

36-02122B record changed
file
RECEIVED
OCT 18 1996

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.
Department of Water Resources
Southern Region

1. Water Right Number(s) 36-02122B
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) ACEQUIA, INC.

4. New Owner/Claimant(s) RODNEY A. JENTZSCH and SHIRLEY S. JENTZSCH and
JOSEPH KEARL and MELYNDA KEARL
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 480 East 1500 North
City, State and ZIP Code Rupert, ID 83350
New Telephone Number (208) 436-1226
5. Date you acquired the property February 29, 1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Rodney A. Jentzsch Date October 9, 1996
Rodney A. Jentzsch Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

422679

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

RECORDED AT REQUEST OF
Land Title-Rupert

FILM NO. _____

OCT 18 1996

Department of Water Resources
South (#10821)

422679

'96 FEB 28 16 : 38

MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE 9 DEPUTY JP

(Space above line for Recorder's use)

WARRANTY DEED

FOR VALUE RECEIVED, ACEQUIA, INC., an Idaho corporation, whose address is P.O. Box 226, Sun Valley, ID 83353 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto RODNEY A. JENTZSCH and SHIRLEY S. JENTZSCH, husband and wife, and JOSEPH KEARL and MELYNDA KEARL, husband and wife, whose address is Route 3, Box 3256, Rupert ID 83350 ("Grantee", whether one or more), that certain real property situated in Minidoka County, Idaho and described in Exhibit A attached hereto and made a part hereof by this reference.

SUBJECT TO the following:

1. Liens for taxes and assessments not yet due and payable;
2. Reservations and exceptions in any patents from the United States or any patent or deed from the State of Idaho;
3. Building and zoning ordinances and regulations;
4. Covenants, conditions, rights-of-way, easements and restrictions of record if any as disclosed by the records of Minidoka County, Idaho;

TOGETHER WITH the following water rights as recommended in the Directors Report for Reporting Area 3 in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576 (the "SRBA"):

- a. All of Water Right No. 36-02123 in the amount of 2.72 cfs;
- b. All of Water Right No. 36-07193 in the amount of 0.28 cfs;
- c. All of Water Right No. 36-02124 in the amount of 6.1 cfs;

- d. All of Water Right No. 36-02190 in the amount of 1.6 cfs; and
- e. A portion of Water Right No. 36-02122 in the amount of 1.28 cfs.

SUBJECT TO the final outcome of all proceedings in and the provisions, terms and conditions of the decree to be entered in the SRBA.

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever. However, notwithstanding the description of the water rights set forth above, Grantor does not make any representation or warranty as to the amount, volume or any other element of such water rights.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the date set forth below.

"GRANTOR"

ACEQUIA, INC.

Date: 2/13/96

By:

Michael Haley
Michael Haley, President

DISTRICT OF COLUMBIA) ss.
)

On this 13th day of February, 1996, before me, the undersigned notary public in and for said state, personally appeared Michael Haley, known or identified to me to be the president of ACEQUIA, INC. and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Adrienne A. Schmidt
Notary Public for District of Columbia
Residing at: Edgewater, MD
Commission Expires:

My Commission
Expires 5/15/99

Order No.: 10831

SCHEDULE C

TOWNSHIP 6 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

TRACT NO. 1:

SECTION 35: S½.

TRACT NO. 2:

SECTION 35: N½.

TRACT NO. 3:

SECTION 26: That portion of the S½ of said Section 26, more particularly described as follows:

Beginning at the Southeast corner of Section 26, said corner marked by a U.S. General Land Office iron pipe with brass cap which shall be the POINT OF BEGINNING;

Thence North 89°44'23" West along the South section line for 2633.94 feet to a U.S. General Land Office iron pipe with brass cap at the South quarter section corner of Section 26;

Thence North 00°04'04" East for 1681.61 feet to a ½ inch rebar;

Thence South 89°23'51" East for 2636.58 feet to a ½ inch rebar on the East line of Section 26;

Thence South 00°09'18" West along the East line of Section 26 for 1665.86 feet to the POINT OF BEGINNING.

TRACT NO. 4:

SECTION 26: That portion of the SW¼ of said Section 26, more particularly described as follows:

Beginning at the Southwest corner of Section 26, said corner marked by a 2 inch iron pipe; thence South 89°52'01" East along the South line of the SW¼ for 1285.70 feet to a point which shall be the POINT OF BEGINNING;

Thence North 00°07'59" East for 103.93 feet;

Thence South 89°52'01" East for 100.00 feet;

Thence South 00°07'59" West for 103.93 feet to the South line of the SW¼;

Thence North 89°52'01" West along said line for 100.00 feet to the POINT OF BEGINNING.

