

RECEIVED

Rev. 06/09

SEP 18 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

77981

AMENDED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☒ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77981

SEP 18 2012

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1****AMENDED**DEPT. OF WATER RESOURCES
SOUTHERN REGION

Melynda

Name of Applicant(s) Joseph & Melynda Kearl Phone _____Mailing address 20511 F St. Rupert, Idaho 83350 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.com☐ 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.☐ 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 providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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.



Signature of Applicant or Authorized Representative

ZACH LATHAMPrint Name and Title if applicable
BRCKWAY ENGINEERING9/13/12

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Add a new half pivot and 38.0 acre field to the current PPU and POU to increase irrigated acres.
Sufficient acres will be withdrawn from the Water Supply Bank after the transfer is approved.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77981APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**AMENDED**Name of Applicant(s) Rodney & Shirley Jentzsch Phone _____Mailing address 20106 5th St. Rupert, Idaho 83350 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ 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.
- ☐ 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 providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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.


 Signature of Applicant or Authorized Representative

WILL LATHAM
 Print Name and Title if applicable
BRCKWAY ENGINEERING
9/13/12
 Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Add a new half pivot and 38.0 acre field to the current PPU and POU to increase irrigated acres.**
Sufficient acres will be withdrawn from the Water Supply Bank after the transfer is approved.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	36-2190A	1.52/608	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-2122B	1.28/368	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-2124	6.1/1220	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-2123	2.72/640	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-7193	0.28/136.6	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-16924	3.03/864	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-16826	2.34/920	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 17.27 cfs and/or 4620 ac-ft

2. Total amount of water proposed to be transferred or changed 17.27 cubic feet per second and/or 4620 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	24E	26		40	40		40	40	40	40	40	40	40	40	40	40	40	40	560
06S	24E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
07S	24E	5					19												19
06S	24E	34															38		38

Total Acres (for irrigation use) 1257

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Existing wells, mainlines and irrigation systems
A new half pivot will be installed after the transfer is approved. A new main line will be installed to provide water to new pivot and field.

- b. Who owns the property at the point(s) of diversion? Joseph & Melynda Kearl and Rodney & Shirley Jentzsch
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☒ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: Northwest Farm Credit Services

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____
No change

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____
N/A

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☒ | ☐ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☒ | ☐ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: 79.6 acres are leased to the Idaho Water Supply Bank. 58.1 acres will be withdrawn from the Idaho Water Supply Bank when this transfer is approved.

59.0 acres are enrolled in CREP

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-2190A

Current Owner: JOSEPH KEARL
MELYNDA KEARL
SHIRLEY S JENTZSCH
RODNEY A JENTZSCH

Priority Date: 2/25/1953

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 11/15

1.52 CFS

608 AF

Total Diversion

1.52 CFS

608 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SE1/4NW1/4

Sec. 26, Twp 06S, Rge 24E B.M.

MINIDOKA County

GROUND WATER

SE1/4NW1/4SE1/4

Sec. 26, Twp 06S, Rge 24E B.M.

MINIDOKA County

GROUND WATER

NW1/4SE1/4NE1/4

Sec. 35, Twp 06S, Rge 24E B.M.

MINIDOKA County

GROUND WATER

SW1/4NE1/4SE1/4

Sec. 35, Twp 06S, Rge 24E B.M.

MINIDOKA County

GROUND WATER

SW1/4SE1/4SW1/4

Sec. 26, Twp 06S, Rge 24E B.M.

MINIDOKA County

GROUND WATER

SW1/4NE1/4SW1/4

Sec. 35, Twp 06S, Rge 24E B.M.

MINIDOKA County

Place of Use

Page 6 of 27

IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENW	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENW	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. X35 Rights 36-16826, 36-2122A, 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.
2. R02 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.
3. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. X27 This right is limited to the irrigation of 152 acres within the place of use described above in a single irrigation season.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T19 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. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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.
9. R05 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.
10. R64 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.
11. X36 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124 and 36-7193 are also diverted through the point(s) of diversion described above.

