

NOV 17 2021

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

DEPT OF WATER RESOURCES
SOUTHERN REGION

1. Name of applicant(s) David & Laci Jentzsch Phone 208-431-1227
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 314 River Road City Bliss
 State ID ZIP 83314 Email david@hcanyonfarms.com
2. Name of representative, if any _____ Phone _____
 Mailing address _____ City _____
 State _____ ZIP _____ Email _____
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Springs which is a tributary of Snake River
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
06S	13E	8		SE	SW	SW	Gooding	springs	

5. Water will be used for the following purposes:
 Amount .04 cfs for domestic use purposes from Jan 1 to Dec 31 (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) .04 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. 10" pvc pipe that collects spring water inside a rock cave
- b. Height of storage dam na feet; active reservoir capacity na acre-feet; total reservoir capacity na acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is na inches; proposed depth of well is na feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? na; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by SG Date 11-17-21 Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by SG Receipt No. 5038946 Date 11-17-21

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households 1
 - Other; describe fully. _____
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	7																<u>D</u>	<u>0.8</u>

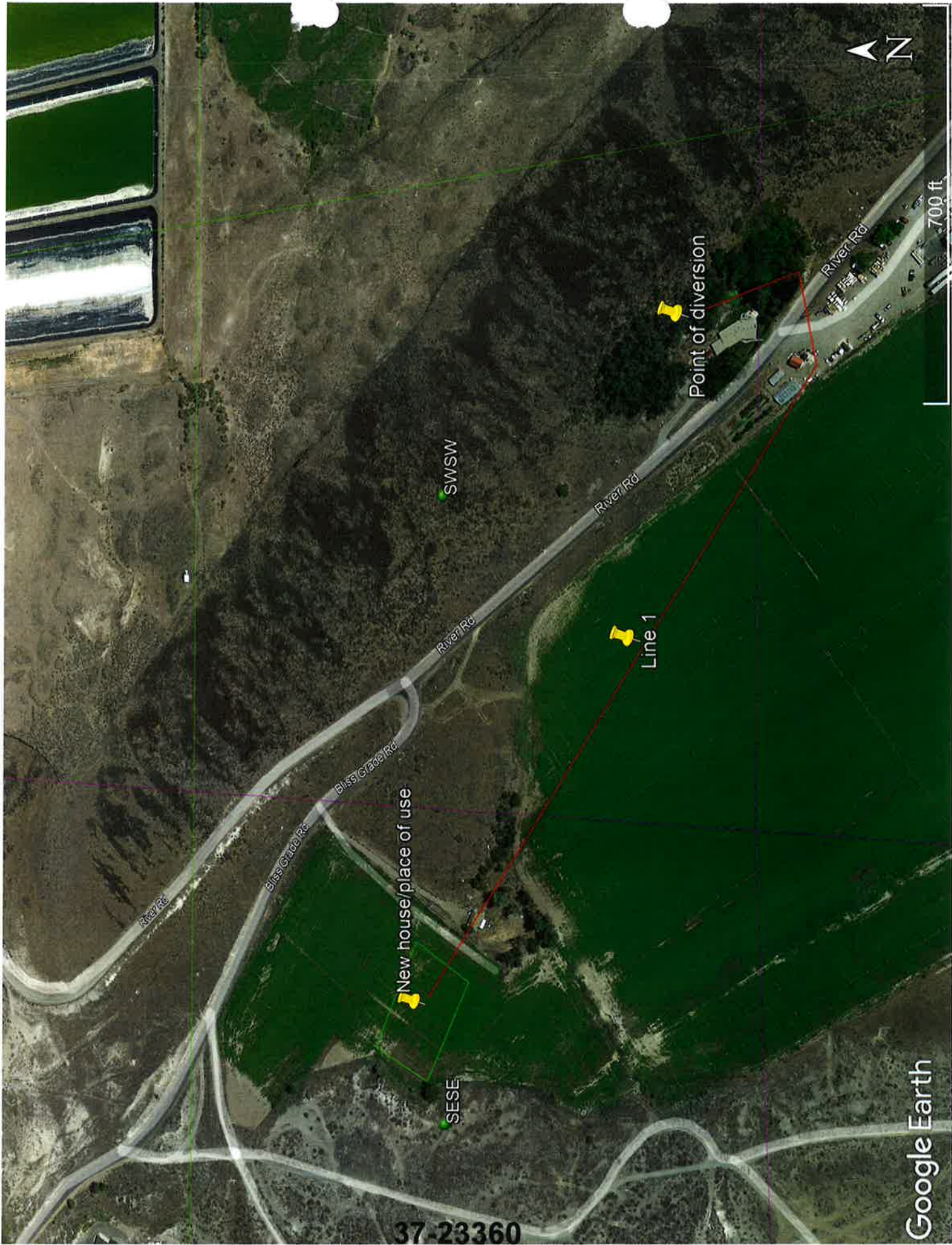
Total number of acres to be irrigated: 50 via email exchange w/ David Jentzsch 1/26/22

