

Form 243
12/99

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NOV 19 2003

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Claim

13-7647

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9/29/2003

SEP 29 2003

Department of Water Resources
Eastern Region

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

MARLA JENSEN

(Name of Claimant)

1080 FAIRWAY DR

83263

Telephone No: 208 852 3192

Arlington, ID

(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) 12/20/1919
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

JUNES

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 0.04 cfs Use DOMESTIC Period of Use From 1/01 to 12/31

Quantity _____ Use _____ Period of Use From _____ to _____

Quantity _____ Use _____ Period of Use From _____ to _____

Quantity _____ Use _____ Period of Use From _____ to _____

4. 0.04 cfs TOTAL QUANTITY USED.

(cfs or af)

5. A) Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____
Sec. 4 Township 13S Range 41E 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.

SEE ATTACHED.

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	SW	SE	
13S	41E	8			D														
					D														

TOTAL ACRES _____

- B) If water is used for purposes other than irrigation, fully describe the use. Be specific. SEE ATTACHED

NOTE: Include here the type and number of stock watered: _____

7. Remarks: WARRANTY DEEDS ARE ATTACHED SHOWING MY OWNERSHIP OF THE OLD "CHRISTIANSEN RANCH HOMESTEAD HOMESITE."

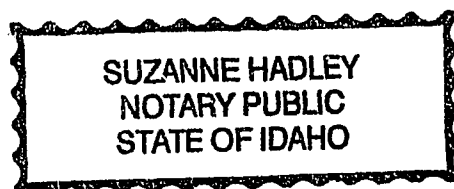
8. Map - Attach an 8½"x11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred.) Attach an aerial photograph of the place of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

State of IDAHO)
County of Franklin) 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.

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

Sworn to before me this 26th day of September, 2003.



Suzanne Hadley
Notary Public
Residing at Sloan Lake, ID
My commission expires: 8-11-03

FOR DEPARTMENT USE ONLY

Received by <u>DC</u>	Date <u>9/28/2003</u>	Published in <u>Preston Citizen</u>
Prelim. check by <u>DC</u>	Date <u>9/28/2003</u>	Publication dates <u>Oct 15 & 22, 2003</u>
Fee <u>100</u>	Receipt # <u>5029247</u>	Publication checked by <u>SC</u> Date <u>11/04/03</u>
Receipt prepared by <u>DC</u>	Date <u>9/28/2003</u>	Exceptions filed by _____

