

Claim No. 11-7517 old permit number
11-7519 new claim number

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 14 2003

CLAIM TO A WATER RIGHT

Department of Water Resources

Under the provisions of Section 42-243, Idaho Code, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. The filing of this claim does not confirm the water right claimed. Water rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, Idaho Code. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Marrinew & Eileen Jensen
(Name of Claimant)
8989 US Hwy 30, Montpelier, ID 83254 Telephone No: (208) 847-0263
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of surface or ground water. The extent and nature of said claim is as follows:

1. Date of Priority: (When the water was first applied to beneficial use) April 28, 1948
A claim is not acceptable for the use of surface water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, Idaho Code.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spring tributary to Bear River

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs or af)	Use	(Irrigation, Domestic, Stock, Etc.)	Period of Use From	(Both dates inclusive) (MM/DD)	(MM/DD)
Quantity <u>0.02 cfs</u>		Use <u>for domestic use</u>		Period of Use From <u>1/1</u>	to <u>12/31</u>	
Quantity <u>0.02 cfs</u>		Use <u>Stock</u>		Period of Use From <u>1/1</u>	to <u>12/31</u>	
Quantity <u>18 cfs</u>		Use <u>irrigation use</u>		Period of Use From <u>4/15</u>	to <u>10/31</u>	
Quantity _____		Use _____		Period of Use From _____	to _____	

4. 20 cfs TOTAL QUANTITY USED.
(cfs or af)

5. A) Location of point of diversion is _____ % of SW % of NE % Govt. Lot _____
Sec. 15 Township 14S Range 45E B.M., Bear Lake County: additional
points of diversion, if any: _____

- B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch, etc.)
Give sizes and capacities. Be specific. Describe any changes in the system and give the date of the change.

in stream for stock water between spring and Hwy 30
gravity flow pipeline for irrigation

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of irrigated acres within each 40-acre tract.
D - domestic, S - stockwater, M - municipal, C - Commercial, I - Industrial, X - other

Twp	Rge	Sec	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SE	SW	
145	45E	15															5.5	3.5	9
		15			S											S	5.0	5	

TOTAL ACRES 9

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. Stockwater
for 75 range cows
Domestic for 1 home

NOTE: Include here the type and number of stock watered: for 75 range cows

7. Remarks: The use of spring prior to 1948 was to divert it
into Bear River.

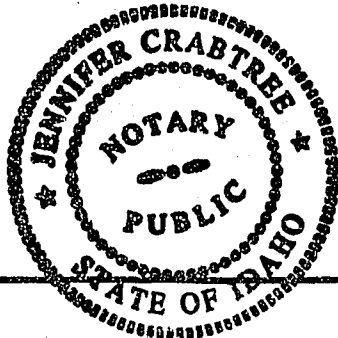
8. Map -- Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Idaho)
County of Bonneville) ss.

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

Eileen Jensen
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 26 day of June, 2003.



