

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 78873

This is to certify that: RODNEY A JENTZSCH
SHIRLEY S JENTZSCH
20106 5TH ST
RUPERT, ID 83350

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-16550	WR/DECREED	6/7/1951	0.130 cfs	34.8 af	8.7	N/A	GROUND WATER
36-16551	WR/DECREED	6/7/1951	0.370 cfs	96.0 af	24.0	40.3	GROUND WATER
36-16556	WR/DECREED	3/15/1962	0.300 cfs	60.8 af	15.2	40.3	GROUND WATER
36-16827	WR/DECREED	9/13/1984	0.100 cfs	40.0 af	10.0	15.3	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-16550	NO	NO	YES	YES	NO	NO
36-16551	NO	NO	YES	YES	YES	YES
36-16556	NO	NO	YES	YES	YES	YES
36-16827	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-16550	36-16550	0.130 cfs	34.8 af	8.7	51.7	N/A	N/A	N/A	N/A	N/A
36-16551	36-16551	0.370 cfs	88.0 af	20.2	51.7	N/A	N/A	N/A	N/A	N/A
36-16556	36-16556	0.300 cfs	55.8 af	12.8	51.7	N/A	N/A	N/A	N/A	N/A
36-16827	36-16827	0.100 cfs	40.0 af	10.0	51.7	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.900 cfs	218.6 af	51.7	51.7		N/A	N/A	N/A	N/A

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

Dated this 21st day of March, 2014.

SUPPORT DATA

IN FILE # 36-16550

Southern Region Manager

Transfer No. 78873

WATER RIGHT NO. 36-16550

As Modified by Transfer No. 78873

In accordance with the approval of Transfer No. 78873, Water Right No. 36-16550 is now described as follows:

Right Holder: SHIRLEY S JENTZSCH And
RODNEY A JENTZSCH
20106 5TH ST
RUPERT, ID 83350

Priority Date: 6/7/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.130 cfs	34.8 af
			0.130 cfs	34.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 1	Twp 09S	Rge 24E	MINIDOKA County
GROUND WATER	NESE	Sec 1	Twp 09S	Rge 24E	MINIDOKA County
GROUND WATER	NESE	Sec 1	Twp 09S	Rge 24E	MINIDOKA County
GROUND WATER	SESE	Sec 1	Twp 09S	Rge 24E	MINIDOKA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	24E	1			0.7	19.9									18.9	3.7		8.5	51.7

Right Acre Limit: 8.7
POU Total Acres: 51.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8.7 acres within the place of use described above in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 78873

WATER RIGHT NO. 36-16550
As Modified by Transfer No. 78873

CONDITIONS OF APPROVAL

5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 78873, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

WATER RIGHT NO. 36-16551

As Modified by Transfer No. 78873

In accordance with the approval of Transfer No. 78873, Water Right No. 36-16551 is now described as follows:

Right Holder: SHIRLEY S JENTZSCH And
RODNEY A JENTZSCH
20106 5TH ST
RUPERT, ID 83350

Priority Date: 6/7/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.310 cfs	80.8 af
COMMERCIAL	01/01	to 12/31	0.060 cfs	7.2 af
			0.370 cfs	88.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 1	Twp 09S Rge 24E	MINIDOKA County
GROUND WATER	NESE	Sec 1	Twp 09S Rge 24E	MINIDOKA County
GROUND WATER	NESE	Sec 1	Twp 09S Rge 24E	MINIDOKA County
GROUND WATER	SESE	Sec 1	Twp 09S Rge 24E	MINIDOKA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	24E	1			X	X									X	X		X	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	24E	1			0.7	19.9									18.9	3.7		8.5	51.7

Right Acre Limit: 20.2
POU Total Acres: 51.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20.2 acres within the place of use described above in a single irrigation season.
2. Rights 36-16551 and 36-16556 when combined shall not exceed a total diversion rate of 0.67 cfs, a total annual maximum diversion volume of 143.8 af at the field headgate, and the irrigation of 33 acres.