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? We intend to use this water to irrigate our lawn/garden. We also have shares of irrigation water for culinary use (DS 1-21-22)
11. a. Who owns the property at the point of diversion? JK Potatoes
- b. Who owns the land to be irrigated or place of use? David Jentzsch
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: David Jentzsch has ownership in JK Potatoes and has agreed to allow a pipeline to deliver the water.
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. We would like to bring spring water to our new house instead of drilling a well. Our company owns the property where the point of diversion is and this would be a simpler and cheaper way to get domestic water. We will use a pvc line to take water from the spring to place of use.
13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

David Jentzsch
Signature of Applicant
David Jentzsch
Print Name (and title, if applicable)

David Jentzsch
Signature of Applicant
David Jentzsch
Print Name (and title, if applicable)



Agreement for Water Right & Maintenance - For Irrigation use only DS 1-21-22

Currently there is a water mainline that supplies natural spring water to the parcels. Each parcel owner will be responsible to tie into the main line at the valve box.

JK Potatoes, owner of parcel number one, will maintain the piping up to the main valve box. It will be up to each parcel owner to maintain any waterline after the valve at the main valve box.

Agreement for Private Road Maintenance:

An easement has been granted from Black Canyon Bliss, owner of parcel number one, to allow road access to parcel numbers two and three. Parcel number two will be responsible for the continued maintenance of the private road.

Parcel number four has road access at N 84° 45'32 " E.

A mitigation Plan is included. DS
1-21-22

This agreement was filed with
Gooding County with the minor land
Division.

RECEIVED

JAN 25 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

To whom it may concern,

01/22/2022

JK Potatoes LLC agrees to mitigate 0.04 cfs of its fish propagation water rights (37-7216) to account for the in house domestic use. This is in conjunction with water right application number 37-23360.

X

Derek Jentzsch
CEO

A handwritten signature in black ink, appearing to read 'Derek Jentzsch', is written over a horizontal line.



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 28, 2022

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS, ID 83301-5858

RE: Application for Permit No(s): 37-23359 & 37-23370 (JK Potatoes LLC)
Application for Permit No(s): 37-23360 (David & Laci Jentzsch)

Dear Nathan:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:

<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

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

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Friday, January 28, 2022 11:15 AM
To: Dawson,Bradley
Subject: Comment letters for (3) Applications for Permit
Attachments: Comment letter to F&G for 37-23359, 37-23360 & 37-23370.pdf; 37-23359 JK Potatoes.pdf; 37-23360 Jentzsch.pdf; 37-23370 JK Potatoes.pdf

Hi Bradley,

Attached are (3) applications for permit currently being processed by the department. Please review the applications and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact Water Resource Agent Jim Bitzenburg at (208) 736-3033.

Thank you in advance,

Denise @ IDWR

Denise Maline, Administrative Assistant I

Idaho Dept. of Water Resources

650 Addison Ave W Ste 500

Twin Falls ID 83301-5858

(208) 293-9908

denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

January 28, 2022

IDAHO DEPT OF FISH & GAME
BRADLEY DAWSON
324 S 417 E STE 1
JEROME ID 83338-6206

RE: Application for Permit No(s): 37-23359 & 37-23370 (JK Potatoes LLC)
Application for Permit No(s): 37-23360 (David & Laci Jentsch)

Dear Mr. Dawson:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from your organization regarding the above referenced water right application. *You can find a complete copy of the application(s) at:* <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, complete the enclosed recommendation form, and submit it to this office within 21 days of the date of this letter.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Therefore, your prompt response to this request is appreciated. If your organization desires to formally protest the approval of this application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication (**on or before February 22, 2022**).