Jennifer Crabtree
Notary Public

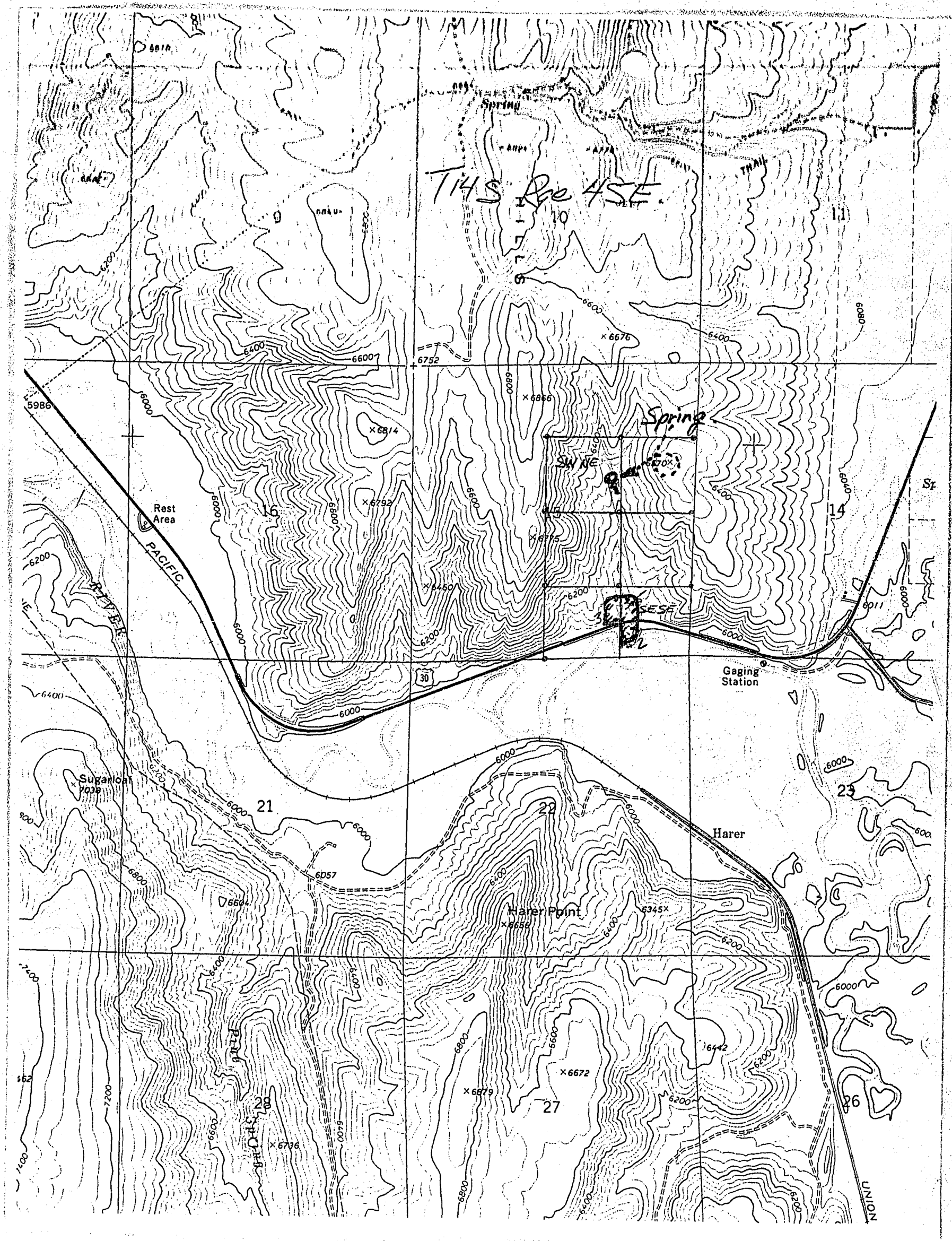
Residing at: Idaho Falls Id

My commission expires: 9/23/09

FOR DEPARTMENT USE ONLY

Received by JG Date 6/26/03
Prelim. check by Davis Dunn Date July 1 2003
Fee 250 Receipt # E 028 933
Receipt prepared by SC Date 7/10/03

Published in News Examiner
Publication dates 7/3 & 9/10/03
Publication checked by SC Date 9/29/03
Exceptions filed by _____



The following application(s) have been filed to appropriate the public waters of the State of Idaho:

11-7517

MARRINER JENSEN
EILEEN JENSEN
8989 US HWY 30
MONTPELIER ID 83254

Point(s) of Diversion: SESWNE S15 T14S R45E, BEAR LAKE County
Source SPRING, Tributary To BEAR RIVER

Use: IRRIGATION 04/15 To 10/31 0.18 CFS

Use: STOCKWATER 01/01 To 12/31 0.02 CFS

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Date Filed: 07/29/2003

Place Of Use: DOMESTIC

T14S R45E S15 SESE

Place Of Use: IRRIGATION and STOCKWATER

T14S R45E S15 SWSE SESE

Number of Acres 9

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before September 22, 2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on September 3 and 10, 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2003

Legal Notice Department
NEWS-EXAMINER
PO BOX 278
MONTPELIER ID 83254

RE: Application for Permit No. 11-7517

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before September 22, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*mailed
8/27/03
sc*



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 27, 2003

MARRINER JENSEN
8989 US HWY 30
MONTPELIER ID 83254

RE: Application for Permit No 11-7517

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence regarding this application.

