

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77981

This is to certify that: JOSEPH KEARL And
 MELYNDA KEARL
 20511 F ST
 RUPERT ID 83350
 (208)532-4119

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-16924	WR/Decreed	07/25/1987	3.03 cfs	864 af	216.0	1,200.0	GROUND WATER
36-16826	WR/Decreed	09/13/1984	2.34 cfs	920 af	230.0	1,200.0	GROUND WATER
36-2122B	WR/Decreed	06/07/1951	1.28 cfs	368 af	92.0	1,200.0	GROUND WATER
36-2123	WR/Decreed	06/07/1951	2.72 cfs	640 af	160.0	1,200.0	GROUND WATER
36-2124	WR/Decreed	06/07/1951	6.1 cfs	1220 af	305.0	1,200.0	GROUND WATER
36-7193	WR/Decreed	06/29/1971	0.28 cfs	136.6 af	160.0	1,200.0	GROUND WATER
36-2190A	WR/Decreed	02/25/1953	1.52 cfs	608 af	152.0	1,200.0	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>
36-16924	NO	NO	YES	NO	NO	NO
36-16826	NO	NO	YES	NO	NO	NO
36-2122B	NO	NO	YES	NO	NO	NO
36-2123	NO	NO	YES	NO	NO	NO
36-2124	NO	NO	YES	NO	NO	NO
36-7193	NO	NO	YES	NO	NO	NO
36-2190A	NO	NO	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 36-2122B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77981

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-16924	36-16924	3.03 cfs	864 af	216.0	1,257.0		N/A	N/A	N/A	N/A
36-16826	36-16826	2.34 cfs	920 af	230.0	1,257.0		N/A	N/A	N/A	N/A
36-2122B	36-2122B	1.28 cfs	368 af	92.0	1,257.0		N/A	N/A	N/A	N/A
36-2123	36-2123	2.72 cfs	640 af	160.0	1,257.0		N/A	N/A	N/A	N/A
36-2124	36-2124	6.1 cfs	1220 af	305.0	1,257.0		N/A	N/A	N/A	N/A
36-7193	36-7193	0.28 cfs	136.6 af	160.0	1,257.0		N/A	N/A	N/A	N/A
36-2190A	36-2190A	1.52 cfs	608 af	152.0	1,257.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		17.27 cfs	4620 af	1155	1257		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 25th day of October, 2012



Southern Region Manager

WATER RIGHT NO. 36-2190A
As Modified by Transfer No. 77981

In accordance with the approval of Transfer No. 77981, Water Right No. 36-2190A is now described as follows.

Right Holder: JOSEPH KEARL And
 MELYNDA KEARL
 20511 F ST
 RUPERT ID 83350

And

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

Priority Date: February 25, 1953

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.52 CFS	608.0 AF
			1.52 CFS	608.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWSESW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SENWSE	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	NWSENE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESW	Sec. 35Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County

PLACE OF USE: IRRIGATION

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	24E	26	40.0	40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	560.0
06S	24E	34															38.0	38.0	
06S	24E	35	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0	
07S	25E	5					19.0											19.0	
							L 3												

Total Acres: 1257

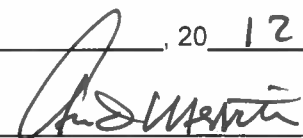
WATER RIGHT NO. 36-2190A
As Modified by Transfer No. 77981

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 152 acres within the place of use described above in a single irrigation season.
2. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 when combined shall not exceed a total diversion rate of 17.27 cfs, a total annual maximum diversion volume of 4620 af at the field headgate, and the irrigation of 1155 acres.
3. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1257 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 1155 acres to be irrigated within the 1257 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. Prior to the diversion and use of water under Transfer approval 77981, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

This water right 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.

Dated this 25th day of October, 2012


Southern Region Manager

WATER RIGHT NO. 36-2122B
As Modified by Transfer No. 77981

In accordance with the approval of Transfer No. 77981, Water Right No. 36-2122B is now described as follows.

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

And

JOSEPH KEARL And
 MELYNDA KEARL
 20511 F ST
 RUPERT ID 83350

Priority Date: June 07, 1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.28 CFS	368.0 AF
			1.28 CFS	368.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWSESW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SENWSE	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	NWSENE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESW	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County

PLACE OF USE: IRRIGATION

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	24E	26	40.0	40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	560.0
06S	24E	34																38.0	38.0
06S	24E	35	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
07S	25E	5					19.0												19.0
							L 3												

Total Acres: 1257

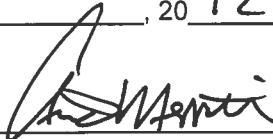
WATER RIGHT NO. 36-2122B
As Modified by Transfer No. 77981

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 92 acres within the place of use described above in a single irrigation season.
2. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 when combined shall not exceed a total diversion rate of 17.27 cfs, a total annual maximum diversion volume of 4620 af at the field headgate, and the irrigation of 1155 acres.
3. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1257 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 1155 acres to be irrigated within the 1257 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
4. Prior to the diversion and use of water under Transfer approval 77981, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
5. 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

This water right 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.

