

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: A36-02124

Date Received: 1/19/1989

Receipt No: 5007363

Received By: AD

COPY

FOR YOUR FILES

DO NOT RETURN

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

1. Name: ACEQUIA INC. 208-726-8474
Address: P.O. DRAWER 226
SUN VALLEY, ID 83353

2. Date of Priority: JUN 07, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	24E	26	SW	SE	SW		MINIDOKA
			SE	NW	SE		MINIDOKA
		35	NW	SE	NE		MINIDOKA
			SW	NE	SW		MINIDOKA
			SW	NE	SE		MINIDOKA

5. Description of diverting works:
FIVE 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	6.100		

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

8. Total consumptive use is 915.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	24E	35	NE		NE		IRR	28.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	37.0
							Section Acres	305.0
							Total Acres	305.0

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:

15. Basis of Claim: LICENSE
Water Right Number: 22156

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President of Acquian Inc., that I have signed the foregoing document in the space below as President of Acquian Inc. and that the statements contained in the foregoing document are true and correct.

Foreman Delay
Signature of Authorized Agent
President Acquian Inc.
Title and Organization
5/26/89
Date

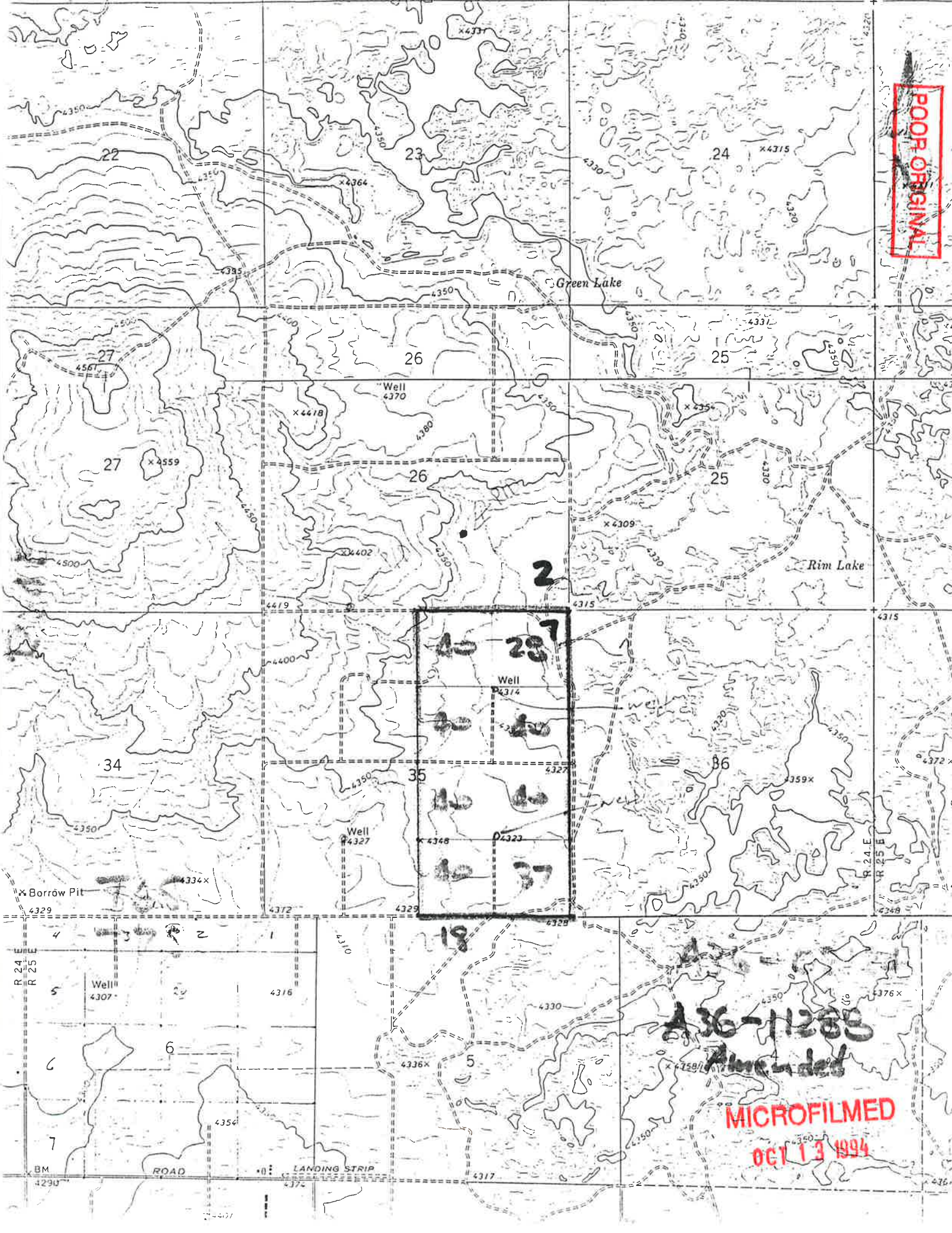
State of Idaho)
County of Thi-Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of May 19 89
[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94

POOR ORIGINAL



436-11288
Amended

MICROFILMED
OCT 13 1994

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: **A36-02124**

Date Received: 5/26/1989

Receipt No: S007363

Received By: _____

address change & NOA
JK

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ACEQUIA INC
Address: PO BOX 1678
KETCHUM ID 83340
208-726-8474

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 of	Lot	County
06S	24E	26	SW	SE	SW		MINIDOKA
			SE	NW	SE		MINIDOKA
		35	NW	SE	NE		MINIDOKA
			SW	NE	SW		MINIDOKA
			SW	NE	SE		MINIDOKA

5. Description of diverting works:
FIVE 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	6.100		

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

8. Total consumptive use is 915.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06S	24E	35	NE	NE		IRR	28.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	24E	35	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	37.0

Section Acres 305.0

Total Acres 305.0

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:

15. Basis of Claim: LICENSE

Water Right Number: 22156

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: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

SD-0601-2 Last Name: ACEQUIA

STATE

S E L -	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
A	ACEQUIA INC						
A		C	A36-07405	11/08/1973	GROUNDWATER	1.160	01 IRR
A		C	A36-07850A	03/30/1979	GROUNDWATER	0.427	01 IRR
A		C	A36-02121	06/07/1951	GROUNDWATER	2.440	01 IRR
A		C	A36-02123	06/07/1951	GROUNDWATER	2.720	01 IRR
A		C	A36-02124	06/07/1951	GROUNDWATER	6.100	01 IRR
A		C	A36-02125	06/07/1951	GROUNDWATER	2.470	01 IRR
A		C	A36-02126	06/07/1951	GROUNDWATER	2.360	01 IRR
A		C	A36-02127	06/07/1951	GROUNDWATER	4.940	01 IRR
A		C	A36-02128	06/07/1951	GROUNDWATER	2.620	01 IRR
A		C	A36-02129	06/07/1951	GROUNDWATER	8.840	01 IRR
A		C	A36-02130A	06/07/1951	GROUNDWATER	4.153	01 IRR
A		C	A36-07932	08/14/1980	GROUNDWATER	0.800	01 IRR
A		C	A36-08106A	08/10/1982	GROUNDWATER	1.387	01 IRR
A		C	A36-02190	02/25/1953	GROUNDWATER	1.600	01 IRR
A		C	A36-02192	02/25/1953	GROUNDWATER	3.480	01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

JAN 25 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

09-Oct-1992

James P. Speck
PO Box 987
Ketchum, ID 83340

*see #A36-02121 for
Original Powers of Attorney*

RE: Confirmation of Response to Notice of Error and Change of Address
for Acequia Inc. & Estate of Rosemary Haley SRBA Claims.

