

Claim No. 13-7608  
RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

MAR 22 2002

Department of Water Resources  
Eastern Region

CLAIM TO A WATER RIGHT

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 TOD E. JENSEN  
03. EAST TROUT CRK. RD. THATCHER, ID. (Name of Claimant) Telephone No: 208-427-6614  
(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) 5-1-1871  
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 Sinks

3. Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:  
(cfs or af) (Irrigation, Domestic, Stock, Etc.) (Both dates inclusive)  
(MM/DD) (MM/DD)

|                      |                        |                                               |
|----------------------|------------------------|-----------------------------------------------|
| Quantity <u>0.09</u> | Use <u>Stock water</u> | Period of Use From <u>1/1</u> to <u>12/31</u> |
| Quantity _____       | Use _____              | Period of Use From _____ to _____             |
| Quantity _____       | Use _____              | Period of Use From _____ to _____             |
| Quantity _____       | Use _____              | Period of Use From _____ to _____             |

4. 0.09 TOTAL QUANTITY USED.  
(cfs or af)

5. A) Location of point of diversion is NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  Govt. Lot \_\_\_\_\_  
Sec. 9 Township 12 S Range 41 E B.M., Franklin 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.

Spring comes into Box from Box there is a pipe that runs about 15' into a trough. Also once the water rises to a certain level in Box it goes out of an overflow into a pond.

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 | NE 1/4 |     |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | TOTAL<br>ACRES |
|-----|-----|-----|--------|-----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|----------------|
|     |     |     | NE     | NW  | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SE | SW |                |
| 12S | 41E | 4   | L-1    | L-2 | S  | S  | L-3    |    | S  | S  | S      |    |    | S  | S      | S  | S  | S  |                |
|     |     | 9   | 9      | S   |    |    | S      |    |    |    |        |    |    |    |        |    |    |    |                |
|     |     |     |        |     |    |    |        |    |    |    |        |    |    |    |        |    |    |    |                |

TOTAL ACRES \_\_\_\_\_

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. 400 head of range  
cows, + 6 horses.

NOTE: Include here the type and number of stock watered: \_\_\_\_\_

7. Remarks: \_\_\_\_\_

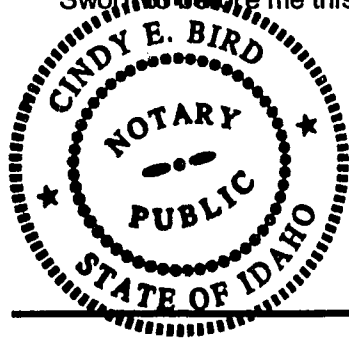
8. Map -- Attach an 8 1/2"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7 1/2 minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of use if available.

State of Idaho )  
County of Bannock ) 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.

[Signature]  
Claimant's Signature (and title if claim is for an organization)

Sworn to before me this 21 day of March 2002.