Dated this 25th day of October, 2012



Southern Region Manager

WATER RIGHT NO. 36-2124
As Modified by Transfer No. 77981

In accordance with the approval of Transfer No. 77981, Water Right No. 36-2124 is now described as follows.

Right Holder: JOSEPH KEARL And
 MELYNDA KEARL
 20511 F ST
 RUPERT ID 83350

And

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

Priority Date: June 07, 1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	6.10 CFS	1,220.0 AF
			6.10 CFS	1,220.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWSESW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SENWSE	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	NWSENE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESW	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County

PLACE OF USE: IRRIGATION

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	24E	26	40.0	40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	560.0	
06S	24E	34															38.0	38.0	
06S	24E	35	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0	
07S	25E	5					19.0											19.0	
							L 3												

Total Acres: 1257

WATER RIGHT NO. 36-2124
As Modified by Transfer No. 77981

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 305 acres within the place of use described above in a single irrigation season.
2. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 when combined shall not exceed a total diversion rate of 17.27 cfs, a total annual maximum diversion volume of 4620 af at the field headgate, and the irrigation of 1155 acres.
3. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1257 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 1155 acres to be irrigated within the 1257 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. Prior to the diversion and use of water under Transfer approval 77981, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

This water right 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.

Dated this 25th day of October, 20 12



Southern Region Manager

WATER RIGHT NO. 36-2123
As Modified by Transfer No. 77981

In accordance with the approval of Transfer No. 77981, Water Right No. 36-2123 is now described as follows.

Right Holder: JOSEPH KEARL And
 MELYNDA KEARL
 20511 F ST
 RUPERT ID 83350

And

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

Priority Date: June 07, 1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15 to 11/15	2.72 CFS	640.0 AF
		2.72 CFS	640.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWSESW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SENWSE	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	NWSENE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESW	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County

PLACE OF USE: IRRIGATION

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	24E	26		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	560.0
06S	24E	34																38.0	38.0
06S	24E	35	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
07S	25E	5					19.0												19.0
							L 3												

Total Acres: 1257

WATER RIGHT NO. 36-2123
As Modified by Transfer No. 77981

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
2. Rights 36-2123 and 36-7193 when combined shall not exceed a total diversion rate of 3.0 cfs, a total annual maximum diversion volume of 640 af at the field headgate, and the irrigation of 160 acres.
3. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 when combined shall not exceed a total diversion rate of 17.27 cfs, a total annual maximum diversion volume of 4620 af at the field headgate, and the irrigation of 1155 acres.
4. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1257 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 1155 acres to be irrigated within the 1257 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 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.
6. Prior to the diversion and use of water under Transfer approval 77981, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

This water right 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.

Dated this 25th day of October, 20 12



Southern Region Manager

WATER RIGHT NO. 36-7193
As Modified by Transfer No. 77981

In accordance with the approval of Transfer No. 77981, Water Right No. 36-7193 is now described as follows.

Right Holder: JOSEPH KEARL And
 MELYNDA KEARL
 20511 F ST
 RUPERT ID 83350

And

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

Priority Date: June 29, 1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.28 CFS	136.6 AF
			0.28 CFS	136.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWSESW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SENWSE	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	NWSENE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESW	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County

PLACE OF USE: IRRIGATION

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	24E	26		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	560.0
06S	24E	34																38.0	38.0
06S	24E	35	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
07S	25E	5					19.0												19.0
							L 3												

Total Acres: 1257

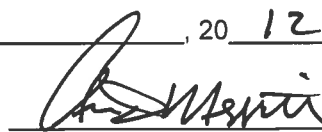
WATER RIGHT NO. 36-7193
As Modified by Transfer No. 77981

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
2. Rights 36-2123 and 36-7193 when combined shall not exceed a total diversion rate of 3.0 cfs, a total annual maximum diversion volume of 640 af at the field headgate, and the irrigation of 160 acres.
3. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 when combined shall not exceed a total diversion rate of 17.27 cfs, a total annual maximum diversion volume of 4620 af at the field headgate, and the irrigation of 1155 acres.
4. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1257 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 1155 acres to be irrigated within the 1257 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 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.
6. Prior to the diversion and use of water under Transfer approval 77981, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
8. 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.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

This water right 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.

