STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 86075

This is to certify that: SHANE JENSEN AND
SIDNEY G JENSEN
15852 N HWY 34
THATCHER, ID 83283-5824

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
13-7952	WR/DECREED	4/1/1872	1.780 cfs	N/A	N/A	N/A	SPRING CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
13-7952	YES	NO	YES	NO	YES	YES

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
13-7952	13-8097	0.020 cfs	N/A	N/A	N/A	13-7952	1.760 cfs	N/A	N/A	N/A
COMBINED TOTALS		**0.020 cfs**	**N/A**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 3rd day of March, 2023.

Regional Manager

Transfer No. 86075

SUPPORT DATA
IN FILE # 13-7952

SCANNED
MAR 06 2023

WATER RIGHT NO. 13-7952

As Modified by Transfer No. 86075

In accordance with the approval of Transfer No. 86075, Water Right No. 13-7952 is now described as follows:

Right Holder: SHANE JENSEN AND
SIDNEY G JENSEN
15852 N HWY 34
THATCHER, ID 83283-5824

Priority Date: 4/1/1872

Source: SPRING CREEK **Tributary:** BEAR RIVER

BENEFICIAL USE	From		To	Diversion Rate
IRRIGATION	04/20	to	09/30	1.760 cfs
				1.760 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING CREEK	SWNE	Sec 18 Twp 12S Rge 41E	FRANKLIN County
SPRING CREEK	SENW	Sec 18 Twp 12S Rge 41E	FRANKLIN County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	40E	13	X	X	X	X									X	X	X	X	0
12S	41E	18					X	X	X	X	X	X	X	X					0

CONDITIONS OF APPROVAL

1. P/D DITCH "B" LEGAL NEAR CENTER SEC. 18, T. 12S, R. 41E.
   P/U AC. IRR. = 88
   USGS MAP SOURCE SPRING CREEK.

Transfer No. 86075

SCANNED
MAR 06 2023

WATER RIGHT NO. 13-8097

As Modified by Transfer No. 86075

In accordance with the approval of Transfer No. 86075, Water Right No. 13-8097 is now described as follows:

Right Holder: SHANE JENSEN AND
SIDNEY G JENSEN
15852 N HWY 34
THATCHER, ID 83283-5824

Priority Date: 4/1/1872

Source: SPRING CREEK **Tributary:** BEAR RIVER

BENEFICIAL USE	From		To	Diversion Rate
DOMESTIC	01/01	to	12/31	0.020 cfs
				0.020 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING CREEK	SWNE	Sec 18 Twp 12S Rge 41E	FRANKLIN County
SPRING CREEK	SENW	Sec 18 Twp 12S Rge 41E	FRANKLIN County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	41E	18		X															0.0

CONDITIONS OF APPROVAL

1. Domestic use is for 1 home.
2. The quantity of water under this right shall not exceed 13,000 gallons per day.
3. The irrigation occurring under this domestic use shall not exceed 1/2 acre and is only allowed between April 20th and September 30th each year.
4. This right does not grant any right-of-way or easement across the land of another.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 86075

SCANNED
MAR 06 2023

WATER RIGHT NO. 13-8097

As Modified by Transfer No. 86075

CONDITIONS OF APPROVAL

7. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

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MAR 06 2023

Attachment to Transfer Approval 86075

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 125 250 500 Feet

N
W E
S

Date: 3/3/2023

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MAR 06 2023

Rev. 07/18

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APR 0 8 2022

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Shane Jensen AND Sidney G Jensen Phone 208-339-1126

Mailing address 15852 N HWY 34, Thatcher ID, 83283 - 5824 Email ShaneJ@trailswesttrailers.com

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☑ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.
OR
☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date
	Shane Jensen - Owner	4/8/2022
Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☑ Change place of use
   ☑ Change nature of use ☑ Change period of use ☐ Other _____

2. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part1A.3**.
   Transferring 1 acre from the irrigated field to cover domestic use and 1/2 an acre of irrigation around the house, with a proposed flow rate of 0.02 CFS, water is pulled from the head of Spring Creek.