EXHIBIT A

WILLIAM T. GOODMAN
ALAN GOODMAN
RICK BOLLAR

LAW OFFICE
Goodman and Bollar
CHARTERED
717 7TH STREET
BOX D
RUPERT, IDAHO 83350

AREA CODE 208
TELEPHONE NO.
436-4774
FAX
(208) 436-4837

October 17, 1996

RECEIVED

OCT 18 1996

Department of Water Resources
Southern Region

Idaho Department of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, ID 83301

Re: Acequia, Inc. - Jentzsch and Kearl
Change of Water Right Ownership

Dear Sir:

Enclosed for filing is a notice of Change of Water Right Ownership,
together with a copy of the recorded Warranty Deed from Acequia,
Inc. to Jentzsch and Kearl.

Very truly yours,

GOODMAN & BOLLAR



Alan Goodman

AG:KH
Encl.

NO. OF CLAIMS IN POLYGON

CLAIM NUMBERS 36-2122BDATE 6-19-97AGENT KKC

TRANSFER NUMBER

OBJECTION FILED XTOTAL ACRES FROM RECOMMENDATION 92GEOGRAPHIC INFO SYSTEM 89.6

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	65	24E														11	11	40	30
GIS			26													9.4	9.2	39.8	31.3
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF

ATTRIBUTES OF B36-POU.SHP ()

B36-DBPOD.DBF 619ATTRIBUTES OF B36-POD.SHP (X) 6-19P/D overlapP/D legalGIS36-2122 B65 24E 35 N W S E N E139N E S W2123 ✓S W N E S W138N W S W S W2124 ✓S W N E S E140N W S W S E21907193

All three P/Ds shifted across Q.Q.
lines based upon GIS maps & G.C.D.B.

P/U CONFLICT yes () no (X)

P/D CONFLICT yes (X) no ()

SENT FOR DECREE yes () no ()

RECEIVED

FEB 24 1997

OFFICE OF THE
ATTORNEY GENERAL

RECEIVED

FEB 25 1997

Department of Water Resources
Adjudication Bureau

Claimants Names:

Rodney A. & Shirley S. Jentzsch
Joseph & Melynda Kearl
Route 3, Box 3256
Rupert, ID 83350

Attorney Name & Address:

James P. Speck
Hogue, Speck & Aanestad, P.A.
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752

*R + blank prefix records modified.
36-02122B has no 'i' record.*

02-26-97

**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

) Subcases Nos. 36-02122B, 36-02123,
) 36-02124, 36-02190 and 36-07193
)
) NOTICE OF APPEARANCE
)
)

DESCRIPTIVE SUMMARY

This is a notice of appearance by counsel on behalf of the new claimants and purchasers of the water rights which are the subjects of the above-entitled Subcases.

NOTICE OF APPEARANCE

The law firm of Hogue, Speck & Aanestad hereby enters its appearance on behalf of Claimants, Rodney A. & Shirley S. Jentzsch and Joseph & Melynda Kearl, in the above-entitled Subcases.

MAIL4027

NOTICE OF APPEARANCE - 1



\\WPDATA\SRBA\NAPEAR.SUB
2/17/97 3:18 PM

DATED this 18th day of February, 1997.

HOGUE, SPECK & AANESTAD, P.A.

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of February, 1997, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

Chief, Natural Resources Division
Office of the Attorney General, State of Idaho
P. O. Box 44449
Boise, ID 83711-4449

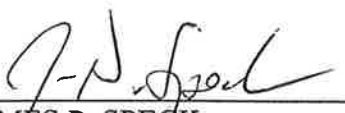
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK

COPY

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 COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUB CASE NO. 36-02122

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☒ Yes ☐ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Acequia Inc
PO Box 1678
Ketchum ID 83340
Phone: 726-8474

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

Acequia Inc
PO Box 1678
Ketchum ID 83340
Phone: 726-8474

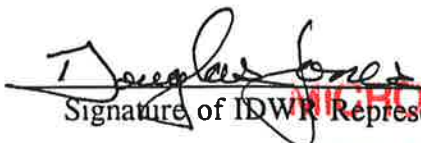
Joseph and Melynda Kearn
Rodney A and Shirley S Jentzsch
Rt 3 Box 3256
Rupert ID 83350
Phone: 436-1226

The Claimant has filed Objections or Responses to the following water rights: 36-02121, 36-02122, 36-02125, 36-02126, 36-02127, 36-02128, 36-02129, 36-02191, 36-02192, 36-02193, 36-02194, 36-02195A, 36-02197, 36-02198, 36-02199, 36-02200, 36-07182, 36-07192, 36-07391, 36-07403, 36-07404, 36-07405, 36-07932, 36-11290