Decreed Date: 8/27/2001

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-2122b

Current Owner: SHIRLEY S JENTZSCH
RODNEY A JENTZSCH
JOSEPH KEARL
MELYNDA KEARL

Priority Date: 6/7/1951

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.28 CFS	368 AF
	<u>Total Diversion</u>	1.28 CFS	368 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4SE1/4SW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4NE1/4SW1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NE1/4SE1/4NW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NW1/4SE1/4NE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				

Place of Use

IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENE	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. R64 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. X36 Rights 36-16826, 36-2122A, 36-2123, 36-2124, 36-2190A and 36-7193 are also diverted through the point(s) of diversion described above.
5. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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. X27 This right is limited to the irrigation of 92 acres within the place of use described above in a single irrigation season.
7. R05 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.
8. T19 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. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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.
10. X35 Rights 36-16826, 36-2122A, 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.
11. R02 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.

Decreed Date: 12/3/2001

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-2124

Current Owner: JOSEPH KEARL
MELYNDA KEARL
SHIRLEY S JENTZSCH
RODNEY A JENTZSCH

Priority Date: 6/7/1951

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	6.1 CFS	1220 AF
	<u>Total Diversion</u>	6.1 CFS	1220 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4SE1/4SW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4NE1/4SW1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NE1/4SE1/4NW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NW1/4SE1/4NE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				

Place of Use

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IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENW	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENW	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. R02 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.
2. R64 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. R05 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. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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.
6. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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. X35 Rights 36-16826, 36-2122A, 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.
8. X36 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2190A and 36-7193 are also diverted through the point(s) of diversion described above.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. X27 This right is limited to the irrigation of 305 acres within the place of use described above in a single irrigation season.
11. T19 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.

Decreed Date: 8/27/2001

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-2123

Current Owner: JOSEPH KEARL
MELYNDA KEARL
RODNEY A JENTZSCH
SHIRLEY S JENTZSCH

Priority Date: 6/7/1951

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>
IRRIGATION	03/15 to 11/15
	<u>Total Diversion</u>

Diversion Rate

2.72 CFS

2.72 CFS

Annual Volume

640 AF

640 AF

Location of Point(s) of Diversion

GROUND WATER

MINIDOKA County

SW1/4NE1/4SE1/4

Sec. 35, Twp 06S, Rge 24E B.M.

GROUND WATER

MINIDOKA County

SW1/4SE1/4SW1/4

Sec. 26, Twp 06S, Rge 24E B.M.

GROUND WATER

MINIDOKA County

SW1/4NE1/4SW1/4

Sec. 35, Twp 06S, Rge 24E B.M.

GROUND WATER

MINIDOKA County

NE1/4SE1/4NW1/4

Sec. 26, Twp 06S, Rge 24E B.M.

GROUND WATER

MINIDOKA County

SE1/4NW1/4SE1/4

Sec. 26, Twp 06S, Rge 24E B.M.

GROUND WATER

MINIDOKA County

NW1/4SE1/4NE1/4

Sec. 35, Twp 06S, Rge 24E B.M.

Place of Use

IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENW	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENW	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. R02 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.
2. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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.
3. R64 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. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. X35 Rights 36-16826, 36-2122A, 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. X27 This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
8. X36 Rights 36-16826, 36-2122A, 36-2122B, 36-2124, 36-2190A and 36-7193 are also diverted through the point(s) of diversion described above.
9. T19 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.
10. X35 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.
11. R05 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.
12. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-7193

Current Owner: JOSEPH KEARL
MELYNDA KEARL
SHIRLEY S JENTZSCH
RODNEY A JENTZSCH

Priority Date: 6/29/1971

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.28 CFS	136.6 AF
	<u>Total Diversion</u>	0.28 CFS	136.6 AF

Location of Point(s) of Diversion

GROUND WATER MINIDOKA County	SW1/4NE1/4SE1/4	Sec. 35, Twp 06S, Rge 24E B.M.
GROUND WATER MINIDOKA County	SW1/4SE1/4SW1/4	Sec. 26, Twp 06S, Rge 24E B.M.
GROUND WATER MINIDOKA County	SW1/4NE1/4SW1/4	Sec. 35, Twp 06S, Rge 24E B.M.
GROUND WATER MINIDOKA County	NE1/4SE1/4NW1/4	Sec. 26, Twp 06S, Rge 24E B.M.
GROUND WATER MINIDOKA County	SE1/4NW1/4SE1/4	Sec. 26, Twp 06S, Rge 24E B.M.
GROUND WATER MINIDOKA County	NW1/4SE1/4NE1/4	Sec. 35, Twp 06S, Rge 24E B.M.