Transfer No. 78873

WATER RIGHT NO. 36-16551
As Modified by Transfer No. 78873

CONDITIONS OF APPROVAL

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
10. Prior to the diversion and use of water under Transfer approval 78873, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

WATER RIGHT NO. 36-16556
As Modified by Transfer No. 78873

In accordance with the approval of Transfer No. 78873, Water Right No. 36-16556 is now described as follows:

Right Holder: SHIRLEY S JENTZSCH And
 RODNEY A JENTZSCH
 20106 5TH ST
 RUPERT, ID 83350

Priority Date: 3/15/1962

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION
 COMMERCIAL

From

03/15
 01/01

to
 to

To

11/15
 12/31

Diversion Rate

0.250 cfs
 0.050 cfs
 0.300 cfs

Diversion Volume

51.2 af
 4.6 af
 55.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 1	Twp 09S Rge 24E	MINIDOKA County
GROUND WATER	NESE	Sec 1	Twp 09S Rge 24E	MINIDOKA County
GROUND WATER	NESE	Sec 1	Twp 09S Rge 24E	MINIDOKA County
GROUND WATER	SESE	Sec 1	Twp 09S Rge 24E	MINIDOKA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	24E	1			X	X									X	X		X	

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	24E	1			0.7	19.9									18.9	3.7		8.5	51.7

Right Acre Limit: 12.8
 POU Total Acres: 51.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12.8 acres within the place of use described above in a single irrigation season.
2. Rights 36-16551 and 36-16556 when combined shall not exceed a total diversion rate of 0.67 cfs, a total annual maximum diversion volume of 143.8 af at the field headgate, and the irrigation of 33 acres.

Transfer No. 78873

WATER RIGHT NO. 36-16556
As Modified by Transfer No. 78873

CONDITIONS OF APPROVAL

3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
10. Prior to the diversion and use of water under Transfer approval 78873, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

WATER RIGHT NO. 36-16827
As Modified by Transfer No. 78873

In accordance with the approval of Transfer No. 78873, Water Right No. 36-16827 is now described as follows:

Right Holder: SHIRLEY S JENTZSCH And
 RODNEY A JENTZSCH
 20106 5TH ST
 RUPERT, ID 83350

Priority Date: 9/13/1984

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.100 cfs	40.0 af
			0.100 cfs	40.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SENE	Sec 1	Twp 09S Rge 24E	MINIDOKA County
GROUND WATER	NESE	Sec 1	Twp 09S Rge 24E	MINIDOKA County
GROUND WATER	NESE	Sec 1	Twp 09S Rge 24E	MINIDOKA County
GROUND WATER	SESE	Sec 1	Twp 09S Rge 24E	MINIDOKA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	24E	1			0.7	19.9									18.9	3.7		8.5	51.7

Right Acre Limit: 10.0

POU Total Acres: 51.7

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10 acres within the place of use described above in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.