Dear Mr. Speck:

This letter is intended to confirm my responses to your Notices of Error discussed in our October 7th meeting with Miles Clinton at my office.

Regarding your general concern about the season of use, the proposed recommendations are based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost. Additionally, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for a conditioned irrigation use outside the general irrigation season.

Regarding your general concern about the language in the recommendations which talks about "right includes a change in point of diversion", the Department includes such language in rights where the proposed legal description for the point of diversion is different than the legal description of the base water right. This situation may exist if there has been a physical change in the point of diversion or if it has been determined that the base water right location was incorrect even if there has been no physical change in the point of diversion.

Regarding your concerns about disallowal of several of the rights, these rights were recommended for disallow because generally it was determined by field examination and information gathered from the ASCS that there was a period of 5 years of non-use for these rights or that the acres claimed irrigated consisted of lava out crops that have never been farmed.

I confirm that based on your change of ownership letter and the power of attorney documents submitted we have changed the address of Acequia Inc. and have added you as attorney for all claims in the name of Acequia Inc. Additionally we have changed the name of the Rosemary Haley claims to that of the Estate of Rosemary Haley and have changed

MICROFILMED

JAN 25 1993

Page 2
Oct 9, 1992

the address to that of Acequia Inc. and have also added you as attorney for all claims in the name of Rosemary Haley.

After our meeting and review of the files the following additional changes were made to the proposed recommendations:

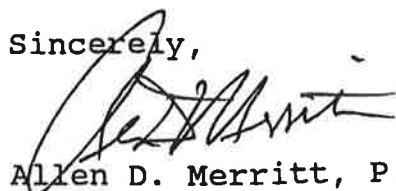
36-02127 None 36-07850A None
36-02195A None 36-11340 None
36-02130A None 36-07041 None
36-02191 None 36-08106A None
36-02192 None 36-02193 None
36-11290 None 36-11288 None
36-02121 None 36-02194 None

36-02129 Reference to point of diversion change deleted.
36-07403 Reference to point of diversion change deleted.

36-07192 Disallowed since acres originally recommended covered under
36-02122.
36-02122 Deleted reference to 36-07192 in remarks.
36-02124 Deleted reference to 36-07192 in remarks.
36-02190 Deleted reference to 36-07192 in remarks.
36-07193 Deleted reference to 36-07192 in remarks.
36-02123 Deleted reference to 36-07192 in remarks.

If you still disagree with IDWR's recommendations, you will have the opportunity to file an objection to the Director's Report with the court. If you have further questions please feel free to contact our office.

Sincerely,



Allen D. Merritt, P.E.
Water Rights Supervisor

MICROFILMED

JAN 25 1993

HOGUE, SPECK & AANESTAD

A PROFESSIONAL ASSOCIATION
ATTORNEYS

TERRY G. HOGUE
JAMES P. SPECK
DOUGLAS J. AANESTAD
J. STEPHEN CRABTREE
TRACY DUNLAP

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340
(208) 726-4421
FAX (208) 726-0752

HAILEY OFFICE:
16 WEST CROY STREET
SUITE K
POST OFFICE BOX 460
HAILEY, IDAHO 83333
(208) 788-3567
FAX (208) 788-4230

September 24, 1992

CERTIFIED MAIL P 059 723 341
RETURN RECEIPT REQUESTED

OCT 01 1992

RECEIVED

SEP 25 1992

Department of Water Resources
Boise, Idaho Office

Department of Water Resources

Mr. Dave Shaw
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

Re: Acequia, Inc. - Estate of Rosemary Haley

Dear Dave:

Enclosed you will find Notices of Error for certain water rights claimed by Acequia, Inc. and the Estate of Rosemary Haley in the Snake River Basin Adjudication. I have also enclosed copies of the Special Powers of Attorney whereby Acequia, Inc. and the Estate of Rosemary Haley have designated me their attorney-in-fact to act in these matters. Please note that the address used by Acequia, Inc. in filing its claims should no longer be used. Instead, the corporation's new address is designated on the Notices of Error (P.O. Box 1678, Ketchum, Idaho 83340).

The period of use for all of my client's irrigation water rights has been changed from the traditional period of March 15 through November 15 to April 1 through October 31. Is this same change being made for every irrigation right in Basin 36? If so, why?

As I mentioned, Ms. Haley passed away in February, 1992 and her records are somewhat in a state of disarray. I have not yet been able to locate her copies of the claims filed in the Adjudication nor any notes or records on the claims based upon beneficial use. I know she worked closely with Gary Funderberg in the Southern Region on many of the water rights matters for Acequia, Inc. I would like to arrange a meeting with an appropriate representative of the Department to discuss the Notices of Error and hopefully resolve many of the questions before the Department must file the Basin 36 Report - I understand this deadline to be November 1, 1992.

MICROFILMED

JAN 25 1993

Mr. Dave Shaw
September 24, 1992
Page 2

I look forward to hearing from you. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD

Jms
James P. Speck

JPS\dmk
Enclosures
cc: Dr. Mike Haley (w/o encls.)

MICROFILMED
JAN 25 1993

NO. OF CLAIMS IN POLYGON

CLAIM NUMBERS R36-2124DATE 6-19-97

TRANSFER NUMBER

OBJECTION FILED XAGENT KKCTOTAL ACRES FROM RECOMMENDATION 305GEOGRAPHIC INFO SYSTEM 304

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	6S	24E	35	28	40	40	40									40	40	40	37
GIS				25.7	40.2	40.2	40.2									40.2	40.2	40.2	36.9
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			
RECOM																			
GIS																			

UPDATED

B36-DBPOU.DBF

6-19

POLYGON #

UPDATED

ATTRIBUTES OF B36-POU.SHP (134)

6-19

B36-DBPOD.DBF

6-19

ATTRIBUTES OF B36-POD.SHP ()

6-19

3 P/Ds Recomm.

GIS

P/D overlap

6S 24E 35

NWSENE

139 NESWNE

36-2122B

SWNESE

138 NWSWSE

2123

SWNESE

140 NWSWSE

2190

2124

7192

7193

all 3 P/Ds shifted across Q.Q. lines
based upon GIS maps & GCDB

P/U CONFLICT yes () no (X)