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 9/27/1996


Signature of IDWR Representative

DEC 03 1996

CERTIFICATE OF MAILING

I certify that on 9-27, 1996, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Acequia Inc
PO Box 226
Sun Valley ID 83353
James Speck
Hogue Speck & Aanestad
PO Box 987
Ketchum ID 83340
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Joseph and Melynda Kearl
Rodney and Shirley Jentzsch
Rt 3 Box 3256
Rupert ID 83350
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

AJ5859NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-26-1996

PAGE: A-1

RIGHT NUMBER:

36-02122

SEP 27 PM 3:19

SPLIT RIGHT: SEE RIGHT NOS. R36-02122A AND R36-02122B

DISTRICT COURT-SNDA
TWIN FALLS CO., IDAHO
FILED

MICROFILMED

DEC 03 1996

W.R. NUMBER

NAME & ADDRESS

CLAIM DISPOSITION

REASON

36-02122A ACEQUIA INC
PO BOX 1678
KETCHUM ID 83340

1996 SEP 27 PM 3:19
DISTRICT COURT
TWIN FALLS CO. IDAHO
FILED

DISALLOWED

THE ORIGINAL CLAIMANT OF A PORTION OF 36-02122 NOW DESIGNATED AS 36-02122A RETAINED LANDS WITHIN A QUARTER-QUARTER CLAIMED IN 36-02122 BUT NOT RECOMMENDED AS IRRIGATED WITHIN THE PLACE OF USE FOR 36-02122. THE LANDS WITHIN THE PLACE OF USE FOR 36-02122 THAT WERE RECOMMENDED AS IRRIGATED WERE ACQUIRED BY THE CLAIMANT/PURCHASERS OF ANOTHER PORTION OF 36-02122, NOW DESIGNATED AS 36-02122B.

MICROFILMED
DEC 03 1996

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: SEP-26-1996

PAGE: A-3

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-02122B

NAME & ADDRESS: RODNEY A JENTZSCH
MELYNDA KEARL
SHIRLEY S JENTZSCH
JOSEPH KEARL
RT 3 BOX 3256
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.28 CFS
368.0 AFY

PRIORITY DATE: 06/07/1951

POINT OF DIVERSION: T06S R24E S35

NWSENE
SWNESW
SWNESE

Within MINIDOKA County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USE
IRRIGATIONPERIOD OF USE
Irrigation SeasonQUANTITY
1.28 CFS
368.0 AFY

PLACE OF USE:

IRRIGATION
T06S R24E S26
92.0 ACRES TOTAL

Within MINIDOKA County

NESE 11.0

NWSE 11.0

SWSE 40.0

SESE 30.0

CONSUMPTIVE USE: 276.0 AFY

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

RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF
THESE RIGHTS IS LIMITED TO 8.94 CFS. OTHER RIGHT NOS.: 36-02123,
36-07193, 36-02124 & 36-02190.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

MICROFILMED

DEC 03 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

September 27, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

JOSEPH AND MELYNDA KEARL
RODNEY AND SHIRLEY JENTZSCH
RT 3 BOX 3256
RUPERT ID 83350

RE: SRBA Claim(s) 36-02122

Dear Claimants:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

We have learned that addresses in your area are changing from route and box numbers to the grid system. If your address has recently changed, please complete the enclosed address change form and return it to this office.

Also enclosed is your copy of the Notice of Completed Administrative Proceeding the department filed with the SRBA Court. This conforms with Administrative Order 11 which requires IDWR to report to the court all changes to claims in basins where a Director's Report has been filed.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

cc: Jim Speck, Acequia Inc.

MICROFILMED
DEC 03 1996

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-02122B**
Date Received: 5/26/1989
Receipt No: X777777
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: JOSEPH KEARL 208-436-1226
Address: RT 3 BOX 3256
RUPERT ID 83350
AND
Name: MELYNDA KEARL 208-436-1226
Address: RT 3 BOX 3256
RUPERT ID 83350
AND
Name: RODNEY A JENTZSCH 208-436-1226
Address: RT 3 BOX 3256
RUPERT ID 83350
AND
Name: SHIRLEY S JENTZSCH 208-436-1226
Address: RT 3 BOX 3256
RUPERT ID 83350

2. Date of Priority: JUN 7, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	24E	35	NW	SE	NE		MINIDOKA
			SW	NE	SW		MINIDOKA
			SW	NE	SE		MINIDOKA