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

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 123944

Publication

Times News

Contact ID DEPARTMENT OF WATER RESOURCES
Address 1 650 ADDISON AVE W, STE 500
Address 2
City St Zip TWIN FALLS ID 83301
Phone 2087363033
Fax

PO Number
Rate Legal Notice
Order Price 259.26
Amount Paid 0.00
Amount Due 259.26

Section Legals
SubSection
Category 50 Legal

Start/End Dates 02/03/2022 - 02/10/2022
Insertions 2
Size 172

Ad Key 123944-1
Keywords NTC/WATER RESOURCES

Salesperson(s) Legal Notices
Taken By Seana Chapman

Notes

Ad Proof

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

37-23359
JK POTATOES LLC
20511 F ST
RUPERT, ID 83350-9476
Point of Diversion NWNW S17 T06S R13E GOODING County Source
UNNAMED STREAM Tributary SNAKE RIVER
Use: COOLING 07/05 to 10/30 4 CFS
Total Diversion: 4 CFS
Date Filed: 11-17-2021
Place Of Use: COOLING
T06S R13E S17 NWNW
Application for permit proposes diversion of up to 4.0 cfs for cooling use from an unnamed stream at a point located approximately 1.1 mile south and 0.3 mile east of the intersection of U. S. Highway 30 and River Road in Bliss. The water will be piped from the stream to an adjacent concrete flume where it will be used to cool produce from July 5 through October 30. The water will be piped back to the unnamed stream after leaving the flume. A mitigation plan is included in the application to address evaporation from the flume. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

37-23360
DAVID JENTZSCH
LACI JENTZSCH
314 RIVER RD
BLISS, ID 83314-5050
Point of Diversion SESWSW S8 T06S R13E GOODING County Source
SPRINGS Tributary SNAKE RIVER
Use: DOMESTIC 1/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 11-17-2021
Place Of Use: DOMESTIC
T06S R13E S7 SESE
Application for permit proposes diversion of up to 0.04 cfs for year-round domestic in-house use from a spring located approximately 1.0 mile south and 0.2 mile east of the intersection of U. S. Highway 30 and River Road in Bliss. The proposed place of use will be a home located approximately 0.9 mile south and 0.1 west of Bliss. A mitigation plan is included in the application to address this new use of water from the spring. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

37-23370
JK POTATOES LLC
20511 F ST
RUPERT, ID 83350-9476
Point of Diversion SESWSW S8 T06S R13E GOODING County Source
SPRINGS Tributary SNAKE RIVER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 01-26-2022
Place Of Use: DOMESTIC
T06S R13E S8 SWSW
Application for permit proposes diversion of up to 0.04 cfs for

✓ dm 1-27-2022

Proof of legal notice received
from Times News 1/27/2022 (2 pgs)

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 123944

Application for permit proposed diversion of up to 0.05 cfs for year-round domestic in-house use from a spring located approximately 1.0 mile south and 0.2 mile east of the intersection of U. S. Highway 30 and River Road in Bliss. The proposed place of use is a home located adjacent to the spring. A mitigation plan is included in the application to address this use of water from the spring. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85679

DOUGLAS E WICKHAM and TERRI WICKHAM, 18047 HIGHWAY 30, HAGERMAN ID 83332-5625 has filed Application No. 85679 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17555, 47-17560, 47-17565. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 2.6 acre portion (0.05 cfs) of three ground water rights from a farm located approximately 7.3 to 8.0 miles south and 0.8 to 1.5 miles west of the City of Kimberly for irrigation use to a parcel located approximately 6.8 to 7.0 miles north and 4.6 to 4.7 miles west of the city of Buhl. The transferred portion of the rights (0.05 cfs) will be diverted from an existing well and a new well to be drilled located on the proposed place of use.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before February 22, 2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on February 3, 10, 2022





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

January 27, 2022

DAVID JENTZSCH
LACI JENTZSCH
314 RIVER RD
BLISS, ID 83314-5050

RE: Application for Permit No. 37-23360

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 2/3/2022 and 2/10/2022**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **February 22, 2022**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

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

Sincerely,

Denise Maline
Administrative Assistant

Maline, Denise

From: Maline, Denise
Sent: Thursday, January 27, 2022 2:17 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find **(1)** legal notice being submitted for publication on February 3rd & 10th, 2022. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
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Governor Brad Little

Director Gary Spackman

January 27, 2022

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application for Permit No. 37-23359, 37-23360, 37-23370