Transfer No. 78873

WATER RIGHT NO. 36-16827
As Modified by Transfer No. 78873

CONDITIONS OF APPROVAL

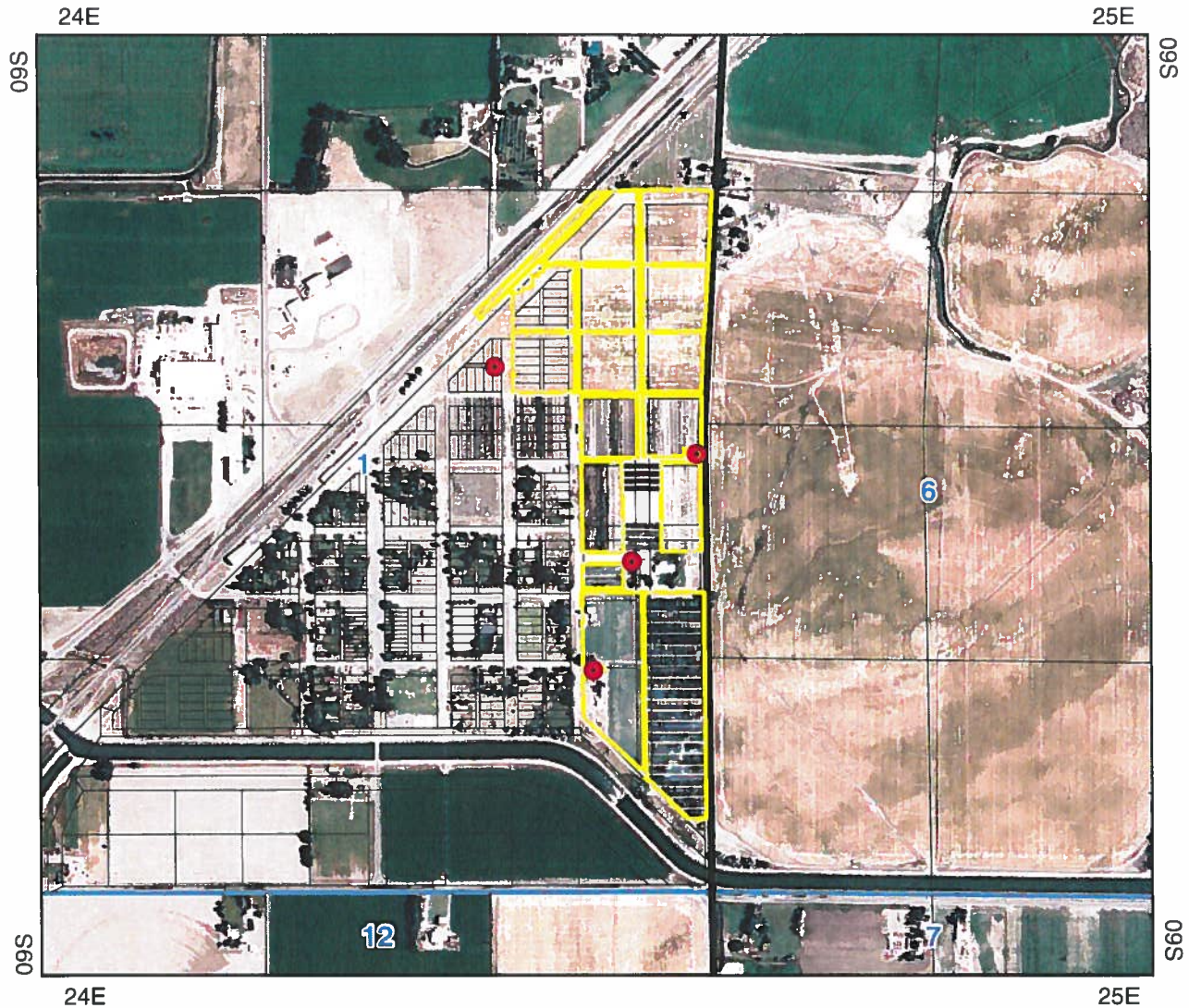
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 78873, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