5. Description of diverting works:
THREE WELLS & PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.280		368.00

7. Total Quantity Appropriated is:
1.280 C.F.S. (and/or) 368.00 A.F.A.

8. Total consumptive use is 276.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	24E	26	NE	SE		IRR	11.0
			NW	SE		IRR	11.0
			SW	SE		IRR	40.0
			SE	SE		IRR	31.0
						Section Acres	93.0
						Total Acres	93.0

11. Place of use in counties: MINIDOKA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS A PORTION OF A36-02122 WHICH WAS SPLIT PURSUANT TO
AN OWNERSHIP CHANGE OF A PORTION OF THE RIGHT. jr

15. Basis of Claim: LICENSE

Water Right Number: 22154

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE	CUSTOMER
June 7, 1996 8:34am	JIM SPECK 36-02122A & B

SUBJECT: MISSING 1 ACRE IN SESE OF SECTION 26
phone call (X) walk-in (.)

He called last Friday (May 31, 1996) and said there was 1 acre missing from the "A" record in the SESE of Section 26. Since Acequia sold only the "recommended" portion of the original right, he wanted it added to the Acequia portion - A36-02122A. After looking over the deeds and maps, I couldn't justify adding it to the Acequia portion. The acre in question was originally licensed to the SESE quarter and all of the SESE quarter was conveyed to the new owners. I called him back and told him of the problem, but he said he didn't have a map handy and would have to get back with me. I still haven't heard from him, so I will add the acre to Jentzsch's "A" record - A36-02122B for now...

MICROFILMED
DEC 03 1996

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A36-02122B**

Date Received: 5/26/1989

Receipt No: X777777

Received By: ownership change
"split"

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: RODNEY A JENTZSCH 208-436-1226
Address: RT 3 BOX 3256
RUPERT ID 83350
AND
Name: SHIRLEY S JENTZSCH 208-436-1226
Address: RT 3 BOX 3256
RUPERT ID 83350
AND
Name: JOSEPH KEARL 208-436-1226
Address: RT 3 BOX 3256
RUPERT ID 83350
AND
Name: MELYNDA KEARL 208-436-1226
Address: RT 3 BOX 3256
RUPERT ID 83350

2. Date of Priority: JUN 7, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	24E	35	NW	SE	NE		MINIDOKA
			SW	NE	SW		MINIDOKA
			SW	NE	SE		MINIDOKA

5. Description of diverting works:
THREE WELLS & PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.280		368.00

MICROFILMED

MEMO TO FILE: 36-02122
DATE: MAY 29, 1996
AGENT: JEANIE ROBERTSON
RE: OWNERSHIP CHANGE

Received an ownership change form from Acequia to Rodney & Shirley Jentzsch and Joseph & Melynda Kearl for a portion of this right. This portion corresponded to the "Recommended" portion while Acequia retained ownership of the "Disallowed" portion. I split the "A" record into parts A (Acequia) and B (Jentzsch & Kearl), renumbered the "blank" or recommended record 36-02122 into part B (Jentzsch & Kearl), and created a part A (Acequia) to match the disallowed portion, at the suggestion of Deputy AG Brent King.

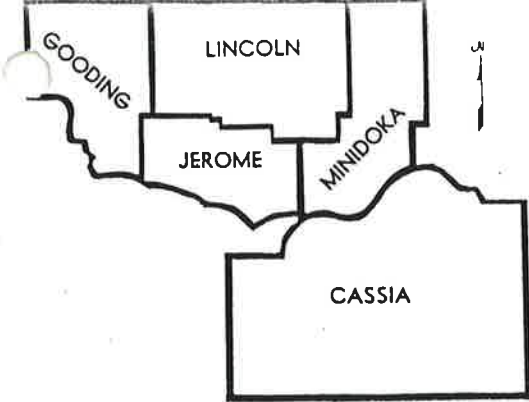
36-02122A, 36-02122B, 36-02123, 36-02124, 36-02190, 36-07193:

James Speck was Attorney of Record for Acequia and he told me to leave his name on the Jentzsch/Kearl claims for the time being.

MICROFILMED
DEC 03 1996

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



RECEIVED

REFER TO:
OFFICE:

MAY 06 1996

Department of Water Resources
Southern Region

Order #10831
Rupert

May 3, 1996

ATTENTION: JEANIE ROBERTSON
WATER RIGHTS AGENT
ADJUDICATION

IDAHO DEPARTMENT OF WATER RESOURCES
222 SHOSHONE ST. EAST
TWIN FALLS, IDAHO 83301

Dear Jeanie:

Enclosed is another New Property Owner-Notice of Change of Water Right Ownership on Acequia, Inc. to Rodney A. Jentzsch and Shirley S. Jentzsch and Joseph Kearl and Melynda Kearl.

