full 1/4 mile laterals, you claim considerable amount under 150 miners inches of water.

Permit No. 27496 cannot be licensed for additional water over your present water license.

The lands irrigated under Water License No. 21774 can be changed to include the SW 1/4 Sec. 3, and NW 1/4 Sec. 10, T. 12 S., R. 37 E., B. M. by changing the place of use. Application form for requesting the place of use can be obtained by request sent to this office.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy  
State Reclamation Engineer

RT:ew

Pocatello, Ida  
Aug. II 1961.

Re; License No. 21774  
Permit No. 27496

Mr. Geo. M. Carter  
State Reclamation Engineer  
Boise, Idaho



Department of Reclamation

Dear Mr. Carter:

Thank you for your letter dated Aug. 8 regarding permit No. 27496.

I will appreciate it very much if your Mr. Thomas could call on me the next time he is in this section, as some of the nozzles have been changed after we sold the property to Weston and Dunford, and no doubt we can settle this problem when Mr. Thomas knows all the details.

Very truly yours.

**NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.**

Notice is hereby given that at 11 A. M. on the 15th day of September, 1939, at Pocatello, County of Bannock, State of Idaho, before F. M. Bistline, Notary Public, proof will be submitted of the application to beneficial use of 1.2 cubic feet per second of the waters of Marsh Creek in accordance with the terms and conditions of Permit No. 27496 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Wilford H. Jensen, Postoffice Address: 208 North Grant Avenue, Pocatello, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 1.2 cubic feet per second.

The place where said water is used is Southwest Half of the Southwest Quarter of the Southeast Quarter of Section 3, 20 acres, and the Northwest Quarter of the Northeast Quarter of Section 10, all in Township 12 South, Range 37 East of the Boise Meridian, in Bannock County, Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Mainline Pipe.

The right to take water from such works is based upon Permit No. 27496.

The source of supply from which such water is diverted is Marsh Creek, in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 3, T. 12 S. R. 37 E.

The date of priority which said user is prepared to establish is July 24, 1938.

GEO. N. CARTER, State Reclamation Engineer.

9-11-4D

August 14, 1961

RE: Permit No. 27496

W. H. Jensen  
208 N. Grant Street  
Pocatello, Idaho

Dear Mr. Jensen:

Your letter of August 11 has been received in which you requested Mr. Thomas to visit you the next time he is in your area.

I do not travel as the office work is full time work. The amount of water allowable on any license depends upon the depositions of the holder of beneficial use of the water and the examination by the field engineer. There is no justification in either your deposition or the report of the engineer for allowance of over the amount shown in Water License No. 21774.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Ralph W. Thomas  
Deputy State Reclamation Engineer

RWT:mr

P. S. You may withdraw your proof of beneficial use of water and readvertise for later proof after the extra water is diverted.