Place of Use

IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENE	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. T19 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.
2. R64 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. X27 This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
4. R02 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.
5. X35 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.
6. R05 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.
7. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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.
8. X35 Rights 36-16826, 36-2122A, 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.
9. T08 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. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
12. X36 Rights 36-16826, 36-2122A, 36-2122B, 3-2123 36-2124 and 36-2190A are also diverted through the point(s) of diversion described above.

Decreed Date: 8/27/2001

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-16924

Current Owner: MELYNDA KEARL
JOSEPH KEARL
SHIRLEY S JENTZSCH
RODNEY A JENTZSCH

Priority Date: 7/25/1987

Origin: Water Right

Status: Water Supply Bank Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	3.03 CFS	864 AF
	<u>Total Diversion</u>	3.03 CFS	864 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SW1/4	Sec. 26, Twp 06S, Rge 24E B.M.
MINIDOKA County		
GROUND WATER	SW1/4NE1/4SW1/4	Sec. 35, Twp 06S, Rge 24E B.M.
MINIDOKA County		
GROUND WATER	NE1/4SE1/4NW1/4	Sec. 26, Twp 06S, Rge 24E B.M.
MINIDOKA County		
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 26, Twp 06S, Rge 24E B.M.
MINIDOKA County		
GROUND WATER	NW1/4SE1/4NE1/4	Sec. 35, Twp 06S, Rge 24E B.M.
MINIDOKA County		
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35, Twp 06S, Rge 24E B.M.
MINIDOKA County		

Place of Use

IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENE	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. X36 Rights 36-16826, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are also diverted through the point(s) of diversion described above.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. R02 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.
4. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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.
6. R64 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.
7. T19 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. X27 This right is limited to the irrigation of 216 acres within the place of use described above in a single irrigation season.
9. R05 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.
10. X35 Rights 36-16826, 36-2122A, 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.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 12/12/2001

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-16826

Current Owner: JOSEPH KEARL
MELYNDA KEARL
RODNEY A JENTZSCH
SHIRLEY S JENTZSCH

Priority Date: 9/13/1984

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

03/15 to 11/15

Total Diversion

Diversion Rate

2.34 CFS

2.34 CFS

Annual Volume

920 AF

920 AF

Location of Point(s) of Diversion

GROUND WATER

MINIDOKA County

SW1/4NE1/4SE1/4

Sec. 35, Twp 06S, Rge 24E B.M.

GROUND WATER

MINIDOKA County

SW1/4SE1/4SW1/4

Sec. 26, Twp 06S, Rge 24E B.M.

GROUND WATER

MINIDOKA County

SW1/4NE1/4SW1/4

Sec. 35, Twp 06S, Rge 24E B.M.

GROUND WATER

MINIDOKA County

NE1/4SE1/4NW1/4

Sec. 26, Twp 06S, Rge 24E B.M.

GROUND WATER

MINIDOKA County

SE1/4NW1/4SE1/4

Sec. 26, Twp 06S, Rge 24E B.M.

GROUND WATER

MINIDOKA County

NW1/4SE1/4NE1/4

Sec. 35, Twp 06S, Rge 24E B.M.

Place of Use

IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENW	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENW	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. R64 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.
2. X35 Rights 36-16826, 36-2122A, 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. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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. R05 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. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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. T08 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. T19 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. R02 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.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. X36 Rights 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are also diverted through the point(s) of diversion described above.
11. X27 This right is limited to the irrigation of 230 acres within the place of use described above in a single irrigation season.

Decreed Date: 12/12/2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1. Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____
amount _____ for _____	purposes from _____	to _____

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

Add'l Fee Paid	Date	Received by	Receipt #
----------------	------	-------------	-----------

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

Signature

Shirley S. Jentzsch

Signature

Joe Kearn

Signature

Melynda Kearn

Signature

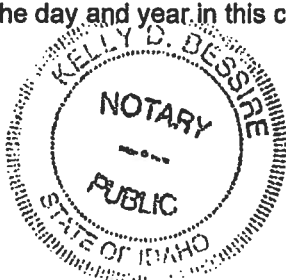
State of Idaho)

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
E
A
L



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

11-07-14
My Commission Expires

TRANSFER 77981

WARRANTY DEED

#24787

Instrument # 518722

MINIDOKA COUNTY, RUPERT, IDAHO

8-28-2012 02:26:06 No. of Pages: 2

Recorded for : RUPERT LAND TITLE

PATTY TEMPLE Fee: 13.00

Ex-Officio Recorder Deputy

For Value Received

Rhonda L. Nelson and David P. Fenton, Guardians and Conservators for Patricia A. Fenton, a protected person