P/D CONFLICT yes (X) no ()

SENT FOR DECREE yes () no ()

RECEIVED

RECEIVED

FEB 24 1997

FEB 25 1997

OFFICE OF THE
ATTORNEY GENERAL

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 - records.*

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

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: **A36-02124**

Date Received: 5/26/1989

Receipt No: S007363

Received By: ownership change

**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 of	Lot	County
06S	24E	26	SW	SE	SW		MINIDOKA
			SE	NW	SE		MINIDOKA
		35	NW	SE	NE		MINIDOKA
			SW	NE	SW		MINIDOKA
			SW	NE	SE		MINIDOKA

5. Description of diverting works:
FIVE 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	6.100		

7. Total Quantity Appropriated is:
6.100 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 915.0 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	35	NE		NE		IRR	28.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	37.0

Section Acres 305.0

Total Acres 305.0

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:

15. Basis of Claim: LICENSE

Water Right Number: 22156

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: _____

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

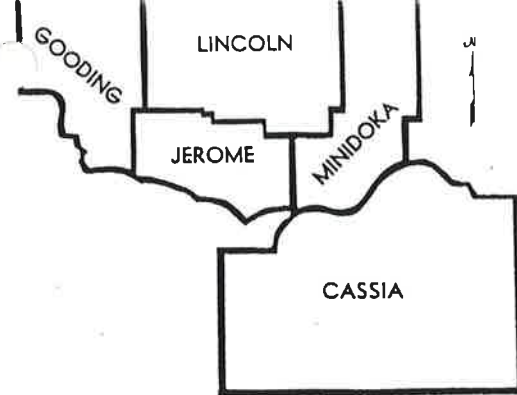
Received an ownership change form from Acequia to Rodney & Shirley Jentzsch and Joseph & Melynda Kearl for a portion of this right. This portion corresponded to the "Recommended" portion while Acequia retained ownership of the "Disallowed" portion. I split the "A" record into parts A (Acequia) and B (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 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8981

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

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0808 - FAX 436-1199

MICROFILMED
DEC 03 1996

DATE OF CLOSING: 2-23-96

☐ 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) Assigned by IDWR: 36-02123, 36-07193, 36-02124, 36-02190 & 36-02122

[]	Name and Address of Former Owner/Claimant(s)(Seller):	<u>Acequia Inc., an Idaho Corporation</u> <u>P.O. Box 226</u> <u>Sun Valley, ID 83353</u>
[]	New Owner/Claimant (Purchaser):	<u>Rodney A. Jentzsch & Shirley S. Jentzsch AND</u> <u>Joseph Kearl & Melynda Kearl</u>
[]	New Mailing Address:	<u>Rt. 3 Box 3256</u> <u>Rupert, ID 83350</u>

[[New Telephone Number: (208) 436 - 1226

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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 Jentsch x Shirley S. Jentsch Date 2-23-96
x Joe Kowal x Melinda Kowal 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.)

Claim Numbers of Split, if any:

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

MICROFILMED

DEC 03 1996

422679

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

RECORDED AT REQUEST OF
Land Title-Rupert

FILM NO.

(#10831)

422679

'96 FEB 28 16 : 38

(Space above line for Recorder's use)

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

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;

F:\WPDATA\U\ACEQUIA\FARM\JENTZSCH\WARRANTYDEED.001

-1-

MICROFILMED
2/12/96
DEC 03 1996

- 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:

-2-

My Commission
Expires 5/15/99

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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

RECEIVED

MAY 08 1996

Department of Water Resources
Adjudication Bureau

COPY
RECEIVED

MAY 21 1996

Department of Water Resources
Southern Region

FEB 14 1996

Hogue, Speck & Associates

36-02123

36-02124

36-02190

36-02123
7/93

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

STANDARD FORM 3

(Check Appropriate Box)

☐ NOTICE OF CHANGE IN ADDRESS
OR

☒ CONSENT TO SUBSTITUTION OF
PARTY

*this document was accepted by
SRBA court 5/6/96*

CM system has been updated

INSTRUCTIONS FOR USE

This form is to be used to provide notice of a change in address of a party or to substitute a party whose water right was recommended in a director's report. The filing of Standard Form 3 cannot result in a contested matter and a hearing will not be scheduled. If completed as directed, the form will be accepted by the court and no further orders will issue. Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) (1986) where a water right recommendation is not before the court.

This form has been adopted by the court in Re SRBA, Twin Falls County Case 39576, SRBA Administrative Order 1 Rules of Procedure (amended 6/21/93), Section 4Ac(3), which may be consulted for further information.

A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here. Follow the instructions on the form or it will not be accepted for filing. The Verification and the Certificate of Mailing must be completed.

Standard forms may be obtained from the Idaho Department of Water Resources or the SRBA Court.

S.F. 3
Revised 6/3/95

(over)

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DEC 03 1996

FEB 13 '96 14:02

2087260752

PAGE.02

right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of the "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The Substitution shall be filed by the new claimant/purchaser.

I am the new claimant/purchaser of 36-02123, 36-07193, 36-02124, 36-02190

My name is RODNEY A. JENTZSCH AND SHIRLEY S. JENTZSCH
(Insert each water right number)
JOSEPH KEARL AND MELYNDA KEARL

My address is ROUTE 3 BOX 3256 RUPERT, IDAHO 83350

My phone number is: Work (208) 532-4119 Home (208) 436-1226

The name and address of the prior claimant/seller who I wish to be substituted for are:

Acequa, Inc., Post Office Box 226, Sun Valley, ID 83353

Michael J. Haley
Signature of prior claimant/seller
Michael J. Haley, President

Rodney A. Jentzsch
Shirley S. Jentzsch
Signature of new claimant/purchaser
Joseph Kearl
Melinda Kearl

If an attorney is filing this form on behalf of a water right claimant or party in the SRBA, the attorney must complete the following information, in addition to the information required above.

Attorney name _____

Attorney of record for _____

(Identify party/claimant)

Attorney address and phone number: _____

- ☐ I have filed a *Notice of Appearance* for the party on whose behalf I am filing this form.
- ☐ A *Notice of Appearance* accompanies this form indicating which party and water rights I represent.

MICROFILMED

DEC 03 1996 Page 3

INSTRUCTIONS FOR MAILING

Mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on FEBRUARY 23, 1996, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. A *Change of Address* was served on each party, or if they are represented by an attorney you must serve the attorney, in each subcase in which you are a party, at the following address(es):

3. A *Consent to Substitution of Party* was served on the prior claimant/seller, or if they are represented by an attorney you must serve the attorney, at the following address(es):

JAMES P. SPECK, ESO.

