

MAY 07 1980

IN THE MATTER OF:)

Claim to a Water Right)
No. 15-4052)

JENSEN, Weldon P. & or Mary W)

AFFIDAVIT

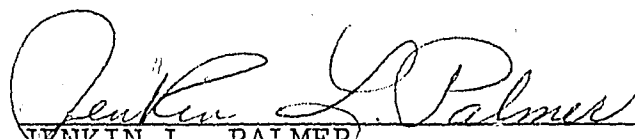
State of Idaho

County of Ada, ss

Jenkin L. Palmer being first duly sworn deposes and says:

That he is a property owner in Oneida County, Idaho. That the claim of Weldon P. Jensen and or Mary W. Jensen to water rights under Notice of Claim to Water Rights No. 15-4052 for 0.30 c.f.s. of the waters of a small creek tributary to the Little Malad River in Oneida County, Idaho, under priority date of October 31, 1922, is without right and is wrongful. All of the waters described in the aforesaid application have been used in their entirety by Jenkin L. Palmer, Farrell Daniels and Henry D. Jones and their predecessors in interest under a decreed right thereto issued out of the District Court of the Fifth Judicial District of the State of Idaho under date of 6/16/1894.

That said Jenkin L. Palmer, Farrell Daniels and Henry D. Jones are the rightful owners of all the aforesaid waters.


JENKIN L. PALMER

SUBSCRIBED AND SWORN to before me this 5th day of

May, 1980.


Notary Public for Idaho
Residing at Boise, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

Weldon P. & Mary W. Jensen
(Name of Claimant)
1102 North 850 East, Bountiful, UT 84010
(Mailing Address) (Zip Code) Telephone No. (801) 295-4900

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

- (1) Date of priority: (When was the water first applied to a beneficial use) October 31, 1922

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Small Creek tributary to Little Malad 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, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	Period of Use From	(Mo., Day)	To	(Mo., Day)
<u>.30</u>	<u>cfs</u>	<u>Irrigation</u>		<u>April 1</u>		<u>Nov. 1</u>	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	
Quantity		Use		Period of Use From		To	

- (4) .30 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 SW 1/4, Sec. 12 Twp. 14S Rge. 35E B.M., County of Oneida

Additional points of diversion:

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

small earth levee dam, reservoir, network of ditches
used for flood irrigation

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	35E	12										6	9						15