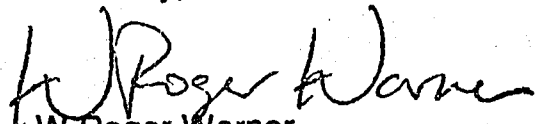
A legal notice of the application has been prepared and is scheduled for publication in the News Examiner on September 3 and 10, 2003. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved.

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

Sincerely,


W Roger Warner
Water Right Supervisor

No 6797

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Bear Lake

Rosa S. Moosman

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

September 3, 2003, 19....., and ending

with the issue of September 3, 2003, 19.....

Rosa S. Moosman

Fees 45.32

Subscribed and sworn to before me this 4th day

of September, 19.....

Sherry Wells Brown

Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2009

NOTICE TO WATER USERS

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

11-7517

MARINER JENSEN

EILEEN JENSEN

8989 US HWY 30

MONTPELIER ID 83254

Point(s) of Diversion:

SESWNE S15 T14S R45E, BEAR

LAKE County

Source SPRING, Tributary to

BEAR RIVER

Use: IRRIGATION

04/15 To 10/31 0.18 CFS

Use: STOCKWATER

01/01 To 12/31 0.02 CFS

Use: DOMESTIC

01/01 To 12/31 0.02 CFS

Total Diversion 0.2 CFS

Date Filed: 07/29/2003

Place Of Use: DOMESTIC

T14S R45E S15 SESE

Place Of Use: IRRIGATION and

STOCKWATER

T14S R45E S15

SWSE SESE

Number of Acres 9

Permits will be subject to all

prior water rights. Protests may

be submitted based on the criteria

of Sec 42-203A, Idaho Code.

Any protest against the

approval of this application

must be filed with the Director,

Dept. of Water Resource, Eastern

Region, 900 N Skyline Dr. Ste A,

Idaho Falls ID 83402 together

with a protest fee of \$25.00 for

each application on or before

September 22, 2003. The protes-

tant must also send a copy of the

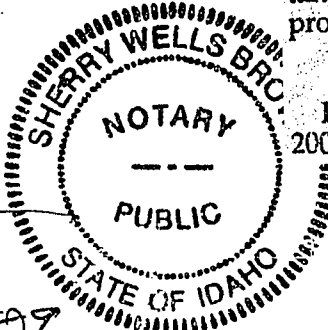
protest to the applicant.

KARL J DREHER,

Director

Publish September 3 and 10,

2003 — Legal No. 6797.



Received
9/8/03

The following claim(s) have been filed based on diversion and beneficial use of water:

11-7519

MARRINER JENSEN
EILEEN JENSEN
8989 US HWY 30
MONTPELIER ID 83254

Point(s) of Diversion: SESWNE S15 T14S R45E, BEAR LAKE County

Source SPRING, Tributary To BEAR RIVER

Use: IRRIGATION 04/15 To 10/31 0.18 CFS

Use: DOMESTIC 01/01 To 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Priority Date: 4/28/1948

Place Of Use: DOMESTIC

T14S R45E S15 SWSE

Place Of Use: IRRIGATION

T14S R45E S15 SWSE SESE

Number of Acres 9

Exceptions to a claim may be filed with the Department of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with an exception fee of \$25.00.

KARL J DREHER, Director

Published on September 17 and 24, 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 09, 2003

Legal Notice Department
NEWS-EXAMINER
PO BOX 278
MONTPELIER ID 83254

RE: Statutory Claim No. 11-7519

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before October 6, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

Mailed
9/10/03
se



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
September 09, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MARRINER JENSEN
8989 US HWY 30
MONTPELIER ID 83254

RE: Water Right Claim No 11-7519

Dear Claimant(s):

The Department of Water Resources acknowledges receipt of your water right claim. Please refer to the above referenced number in all future correspondence regarding this application.