HOGUE, SPECK & AANESTAD

P.O. BOX 987

KETCHUM, IDAHO 83340

4. A *Consent to Substitution of Party* was served on each party to each subcase, or if they are represented by an attorney you must serve the attorney, in which the prior claimant/seller is a party at the following address(es):



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

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 - 36-02124 Prefix Translation: WATER RIGHT Old (D) Number - 22156

+ - - - - 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

*** D - DIR RPT OWNER ***
ACEQUIA INC 1 - PO BOX 1678
2 -
3 -
City- KETCHUM State- ID Zip- 83340
Phone - 208-726-8474

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
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

DEC 03 1996
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Prefix Translation: WATER RIGHT

Code		Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume	
01 - IRRIGATION			04/01	10/31	6.100	1220.00	
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Consumptive Use - +		+ - KW Usage - +	
6.100		1220.00		915.0			

	Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
	06S	24E	35	NE NE		28.0	01	IRRIGATION	(67) MINIDOKA
	06S	24E	35	NW NE		40.0	01	IRRIGATION	(67) MINIDOKA
	06S	24E	35	SW NE		40.0	01	IRRIGATION	(67) MINIDOKA
	06S	24E	35	SE NE		40.0	01	IRRIGATION	(67) MINIDOKA
	06S	24E	35	NE SE		40.0	01	IRRIGATION	(67) MINIDOKA
	06S	24E	35	NW SE		40.0	01	IRRIGATION	(67) MINIDOKA
	06S	24E	35	SW SE		40.0	01	IRRIGATION	(67) MINIDOKA
	06S	24E	35	SE SE		37.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 305.0

+ - - Diversion Means - THREE WELLS & PUMPS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

[illegible]

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 (capacity of diversion system). OTHER RIGHT NOS.: 36-02122, 36-02123, 36-02190, AND 36-07193.

+ - 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: 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 7/29/91. 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.

+ + + +
 MICHOUILVED
 FEB 23 1996

Prefix Translation: WATER RIGHT

+ - - - - - Comments - - - - - +
Date: 05/16/1996 User Id: JROBERTS Subject: OWNERSHIP CHANGE
FORM RECEIVED 5/6/96, COPY OF WARRANTY DEED SUBMITTED WITH FORM, ORIGINAL OWNER ACEQUIA - NEW OWNERS RODNEY & SHIRLEY JENTZSCH AND
JOSEPH & MELYNDA KEARL. A36-02124 ALSO CHANGED. jr

+ - - Audit Fields - - +
05/16/96 JROBERTS

+ Adjudication Rights Dates and Flags Area +

Court Report Filing	- 11/02/1992	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 05/03/1993	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 08/31/1993	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	- S007363	Water District	-
		PQU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	- C
				Notice of Error Flag	- C

MICROFILMED
Jul 03 1996

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

February 8, 1996 4:30pm **STEVE PORCH** 36-02122, 36-02123, 36-02124,
36-02190, 36-07193

SUBJECT: PROFILE REPORTS

phone call (X) walk-in (.)

He is a real estate agent who requested profile reports on these Acequia claims. Also wanted some Change of Ownership forms and some SF3's left at the front desk, which he will pick up tomorrow.

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DEC 03 1996

R PROOF

CVR

MAPS

PHOTOS

MISC

UNCLASSIFIED

OCT 13 1994

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 the Rights to the Use of Water
from the Snake River Basin
Water System

Case No. 36-02124 -0001

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

RESPONSE TO OBJECTION

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

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OCT 13 1994

2. Person who filed objection:

Name: ACEQUIA INC
Address: POST OFFICE DRAWER 226
SUN VALLEY ID 83353

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection item 11 and all allegations of the objection regarding this item, IDWR responds as follows.

The claimant filed objections to IDWR's recommendation of disallowal of all of claim no. 36-02121 and a portion of claim no. 36-02122. The claimant seeks changes in the combined use remark of this right, to change the remark to reflect the changes sought in the objections to the recommendations of the other claims. In its responses, IDWR denies the objections to the recommendations of the other claims, and IDWR incorporates those responses herein by reference (see sub-case nos. 36-02121-0001 and 36-02122-0001.) However, if claim nos. 36-02121 and 36-02122 are determined by the court differently than recommended by IDWR, then the combined use remark in the description of this right will need to be changed.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

No. of
Pages

Notice of Claim No. A36-02124

4

(Over)

REC-17 1993
VIC-BOLIVIA WED

VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.



Signature of person filing response

By: 

(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 31st day of August,
1993.



Notary Public for Idaho

Residing at: _____

My Commission expires _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of AUGUST, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: JAMES P SPECK
Address: PO BOX 987
KETCHUM ID 83340

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

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: A36-02124
Date Received: 1/19/1989
Receipt No: 5007363
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ACEQUIA INC. 208-726-8474
Address: P.O. DRAWER 226
SUN VALLEY, ID 83353

2. Date of Priority: JUN 07, 1951

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	24E	26	SW	SE	SW		MINIDOKA
			SE	NW	SE		MINIDOKA
		35	NW	SE	NE		MINIDOKA
			SW	NE	SW		MINIDOKA
			SW	NE	SE		MINIDOKA

5. Description of diverting works:
FIVE 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	6.100		

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

8. Total consumptive use is 915.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	24E	35	NE		NE		IRR	28.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	37.0
							Section Acres	305.0
							Total Acres	305.0

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:

15. Basis of Claim: LICENSE
Water Right Number: 22156

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President of Acquia Inc. that I have signed the foregoing document in the space below as President of Acquia Inc. and that the statements contained in the foregoing document are true and correct.

Foreman Daley
Signature of Authorized Agent

President Acquia Inc.
Title and Organization

5/26/89
Date

State of Idaho)
County of Thir Falls) SS.