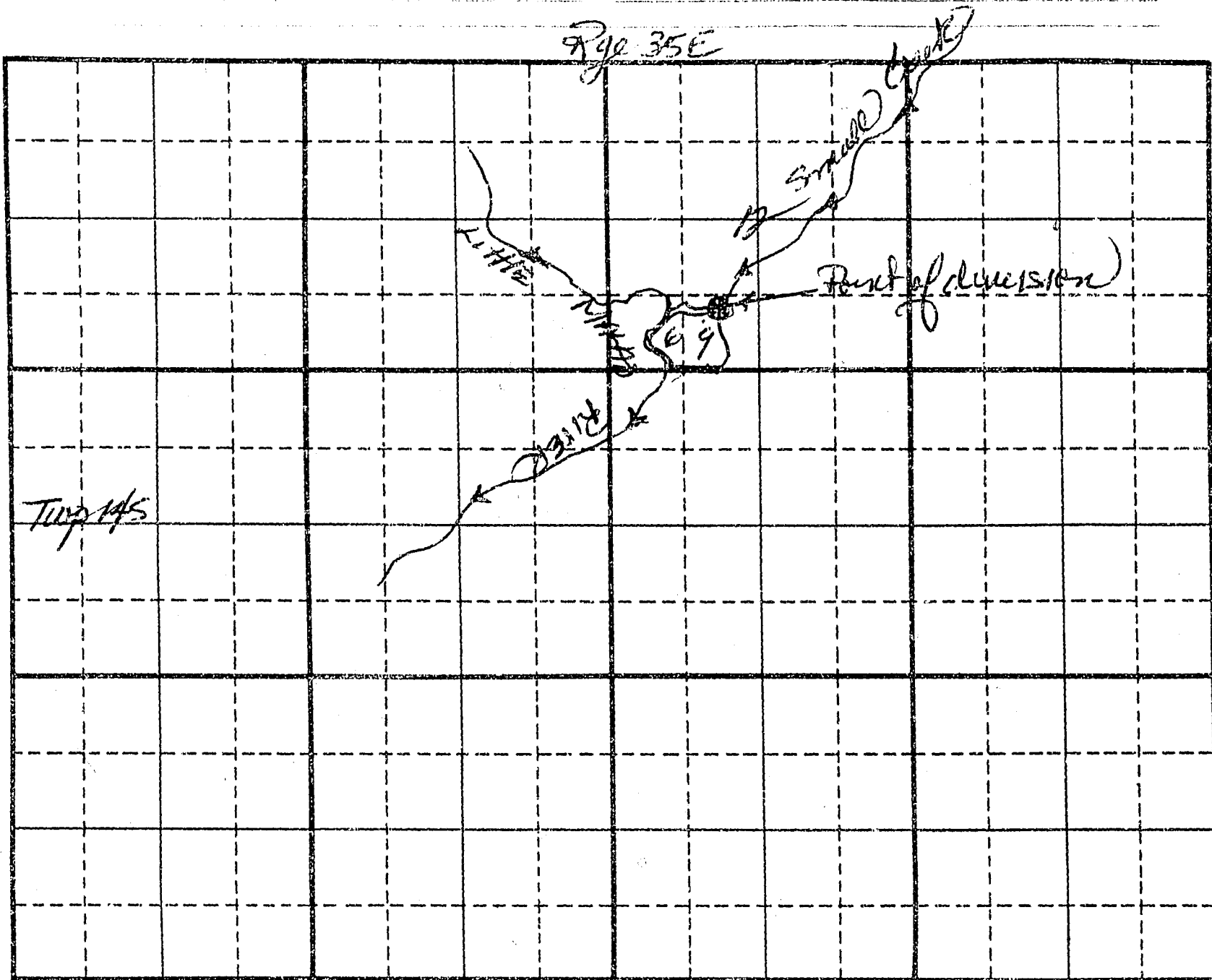
No. of acres 15

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Davis) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing 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.

Sworn to before me this 10th day of April, 1980.

Heldon Jensen
(Claimant)

Eva R. Brady
Notary Public
Residing at Shel Lake City, Utah

My commission expires 6/1/82

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 4/11/80 Exception filed by: _____ Date _____
Prelim. check by [Signature] Date 4/15/80 #13937 Fowardred to claimant by: _____ Date _____
Published in Idaho Enterprise
Dates 4/27 & 5/1/80

AFFIDAVIT OF PUBLICATION

State of Idaho
County of Oneida, ss.

Cable Hummell being first duly sworn on
h.e.r. oath, states: That *S. he is Secretary*
of the Idaho Enterprise, a newspaper of general circulation
in Oneida County, Idaho published weekly at Malad, in said
county, that said newspaper has been published in said
county uninterruptedly and continuously for over seventy-
eight consecutive weeks, prior to the first publication of the
annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publi-
cation of said notice a newspaper of general circulation made
up of at least four pages of at least five columns each, printed
from type matter or stereotyped forms of at least seventeen
and three-fourths inches depth, and said newspaper during
all of the times of publication aforesaid had more than 200
bonafide subscribers thereto living within the County of
Oneida in which said newspaper was published at regular
intervals not less frequently than once a week.

That the annexed notice was published per clipping attach-
ed in the regular and entire edition of said newspaper and

not in any supplement thereof for *2* successive weekly
issues thereof of the date of the first publication being the

24 day of *April*, 19*80*, the day of the last
publication being the *1* day of *May*,
19*80*.

Subscribed and sworn to before me this *1* of *May*,
19*80*.

Cable A. Hummell
Notary Public, residing at Malad, Idaho

My Commission expires the *1* day of *May*, 19*80*.

Costs:
35 lines at 23c per line first insertion *\$8.05*
lines tabulated as 34 1/2c per line *\$*
15c per line each subsequent insertion *Insert \$5.25*
TOTAL *\$13.30*

(Rates for legal notices are fixed by Idaho law)

Legal Notices

NOTICE OF CLAIM
TO WATER RIGHTS
NOTICE IS HEREBY GIVEN
that the following claim to water
right has been established by
diversion and application to
beneficial use:

No. 15-4032

JENSEN, WELDON P. &-or
MARY W.
1102 NORTH 850 EAST,
BOUNTIFUL, UT 84010
Source: SMALL CREEK
tributary to LITTLE MALAD
RIVER

Priority Date: 10-31-1922

Amount: 0.30 CFS

Diversion Point: SESW Sec 12

T 14S R 35E, ONEIDA Co.
Use: IRRIGATION (0.30 CFS)
from 04-01 to 11-01
Place of Use: SWSW SESW Sec
12 T 14S R 35E FOR 15 ACRES
Diversion Means: EARTHEN
DAM & DITCHES.

