

MAY 29 PM 3:15

DISTRICT COURT-SRBA

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcases 36-15535 and 36-15536
) (Jentzsch)
Case No. 39576)
) SPECIAL MASTER REPORT

Findings of Fact

On July 20, 1999, former-Presiding Judge Barry Wood entered *Orders Granting Motions to File Late Notices of Claim* in subcases 36-15535 and 36-15536 allowing Shirley and Rodney Jentzsch, 480 East, 1500 North, Rupert, Idaho 83350, to file late claims. The Director of the Idaho Department of Water Resources filed his *Director's Report for Late Claims & Misc. Claims, Domestic and Stockwater and Irrigation and Other Water Rights* on March 4, 2002.

The Director recommended 36-15535 to Shirley and Rodney Jentzsch, 480 East, 1500 North, Rupert, Idaho 83350, for .76 cfs from groundwater to irrigate 38 acres within a 530 acres place of use from March 15 to November 15 with a priority date of March 15, 1962, based on beneficial use. The Director recommended 36-15536 the same as 36-15535 but for 3.44 cfs to irrigate 530 acres with a priority date of April 1, 1964. No one objected to the *Director's Report*.

Conclusions of Law

Shirley and Rodney Jentzsch are entitled to partial decrees adjudicating water rights under claims 36-15535 and 36-15536 as recommended by IDWR and as described in the attached *Special Master Recommendations for Partial Decrees for Water Rights 36-15535 and 36-15536*.

DATED May 29, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-15535

7:22 PM 29 MAY 2002
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *DM*

NAME AND ADDRESS: RODNEY A JENTZSCH
SHIRLEY JENTZSCH
480 EAST 1500 NORTH
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 0.76 CFS
152.00 AFY

PRIORITY DATE: 03/15/0062

POINT OF DIVERSION: T06S R24E S33 NWNE Within Minidoka County
T07S R24E S01 LOT 02 (NWNWNE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.76 CFS 152.00 AFY

PLACE OF USE:	Irrigation	Within Minidoka County
	T06S R24E S33	NENE 40.0 NWNE 40.0 SENE 40.0 NWSE 40.0 SESE 40.0
	T07S R24E S01 LOT 01	(NENE) 17.0 SWNE 39.0 SENE 39.0
	LOT 03	(NENW) 13.0 SWNW 38.0 SENW 35.0
	530.0 Acres Total	

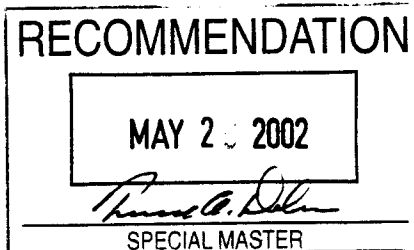
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 38 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-15536

MAY 22 AM 3:15
DISTRICT COURT - 5th
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: RODNEY A JENTZSCH
SHIRLEY JENTZSCH
480 EAST 1500 NORTH
RUPERT, ID 83350

SOURCE: GROUND WATER

QUANTITY: 3.44 CFS
688.00 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-196 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.0 CFS.

PRIORITY DATE: 04/01/0064

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T06S R24E S33 NWNSE Within Minidoka County
T07S R24E S01 LOT 02 (NWNWNE)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	3.44 CFS 688.00 AFY

PLACE OF USE:	Irrigation	Within Minidoka County
	T06S R24E S33	NENE 40.0 NWNE 40.0 SWNE 40.0 SENE 40.0 NESE 40.0 NWSE 40.0 SESE 40.0
	T07S R24E S01 LOT 01	(NENE)17.0 SWNE 39.0 SENE 39.0
	LOT 03	(NENW)13.0 SNNW 38.0 SENE 35.0
	530.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 36-196 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 530 ACRES IN A SINGLE
IRRIGATION SEASON.

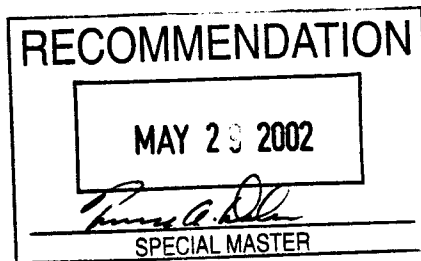
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 36-196
PURSUANT TO SECTION 42-1426, IDAHO CODE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

PM 3:15

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

)
)
)
)
)
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 36-15536

On May 29, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 29, 2002.



LETTIE MESSICK
Deputy Clerk

FILED 05/29/02 PM 3:15
DISTRICT COURT-5TH
TWIN FALLS, IDAHO
FILED *DM*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-15536

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on May 29, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

RODNEY A JENTZSCH
SHIRLEY JENTZSCH
Represented by:
JAMES P. SPECK
SPECK & AANESTAD
120 EAST AVENUE
PO BOX 987
KETCHUM, ID 83340
Phone: 208-726-4421

Lettie Messick

LETTIE MESSICK
Deputy Clerk

CERTIFICATE OF MAILING

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05/29/02

FILED IN 3:15
DISTRICT COURT-5TH
JUL 1 2002
IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 36-15535

On May 29, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED May 29, 2002.



LETTIE MESSICK
Deputy Clerk

FILED MAY 29 2002 PM 3:15
DISTRICT COURT-3
TWIN FALLS, IDAHO
FILED *DM*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 36-15535

CERTIFICATE OF MAILING

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