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DEC 28 2022
86075

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AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. All or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☐ ☑	13-7952	0.02	Domestic	01/01 to 12/31	Spring Creek (t: Bear River)
☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.02 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

☑ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	41E	18		D															
12S	41E	18		0.5															0.5
Total Acres (for irrigation use)																			0.5

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DEC 28 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
water will be diverted from Spring creek using a 3/4 hp pump to supply water to house and surrounding irrigation.

b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Mortgage lien (CGB AGRI FINANCIAL SERVICES INC)

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The land will be made dry.

f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
None

g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

☐ ☑ undergone a period of five or more consecutive years of non-use,
☐ ☑ currently leased to the Water Supply Bank,
☐ ☑ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☑ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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IDAHO DEPARTMENT OF WATER RESOURCES **12/6/2022**

Proof Report

Water Right 13-7952

Owner Type	**Name**
Current Owner	SHANE JENSEN
Current Owner	SIDNEY G JENSEN

Priority Date: 4/1/1872
Basis: Decreed
Status: Active

Source	**Tributary**
SPRING CREEK	BEAR RIVER

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	04/20	09/30	1.780 CFS	
	Total Diversion		1.780 CFS	

Source and Point(s) of Diversion:

SPRING CREEK	SWNE	Sec. 18, Twp 12S, Rge 41E, FRANKLIN County
SPRING CREEK	SENW	Sec. 18, Twp 12S, Rge 41E, FRANKLIN County

Place Of Use:
IRRIGATION within FRANKLIN County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	40E	13	X	X	X	X									X	X	X	X	0.0
12S	41E	18					X	X	X	X	X	X	X	X					0.0

POU Total Acres: 0.0

Conditions of Approval:

1. P/D DITCH "B" LEGAL NEAR CENTER SEC. 18, T. 12S, R. 41E. P/U AC. IRR. = 89 USGS MAP SOURCE SPRING CREEK.

Dates and Other Information:
Decreed Date: 7/14/1920
Judicial District: District Court Eastern Division
Owner Name Connector: AND
Water District Number: 11
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Decree Defendant: Last Chance Canal Co
Decree Plaintiff: Utah Power & Light Co
Mitigation Plan: False

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 13-7952

1. amount 0.02 (cfs/ac-ft) for Irrigation purposes from 04/20 to 09/30
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______
   amount ______ (cfs/ac-ft) for ______ purposes from ______ to ______

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	40E	13		1															1

Total Acres (for irrigation use) 1

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**

☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b.**

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (WaterBalance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a.**

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b.**

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains_____ pages and_____ attachments.