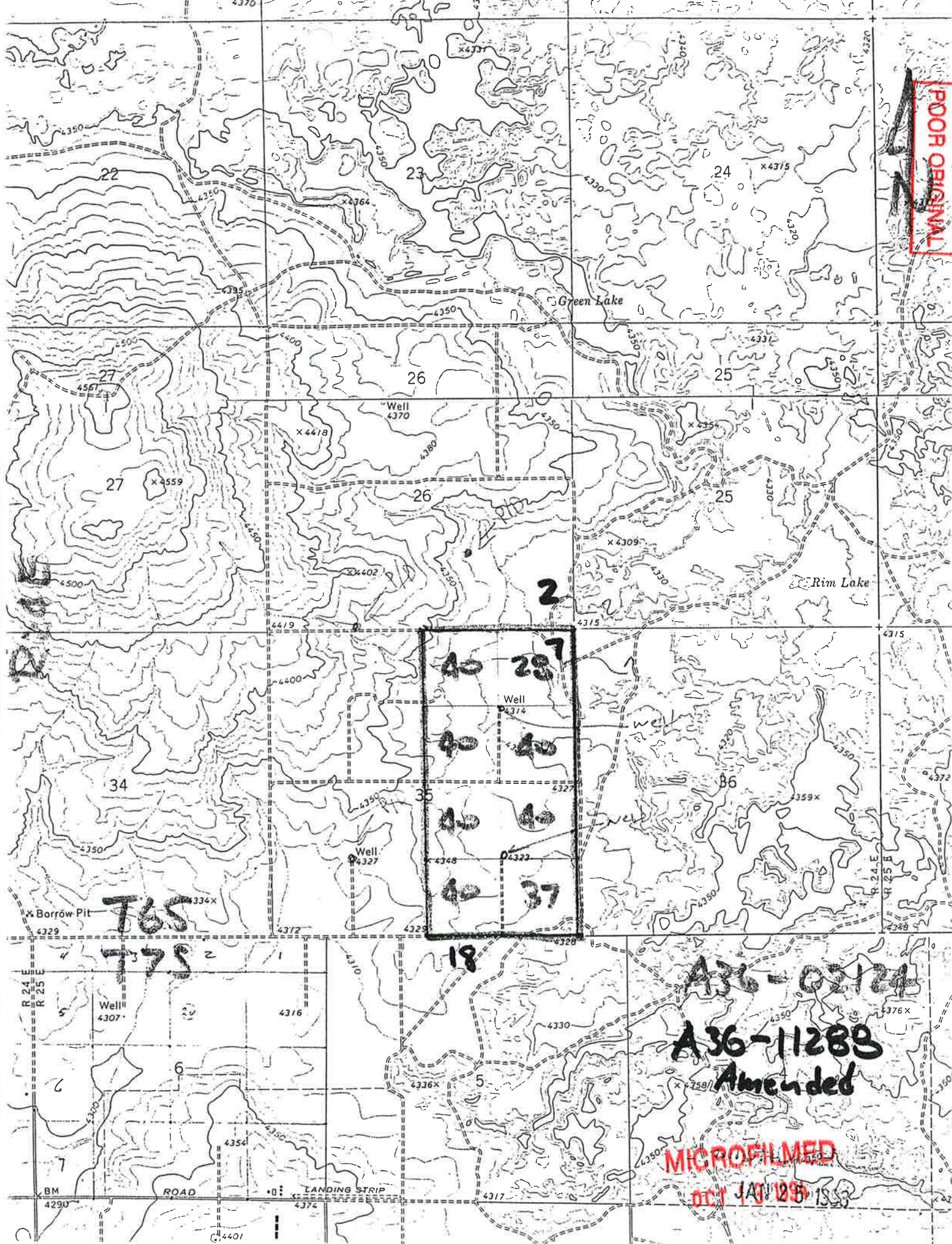
Subscribed and sworn (or affirmed) before me this 26th day
of May 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94

POOR ORIGINAL



RECEIVED

MAY 03 1993

Department of Water Resources
Adjudication Bureau

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

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

Case No. 36-02124
(You must insert the
water right number you
are objecting to)

OBJECTION

36-02124 -0001/
93-04-0168

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

OBJECTION - 1

(Over)

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OCT 13 1994

12. ☐ Water Right Recommendation: I object to:
- a. ☐ this water right being recommended at all; or
- b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to: _____
- _____
- _____
- _____
- _____

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

Acequia has filed Objections to the quantity of water recommended for 36-02121 and 36-02122. All reasons supporting those objections apply to this Objection to the combined rate of diversion of this right and those rights.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

The Remarks should be changed so that the combined rate of diversion limitation for all rights diverted through the same points of diversion is increased to account for increases in 36-02121 and 36-02122.

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

VERIFICATION (Must be Completed)

State of Idaho

County of Blaine

James P. Speck, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

ACEQUIA, INC.

By: _____
Signature of person filing objection

By: J. P. Speck
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 30th day of April,
1993.

Deborah L. Kiley
Notary Public for Idaho
Residing at: 16700 N. Idaho
My Commission expires: 11/1/97

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of April, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

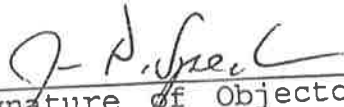
Owner name: Acequia, Inc.
Owner's address: Post Office Drawer 226
Sun Valley, Idaho 83353

3. One copy to:

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

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney
mailing on Objector's behalf

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF



MICROFILMED

JAN 25 1993

Water Right Number - R36-02124

Prefix Translation: RESEARCH

Old (D) Number - 22156

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** A - ATTORNEY ***
SPECK

JAMES P

1 - PO BOX 987
2 -
3 -
City- KETCHUM
Phone - 208-726-4421

State- ID Zip- 83340

*** C - CURRENT OWNER ***
ACEQUIA INC1 - PO BOX 1678
2 -
3 -
City- KETCHUM
Phone - 208-726-8474

State- ID Zip- 83340

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/07/1951 17 SOUTHERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County06S 24E 35 NW SE NE (67) MINIDOKA
SW NE SW (67) MINIDOKA
SW NE SE (67) MINIDOKA+ - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 6.100 1220.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
6.100 1220.00 915.0+ - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

06S	24E	35	NE NE		28.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	NW NE		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	SW NE		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	SE NE		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	NE SE		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	NW SE		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	SW SE		40.0	01	IRRIGATION	(67) MINIDOKA
06S	24E	35	SE SE		37.0	01	IRRIGATION	(67) MINIDOKA

Total Acres: 305.0

+ - - Diversion Means - THREE WELLS & PUMPS

MICROFILMED
JAN 25 1993

Water right number - R36-02124

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - - +
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 (capacity of
diversion system). OTHER RIGHT NOS.: 36-02122, 36-02123,
36-02190, AND 36-07193.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO IDAHO CODE 42-1416A.

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

+ - - - - - Comments - - - - - +
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 7/29/91. 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.

+ - - Audit Fields - - +
10/09/92 MERRITT

+ - - - - - 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	- 10/09/1992	Old Judicial District	-
Claim Received Date	- 05/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S007363	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	- C

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JAN 25 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

09-Oct-1992

James P. Speck
PO Box 987
Ketchum, ID 83340

RE: Confirmation of Response to Notice of Error and Change of Address
for Acequia Inc. & Estate of Rosemary Haley SRBA Claims.

Dear Mr. Speck:

This letter is intended to confirm my responses to your Notices of Error discussed in our October 7th meeting with Miles Clinton at my office.

Regarding your general concern about the season of use, the proposed recommendations are based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost. Additionally, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for a conditioned irrigation use outside the general irrigation season.

Regarding your general concern about the language in the recommendations which talks about "right includes a change in point of diversion", the Department includes such language in rights where the proposed legal description for the point of diversion is different than the legal description of the base water right. This situation may exist if there has been a physical change in the point of diversion or if it has been determined that the base water right location was incorrect even if there has been no physical change in the point of diversion.

Regarding your concerns about disallowal of several of the rights, these rights were recommended for disallow because generally it was determined by field examination and information gathered from the ASCS that there was a period of 5 years of non-use for these rights or that the acres claimed irrigated consisted of lava out crops that have never been farmed.