State of Idaho
Department of Water Resources

Attachment To Transfer No. 78873

Rights: 36-16550, 36-16551, 36-16556 and 36-16827

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



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.1 0.2 0.4 Miles

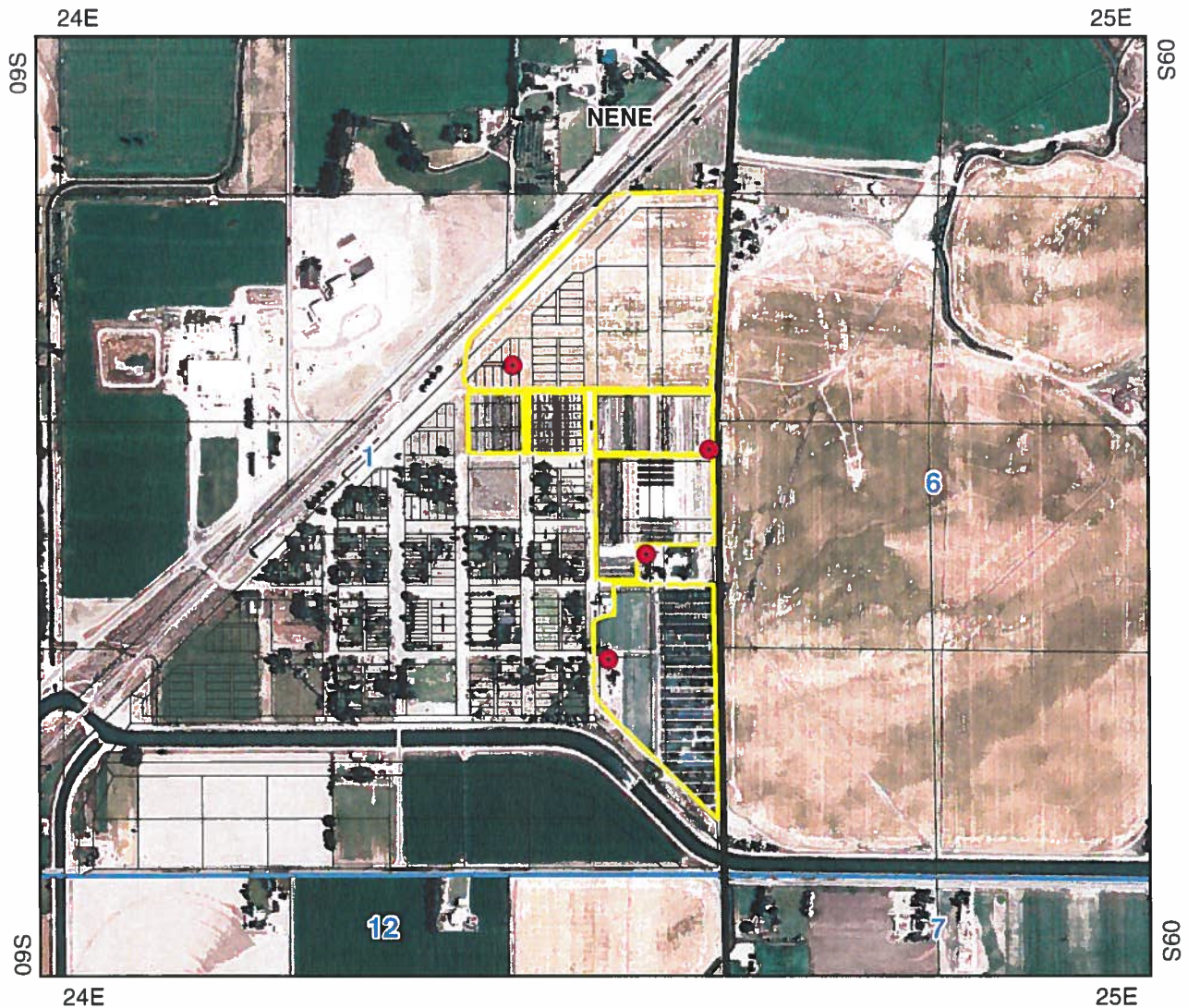


State of Idaho
Department of Water Resources

Attachment To Transfer No. 78873

Rights: 36-16551 and 36-16556

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



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.125 0.25 0.5 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 25, 2014

RODNEY A JENTZSCH
SHIRLEY S JENTZSCH
20106 5TH ST
RUPERT ID 83350

Re: Transfer No: 78873
Water Right No(s): 36-16550, 36-16551, 36-16556, 36-16827

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is fluid and cursive, with the first name "Allen" and last name "Merritt" clearly distinguishable.