Received by_____ Date_____ Preliminary check by_____ Date_____

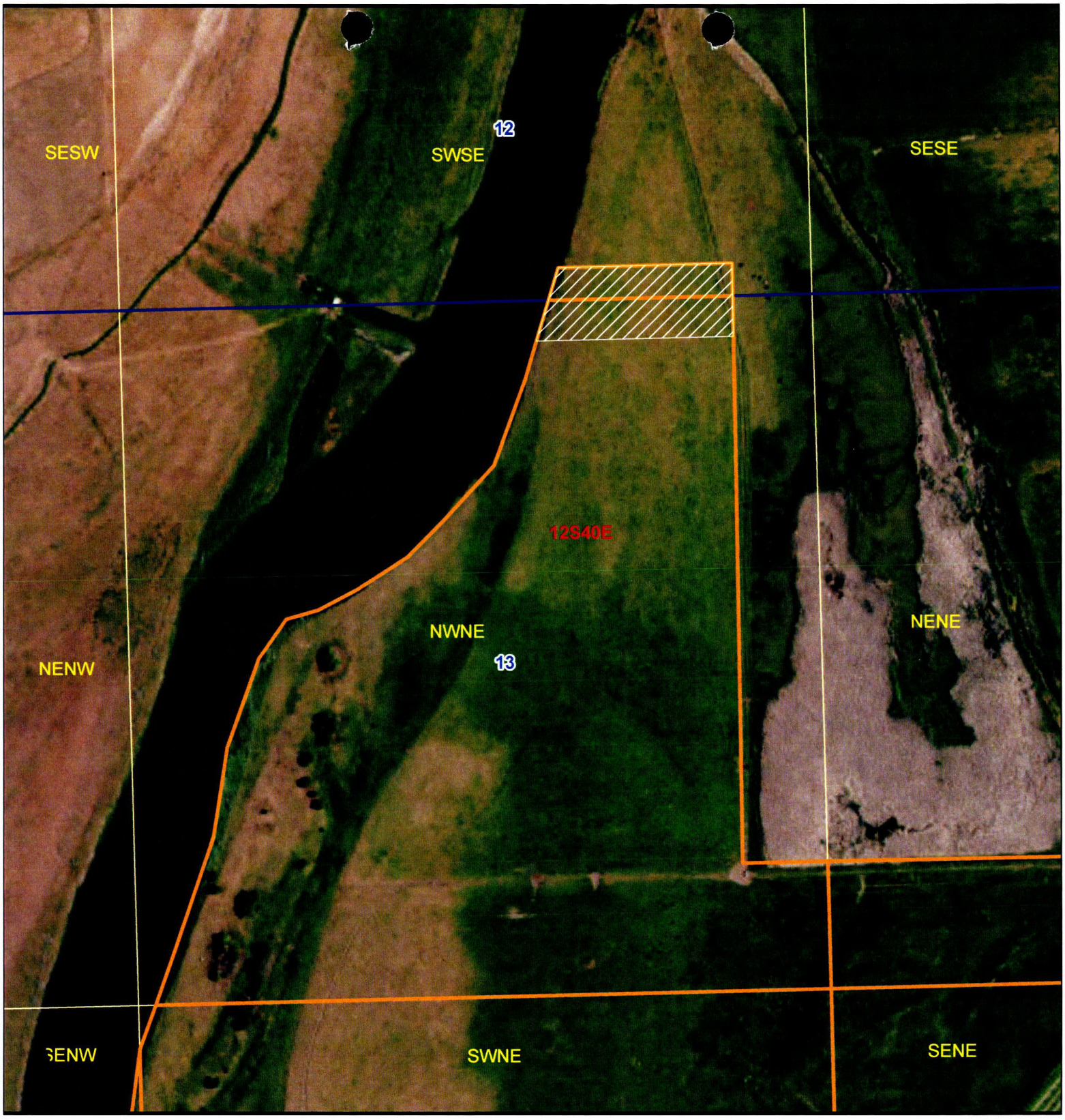
Fee paid $200.00 Date 4/8/22 Receipted by CH Receipt # E048001