A legal notice of the claim has been prepared and is scheduled for publication in the News Examiner on September 17 and 24, 2003. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

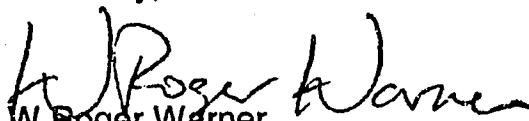
The filing and advertising of the claim does not confirm the water right claimed. It will serve to record and preserve the information and the evidence, including any exceptions, regarding the claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have the information or evidence added at any time. Corrections to the claim may be made by filing an amended claim; no additional filing fees are required to amend a claim.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

We are enclosing a copy of the claim for your records. Please feel free to contact this office if you have any questions.

Sincerely,


W. Roger Warner
Water Right Supervisor

WRW:sc

No 6808

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Bear Lake

ss.

Rosa S. Moosman

being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

September 17, 2003, 192003, and ending

with the issue of September 24, 2003, 192003

Fees, \$59.60

Subscribed and sworn to before me this 24th day

of September, 192003

Sherry Wells Brown
Notary Public, Residing at Montpelier, Idaho

My Commission Expires August 28, 2009

NOTICE TO WATER USERS

The following claim(s) have been filed based on diversion and beneficial use of water:

11-7519

MARRINER JENSEN

EILEEN JENSEN

8989 US HWY 30

MONTPELIER ID 83254

Point(s) of Diversion:

SESWNE S15 T14S R45E, BEAR

LAKE County

Source SPRING, Tributary To

BEAR RIVER

Use: IRRIGATION

Use: DOMESTIC

04/15 To 10/31 0.18 CFS

01/01 To 12/31 0.02 CFS

Total Diversion: 0.2 CFS

Priority Date: 2/28/1948

Place Of Use: DOMESTIC

T14S R45E S15 SWSE

Place Of Use: IRRIGATION

T14S R45E S15 SWSE SESE

Number of Acres: 9

Exceptions to a claim may be

filed with the Department of

Water Resource, Eastern Region,

900 N Skyline Dr. Ste A, Idaho

Falls ID 83402 together with an

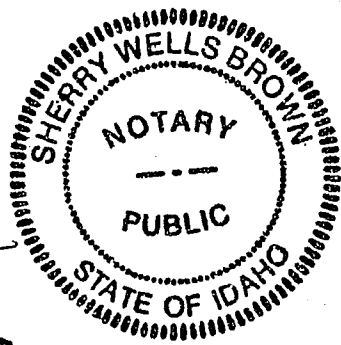
exception fee of \$25.00.

KARL J DREHER,

Director

Publish September 17 and 24,

2003 — Legal No. 6808.



Received
9/29/03
SC

E029417

2. Protestant owns water rights in the Bear River and Bear Lake decreed in the matter of *Utah Power & Light Company v. The Last Chance Canal Company, Limited, et al*, in Equity No. 203, July 14, 1920, and *Utah Power & Light Company v. Richmond Irrigation Company, et al*, February 21, 1922, as well as other rights in the Bear River below Claimant's proposed point of diversion.

3. Claimant has filed a Claim to a Water Right for 0.20 cfs to be used for domestic use, stock watering and irrigation.

4. The source for the Claim is a spring which is tributary to Bear River and has previously been diverted directly into Bear River. Bear River and its tributaries are fully appropriated and decreed, and use of this source would interfere with the senior surface water rights of Protestant and others.

5. Protestant has entered into many contracts with irrigators in Idaho and Utah along the Bear River, some of whom may be Protestants in this matter, for supply of supplemental storage water from Bear Lake when the natural flow of the Bear River is insufficient to satisfy existing water rights. However, during drought periods, high irrigation demands cause the level of Bear Lake to drop significantly, endangering Protestant's ability to continue to deliver supplemental irrigation water pursuant to its contracts. In addition, new consumptive use of surface water would interfere with Protestant's water rights for hydro power generation.

6. Approving the Claim would adversely affect Protestant's water rights by decreasing the amount of Bear River natural flows used by PacifiCorp and its contract holders. When less water is available in Bear River, the contract holders must use more Bear Lake storage water.