Allen Merritt
Southern Regional Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 78873

Water Right No(s): 36-16550, 36-16551, 36-16556, 36-16827

**RODNEY A JENTZSCH
SHIRLEY S JENTZSCH
20106 5TH ST
RUPERT ID 83350**

**BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

A handwritten signature in cursive script, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 25, 2014

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

Hand-delivered

Re: **APPROVED Transfer No. 78873 (Rodney & Shirley Jentzsch)**

Dear Ms. Yenter:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline".

Denise Maline
Administrative Assistant

Enclosure

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

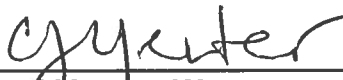
Application No: 78873
Water Right No: 36-16650
Applicant Name: Jentzsch-Kearl

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: March 7, 2014

Water District 130



Cindy J. Yenter, Watermaster

RECEIVED
JAN 31 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

We, Rodney A. and Shirley S. Jentzsch and Joseph and Melynda Kearn, hereby nominate and appoint Brockway Engineering PLLC (Zach Latham) as our attorney-in-fact with full authority to act for and on our behalf to undertake any and all acts or matters pertaining to water right transfers and claims before the Idaho Department of Water Resources for the following water right transactions:

All portions of all water rights transactions pertaining to property owned by Rodney A. and/or Shirley S. Jentzsch and/or Joseph and/or Melynda Kearn and/or Jentzsch-Kearn Farms.

in Minidoka, Blaine Counties, Idaho. Additionally, we hereby ratify and confirm any and all such acts on matters as contemplated herein.

Our agent is hereby authorized to sign, seal and deliver, as our act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, we hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by our said agent given, made or done for the afore said purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by us in our own proper person; and we hereby undertake at all times to ratify whatsoever our said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 12th day of October 2010.

Rodney A. Jentzsch

Shirley S. Jentzsch Signature

Joseph Kearn Signature

Melynda Kearn Signature

Melynda Kearn Signature

State of Idaho

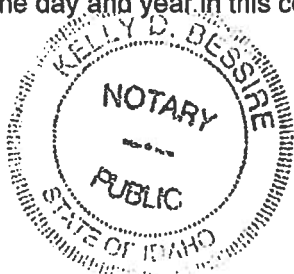
County of Minidoka

ss.

On this 12 Day of October, 2010, before me, a Notary Public in and for said County and State, personally appeared Rodney Jentzsch, Shirley Jentzsch, Joe Kearn, Melynda Kearn known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

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

S
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A
L



Kelly D. Bessire
Notary Public
In and for said State and County

11-07-14
My Commission Expires

MEMORANDUM

Date: December 3, 2013
To: Transfer 78873 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Transfer application proposes to convert a 6.2 acre portion (0.11 cfs and 11.8 af) of two ground water irrigation rights to year round commercial use at a nursery located approximately 4.0-4.3 miles east and 3.3-4.0 miles north of the city of Rupert. The application also proposes to create a permissible place of use for the commercial use and the irrigation of 51.7 acres. Four existing wells will be used for the commercial use and irrigation of the 51.7 acres and to divert up to a total of 0.9 cfs and 218.6 af. The irrigation to commercial use conversion was based on an acre to volume conversion factor of 1.9 afa/acre, taken from the Allen and Robison crop consumptive volumes for Wheat for 6.2 acres. This was based on 2012 crop records and aerial photography that show wheat/grain was being grown on the farm. There are four existing wells located on the farm. All four wells are to be identified as POD's for the irrigation and commercial use for the water rights involved in the transfer. The four wells will be hydraulically connected after the transfer is approved. The property and points of diversion involved with the application are located within Water Districts 130 so water master comments will be solicited. The wells are all located within the same model cell therefore no groundwater model analysis is required.