Add'l fee paid $250.00 Date 2/16/23 Receipted by CH Receipt # E048905

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

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Legend

- Land made dry
- WR_13-7952
- Township/Range
- Sections
- QQ

RECEIVED

DEC 06 2022

Department of Water Resources
Eastern Region

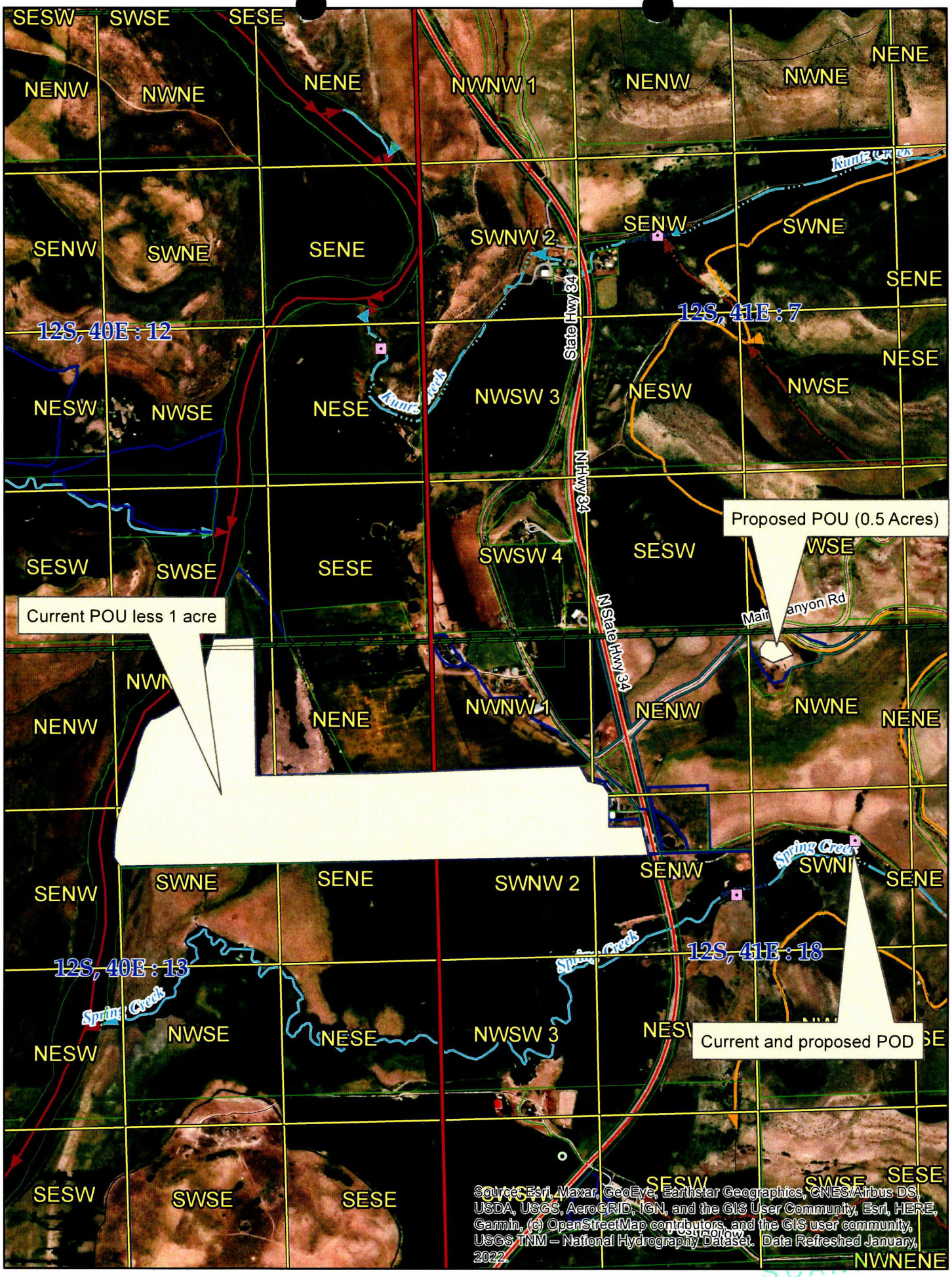
IDAHO DEPARTMENT OF WATER RESOURCES

0 0.02 0.04 0.08 0.12 0.16 Miles

JNEBEKER_IDWR

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. All	or Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use		Source & Tributary
☐	☑	13-7952	0.02	Domestic	01/01 to	12/31	Spring Creek (t: Bear River)
☐	☑	13-7952	1.76	Irrigation	04/20 to	09/30	Spring Creek (t: Bear River)
☐	☐				to		
☐	☐				to		
☐	☐				to		
☐	☐				to		
☐	☐				to		
☐	☐				to		
☐	☐				to		

SUPERCEDED

Total authorized under rights 1.78 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or 3.5 acre-feet per year.