RE: Transfer No. 85679
Water Right No(s). 47-17555, 47-17560, 47-17565

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before February 22, 2022. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

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

37-23359

JK POTATOES LLC

20511 F ST

RUPERT, ID 83350-9476

Point of Diversion NWNW S17 T06S R13E GOODING County Source UNNAMED STREAM Tributary SNAKE RIVER

Use: COOLING 07/05 to 10/30 4 CFS

Total Diversion: 4 CFS

Date Filed: 11-17-2021

Place Of Use: COOLING

T06S R13E S17 NWNW

Application for permit proposes diversion of up to 4.0 cfs for cooling use from an unnamed stream at a point located approximately 1.1 mile south and 0.3 mile east of the intersection of U. S. Highway 30 and River Road in Bliss. The water will be piped from the stream to an adjacent concrete flume where it will be used to cool produce from July 5 through October 30. The water will be piped back to the unnamed stream after leaving the flume. A mitigation plan is included in the application to address evaporation from the flume. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

37-23360

DAVID JENTZSCH

LACI JENTZSCH

314 RIVER RD

BLISS, ID 83314-5050

Point of Diversion SESWSW S8 T06S R13E GOODING County Source SPRINGS Tributary SNAKE RIVER

Use: DOMESTIC 1/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11-17-2021

Place Of Use: DOMESTIC

T06S R13E S7 SESE

Application for permit proposes diversion of up to 0.04 cfs for year-round domestic in-house use from a spring located approximately 1.0 mile south and 0.2 mile east of the intersection of U. S. Highway 30 and River Road in Bliss. The proposed place of use will be a home located approximately 0.9 mile south and 0.1 west of Bliss. A mitigation plan is included in the application to address this new use of water from the spring. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

37-23370

JK POTATOES LLC

20511 F ST

RUPERT, ID 83350-9476

Point of Diversion SESWSW S8 T06S R13E GOODING County Source SPRINGS Tributary SNAKE RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 01-26-2022

Place Of Use: DOMESTIC

T06S R13E S8 SWSW

Application for permit proposes diversion of up to 0.04 cfs for year-round domestic in-house use from a spring located approximately 1.0 mile south and 0.2 mile east of the intersection of U. S. Highway 30 and River Road in Bliss. The proposed place of use is a home located adjacent to the spring. A mitigation plan is included in the application to address this use of water from the spring. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85679**

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Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **February 22, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on February 3rd & 10th, 2022

Bitzenburg, James

From: David Jentzsch <david@hcanyonfarms.com>
Sent: Wednesday, January 26, 2022 2:19 PM
To: Bitzenburg, James
Subject: RE: Application for permit for domestic use for you and your wife - 37-23360

Yes that sounds good. thanks

From: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
Sent: Wednesday, January 26, 2022 2:18 PM
To: David Jentzsch <david@hcanyonfarms.com>
Subject: Application for permit for domestic use for you and your wife - 37-23360

[EXTERNAL]This message is from an EXTERNAL sender. Please be careful of links and attachments.
David-

On the Application for Permit (see attached highlighted copy) for you and your wife for your new home, in the place of use description, you entered .5 in the quarter-quarter box and in the totals box, and total number of acres to be irrigated as .5; since then we have switched to all in-house use, and to reduce the chance of that causing problems, could I strike the .5 entry in the acreage boxes, and replace the .5 in the quarter-quarter box with a D for domestic use? I'm trying to tie up loose ends to get these into advertising. Thanks-

Jim

Jim Bitzenburg
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov

Bitzenburg, James

From: David Jentzsch <david@hcanyonfarms.com>
Sent: Monday, January 24, 2022 11:37 AM
To: Bitzenburg, James
Subject: RE: Domestic Trust water letter

Yes please proceed now.

From: Bitzenburg, James <James.Bitzenburg@idwr.idaho.gov>
Sent: Monday, January 24, 2022 10:48 AM
To: David Jentzsch <david@hcanyonfarms.com>
Subject: Domestic Trust water letter

[EXTERNAL]This message is from an EXTERNAL sender. Please be careful of links and attachments.
David-

Attached is the trust water letter for your domestic application. Do you want me to proceed with processing this one, also?