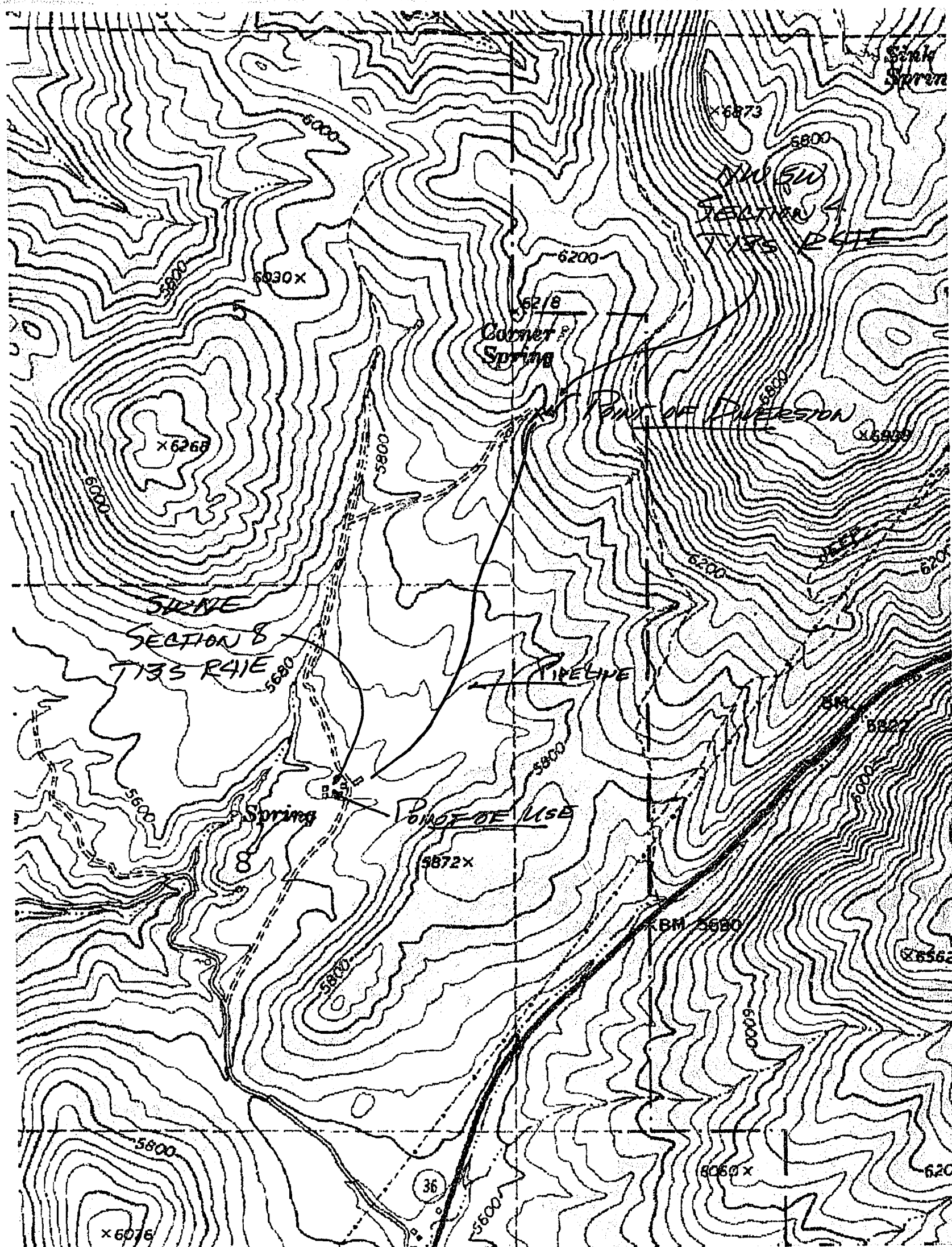
Attachment to "Claim to a Water Right" submitted by Marla Jensen

5. B) Describe means of diversion of water.

The spring is trapped in a wooden box about 3' wide by 4' long by 2' deep. An iron pipe, approx. 2 inches in diameter is set in the box with screen attached that feeds an iron pipe approximately 0.8 miles long. The pipe necks down to about 0.75 inches in diameter at the old home site. The old iron pipe was replaced with a black plastic pipe (0.75 inches in dia.) for about the last 0.3 miles when the iron pipe had broken to many times to be patched. The spring, box and pipe supply water to the old "Christiansen Ranch Homestead Home Site" that was established on 12/20/1919. The system has continuously supplied this home site since 1919 and has been maintained by myself and by the previous owners of the home site, Terry W. Smith and Eliot W. Smith (brother and father) since the early 1970's.

6. B)

The water is used at the home site for domestic purposes. It is presently used for drinking, watering a lawn and trees, and sanitation. The lawn being watered is about $\frac{1}{4}$ acre located next to the standing garage at the home site.





131818

WARRANTY DEED

For Value Received Terry W. Smith and Cheryl L. Smith, husband and wife

the grantors , do hereby grant, bargain, sell and convey unto

Bruce R Jensen and Marla S Jensen, husband and wife

whose current address is 6943 East Hwy 36
Preston, Idaho 83263

the grantees , the following described premises, in Franklin County Idaho, to wit:

Township 13 South, Range 41 East of the Boise Meridian, Franklin County, Idaho
 Section 8: Commencing at the Northeast Corner of Section 8, and
 running thence South 1050.54 feet; thence South 48°45'
 West 1175.68 feet; thence South 60°08' West 559.35 feet;
 thence South 30°02' West 261.56 feet; thence South
 41°02' West 574.02 feet; thence South 36°26' West
 259.67 feet; thence South 29°19' West 211.24 feet;
 thence North 66°46' West 427.25 feet, more or less,
 to the West line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 8;
 thence North 1207.54 feet, thence East 61.7425 rods,
 more or less; thence North 56°00' East 60 rods; thence
 North 10°00' East 40 rods; thence North 60°00' East 48
 rods to the place of beginning.
 TOGETHER WITH an existing right of way for ingress and
 egress across the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, to
 the county road.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
 their heirs and assigns forever. And the said Grantors do hereby covenant to and
 with the said Grantees, that they the owners in fee simple of said premises; that they are free
 from all incumbrances.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 2, 1990

June 4, 1990 Terry W. Smith
June 4, 1990 Cheryl L. Smith

NEW MEXICO
 STATE OF IDAHO, COUNTY OF LOS ALAMOS
 On this 4th day of June, 1990,
 before me, a notary public in and for said State, personally
 appeared

Cheryl Lee Smith
 Terry W. Smith

known to me to be the person whose name
 subscribed to the within instrument, and acknowledged to
 me that they executed the same.

Shelly Sutherland
 Notary Public

Residing at Los Alamos, N. M., Idaho
 Comm. Expires 7-24-93

Recorded at the request of

Bruce Jensen
 a.m. JUN 12 1990 2:50 p.m.

LARAE E. JOHNSON, RECORDER
 By G. M. Johnson Deputy
 FRANKLIN COUNTY, IDAHO



OFFICIAL SEAL
 SHELLEY SUTHERLAND
 NOTARY PUBLIC—STATE OF NEW MEXICO
 My commission expires 7-24-93

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

167199

WARRANTY DEED

For Value Received ELIOT W. SMITH and LARUE SMITH,
husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto
BRUCE R. JENSEN and MARLA S. JENSEN,
husband and wife,

whose current address is Route #2
Preston, Idaho 83263

the grantees, the following described premises, in Franklin County Idaho, to wit:

An undivided one half interest in and to the following described property:

Township 13 South, Range 41 East of the Boise Meridian

Section 8: Beginning at the Northeast corner of Section 8, and running thence South 60° West 48 rods; thence South 10° West 40 rods; thence South 56° West 60 rods; thence West 56 rods; thence South 142 rods; thence East 80 rods; thence North 80 rods; thence East 80 rods; thence North 160 rods to the point of beginning.

EXCEPTING THEREFROM: Beginning at a point 2494.41 feet horizontal distance South 41°42'50" West of the Northeast corner of Section 8, and running thence South 79°44'10" West 200 feet; thence South 10°15'50" East 200 feet; thence North 79°44'10" East 200 feet; thence North 10°15'50" West 200 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: September 5, 1984

Eliot W. Smith
Larue Smith

STATE OF IDAHO, COUNTY OF FRANKLIN
On this 5th day of Sept., 1984,
before me, a notary public in and for said State, personally
appeared

ELIOT W. SMITH and LARUE SMITH,
husband and wife,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Diane Kay
Notary Public

Residing at Swan Lake, Idaho
Comm. Expires Lifetime

Recorded at the request of
Eliot W. Smith
9:35 a.m. SEP 5 1984 —p.m.
MICHAEL D. KUNZ, RECORDER
By *Michael D. Kunz* Deputy
FRANKLIN COUNTY, IDAHO

Furnished by the AMERICAN LAND TITLE CO.