I confirm that based on your change of ownership letter and the power of attorney documents submitted we have changed the address of Acequia Inc. and have added you as attorney for all claims in the name of Acequia Inc. Additionally we have changed the name of the Rosemary Haley claims to that of the Estate of Rosemary Haley and have changed

MICROFILMED

JAN 25 1993

Page 2
Oct 9, 1992

the address to that of Acequia Inc. and have also added you as attorney for all claims in the name of Rosemary Haley.

After our meeting and review of the files the following additional changes were made to the proposed recommendations:

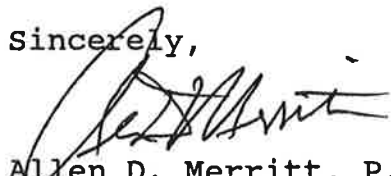
36-02127 None 36-07850A None
36-02195A None 36-11340 None
36-02130A None 36-07041 None
36-02191 None 36-08106A None
36-02192 None 36-02193 None
36-11290 None 36-11288 None
36-02121 None 36-02194 None

36-02129 Reference to point of diversion change deleted.
36-07403 Reference to point of diversion change deleted.

36-07192 Disallowed since acres originally recommended covered under
36-02122.
36-02122 Deleted reference to 36-07192 in remarks.
36-02124 Deleted reference to 36-07192 in remarks.
36-02190 Deleted reference to 36-07192 in remarks.
36-07193 Deleted reference to 36-07192 in remarks.
36-02123 Deleted reference to 36-07192 in remarks.

If you still disagree with IDWR's recommendations, you will have the opportunity to file an objection to the Director's Report with the court. If you have further questions please feel free to contact our office.

Sincerely,



Allen D. Merritt, P.E.
Water Rights Supervisor

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JAN 25 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

Please type or print clearly, fill out completely, and return to:

**Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000**

OCT 01 1992

Department of Water Resources
Southern Region Office

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-02124

2. Name: Aequia, Inc.

Address: P.O. Box 1678
KETCHUM, ID 83340

Weekday Telephone Number: 208/726-4421

RECEIVED

SEP 25 1992

Department of Water Resources

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JAN 25 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

N/C
File objection

3. Describe the portion of proposed recommendation with which you disagree:

REMARKS ON ACCOMPLISHED CHANGE IN POINT OF
DIVERSION. COMBINED DIVERSION RATE LIMIT,
DELETION OF 5.26 POINTS OF DIVERSION

4. Describe the changes you wish to have made in the proposed recommendation:

DELETE.

5. Describe why you disagree with the proposed recommendation:

POINTS OF DIVERSION (WELLS) HAVE NOT CHANGED
OR MOVED. DIVERSION SYSTEM CAPACITY SHOULD INCLUDE
5.26 WELLS ~~TO BE~~ REACTIVATED AFTER TERMINATION OF
BLAINE LARSEN LEASE.

6. Date:

7/23/72

SIGNATURE

J. D. Speck, attorney-in-fact
for Acquia, Inc.

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILME

VERIFIED BY

Water Right Number - R36-02124

Prefix Translation: RESEARCH

Old (D) Number - 22156

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
ACEQUIA INC.

1 - P.O. DRAWER 226

2 -

3 -

City- SUN VALLEY

State- ID Zip- 83353

Phone - 208-726-8474

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
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

06S 24E 35 SW NE SW (67) MINIDOKA

06S 24E 35 SW NE SE (67) MINIDOKA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 6.100 1220.00+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
6.100 1220.00 915.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
06S 24E 35 NE NE 28.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 NW NE 40.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 SW NE 40.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 SE NE 40.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 NE SE 40.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 NW SE 40.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 SW SE 40.0 01 IRRIGATION (67) MINIDOKA
06S 24E 35 SE SE 37.0 01 IRRIGATION (67) MINIDOKA

Total Acres: 305.0

+ - - Diversion Means - THREE WELLS & PUMPS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

MICROFILMED

JAN 25 1993

Water right number - R36-02124

Prefix Translation: RESEARCH

```

+ - - - - Remarks - - - - - +
      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 (capacity of
      diversion system).  OTHER RIGHT NOS.: 36-02122, 36-02123,
      36-02190, 36-07192, AND 36-07193.

+ - - - - Old Water Right Numbers - - - - - +
      No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +
      C03 - RIGHT INCLUDES CHANGE IN POINT OF DIVERSION.

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

+ - - - - Comments - - - - - +
      No Comments Found

+ - - Audit Fields - - +
      07/29/91 WELLS

+ - - - - 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 -
      Response Filed Date - 00/00/0000      Verified Date - 07/29/1991
      Claim Received Date - 05/26/1989      Last Amended Date - 00/00/0000      Old Case Number -
                                           Receipt Number - S007363      Old Judicial District -
                                           POU Ownership Flag - Y      Temporary Right - P
                                           Name Connector -      Water District -
                                           Federal/State Indicator - S
                                           Presumption Flag - C
  
```

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JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
08/04/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-02124

LAST: ACEQUIA INC.
ADDRESS: P.O. DRAWER 226
CITY: SUN VALLEY
PHONE NUMBER: 208-726-8474

FIRST:
STATE: ID ZIP: 83353

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____

DATE OF FIELD EXAM: 8/15/90

APPOINTMENT MADE: Y() N()

ACCOMPANIED BY: None

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

PHONE NUMBER: () -

TIME: : A() P()

PHONE NUMBER: () -

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JAN 25 1993

A. AJ CLAIM: # A36-02124 PRIORITY DATE: 06-07-1951 STAGE: L
B. WR RECORD: # 36-02124 PRIORITY DATE: 06-07-1951 STAGE: L

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINER
N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS:

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JAN 25 1993

RECOMMENDED PRIORITY DATE:
06-07-1951

REVIEWED BY

DATE

9/10/90

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-02124	06S	24E	25	SW	SE	SW		MINIDOKA
A36-02124	06S	24E	26	SE	NW	SE		MINIDOKA
A36-02124	06S	24E	35	NW	SE	NE		MINIDOKA
A36-02124	06S	24E	35	SW	NE	SE		MINIDOKA
A36-02124	06S	24E	35	SW	NE	SW		MINIDOKA

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX

R PREFIX

A36-07192

NONE

A36-07193

A36-02190

A36-02122

A36-02123

A36-11288

WR RECORDS IN SAME 40 ACRE TRACT

36-02122

36-02190

36-02123

36-07193

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-02124	06S	24E	35		SE	NE		MINIDOKA

OTHER WR RECORDS WITH SAME WR POD

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX

R PREFIX

A36-07192

NONE

A36-07193

A36-02122

A36-02190

A36-02123

A36-11288

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)

DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE

Y

N

FIELD
EXAMINER

Y

MICROFILMED

JAN 25 1993

REMARKS:

Wells in Sec. 26 do not have pumps
Recommend only wells in Sec. 35.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
6S	24E	35	SW	NE	SW		Mitchell
		35	SW	NE	SE		
		35	NW	SE	N/2		

SOURCE: GROUNDWATER

REVIEWED BY:

AD

DATE:

9/10/90

MICROFILMED

JAN 25 1993

B. FOR LISTING

part. of 124d
in CRP

$$\begin{array}{r} 285.0 \\ 14 \\ \hline 299 \end{array}$$

FIELD
EXAMINER

checked with ASCS and part of NWNE in CRP.
recommended as Licensed.