Any exception to any claim of
water right may be filed with the
Director of the Idaho Depart-
ment of Water Resources, 1515
Lincoln Road, Idaho Falls, Idaho
83401.

C. STEPHEN ALLRED
Director

Published 4-24 & 5-1-80.

4-24 5-1 12

MAY 2

Department of Water Resources
Eastern District Office

15-4052

JENSEN, WELDON P. &/or J. W.

1102 NORTH 850 EAST, BOUNTIFUL, UT 84010

Source: SMALL CREEK tributary to LITTLE MALAD RIVER

Priority Date: 10/31/1922

Amount: 0.30 CFS

Diversion Point: SESW Sec 12 T 14S R 35E, ONEIDA Co.

Use: IRRIGATION (0.30 CFS) from 04/01 to 11/01

Place of Use: SWSW SESW Sec 12 T 14S R 35E FOR 15 ACRES

Diversion Means: EARTHEN DAM & DITCHES.

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED

Director

Published 4/24 & 5/1/80.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

APRIL 17, 1980

The Idaho Enterprise
P. O. Box 205
Malad City, Idaho 83252

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 12, 1980.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

C
April 21, 1980

RE: Claim to a Water Right No. 15-4052

Weldon P. &/or Mayy W. Jensen
1102 North 850 East
Bountiful, UT 84010

Dear Mr. and Mrs. Jensen:

D
Attached herewith is Departmental Receipt No. 13937 in the amount of \$20.00 for the above referenced claim.

Sincerely,

KAY WALKER
Secretary

KW:k
Attachment

May 8, 1980

RE: Claim to a Water Right No. 15-4052 JENSEN

Jenkin L. Palmer
4851 Sunderland
Boise, Idaho 83704

Dear Mr. Palmer:

We have received the exception dated May 5, 1980, 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:

42-225b. Recording of claims by department---Corrections.---

.....
At any time after filing a claim under the provisions of this 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 Administration (renamed Department of Water Resources, July 1, 1974) 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 or final censorship of the described rights.

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

Very truly yours,

RONALD D. CARLSON
Eastern Region Supervisor

RDC:cw:kw

May 8, 1980

RE: Claim to a Water Right No. 15-4052

Weldon P. &/or Mary W. Jensen
1102 North 850 East
Bountiful, Utah 84010

Dear Mr. & Mrs. 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:

42-225b. Recording of claims by department-----Corrections.-----

.....
At any time after filing a claim under the provisions of this 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 Administration (renamed Department of Water Resources July 1, 1974) 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 or final censorship of the described rights.

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

Very truly yours,

RONALD D. CARLSON
Eastern Region Supervisor

RDC:cw:kw

Enclosure

May 14, 1980

RE: Claim to a Water Right No. 15-4052

Farrell & Thayne Daniels
577 Bannock Street
Malad City, Idaho 83252

Gentlemen:

This office is in receipt of your letter dated May 1, 1980, wishing to file an exception against claim to a water right No. 15-4052. However, an exception filed must be submitted in duplicate, in affidavit form and signed in the presence of a notary public. We are, therefore, returning your letter and, for your convenience, we have enclosed the necessary affidavits forms.

Please complete the affidavits and return them to this office for further processing.

If you have any questions concerning this matter, please feel free to contact this office.

Respectfully submitted,

ERNEST M. CARLSEN
Sr. Resource Analyst

EMC:CW

Enclosures

May 14, 1980

RE: Claim to a Water Right No. 15-4052 JENSEN

Mr. H. D. Jones
Holbrook Route
Malad, Idaho 83252

Dear Mr. Jones:

This office is in receipt of your letter dated May 3, 1980, wishing to file an exception against claim to a water right No. 15-4052. However, an exception filed must be submitted in duplicate, in affidavit form and signed in the presence of a notary public. We are, therefore, returning your letter and, for your convenience, we have enclosed the necessary affidavit forms.

Please complete the affidavits and return them to this office for further processing.

If you have any questions concerning this matter, please feel free to contact this office.

Respectfully submitted,

ERNEST M. CARLSEN
Sr. Resource Analyst

EMC:CW

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

MAY 15, 1980

WELDON P. JENSEN
MARY W. JENSEN
1102 NORTH 850 EAST
BOUNTIFUL UT 84010

RE: Claim No. 15-4052

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your 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 that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JC

Right Number 15 4052 Applicant Jensen

NOTE: 15-4052 IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period. 5/12
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date May 23, 1980

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By W. Hansen Date 5/30/80