7. In addition to diminishing the quantity of Bear River water available to satisfy prior existing water rights, Protestant believes that granting the above-referenced claim could conflict with the local public interest in the three following areas by reducing groundwater inflow into the Bear River: First, increased reliance by existing users on supplemental irrigation water delivered from Bear Lake to make up the depletion from Bear River natural flow will stress Protestant's ability to supply the full amount of Bear Lake water already allocated to existing water users. Second, when the level of Bear Lake drops, recreation and other non-consumptive uses at the lake are adversely affected. The Idaho State Parks & Recreation boat launch becomes

unusable; the State park receives little use due to its distance from the water; facilities built with State funds are unusable, and visitor days and the attendant revenue they produce for the State plummet. The local economy at the lake suffers. Third, traditional habitat for indigenous fish in Bear Lake may be decreased. Other wildlife species which depend on the lake may have similar problems due to habitat loss. The spread of noxious weeds and tamarisk is accelerated along the lake shore.

WHEREFORE, Protestant respectfully protests the above-referenced Claim to a Water Right and requests that it be denied.

DATED this 4th day of Dec, 2003.

PACIFICORP, dba UTAH POWER

By

Roger Rigby
Roger Rigby
PacifiCorp
1407 West North Temple, Suite 320
Salt Lake City UT 84116

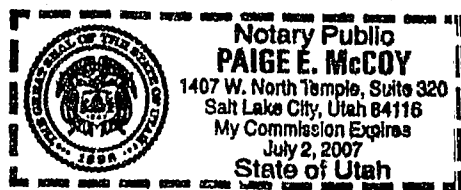
STATE OF UTAH)

:SS

COUNTY OF SALT LAKE)

On this 4th day of December 2003, before me, the undersigned, a notary public in and for said state, personally appeared Roger Rigby, known to me to be the person whose name is subscribed to the within instrument, who duly acknowledged to me that she executed the same.

WITNESS my hand and official seal.



Paige E. McCoy
Notary Public

MAILING CERTIFICATE

On this 8th day of Dec, 2003, I mailed a true and correct copy of the foregoing Protest, postage prepaid, to:

Idaho Department of Water Resources
Eastern Division
900 North Skyline Drive
Idaho Falls, Idaho 83402

David Cottle
3539 Brighton Point Drive
Salt Lake City UT 84121

Brent Rose, Esq.
Clyde, Snow, Sessions & Swenson
201 South Main Suite 1300
Salt Lake City, Utah 84111

Marrinen and Eileen Jensen
8989 US Hwy 30
Montpelier ID 83254

Randall C. Budge, Esq.
Racine, Olson, Nye, Cooper & Budge
P O Box 1391
Pocatello, ID 83204-1391

Cheryl C. Williss, Chief
Division of Water Resources
P.O. Box 25486
Denver Federal Building Mail Stop 60189
Denver, Colorado 80225

Loan B. Higley



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

December 12, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

HOLME ROBERTS & OWEN LLP
C/O JODY L WILLIAMS ESQ
299 S MAIN ST STE 1800
SALT LAKE CITY, UT 84111-2263

RE: Claim No. 11-007519 MARRINER JENSEN -

Dear Jody:

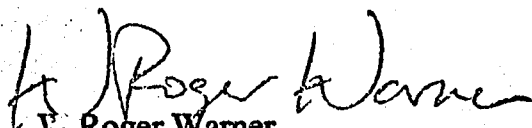
We have received the exception dated December 11, 2003, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed.

42-244. Recording of claims by Department -Corrections. - At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation of final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,


V. Roger Warner
Water Rights Supervisor

Enclosure(s)

WRW:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

RECEIVED

DEC 22 2003

Department of Water Resources

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 11, 2003

MARRINER JENSEN
8989 US HWY 30
MONTPELIER, ID 83254

RE: Claim No. 11-007519

Dear MARRINER JENSEN:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed.

42-244. Recording of claims by Department -Corrections. - At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the department of water resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the department of water resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original, which shall be recorded and numbered by the department the same as the original, and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation of final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,

W Roger Warner
Water Rights Supervisor

Enclosure(s)

WRW:sc