JAN 25 1993

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

305

REVIEWED BY:

ADP

DATE:

9/10/90

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JAN 25 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-02124 IRRIGATION	FROM 03-15 TO 11-15	6.100 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		6.100 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-02124 IRRIGATION	FROM TO	6.100 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		6.100 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N(☐) Explain in remarks, below.

REMARKS:

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JAN 25 1993

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 6.100 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 6.100 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-02124	GROUNDWATER	ACEQUIA INC.	6.100	0.020		
A36-07192	GROUNDWATER	ACEQUIA INC.	0.300	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

no overlap

MICROFILMED

JAN 25 1993

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 305 x 0.02 CFS/ACRE = 6.10 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 915.0 AE/A

ACRES 305 x CONSUMPTIVE VOL. AE/A FOR AREA 3.0 =

TOTAL CONSUMPTIVE USE 915 AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES 305 x DIVERSION VOL. AE/A FOR AREA 4.0 =

TOTAL DIVERSION VOLUME 1220 AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(☒)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

No overlap

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JAN 25 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AE/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE 6.100 EXAMINER ✓	DATABASE 6.100 EXAMINER 1220	DATABASE 915.0 EXAMINER
TOTAL FOR THIS RIGHT		6.100		915.0

REVIEWED BY:

DATE:

Adm

9/10/90

MICROFILMED
JAN 25 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-02124

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
6.100

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-02124	6.100	-		36-02124	6.100
TOTAL CFS		6.100				6.100

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: 

DATE: 9/17/90

NAME OF FIELD EXAMINER: _____ TITLE: _____

MICROFILMED

JAN 25 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
08/04/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-02124

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			ADP	N			RB	
POINT OF DIV	Y			Y	1, 5		10-4-90	
SOURCE				N				
PLACE OF USE	Y			N	1, 4, 5, 6			
DIV. AMOUNT CFS/VOLUME				Y				
CONSUMPTIVE USE				N				
PURPOSES				N				
PERIOD OF USE	Y			N	6			
BASIS OF CLAIM				N				
REMARKS				N				

VERIFIED BY CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAEP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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INITIALS

KKC

DATE _____

7-25-91

[illegible]

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JAN 25 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF TRANSFER NO'S	)	
3666, 3667, 3668, 3669, 3670, AND	)	ORDER EXTENDING
3671 ON WATER RIGHT NO.'S 35-2728	)	TEMPORARY APPROVAL
35-2821B/2844/7361/7586/7605/7632,	)	OF TRANSFERS
A35-10948, 36-2074/2121/2122/2124	)	
2127/2190/2193/2194/2300/2632/2727	)	
7015A/7022/7272/7495/7897	)	
	)	

Blaine Larsen, having received approved transfers from the Department of Water Resources in 1989, and having requested that the Department extend the two year approval period, the Director of the Department of Water Resource finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On January 6, 1989, Blaine Larsen (Larsen) filed transfer applications no's 3502, 3503, 3504, 3505, 3506, 3507, 3508, and 3512 with the Department of Water Resources (department) proposing transfer of water right no.'s 35-7390, 35-7391, 35-7630, 35-7605, 35-7586, 36-7015A, 36-2074, 36-7613, 36-2409A, 36-7495, 37-2652, 36-2121, 36-2122, 36-2127, 36-2193, 36-2194, 35-2821A, 35-2728, 35-2844, 35-7361, 36-7022, 36-2632, 36-7272, 36-7897, and 36-2300. On January 25, 1989, Larsen filed transfer application no. 3500 with the Department, proposing transfer water right no.'s 21-7050 and 21-7051.

2. The transfer applications proposed irrigation of 4,594 acres in Jefferson and Clark counties from groundwater and withdrawal from irrigation of 4,894 acres in Bingham, Lincoln, Minidoka, Jefferson and Fremont counties to compensate for the proposed water use.

3. Timely protests against the approval of the applications were filed by various parties. Two days before a scheduled hearing, the protestants withdrew their protests based on a stipulation between the parties. The parties agreed that Blaine Larsen should be allowed to temporarily transfer water rights to his existing places of use pending the completion of a study by United States Geological Survey (USGS). USGS predicted completion of its study in 1991. Blaine Larsen's pending transfers in 1989 were approved for one year. Blaine Larsen subsequently filed other applications for transfer, numbered 3666, 3667, 3668, 3669, 3670, and 3671, proposing transfer of water right no's 35-2728, 35-2821, 35-2844, 35-7361, 35-7586, 35-7605, 35-7632, A35-10948, 36-2074, 36-2121, 36-2122, 36-2124, 36-2127, 36-2190, 36-2193, 36-2194, 36-

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2300, 36-2632, 36-2727, 36-7015A, 36-7022, 36-7272, 36-7495, and 36-7897.

4. The last set of applications for transfer were advertised properly, and the applications were not protested. The department approved the transfers in the spring of 1990 for a period of two irrigation seasons. The transfers authorized the irrigation of 4,075 acres listed on the summary attached, and labeled as Attachment 2.

5. In the spring of 1991, Blaine Larsen filed another application for transfer, numbered 3847, proposing to transfer water right no. 36-2197 for the irrigation of an additional 147 acres in Fremont County. The application was protested by some of the original protestants, but the protests were subsequently withdrawn. The application for transfer was approved for one year.

6. The approved transfer authorized the diversion of 1.47 cfs for irrigation of the following lands:

Township	Range	Section			Acres
08N	37E	32	NE	NE	37
08N	37E	32	SE	NE	37
08N	37E	32	NE	SE	37
08N	37E	32	SE	SE	36
			TOTAL		147

7. The transfers expired at the end of the 1991 irrigation season.

8. As the end of the transfer approval period approached, the USGS represented that it would not complete its study prior to the 1992 irrigation season. Larsen negotiated with and received consent from all the original protestants to extend the prior approved transfer for one more year.

CONCLUSIONS OF LAW

1. Idaho Code, Section 42-222 sets forth the criteria the department must consider in evaluation of an application for transfer:

The director of the Department of Water Resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with conservation of water resource within the state of Idaho and is in the local public interest.

2. All of the criteria listed above were considered in the prior applications for transfer listed above, which were approved by the Department of Water Resources.

3. The petition for renewal of the transfer approval does not propose any change in the points of diversion, places of use, or water rights which were originally approved in 1990. A one year extension of time will not change the Director's original analysis of the criteria of Idaho Code, § 42-222.