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**Jentzsch-Kearl Farms, an Idaho General Partnership,
Address: 20511 "F" Street, Rupert, ID 83350**

Hereinafter called the Grantee, the following described premises situated in **Minidoka** County, Idaho, to-wit:

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

Section 34: SE¼SE¼, EXCEPTING THEREFROM the following described property:

Commencing at the Southeast corner of said Section 34; thence North 89°45' West along the South section line for 779.00 feet to a point, which point shall be known as the TRUE POINT OF BEGINNING;

Thence North 89°45' West for 274.00 feet;

Thence North 0°15'00" East for 217 feet;

Thence South 89°45'00" East for 274.00 feet;

Thence South 0°15'00" West for 217 feet to the TRUE POINT OF BEGINNING.

This Deed is executed pursuant to the Letters of Permanent Guardianship and Conservatorship dated January 23, 2012 and recorded August 28, 2012 as Instrument No. 518718, records of Minidoka County, Idaho.

THIS PROPERTY IS BEING CONVEYED DRY AND WITHOUT ANY WATER RIGHTS.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2012 and subsequent years.

Assessments levied, or to be levied, by Magic Valley Ground Water District.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: August 21, 2012

Rhonda L. Nelson

Rhonda L. Nelson, Guardian and Conservator for Patricia N. Fenton, a protected person

David P. Fenton

David P. Fenton, Guardian and Conservator for Patricia N. Fenton, a protected person

STATE OF IDAHO)
COUNTY OF ADA) ss.
MINIDOKA)

On this 21st day of August, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Rhonda L. Nelson, known or identified to me to be the person whose name is subscribed to the within instrument as one of the Guardians and Conservators of Patricia N. Fenton, a protected person, and acknowledged to me that she executed the same as a Guardian and Conservator. A.

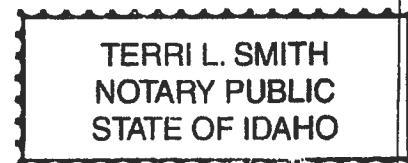
Khurshed M. Tengra R.N.
Notary Public
Residing at: Boise, ID
My Commission expires: 03/26/2015