Jim

Jim Bitzenburg
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Regional Office
Phone (208)-293-9909
james.bitzenburg@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: www.idwr.idaho.gov

January 24, 2022

DAVID & LACI JENTZSCH
314 RIVER RD
BLISS ID 83314-5050

RE: Application for Permit to Appropriate Trust Water – No. 37-23360

Dear Applicant:

The Department of Water Resources ("Department") has received your application for permit to appropriate water and has accepted it for filing. Your application has been assigned the identification number referenced in the subject line of this letter. Please refer to that number in all future correspondence regarding this application.

Your application proposes to appropriate Trust Water as described in this letter. The special nature of the trust affects how the Department will process your application as well as some aspects of the water right that may result. The purpose of this letter is to inform you of three items specific to applications proposing to appropriate Trust Water:

1. Your application will be subject to additional evaluation compared to applications that do not propose the use of Trust Water. This may require you to submit additional information and to demonstrate that your application meets the statutory evaluation criteria for appropriating Trust Water.
2. If a water right is issued to you, it could be subject to curtailment to satisfy senior minimum stream flow water rights on the Snake River at the Murphy Gage.
3. If a water right is issued to you, it will be subject to a periodic term review that may impact the future use of the right.

To understand better these three items and why they apply to your application, it helps to understand what Trust Water is and how it came about.

Trust Water arose from the 1984 Swan Falls Settlement between Idaho Power Company ("IPC") and the State of Idaho ("State").¹ Prior to the Swan Falls Settlement, the Idaho Supreme Court determined IPC held water rights for use at Swan Falls Dam that exceeded the entire flow of the Snake River at times. This limited future upstream development of water resources in the Snake River Basin. The Swan Falls Settlement resulted in changes to Idaho Law² and to IPC's water rights. As a result of the Swan Falls Settlement and subsequent legislation and court decrees, IPC's hydropower water rights in excess of the minimum flows at Murphy

¹ For more information, including a more complete description of the Swan Falls Settlement and resulting legislation, please see the Department's web page: <https://idwr.idaho.gov/legal-actions/settlements/swan-falls/>.

² Although several sections of the Idaho Code were affected, the addition of Sections 42-203B and 42-203C, Idaho Code are the changes most relevant to this discussion.

Gage are held in trust by the State. This change allows future development using water that would have previously been delivered to satisfy IPC water rights at Swan Falls Dam and, therefore, would have been unavailable for upstream appropriation. The purpose of this trust is defined in Idaho Code § 42-203B as follows:

The purposes of the trust established by ... this section are to assure an adequate supply of water for all future beneficial uses and to clarify and protect the right of a user of water for power purposes ... to continue using the water pending approval of depletionary future beneficial uses.

Your application proposes a use of water that could deplete the rights placed in trust, so the State, through the Department must evaluate your proposal under the laws and rules that came after the Swan Falls Settlement.³ In addition to the usual statutory process and evaluation criteria, the Department must also evaluate whether your application will deplete Trust Water and, if so, whether your depletion of Trust Water is in the public interest.

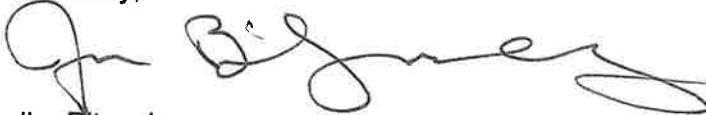
In addition, the availability of Trust Water and the public's interest in the use of Trust Water could change over time. The Department will periodically review rights to use Trust Water to determine if Trust Water remains available for use and if the continued use of Trust Water is in the public interest. The periodic review will occur for any right that issues from your application. A future review by the Department could terminate or limit your ability to use the right in the future.

An important aspect of the Swan Falls Settlement is that the State agreed to protect the minimum stream flows in the Snake River at the Murphy Gage. Should the flows at the Murphy Gage fall below these minimums, the water rights that use Trust Water could be curtailed to restore flow to meet those minimums.

The Department will hold your application for 14 days to allow you time to contact us if you have further questions on this topic or if you choose to withdraw your application. If the Department does not hear from you within 14 days, the Department will process your application and prepare it for publication. If you choose to withdraw your application before it is submitted for publication, you will receive a full refund of your filing fee. Refunds are not available if an application is withdrawn after advertising.

Please contact this office if you have questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Bitzenburg", written over a horizontal line.

Jim Bitzenburg
Senior Water Resource Agent

Enclosure: Withdrawal of Application form

³ See Sections 42-203C and the Department's Water Appropriation Rules (IDAPA 37.03.08).