Dated this 25th day of October, 20 12



Southern Region Manager

WATER RIGHT NO. 36-16924
As Modified by Transfer No. 77981

In accordance with the approval of Transfer No. 77981, Water Right No. 36-16924 is now described as follows.

Right Holder: MELYNDA KEARL And
 JOSEPH KEARL
 20511 F ST
 RUPERT ID 83350

And

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

Priority Date: July 25, 1987

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	3.03 CFS	864.0 AF
			3.03 CFS	864.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWSESW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SENWSE	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	NWSENE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESW	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County

PLACE OF USE: IRRIGATION

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	24E	26		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	560.0
06S	24E	34															38.0	38.0	
06S	24E	35	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0	
07S	25E	5					19.0											19.0	
							L 3												

Total Acres: 1257

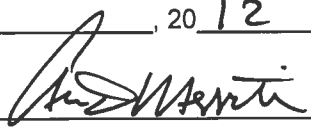
WATER RIGHT NO. 36-16924
As Modified by Transfer No. 77981

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 216 acres within the place of use described above in a single irrigation season.
2. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 when combined shall not exceed a total diversion rate of 17.27 cfs, a total annual maximum diversion volume of 4620 af at the field headgate, and the irrigation of 1155 acres.
3. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1257 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 1155 acres to be irrigated within the 1257 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. Prior to the diversion and use of water under Transfer approval 77981, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

This water right 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.

Dated this 25th day of October, 2012



Southern Region Manager

WATER RIGHT NO. 36-16826
As Modified by Transfer No. 77981

In accordance with the approval of Transfer No. 77981, Water Right No. 36-16826 is now described as follows.

Right Holder: JOSEPH KEARL And
 MELYNDA KEARL
 20511 F ST
 RUPERT ID 83350

And

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

Priority Date: September 13, 1984

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	2.34 CFS	920.0 AF
			2.34 CFS	920.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NESENW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWSESW	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SENWSE	Sec. 26 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	NWSENE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESW	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County
GROUND WATER	SWNESE	Sec. 35 Twp 06S	Rge 24E	MINIDOKA County

PLACE OF USE: IRRIGATION

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	24E	26	40.0	40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	560.0
06S	24E	34																38.0	38.0
06S	24E	35	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
07S	25E	5					19.0												19.0
							L 3												

Total Acres: 1257

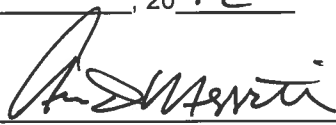
WATER RIGHT NO. 36-16826
As Modified by Transfer No. 77981

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 230 acres within the place of use described above in a single irrigation season.
2. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 when combined shall not exceed a total diversion rate of 17.27 cfs, a total annual maximum diversion volume of 4620 af at the field headgate, and the irrigation of 1155 acres.
3. Rights 36-16826, 36-16924, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1257 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 1155 acres to be irrigated within the 1257 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
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. Prior to the diversion and use of water under Transfer approval 77981, the right holder shall install and maintain acceptable measuring devices at the authorized points 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.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
7. 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.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

This water right 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.