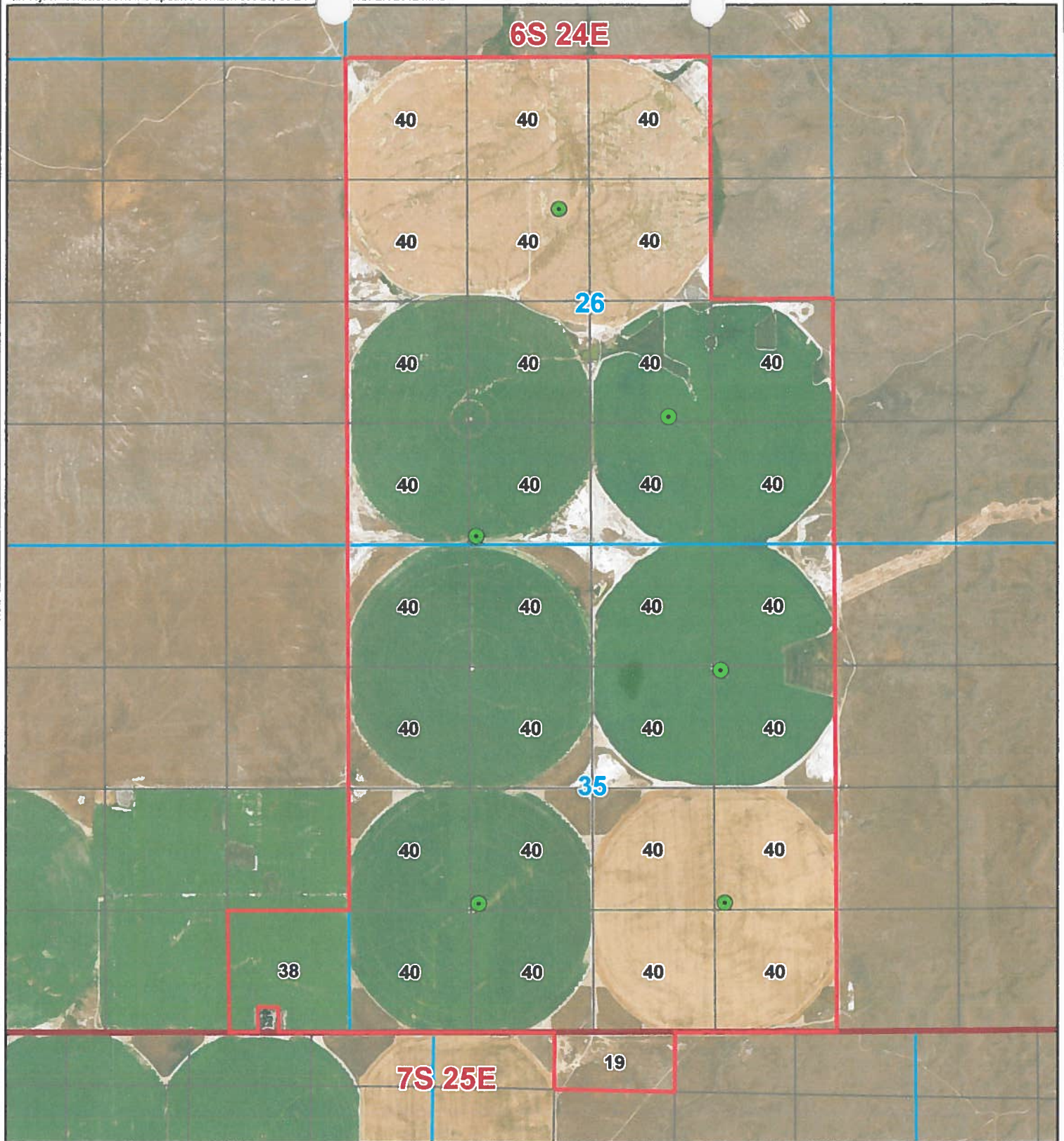


STATE OF IDAHO)
COUNTY OF MINIDOKA) ss.
ADA)

On this 22 day of August, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared David P. Fenton, known or identified to me to be the person whose name is subscribed to the within instrument as one of the Guardians and Conservators of Patricia N. Fenton, a protected person, and acknowledged to me that he executed the same as a Guardian and Conservator. A. D.F.

TERRI L. SMITH
Notary Public
Residing at: Burley, ID
My Commission expires: 8/2/14





**JENTZSCH KEARL- SECTION 26,35, 5
PPU TRANSFER 2012
NAIP 2011 AERIAL**

0 700 1,400 2,800 Feet

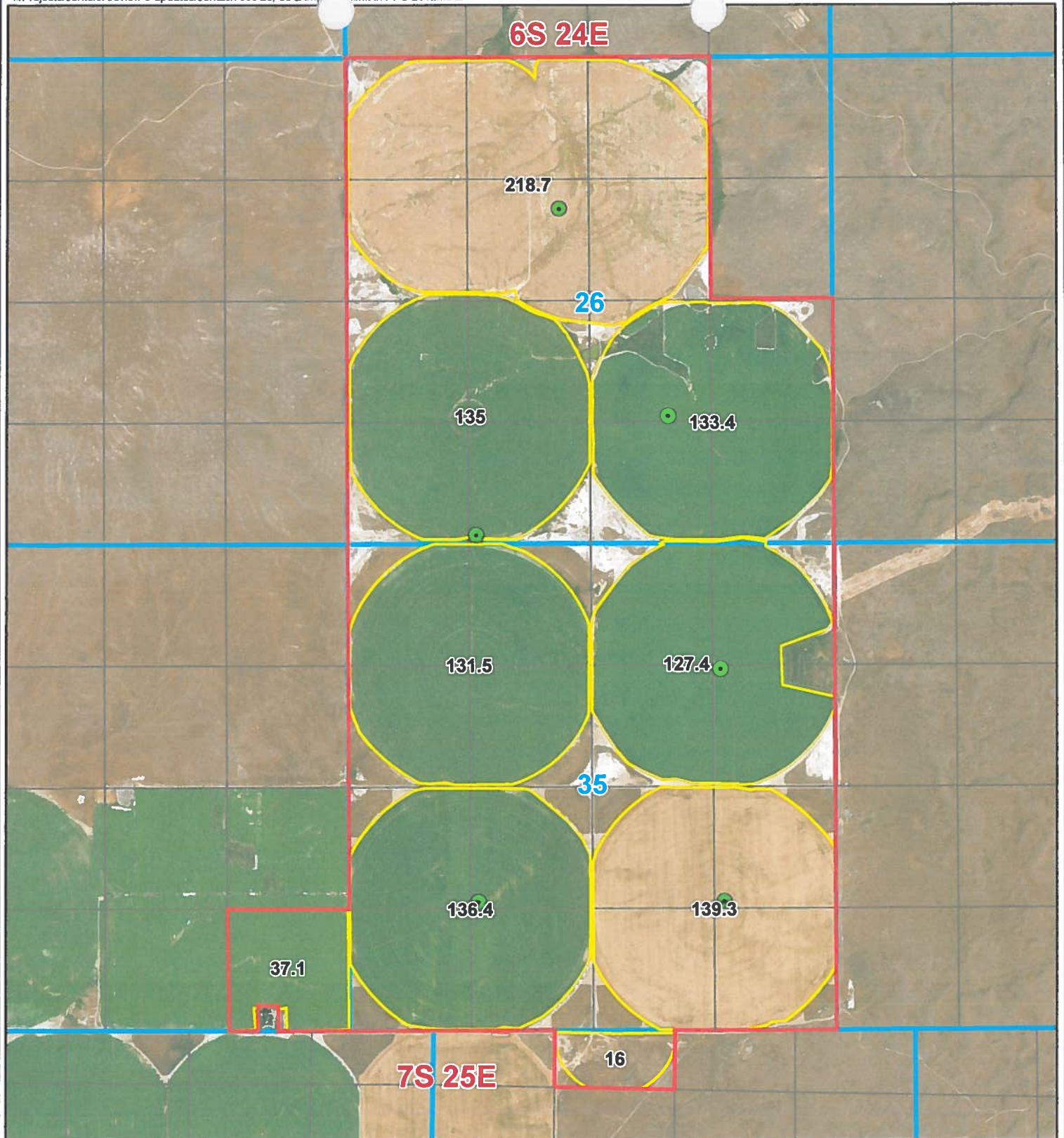
BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 11, 2012