4. No additional notice to the public is required. The published notice of the applications described the present water use, and, at the time, the public had an opportunity to contest the applications.

5. The request for an extension of the transfer approval should be granted.

ORDER

IT IS HEREBY ORDERED that applications for transfer no.'s 3666, 3667, 3668, 3669, 3670, and 3671, are REAPPROVED, subject to the following conditions:

1. The department retains jurisdiction over the transfers to modify, amend or cancel the transfers if it finds that the diversion and use of water under the transfers injures other water rights.

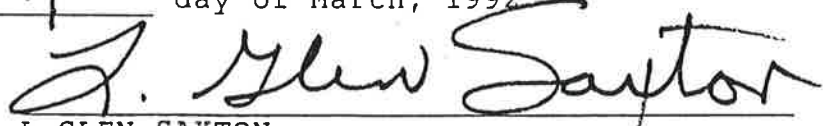
2. The transfers are approved for a period of one (1) year. On November 1, 1992, the water rights shall revert back to the original places of use and points of diversion with their original priority dates.

3. The priority of all water rights involved in these transfers shall be advance to December 22, 1989.

4. The place of use is limited to the 4221 acres listed in Attachment 2 and in finding of fact no.'s 4 through 6.

5. Any change in point of diversion, place of use, period of use, or nature of use, or any change in the water rights transferred to these lands for an additional years will require the filing of a new application of transfer.

Dated this 4th day of March, 1992



L. GLEN SAXTON

Chief, Water Allocation Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT on the 4th day of March 1992, a true and correct copy of the ORDER EXTENDING TEMPORARY APPROVAL OF TRANSFERS was mailed, postage prepaid to:

Blaine Larsen
P.O. Box 188
Hamer, ID 83425

Michael C. Creamer
Givens, Pursley, Webb, and Huntley
P.O. Box 2720
Boise, ID 83701

Kent Foster
Idaho First National Bank
P.O. Box 50130
Idaho Falls, ID 83405

Barbara Scott-Brier
Fish and Wildlife Service
500 N.E. Multnomah Street
Suite 607
Portland, OR 97232

Steven V. Goddard
Idaho Department of Fish and Game
P.O. Box 25
Boise, ID 83707



Karen L. Gustafson
Secretary/Records Manager

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**SUMMARY OF
BLAINE TRANSFER APPLICATIONS 1990**

NUMBER	PRIORITY	CFS	ACRES
1. ACEQUIA			
36-2121	12-13-1948	2.44	240
36-2122B	12-24-1948	3.26	263.1
36-2124B	06-07-1951	0.40	20
36-2127B	05-04-1950	2.47	160
36-2190B	02-25-1953	1.20	120
36-2193B	12-23-1950	2.16	160
36-2194	02-19-1951	3.18	240
		=====	=====
TOTAL		15.11	1203.1
2. ANDERSON			
36-2632	01-07-1966	1.94	97
36-7022	04-12-1968	4.64	232
36-7272	11-07-1972	1.50	78.5
36-7897	02-25-1980	2.84	203
36-2300	05-15-1956	3.88	194
		=====	=====
TOTAL		14.80	804.5
3. KERBS			
36-7495		4.58	320
36-2727		5.10	320
		=====	=====
TOTAL		9.68	640
4. MCFARLAND			
35-7015A	02-14-1968	0.94	152.6
36-2074	07-27-1943	0.75*	80*
		=====	=====
TOTAL		0.94	152.6
	* Same land as in 35-7015A		
5. STEWART			
35-2821B	05-02-1960	0.60	30
35-2728	07-09-1963	3.40	170
35-2844	10-17-1966	3.30	165
35-7361	12-26-1973	0.54	27
35-7632	08-05-1976	4.40	264
A35-10948	04-01-1978	0.56	28
		=====	=====
TOTAL		12.80	684
6. TAYLOR			
35-7605	04-28-1976	4.00	200
35-7586	02-23-1976	6.41	391
		=====	=====
TOTAL		10.41	591
			4075.2

DEBRA ALSAKER-BURKE
REBECCA W. ARNOLD
J. RANDOLPH AYRE*
JOSEPH H. BAIRD
NANCY A. BASKIN
CHRISTOPHER J. BEESON
JOANN C. BUTLER
MICHAEL C. CREAMER
JEFFREY C. FEREDAY
ALAN R. GARDNER
RAYMOND D. GIVENS
JUDITH K. HOLCOMBE
ROBERT C. HUNTLEY, JR.
DAVID R. LOMBARDI
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PATRICK J. MILLER
TERRY L. MYERS
STEVEN L. OLSEN
KENNETH L. PURSLEY
MICHAEL T. SPINK
CONLEY WARD
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& WASHINGTON, D.C.
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& WASHINGTON, D.C.

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TELEPHONE
(208) 342-6571

FACSIMILE
(208) 343-9492
(208) 342-8920

February 7, 1992



via Hand Delivery

Jim Johnson
Idaho Department of Water Resources
1301 Orchard
Boise, ID 83706

RE: Extension of Temporary Transfers of Blaine Larsen
Our File: 1207-25

Dear Mr. Johnson:

At your instruction, I am submitting this letter on behalf of Blaine Larsen to request that the Department of Water Resources grant an extension of the temporary transfers of groundwater rights that were approved for Blaine Larsen during the 1991 irrigation season. Mr. Larsen proposes to use these same water rights on the same places of use again in 1992. This request includes those water rights that were included in the group transfer application in 1991 and the portion of water right 36-02197, that was approved for temporary transfer as an individual application in 1991. Extension of the 1991 transfer approval through 1992 will not result in any changes from the previous year.

I am enclosing copies of the original lease agreements between Mr. Larsen and the water right lessors, together with copies of the extensions of the same lease agreements for the 1992 irrigation season. Also enclosed, is a copy of an extension of the 1989 Mud Lake Memorandum Agreement, executed by Blaine Larsen, the U.S. Fish and Wildlife Service, the Idaho Department of Fish and Game and the eight Mud lake area canal companies together with a stipulation by the same parties. This extension carries the 1989 Agreement forward through the 1992 irrigation season.

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Jim Johnson
February 7, 1992
Page 2

Based upon my conversation with you, and upon the Director's position at the last U.S.G.S. status meeting regarding the Mud Lake Study, we understand that this request should be directed to the Boise office rather than the Eastern Region, and that the extension of the transfers for one additional year will not require submission of new transfer application forms or publication of notice. This seems appropriate since there will be no change from last year's situation.

Because we are anxious to move forward with this process as quickly as possible, please contact either me or Jeff Fereday immediately if you require additional information. Thank you in advance for your assistance.

Sincerely,



Michael C. Creamer

cc: R. Keith Higginson (w/o encl.)
Blaine Larsen c/o Kevan Varin (w/encl.)
Kent Foster, Esq. (w/encl.)
Barbara Scott-Brier, Esq. (w/encl.)
Stephen Goddard, Esq. (w/encl.)

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