I have also attached a copy of the Warranty Deed in reference to the above.

Thanks for your help on this matter.

Very truly yours:
LAND TITLE AND ESCROW, INC.

Julia G. Coffman
Julia G. Coffman
Escrow Officer

enc.
pc: file

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-6961

BOX 473, GOODING, IDAHO 83330
PHONE 834-8477 - FAX 834-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0608 - FAX 438-1198

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DEC 03 1996

**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 2-23-96

LEGAL DESCRIPTION OF PROPERTY: Township 6 South Range 24 East
Section 26 & 35 (ALL) 1/4 of 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☒ Water Right Number(s) 36-02123, 36-07193, 36-02124, 36-02190 & 36-02122
Assigned by IDWR: B
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Acequia Inc., an Idaho Corporation
P.O. Box 226
- ☐ New Owner/Claimant (Purchaser): Sun Valley, ID 83353
Rodney A. Jentzsch & Shirley S. Jentzsch AND
Joseph Kearl & Melynda Kearl
- ☐ New Mailing Address: Rt. 3 Box 3256
Rupert, ID 83350
- ☐ New Telephone Number: (208) 436 - 1226
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): x Rodney Jentzsch x Shirley S. Jentzsch Date 2-23-96
x Joe Kearl x Melynda Kearl Date 2-23-96
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 5/16/96 By: [Signature]

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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DEC 03 1996

422679

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

RECORDED AT REQUEST OF
Land Title-Rupert

FILM NO.

422679

(#10831)

'96 FEB 28 16 : 38

(Space above line for Recorder's use)

MINIDOKA COUNTY, IDAHO
DUANE SMITH, RECORDER
FEE 9 DEPUTY JP

WARRANTY DEED

FOR VALUE RECEIVED, ACEQUILA, INC., an Idaho corporation, whose address is P.O. Box 226, Sun Valley, ID 83353 ("Grantor" whether one or more), hereby grants, bargains, sells and conveys unto RODNEY A. JENTZSCH and SHIRLEY S. JENTZSCH, husband and wife, and JOSEPH KEARL and MELYNDA KEARL, husband and wife, whose address is Route 3, Box 3256, Rupert ID 83350 ("Grantee", whether one or more), that certain real property situated in Minidoka County, Idaho and described in Exhibit A attached hereto and made a part hereof by this reference.

SUBJECT TO the following:

1. Liens for taxes and assessments not yet due and payable;
2. Reservations and exceptions in any patents from the United States or any patent or deed from the State of Idaho;
3. Building and zoning ordinances and regulations;
4. Covenants, conditions, rights-of-way, easements and restrictions of record if any as disclosed by the records of Minidoka County, Idaho;

TOGETHER WITH the following water rights as recommended in the Directors Report for Reporting Area 3 in In Re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water System, Twin Falls District Court Case No. 39576 (the "SRBA"):

- a. All of Water Right No. 36-02123 in the amount of 2.72 cfs;
- b. All of Water Right No. 36-07193 in the amount of 0.28 cfs;
- c. All of Water Right No. 36-02124 in the amount of 6.1 cfs;

- d. All of Water Right No. 36-02190 in the amount of 1.6 cfs; and
- e. A portion of Water Right No. 36-02122 in the amount of 1.28 cfs.

SUBJECT TO the final outcome of all proceedings in and the provisions, terms and conditions of the decree to be entered in the SRBA.

TO HAVE AND TO HOLD, the said real property, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said real property, that said real property is free from all encumbrances except as above-described, and that the Grantor will warrant and defend the same from all lawful claims whatsoever. However, notwithstanding the description of the water rights set forth above, Grantor does not make any representation or warranty as to the amount, volume or any other element of such water rights.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed as of the date set forth below.

"GRANTOR"

ACEQUIA, INC.

Date: 2/13/96

By:

Michael Haley
Michael Haley, President

DISTRICT OF COLUMBIA) ss.
)

On this 13th day of February, 1996, before me, the undersigned notary public in and for said state, personally appeared Michael Haley, known or identified to me to be the president of ACEQUIA, INC. and the person who executed the foregoing instrument on behalf of said corporation and acknowledged to me that said corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Adrienne A. Schmidt
Notary Public for District of Columbia
Residing at: Edgewater, MD
Commission Expires:

My Commission
Expires 5/15/99

-2-

2/12/96
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DEC 03 1996

Order No.: 10831

SCHEDULE C

TOWNSHIP 6 SOUTH, RANGE 24 EAST, BOISE MERIDIAN,
MINIDOKA COUNTY, IDAHO

TRACT NO. 1:

SECTION 35: S½.