TRANSFER 77981

Legend

- POD_Sec_26,35
- Proposed PPU
- twtnshp
- first
- ladesc





**JENTZSCH KEARL- SECTION 26,35, 5
IRRIGATION LIMIT IN PPU 2012
NAIP 2011 AERIAL**

0 700 1,400 2,800 Feet

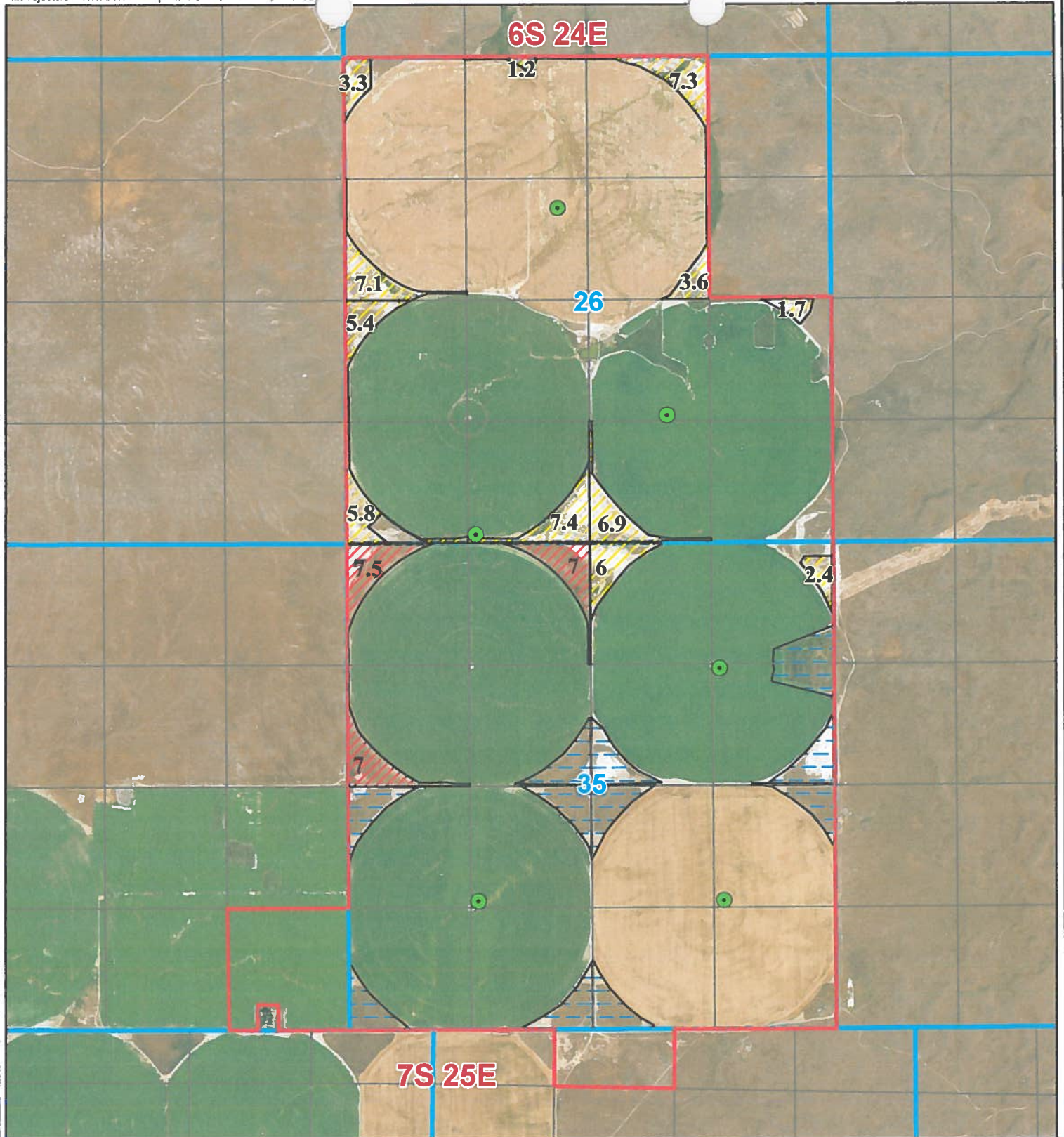
BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 17, 2012