Dated this 25th day of October, 2012



Southern Region Manager

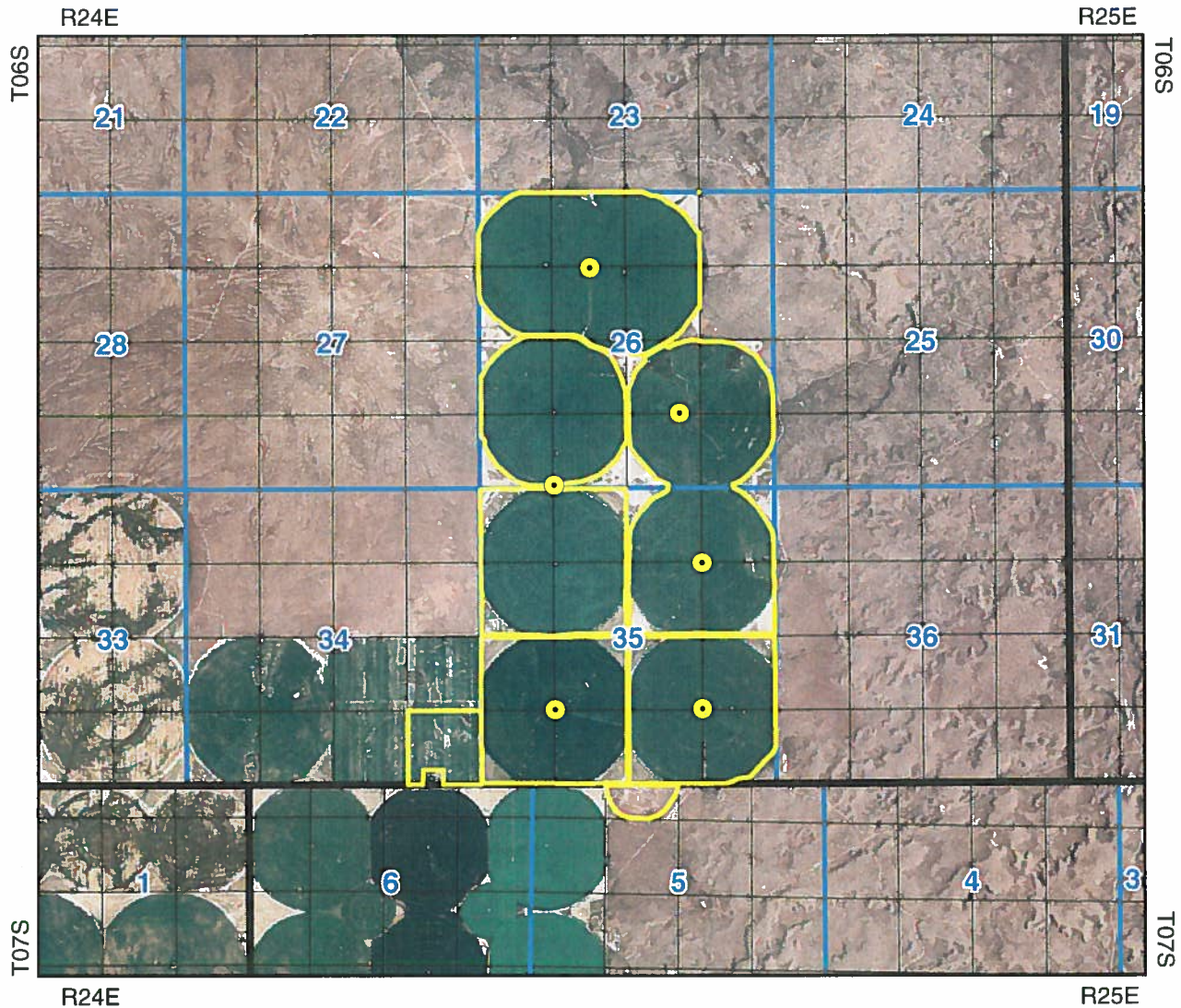
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77981

Rights: 36-2122B, 36-2123, 36-2124, 36-2190A, 36-7193, 36-16826, 36-16924

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

October 26, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JOSEPH KEARL
MELYNDA KEARL
20511 F ST
RUPERT ID 83350

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

RE: Transfer No.: 77981
Water Right No(s): 36-2124 36-2123 36-7193 36-16924 36-16826
36-2122B 36-2190A

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 homepage 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.

A portion of water right(s) 36-16924 was leased to the Water Supply Bank (bank), as water right 36-2122A, on August 23, 2010. To date, part of the right(s) appurtenant to 1.15 cubic feet per second (cfs) and 81.6 acres remain leased to the bank. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. This portion will remain in the bank until December 31, 2015, unless the right(s) are released earlier by the Idaho Water Resource Board or upon request by the right holder. To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release, and notify the right holder of the release date.

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", with a stylized flourish at the end.

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: BROCKWAY ENGINEERING PLLC

CERTIFICATE OF SERVICE

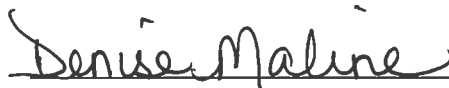
I hereby certify that on October 26, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77981
WATER RIGHTS NOS. 36-2124 36-2123 36-7193 36-16924 36-16826
36-2122B 36-2190A

JOSEPH KEARL
MELYNDA KEARL
20511 F ST
RUPERT ID 83350

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, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

October 26, 2012

CINDY YENTER WATERMASTER
WATER DISTRICT #130
1341 FILLMORE ST, STE 200
TWIN FALLS, ID 83301

RE: **APPROVED** Transfer No(s). 77981 (Joseph & Melynda Kearn)
(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 difficulty obtaining or reading the documents, or if you have other questions, please feel free to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 77981
Water Right No: 36-2122B
Applicant Name: Kearl

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

The 206 place of use includes 59 CREP acres in S ½, NENE, SENE, SWNE and SENW Section 35, and 21.5 water bank acres in NENW, NWNW and SWNW Section 35. 58.1 acres will be withdrawn from the Water Supply Bank and used to irrigate the additional acres added to the system.

Dated: October 24, 2012

Water District 130



Cindy J. Yenter, Watermaster