TRACT NO. 2:

SECTION 35: N½.

TRACT NO. 3:

SECTION 26: That portion of the S½ of said Section 26, more particularly described as follows:

Beginning at the Southeast corner of Section 26, said corner marked by a U.S. General Land Office iron pipe with brass cap which shall be the POINT OF BEGINNING;

Thence North 89°44'23" West along the South section line for 2633.94 feet to a U.S. General Land Office iron pipe with brass cap at the South quarter section corner of Section 26;

Thence North 00°04'04" East for 1681.61 feet to a ½ inch rebar;

Thence South 89°23'51" East for 2636.58 feet to a ½ inch rebar on the East line of Section 26;

Thence South 00°09'18" West along the East line of Section 26 for 1665.86 feet to the POINT OF BEGINNING.

TRACT NO. 4:

SECTION 26: That portion of the SW¼ of said Section 26, more particularly described as follows:

Beginning at the Southwest corner of Section 26, said corner marked by a 2 inch iron pipe; thence South 89°52'01" East along the South line of the SW¼ for 1285.70 feet to a point which shall be the POINT OF BEGINNING;

Thence North 00°07'59" East for 103.93 feet;

Thence South 89°52'01" East for 100.00 feet;

Thence South 00°07'59" West for 103.93 feet to the South line of the SW¼;

Thence North 89°52'01" West along said line for 100.00 feet to the POINT OF BEGINNING.

EXHIBIT A

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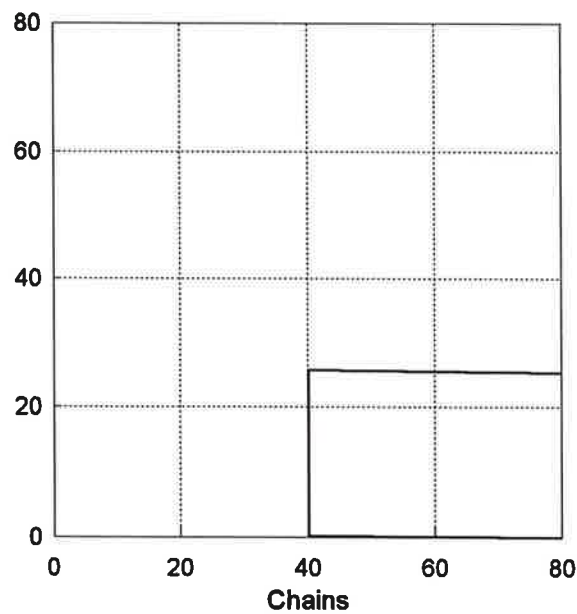
DEC 03 1996

RIGHT: 36-02122B

CLAIMANT: Jentzsch
Kearl

METES & BOUNDS

Sec ___, T___, R___



Schedule C
Tract #3

05/10/96 09:50 AM

ACRES = 101.25

MICROFILMED
DEC 03 1998
By: *[Signature]*

RIGHT: 36-02/22B

CLAIMANT: Jentzsch
Kearl

METES AND BOUNDS TABLE

X-COR	Y-COR	ANGLE			BEARING	DIST (FT)	CUM ACRES
		DEGREES	MINUTES	SECONDS			
80.00	0.00						-0.36
40.09	0.18	89.00	44.00	23.00	nw	2633.94	-102.00
40.12	25.66	0.00	4.00	4.00	ne	1681.61	-101.17
80.07	25.24	89.00	23.00	51.00	se	2636.58	-101.25
80.00	-0.00	0.00	9.00	18.00	sw	1665.86	-101.25
80.00	-0.00						-101.25
80.00	-0.00						-101.25
80.00	-0.00						-101.25
80.00	-0.00						-101.25
80.00	-0.00						-101.25
80.00	-0.00						-101.25
80.00	-0.00						-101.25
80.00	-0.00						-101.25
80.00	-0.00						-101.25