176739

WARRANTY DEED

For Value Received TERRY W. SMITH and CHERYL SMITH,
husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto

BRUCE R. JENSEN and MARLA S. JENSEN,
husband and wife,

whose current address is 6943 East Highway #36
Preston, Idaho 83263

the grantee s, the following described premises, in Franklin County Idaho, to wit:

An undivided one-half interest in and to the following described property:

Township 13 South, Range 41 East of the Boise Meridian

Section 8: Commencing at a point 1050.54 feet South of the Northeast Corner of Section 8, and running thence South 48°45' West 1175.68 feet; thence South 60°08' West 559.35 feet; thence South 80°02' West 261.56 feet; thence South 41°02' West 574.02 feet; thence South 36°26' West 259.67 feet; thence South 29°19' West 211.24 feet; thence North 66°46' West 427.25 feet, more or less, to the West Line of the NW¼SE¼ of said Section 8; thence South 1152.89 feet, more or less, to the Southwest corner of NW¼SE¼; thence East 80 rods; thence North 80 rods; thence East 80 rods; thence North 1589.46 feet to the point of beginning. SUBJECT TO an existing right of way for ingress and egress across the SW¼NE¼ and NW¼SE¼ of Section 8, to the county road.

TOGETHER WITH a perpetual Easement and Right-of-Way for the construction and continued maintenance, repair and replacement of a culinary water line said Right-of-Way to be 16 feet in width and being 8 feet on each side of the following described centerline: Commencing 280 feet South of the Northeast Corner of said Section 8, and running thence in a Southwesterly direction 1227 feet, more or less, to a point which is 1050.54 feet South and South 48°45' West 581 feet from the Northeast Corner of said Section 8.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owner s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 11/3/87

Terry W. Smith
Cheryl S. Smith

STATE OF ~~IDAHO~~ ^{NEW MEXICO} COUNTY OF *Los Alamos*
On this *3rd* day of *November*, 19*87*,
before me, a notary public in and for said State, personally
appeared

TERRY W. SMITH and CHERYL SMITH,
husband and wife,

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

[Signature]
Notary Public
Residing at *1000 Purity, Los Alamos, Idaho NEW MEXICO*
Comm. Expires *5/23/89*

By *[Signature]*
CORRIE L. KELLER, RECORDED
FRANKLIN COUNTY, IDAHO

NOV 1 1987 1:10 p.m.

[Signature]
Recorded at the request of

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

13-7647

MARLA JENSEN
1080 FAIRWAY DR
PRESTON ID 83263

Point(s) of Diversion: NWNWSW S4 T13S R41E, FRANKLIN County

Source SPRING

Use: DOMESTIC 01/01 To 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Priority Date: 12/20/1919

Place Of Use: DOMESTIC

T13S R41E S8 SWNE

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 October 15 and 22, 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

October 08, 2003

Legal Notice Department
PRESTON CITIZEN
PO BOX 472
PRESTON ID 83263

RE: Statutory Claim No. 13-7647

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 November 3, 2003. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

*Mailed
10/8/03
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
October 08, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Maria Jensen
1080 Fairway Dr
Preston ID 83262

RE: Water Right Claim No 13-7647

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.

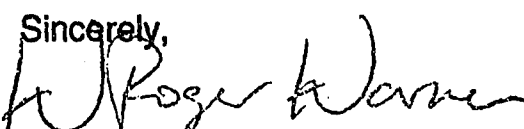
A legal notice of the claim has been prepared and is scheduled for publication in the Preston Citizen on October 15 and 22, 2003. If exceptions to the claim are filed you will be sent a copy of the exceptions(s).

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 5651

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Franklin } ss.

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

Oct. 15, 2003, and ending

with the issue of Oct. 22, 2003

R Boam

Fee \$ 62.33

Subscribed and sworn to before me this 29th day

of Oct., 2003

Ann Rawlings

Notary Public, Residing at Preston, Idaho

My Commission Expires 10/26, 2006

WATER CLAIM

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

13-7647

MARLA JENSEN
1080 FAIRWAY DR
PRESTON ID 83263

Point(s) of Diversion: NWN-
WSW S4 T13S R41E,
FRANKLIN County
Source SPRING
Use: DOMESTIC
01/01 To 12/31 0.04 CFS
Total Diversion: 0.04 CFS

Priority Date: 12/20/1919
Place Of Use: DOMESTIC
T13S R41E S8 SWNE

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. 5651 - Publish
Oct. 15 and 22, 2003.



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NOV 04 2003

Department of Water Resources
Eastern Region