3. Point(s) of Diversion:

☑ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	41E	18		D															
12S	41E	18		0.5															0.5
Total Acres (for irrigation use)																			0.5

86075

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DEC 28 2022

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

March 03, 2023

SHANE JENSEN
SIDNEY G JENSEN
15852 N HWY 34
THATCHER ID 83283-5824

Re: Transfer No: 86075
Water Right No(s).: 13-7952

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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MAR 06 2023

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.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

SCANNED
MAR 06 2023

CERTIFICATE OF SERVICE

I hereby certify that on March 03, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 86075
Water Right No(s).: 13-7952

SHANE JENSEN
SIDNEY G JENSEN
15852 N HWY 34
THATCHER ID 83283-5824

Christina Henman
Administrative Assistant

SCANNED
MAR 06 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

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MAR 06 2023

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

SCANNED
MAR 06 2023

MEMORANDUM

Date: January 27, 2023

To: Transfer 86075

From: Jake Nebeker

Re: Review & Evaluation of Sufficiency of Information

The purpose of this transfer is to relocate a one-acre portion of water right 13-7952 to a residential lot. This transfer proposes to change the nature of use for the 1-acre portion from irrigation to domestic, and update the period of use and the place of use for the 1-acre portion.

Authority to File:
The applicant is the current water right owner of record. Franklin County tax lot data shows the applicant as the owner of the current and proposed place of use. The applicant has authority to make the change.

Water Right Validity:
The right included in this transfer was included in the Dietrich decree in 1920.The online Climate Engine tool shows growing vegetation on the place of use over the past 5 years. The applicant indicated on the application that this water right has not undergone a period of five or more consecutive years of non-use. Forfeiture does not appear to be an issue.

Injury to Other Water Rights:
Other rights do not appear to be injured by the proposed change. Neither the points of diversion nor the quantity authorized to be diverted will change as a result of the transfer. The water master was notified and does not oppose the approval of this transfer. The transfer was advertised without protest.

Enlargement of Use:
The proposed change does not appear to result in enlargement because neither rate nor irrigated acreage will increase as a result of the transfer. One acre of the original place of use will be dried up. The 1920 Decree for the Bear River established an irrigation season of April 20 to September 30. Expanding the season of use for the in-house domestic use will very little effect on the Bear River system. There is no call for water during the non-irrigation season. The wastewater will be disposed in a septic system and will return to the Bear River or its tributaries. To prevent enlargement and injury to other water rights, the domestic irrigation will be limited to 4/20 to 9/30, consistent with the other irrigation rights in the 1920 Decree.

Local Public interest:
No issues identified.

Beneficial Use/Conservation of Water Resources:
No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED
MAR 06 2023

Nebeker, Jake

From: Shane Jensen <shanej@trailswesttrailers.com>
Sent: Tuesday, December 6, 2022 2:49 PM
To: Nebeker, Jake
Subject: Re: Water Right Transfer

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thanks for reaching out. I approve this amendment as stated.

Shane Jensen
208-339-1126

Get Outlook for iOS

From: Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov>
Sent: Tuesday, December 6, 2022 8:55:16 AM
To: Shane Jensen <shanej@trailswesttrailers.com>
Subject: Water Right Transfer

Shane,

Sorry for the delay, we had an employee move away, and the ball has been dropped on our end to keep the momentum of your application going. I have been assigned your application and will be your new contact for all transfer related matters. I have some notes from the previous employee and my supervisor about what need to happen to move this application forward.

I have attached an amendment for page 2 and a map that shows your property. The amendment was adjusted from your original application, I whited out the irrigation component for this transfer and changed some cfs totals as well. Let me know if you approve this amendment.

I also need you to identify the 1-acre portion you wish to dry up on the attached map. Thanks for your time, let me know if you have any questions.

Regards,

Jake Nebeker

IDAHO DEPARTMENT OF WATER RESOURCES

Senior Water Resource Agent
Office: (208) 525-7161
Email. jake.nebeker@idwr.idaho.gov
900 N Skyline Ste. A Idaho Falls, ID 83402

SCANNED
MAR 06 2023

The Preston Citizen

PROOF OF PUBLICATION
Preston Citizen

RECEIVED

JAN 17 2023

Department of Water Resources
Eastern Region

7542 318261
IDAHO DEPT OF WATER RESOURCES/IF

IDAHO DEPT OF WATER RESOURCES/IF
900 NORTH SKYLINE DRIVE
SUITE A
IDAHO FALLS ID 83402

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO }
}SS.
County of Franklin }