Schedule C
Tract #3

05/10/96 11:19 AM

ACRES = 101.25

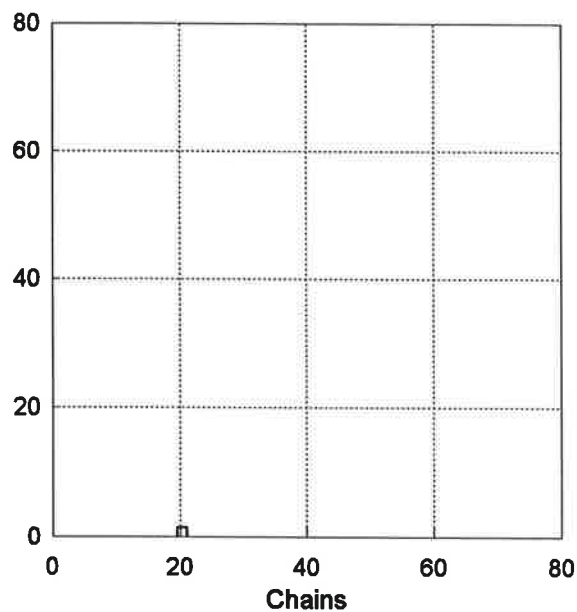
MICROFILMED

DEC 03 1996 *[Signature]*

RIGHT: 36-02/22B

CLAIMANT: Jentzsch
Kearl

METES & BOUNDS
Sec __, T __, R __



Schedule C
T tract #4

05/10/96 10:10 AM

ACRES = 0.28

MICROFILMED
By: [Signature]
DEC 03 1996

RIGHT: 36-02122B

CLAIMANT: Jentzsch
Kearl

METES AND BOUNDS TABLE

X-COR	Y-COR	ANGLE			BEARING	DIST (FT)	CUM ACRES
		DEGREES	MINUTES	SECONDS			
0.00	0.00						-0.04
19.48	-0.05	89.00	52.00	1.00	se	1285.70	3.02
19.48	1.53	0.00	7.00	59.00	ne	103.93	3.02
21.00	1.53	89.00	52.00	1.00	se	100.00	-0.29
21.00	-0.05	0.00	7.00	59.00	sw	103.93	-0.28
19.48	-0.05	89.00	52.00	1.00	nw	100.00	-0.28
19.48	-0.05						-0.28
19.48	-0.05						-0.28
19.48	-0.05						-0.28
19.48	-0.05						-0.28
19.48	-0.05						-0.28
19.48	-0.05						-0.28
19.48	-0.05						-0.28

Schedule C
Tract #4

05/10/96 11:01 AM

ACRES = 0.28

MICROFILMED
By: JK
DEC 03 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

May 29, 1996

JAMES P SPECK
HOGUE SPECK & AANESTAD
PO BOX 987
KETCHUM ID 83340

RE: OWNERSHIP CHANGE/SPLIT - SRBA CLAIM NO. A36-02122-ACEQUIA

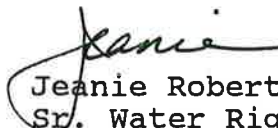
Mr. Speck;

Pursuant to the notification that you are representing the claimant on the above referenced Adjudication Claim, please find the enclosed copy of claim #A36-02122A. As the Jentzsch's and Kearl's purchased only a portion of the property represented by the original right, the Department split A36-02122 into parts A and B. Acequia's portion has been renumbered to A36-02122A and the Jentzsch's and Kearl's portion is A36-02122B. Please look the records over carefully to be sure they correctly reflect the intended change.

I've also enclosed a Proof Report of R36-02122A, which represents how the right will be recommended in the Director's Report when the amended report is issued. Please note that this portion is recommended for disallowal at this time.

If you should have any questions, feel free to give me a call at the office.

Sincerely,


Jeanie Robertson
Sr. Water Right Agent

/jr

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~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

May 29, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

RODNEY & SHIRLEY JENTZSCH
JOSEPH & MELYNDA KEARL
RT 3 BOX 3256
RUPERT ID 83350

Re: Ownership Change for Adjudication Claim # 36-02122, 36-02123,
36-02124, 36-02190, 36-07193
ACEQUIA/JENTZSCH-KEARL

Dear Claimants:

Pursuant to notification that you presently own the property in which the above referenced Adjudication Claims are appurtenant, I have changed the Department's records of the current owner as you requested.

I have enclosed copies of the claims (A36-02123, A36-02124, A36-02190, and A36-07193) and also profile reports (36-02123, 36-02124, 36-02190, and 36-07193) which show how the rights have been recommended in the Director's Report. (The C owner code refers to the Current owner and the D refers to the owner at the time the Director's Report was issued.)

As you only purchased a portion of the property to which 36-02122 was appurtenant, I have split that original right into parts A and B. Your portion is known as A36-02122B, while Acequia retained A36-02122A. I have enclosed copies of this claim and a proof report (R36-02122B) for this right also.

Mr. Speck asked me to leave his name as Attorney of Record on your claims for the time being. If you decide to have his name removed or change to another attorney, please submit the enclosed Change in Attorney Form.

If you have any questions, feel free to call me at the office.