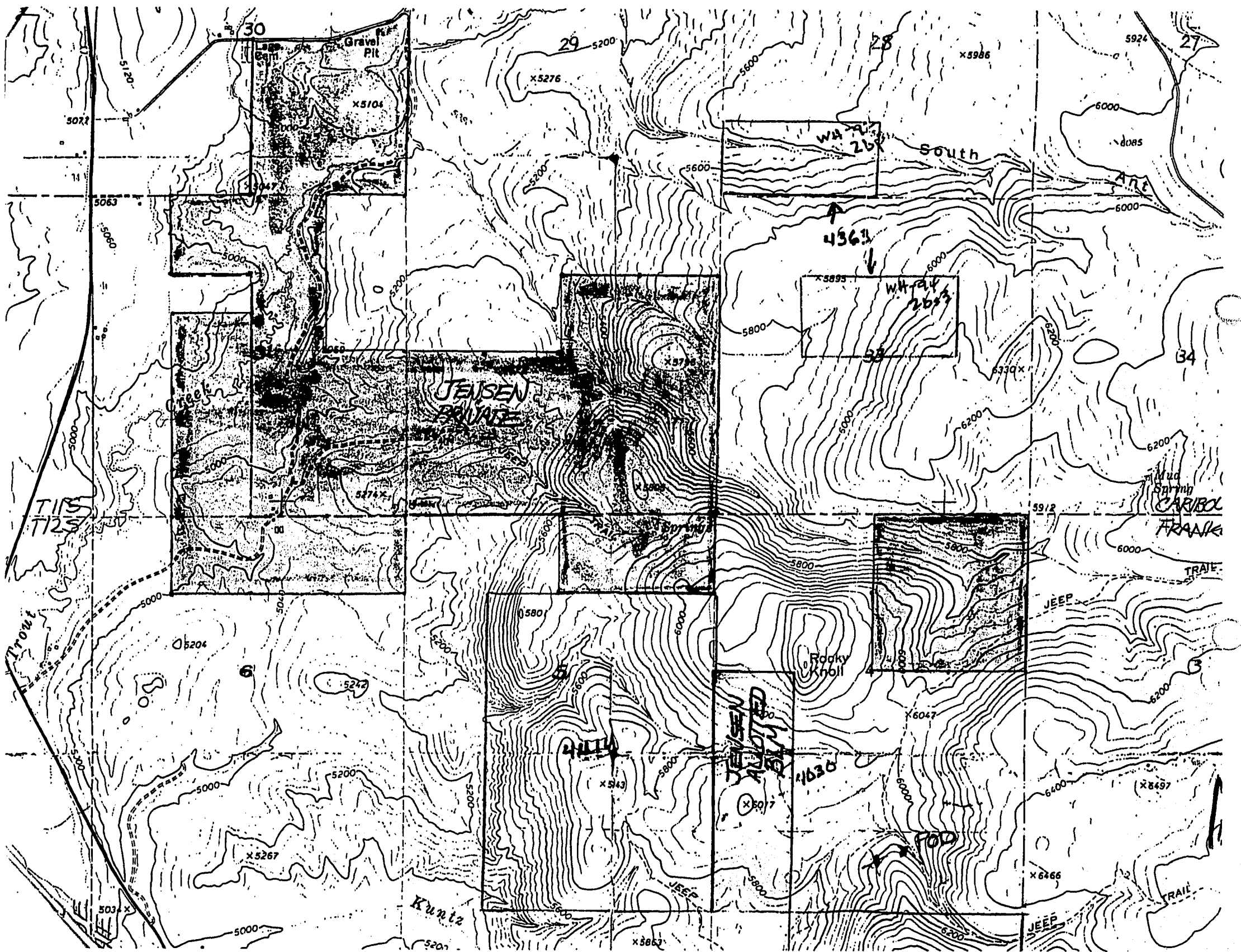
Cindy E Bird  
Notary Public

Residing at: Lava Hot Springs

My commission expires: May 1, 2007

FOR DEPARTMENT USE ONLY

Received by HWT Date 3-22-02 Published Preston Citizen in \_\_\_\_\_  
Prelim. check by \_\_\_\_\_ Date \_\_\_\_\_ Publication dates April 3, 4, 10, 2002  
Fee 250.00 Receipt # E027562 Publication checked by \_\_\_\_\_ Date \_\_\_\_\_  
Receipt prepared by HWT Date 3-22-02 Exceptions filed by \_\_\_\_\_



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

13-7608

TOD JENSEN  
3 E TROUT CREEK RD  
THATCHER ID 83283

Point(s) of Diversion: NWNWNE S9 T12S R41E, FRANKLIN County  
Source SPRING, Tributary To SINKS

Use: STOCKWATER 01/01 To 12/31 0.09 CFS

Total Diversion: 0.09 CFS

Date Filed: 03/22/2002

Place Of Use: STOCKWATER

T12S R41E S4 NENE NWNE SWNE SENE NENW SWNW SENW NESW SESW NESE NWSE SWSE  
SESE

T12S R41E S9 NENE NWNE NENW

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 April 3 and 10, 2002



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  
March 25, 2002

DIRK KEMPTHORNE  
Governor  
KARL J. DREHER  
Director

Legal Notice Department  
PRESTON CITIZEN  
PO BOX 472  
PRESTON ID 83263

RE: Statutory Claim No. 13-7608

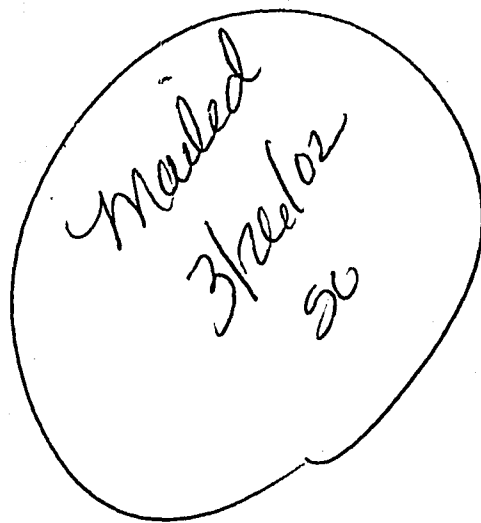
Dear LEGAL NOTICE DEPARTMENT:

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 April 22, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox  
Administrative Assistant





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  
March 25, 2002

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Tod Jensen  
3 E Trout Creek Rd  
Thatcher ID 83283

RE: Water Right Claim No 13-7608

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 Preston Citizen on April 3 and 10, 2002. 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,

*Harold W. Jones*  
Harold W Jones  
Water Right Supervisor

HWJ: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

March 25, 2002

Jody L Williams  
Kruse Landa & Maycock  
50 W Broadway 8<sup>th</sup> Floor  
Salt Lake City UT 84101

**RE: Application for Permit #13-07607, Claim to a Water Right #11-07486 and 13-07608**

**Dear Sir:**

We are enclosing a copy of the application (s) that may be of interest to your department. Please review the application (s) and submit any comments you may have to our Department as soon as possible. The last date of protest is April 22, 2002, and we are required to take final action shortly thereafter.

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

Respectfully submitted,

*Harold W. Jones*  
Harold W. Jones  
Water Right Supervisor

HWJ: sc

Enc.

FAX

April 1, 2002

To: Sharla Cox - IDWR - Eastern Regional Office  
Fax # (208) 525-7177

From: Lin Buck - BLM - Idaho State Office  
Fax # (208) 373-3805

Re: Statutory Claim No. 13-07608, Tod Jensen

Hi Sharla:

Our office reviewed the above water right application from the IDWR New Water Rights filing report dated March 25, 2002 (copy attached).

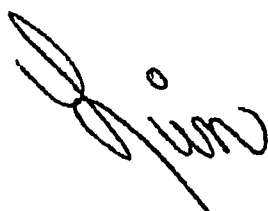
Our MTP (copy attached) shows:

POUs: T12S R41E S04 NENE, NWNE, NENW may be missing a lot #s.

BLM does not have a problem with this claim, we are just providing this for your information.

Thank you.

Have a nice day!!



cc: Deena Teel - BLM - Idaho Falls FO  
Fax # (208) 524-7505

Pages 4 (includes cover sheet)

No 5326  
**AFFIDAVIT OF PUBLICATION**

STATE OF IDAHO, }  
County of Franklin } ss.

RECEIVED  
MAY 01 2002  
Department of Water Resources  
Eastern Region

Rodney Boam

being duly sworn,

deposes and says:

That he is the Editor of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; 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 of 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

April 3, 2002, and ending

with the issue of April 10, 2002

Fee \$ 70.52

Subscribed and sworn to before me this 15<sup>th</sup> day

of April, 2002

Notary Public, Residing at Preston, Idaho

My Commission Expires 10/26



**NOTICE OF CLAIMS  
TO WATER RIGHT**

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

13-7608

TOD JENSEN  
3 E TROUT CREEK RD  
THATCHER ID 83283

Point(s) of Diversion:  
NWNWNE S9 T12S R41E,  
FRANKLIN County  
Source SPRING,  
Tributary To SINKS

Use: STOCKWATER  
01/01 To 12/31 0.09 CFS  
Total Diversion: 0.09 CFS

Date Filed: 03/22/2002  
Place Of Use: STOCKWATER  
T12S R41E S4 NENE  
NWNE SWNE SENE NENW  
SWNW SENW NESW SESW  
NESE NWSE SWSE SESE  
T12S R41E S9 NENE  
NWNE NENW

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

Legal No. 5326 - Publish  
April 3 and 10, 2002.

## NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

## INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. 13-7668 in the name of TOD JENSEN" or "Application for Transfer No. \_\_\_\_\_ in the name of \_\_\_\_\_."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

## FOR DEPARTMENT USE ONLY

Received by HWT Date 4-29-02 Time \_\_\_\_\_  
\$25.00 fee Received by HWT # E27688 Date 4-29-02

November 26, 1998

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 14 2002

NOTICE OF PROTEST (EXCEPTION)  
Department of Water Resources

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested NOTICE OF CLAIMS TO WATER RIGHTS #13-7608
2. Name of protestant LAMAR PANTER
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 14876 N Highway 34 Thatcher ID 83283
5. Service telephone no. 208-427-6367
6. Basis of protest (including statement of facts and law upon which the protest is based)

See ATTACHMENT

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? See ATTACHMENT

I hereby acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 25 day of April, 2002

Protestant

Protestant's Representative

RECEIVED

APR 26 2002

Department of Water Resources  
Eastern Region

Attachment

Item #6

- 1- Claimant's date of priority can not be verified.
- 2- Amount of diversion exceeds the amount for claimed for beneficial use.
- 3- Claimants use is for continuous flow, but cattle range is from 5-15 through 9-30.
- 4- Amount of claimant's diversion would exceed the animal units for grazing by 20 times range capacity.
- 5- Protestant has had and prior land owners have had a continuous access to this water prior to June 1912 when the spring was filed upon, Water Claim Right # 13-4014 through the present time.
- 6- Prior landowner developed the spring and piped the water to the homestead for stock water, culinary use at the old home site and for the irrigation of 20 acres of land.
- 7- Landlord of the property in the late 1960's and early 1970's replaced the old rotted pipe with new 1 1/4 inch PVC pipe to watering troughs on the property and to a summer cabin. Cabin is now being used for summer & winter recreation.
- 8- Water is being used for filling farm sprayer tanks and for gardening use.
- 9- Water sites and collection ponds are also fed from this spring for wildlife use.
- 10- Claim to water right filed in June 1912, claim (# 13-4014) was issued with no prior claim rights nor were any protest filed against said claim as to the location of claim, amount of diversion, access to spring and to the later development and replacing of the pipe
- 11- This claim #13-7608 should be denied based upon date of present landowner date of claim and to the beneficial use of present landowner.

Item # 7

1. Claimant has applied for beneficial use of water and conservative use but the water is being run out of an open hose or pipe into a large watering trough overflowing onto ground year around with only some limited use for cattle watering from mid may through late Sept. each year.
2. Conservative use of water should require at least to have a flow adjustment for cattle to have water but you could install a float shut off to control level of water in trough and still have water for cattle and not waste water that I believe belongs to me.
3. Collection barrel has the 2 outlets installed with the outlet going to my pipe approximately 1/8 " lower in the collection barrel so the water to claim # 13-4014 was always available before water to outlet # 2 that fills the watering trough for claimants claim.
4. Spring has been piped into a collection barrel with 2 outlets from the collection barrel, 1 outlet was installed to my 1 1/4 pipe line and 1 to claimants stock water trough but if water is allowed to flow unrestricted to claimants water trough, I get zero water.
5. Collection barrel for the spring is located on claimants property and the 2 outlets from the barrel we always find 1 outlet plugged with a bottle or can, that outlet is the one that supplies my 1 1/4 inch pipe.



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

May 2, 2002

Tod E Jensen  
03 East Trout Creek Rd  
Thatcher ID 83283

RE: Claim No. #13-07608

Dear Applicant:

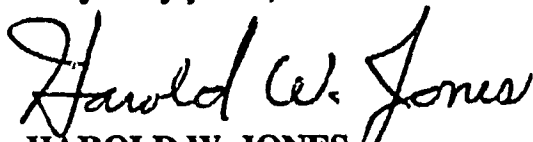
We have received an exception dated April 25, 2002, filed against the above referenced claims to a water right. The following is a quote from the provisions of the Idaho Code under which these claims have been filed:

'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 fees 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 or final censorship of the described rights.

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

Very truly yours,

  
HAROLD W. JONES  
Water Right Supervisor

HWJ/sc  
Enc.



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

May 2, 2002

Lamar Panter  
14876 N Highway 34  
Thatcher ID 83283

RE: Claim to a Water Right #13-07608 (Tod E Jensen)

Dear Mr. Clegg:

Your exception against the above referenced claim has been received and a copy has been sent to the applicant.

If this office can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".

Harold W Jones  
Water Right Supervisor

HWJ::sc