COLLINS CRAPO
of Idaho Falls, Bonneville County, Idaho
being first duly sworn, deposes and says:

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Processing Clerk of the Preston Citizen, a weekly Newspaper published in the City of Preston, in the County of Franklin, State of Idaho; that the said newspaper is in general circulation in the said County of Franklin, and in the vicinity of Preston, and has been uninterruptedly published said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 time(s) in the regular and
entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.
4. That said notice was published the following:
01/04/23, 01/11/23

Collins Crapo

STATE OF IDAHO)
County of BONNEVILLE)

On this date: 01/11/2023 before me a Notary Public, personally appeared COLLINS CRAPO, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Beth Crossley

Notary Public for Idaho
Bonneville County, Idaho
My Commission expires

BETH CROSSLEY
68167
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/28/28

318261

SCANNED
JAN 26 2023

AD# 318261AD#

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 86075

SHANE JENSEN and SIDNEY G JENSEN, 15852 N HWY 34, THATCHER, ID 83283-5824 has filed Application No. 86075 for changes to the following water rights within FRANKLIN County(s): Right No(s). 13-7952; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change place of use. The point of diversion is in SWNE Sec 18 T12S R41E for 0.02 cfs from Spring Creek. The proposed use is for domestic purposes from 1/1 to 12/31. The proposed place of use is in NWNE Sec 18 T12S R41E. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 1/23/2023. The protestant must also send a copy of the protest to the applicant.

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

13-8101

KIM RASMUSSEN, 278 S 1800 E, PRESTON, ID 83263-5411
Point of Diversion L2(NESWNW) S30 T15S R40E FRANKLIN County
Source SPRING Tributary SINKS
Use: DOMESTIC
1 /1 to 12/31
0.05 CFS
Total Diversion:
0.05 CFS
Date Filed: 07-11-2022
Place Of Use: DOMESTIC
T15S R40E S30
L2(SWNW)

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of $25.00 for each application on or before 1/23/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN
Director

Published: January 4, 11, 2023 (PCZN7542-318261)

SCANNED
JAN 26 2023

RECEIVED
DEC 29 2022
Department of Water Resources
Eastern Region

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

RE: Transfer No. 86075

Transfer Applicant's Name: SHANE JENSEN
SIDNEY G JENSEN
15852 N HWY 34
THATCHER, ID 83283-5824

Watermaster's Recommendation:

a) X I do not oppose approval of this application.

b) _____ I do not oppose approval of this application if it is conditioned as follows:

c) _____ I oppose approval of this application for the following reasons:

d) _____ Additional comments:

Dated this 29 day of December. 2022

Josh Homka
Watermaster's Signature
WD11

SCANNED
JAN 26 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, December 28, 2022 3:50 PM
To: watermasterdist11@gmail.com
Subject: Application for Transfer No. 86075
Attachments: tmp1E96.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

SCANNED
JAN 26 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

December 28, 2022

SHANE JENSEN
SIDNEY G JENSEN
15852 N HWY 34
THATCHER, ID 83283-5824

RE: Transfer No. 86075
Water Right No(s). 13-7952

Dear Applicants:

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

A legal notice of the application has been prepared and is scheduled for publication in the PRESTON CITIZEN on 1/4/2023 and 1/11/2023. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. 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, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman
Administrative Assistant

SCANNED
DEC 28 2022

Henman, Christina

From: Henman, Christina
Sent: Wednesday, December 28, 2022 12:17 PM
To: legals@prestoncitizen.com
Subject: Legal Notice for Preston Citizen
Attachments: 86075, 13-8101 Preston Citizen.docx

LEGAL NOTICE DEPARTMENT
PRESTON CITIZEN
PO BOX 472
PRESTON, ID 83263

RE: Application for Permit No. 13-8101

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 1/23/2023. Your cooperation is appreciated.

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

SCANNED
DEC 28 2022

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86075

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Place Of Use: DOMESTIC
T15S R40E S30
L2(SWNW)

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GARY SPACKMAN, Director

Published on 1/4/2023 and 1/11/2023

SCANNED
DEC 28 2022