Sincerely,

Jeanie Robertson
Sr. Water Rights Agent

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DEC 03 1996

Water Right Number - R36-02122B		Prefix Translation: RESEARCH	Old (D) Number - 22154			
+ - - - - Last Name - - - - +		+ - First Name - - +	+ - - - - Address - - - - - +			
*** A - ATTORNEY ***						
SPECK		JAMES P	1 - PO BOX 987 2 - 3 - City- KETCHUM State- ID Zip- 83340 Phone - 208-726-4421			
*** C - CURRENT OWNER ***						
JENTZSCH		RODNEY A	1 - RT 3 BOX 3256 2 - 3 - City- RUPERT State- ID Zip- 83350 Phone - 208-436-1226			
JENTZSCH		SHIRLEY S	1 - RT 3 BOX 3256 2 - 3 - City- RUPERT State- ID Zip- 83350 Phone - 208-436-1226			
KEARL		JOSEPH	1 - RT 3 BOX 3256 2 - 3 - City- RUPERT State- ID Zip- 83350 Phone - 208-436-1226			
KEARL		MELYNDA	1 - RT 3 BOX 3256 2 - 3 - City- RUPERT State- ID Zip- 83350 Phone - 208-436-1226			
*** O - ORIGINAL OWNER ***						
ACEQUIA INC			1 - PO BOX 1678 2 - 3 - City- KETCHUM State- ID Zip- 83340 Phone - 208-726-8474			
+ - - Priority Date - - +		+ - - Region - - - +	+ - - Stage - - - +			
06/07/1951		17 SOUTHERN	L - LICENSE			
+ - - - - Source - - - - - +		+ - - - - Tributary - - - - - +				
GROUNDWATER						
+ - - - - Point of Diversion - - - - - +						
Twn	Rng	Sec	Tract	Lot	RFlg	County
06S	24E	35	NW SE NE		(67)	MINIDOKA
			SW NE SW		(67)	MINIDOKA
			SW NE SE		(67)	MINIDOKA

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DEC 03 1996

Water right number - R36-02122B

Prefix Translation: RESEARCH

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	1.280	368.00
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Consumptive Use - + + - KW Usage - +	
1.280		368.00		276.0	

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
06S	24E	26	NE SE		11.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	26	NW SE		11.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	26	SW SE		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	26	SE SE		30.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 92.0

+ - - Diversion Means - THREE WELLS & PUMPS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

GEN RIGHTS LISTED BELOW ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE, AND THE TOTAL COMBINED RATE OF DIVERSION OF THESE RIGHTS IS LIMITED TO 8.94 CFS. OTHER RIGHT NOS.: 36-02123, 36-07193, 36-02124 & 36-02190.

Old Water Right Numbers -
No Old Water Right Numbers Found

Conditions of Approval -
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decree Plaintiff - - - + Decree Defendant - - - + Decree Date - +
00/00/0000

Comments -
Date: 02/08/1991 User Id: BEDKE Subject: ADM-STAFF REVIEW
Date: 06/13/1991 User Id: MERRITT Subject: FORFEITURE OF PORTION
ALTHOUGH THE EXTENSION OF TIME WAS ISSUED EVIDENCE SUPPORTS THAT USE WAS FORFEITED BEFORE THE EXTENSION WAS GRANTED.
Date: 09/28/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A. CLAIM VERIFIED 3/11/92. DID NOT REVERIFY ANY PART OF CLAIM.
Date: 10/08/1992 User Id: ROBERTSO Subject: ADDRESS CHANGE & NOTICE OF APPEARANCE ENTERED
Date: 10/09/1992 User Id: MERRITT Subject: RESPONDED TO NOE
MET WITH SPECK 10/7. DELETED REFERENCE TO 36-07192 IN REMARKS.

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Water right number - R36-02122B

Prefix Translation: RESEARCH

+ - - - - - Comments - - - - - +

Date: 05/29/1996 User Id: JROBERTS Subject: OWNERSHIP CHANGE/SPLIT
FORM RECEIVED 5/6/96, COPY OF WARRANTY DEED SUBMITTED WITH FORM, ORIGINAL OWNER ACEQUIA - NEW OWNERS RODNEY & SHIRLEY JENTZSCH AND JOSEPH & MELYNDA KEARL. (ONLY "RECOMMENDED" PORTION WAS SOLD, ACEQUIA RETAINED OWNERSHIP OF DISALLOWED PORTION.) A36-01222 WAS ALSO SPLIT AND CHANGED. jr

+ - - Audit Fields - - +

05/29/96 JROBERTS

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 05/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	- C
				Notice of Error Flag	- C

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