- **Authority to File:**

Applicant is listed as current owner on IDWR record for rights 36-16550, 36-16551, 36-16556 and an ownership change will occur for water right 36-16827. The application includes a Quitclaim Deed from Jentzsch- Kearn Farms to Shirley and Rodney Jentzsch for water right 36-16827. The application also includes a copy's of a various deed showing that the applicant owns the proposed place of use.

- **Water Right Validity:**

Rights 36-16550, 36-16551, 36-16556, and 36-16827 have been decreed in the SRBA. Review of recent aerial photography indicates that these rights have been used.

- **Injury to Other Water Rights:**

None anticipated. All four wells currently exist on the farm and are within the same model cell.

- **Enlargement of Use:**

None anticipated.

- **Local Public Interest:**

Application will be subject to public notice and protest.

- **Beneficial Use/Conservation of Water Resources:**

Proposed uses are recognized as beneficial uses of water.

- **Effect of the Agricultural Base of the Local Area:**

None anticipated.

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

CANCELLATION, CONTINUATION, OR AMENDMENT OF CERTIFICATE OF ASSUMED BUSINESS NAME

(Please type or print legibly)

To the SECRETARY OF STATE, STATE OF IDAHO

Pursuant to Section 53-507 and 53-508, Idaho Code, the undersigned gives notice of the action(s) indicated below:

99 JUL -8 AM 8:42

FILED

STATE OF IDAHO

1. The assumed business name is: Jentzsch-Kear Farms
2. The assumed business name was filed with the Secretary of State's Office on 6-11-1999 as file number D26785
3. ☐ Cancellation. The persons who filed the certificate no longer claim an interest in the above assumed business name and cancel the certificate in its entirety.
4. ☐ Continuation. The persons who filed the certificate continue use of the above assumed business name for another 5 years (may be filed up to 6 months prior to the lapse date).
5. ☒ The assumed business name is amended to: Jentzsch-Kearl Farms
6. ☐ The true names and business addresses of the entity or individuals doing business under the assumed business name are amended as follow:

<u>Add:</u>	<u>Delete:</u>	<u>Name:</u>	<u>Address:</u>
☐	☐	_____	_____
☐	☐	_____	_____
☐	☐	_____	_____
7. ☐ The type of business is amended to read:

☐ Retail Trade	☐ Manufacturing	☐ Transportation and Public Utilities
☐ Wholesale Trade	☐ Agriculture	☐ Finance, Insurance, and Real Estate
☐ Services	☐ Construction	☐ Mining
8. ☐ The name and address to which future correspondence should be addressed is changed to read: _____

9. Name and address for this acknowledgment copy is:

Jentzsch-Kearl Farms480 E 1500 NReupert, ID 83350Signature: Rodney JentzschPrinted Name: Rodney JentzschCapacity: General Partner, Jentzsch-Kearl Farms

(see instruction # 4 on back of form)

IDAHO SECRETARY OF STATE
Secretary of State use only

07/08/1999 09:00

CK: 6629 CT: 116716 BH: 232193

1 @ 10.00 = 10.00 ASSUM AMEN # 2

D 26785

RECEIVED

DEC 02 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 21st day of November, 2013 and ending with the issue dated 28th day of November, 2013

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 29th day of November, 2013, before me,

a Notary Public, personally appeared Ruby Aufdeheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

A Joyce A Engleman

Notary Public for Idaho
Residing at Twin Falls, Idaho
My commission expires: 6/30/19

✓ OK AM
12/10/2013



over →

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

47-17616

ROCKLEDGE ESTATES HOA INC

1200 OVERLAND AVE

BURLEY, ID 83318

Point of Diversion NESESE S15 T10S R18E TWIN FALLS
County Source GROUND WATER Tributary

Point of Diversion NESESE S15 T10S R18E TWIN FALLS
County Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.36 CFS 52 AF

Total Diversion: 0.36 CFS 52 AF

Date Filed: 11/8/2013

Place Of Use: DOMESTIC

T10S R18E S15 NESE SESE

Application for permit proposes to divert 0.36 CFS (52 AFA) for domestic in-house use on 58 lots within a subdivision, located approximately 1 - 1.5 mi. N & 1 - 1.25 mi. W of Hansen, locally known as Rockledge Estates. Application proposes to utilize an existing well and a proposed well, within the development, to supply water to homes on the lots. Irrigation within the development is currently and will continue to be supplied by shares of Twin Falls Canal Company.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78873**

SHIRLEY S JENTZSCH and RODNEY A JENTZSCH, 20106 5TH ST, RUPERT, ID 83350; has filed Application No. 78873 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-16550, 36-16551, 36-16556, 36-16827. The purpose of the transfer is to change a portion of the above rights as follows: Transfer application proposes to convert a 6.2 acre portion (0.11 cfs and 11.8 af) of two ground water irrigation rights to year round commercial use at a nursery located approximately 4.0-4.3 miles east and 3.3-4.0 miles north of the city of Rupert. The application also proposes to create a permissible place of use for the commercial use and the irrigation of 51.7 acres. Four existing wells will be used for the commercial use and irrigation of the 51.7 acres and to divert up to a total of 0.9 cfs and 218.6 af.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78891**

ALBION 12 INVESTMENTS LLC, 7595 EAST MCDONALD DR #130, SCOTTSDALE, AZ 85250; has filed Application No. 78891 for changes to the following water rights within CASSIA County(s): Right No(s). 45-13589, 45-256A, 45-2663, 45-275, 45-284B, 45-284C, 45-285, 45-286, 45-327D, 45-517D, 45-523A. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU) and add points of diversion (PODs) for a portion of the following irrigation water rights: 45-284C (Howell Creek, 0.51 CFS), 45-286 (Howell Creek, 1.2 CFS), 45-2663 (Groundwater, 1.0 CFS), and 45-256A (Antone Creek, Pine Creek, Howell Creek, 3.35 CFS). These rights are currently authorized to irrigate 167.7 acres on ground located approximately 2.2 - 2.4 mi. E and 2.8 - 4.3 mi. S of Albion, Idaho. Applicant has recently purchased 21.2 acres within the authorized POU for these rights and seeks to change the POU and add PODs to allow more flexible usage with rights on adjacent ground owned by the applicant, located approximately 1.4 - 2.4 mi. E and 2.0 - 4.7 mi. S of Albion. Rights on this adjacent ground are currently authorized to irrigate 378 acres under the following rights: 45-275 (Springs, 0.24 CFS), 45-284B (Howell Creek, 1.5 CFS), 45-285 (Howell Creek, 0.15 CFS), 45-327D (Howell Creek, 0.70 CFS), 45-517D (Spring Creek, 0.20 CFS), 45-523A (Waste Water, 0.12 CFS), and 45-13589 (Springs, 0.56 CFS). Application proposes to create a permissible place of use (PPU) with all these rights to include adjacent grounds, owned by the applicant, equivalent to 480 acres. If approved, when combined with the split portion of rights 45-284C (45-14449), 45-286 (45-14450), 45-2663 (45-14451), and 45-256A (45-14452) the total allowed irrigation would be 399.2 acres. Additionally, application proposes to add three additional PODs on Howell Creek approximately located the following distances from Albion: 1.8 mi. E and 2.7 mi. S, 1.7 mi. E and 3.2 mi. S, and 1.6 mi. E and 3.4 mi. S, currently authorized under rights 45-284B, 45-285, and 45-327D, to the split portion of rights authorized to be diverted from Howell Creek (45-14449, 45-14450, and 45-14452). In addition, the application proposes to change the point of diversion for the split portion of right 45-2663 (45-14451) to an existing well located approximately 2.2 mi. E and 2.8 mi. S of Albion.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before December 9, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: November 21 and 28, 2013

✓ OK DM 12/10/2013