TRANSFER 77981

Legend

- Proposed PPU
- first
- last
- POD_Sec_26,35
- Irrigation 2012= 1074.7 ac





**JENTZSCH KEARL- SECTION 26,35, 5
IRRIGATION 2011, WATER BANK & CREP ACRES
NAIP 2011 AERIAL**

0 700 1,400 2,800 Feet

BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 17, 2012

Legend

Water_Bank_Ac_2012

-  Remaining in Water Bank 21.5 ac.
-  Remove from Water Bank 58.1ac.
-  CREP Sec 26, 35=59 AC.

-  Proposed PPU
-  first
-  ladesc
-  POD_Sec_26,35



TRANSFER 77981

22

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TRANSFER 77981

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DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77981**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☒ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

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JUN 07 2012

Rev. 06/09

Page _____ of _____

DEPT. OF WATER RESOURCES

STATE OF IDAHO SOUTHERN REGION

DEPARTMENT OF WATER RESOURCES

Transfer No. 77981

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Joseph & Melynda Kearn Phone 532-4119Mailing address 20511 F St. Rupert, Idaho 83350 Email Joe@JKfarms.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ 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.
- ☐ 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 providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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.

Signature of Applicant or Authorized Representative

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Print Name and Title if applicable

Date

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2. Add a new half pivot to the current PPU and POU to increase irrigated acres. Sufficient acres will be withdrawn from the Water Supply Bank after the transfer is approved.**

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 77981

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant(s) Rodney & Shirley Jentzsch Phone 532-4119Mailing address 20106 5th St. Rupert, Idaho 83350 Email rode.jk@farms.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301 Email greg.sullivan@brockwayeng.com☐ 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.☐ 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 providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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.

[Signature]
Signature of Applicant or Authorized Representative

[Signature]
Signature of Applicant or Authorized Representative

[Signature]
Signature of Applicant or Authorized Representative

<u>Partner</u>	<u>5-31-12</u>
Print Name and Title if applicable	Date
<u>Partner</u>	<u>5-31-12</u>
Print Name and Title if applicable	Date
<u>Partner</u>	<u>5-31-12</u>
Print Name and Title if applicable	Date
<u>Partner</u>	<u>5-31-12</u>
Print Name and Title if applicable	Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Add a new half pivot to the current PPU and POU to increase irrigated acres. Sufficient acres will be withdrawn from the Water Supply Bank after the transfer is approved.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	36-2190A	1.52/608	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-2122B	1.28/368	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-2124	6.1/1220	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-2123	2.72/640	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-7193	0.28/136.6	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-16924	3.03/864	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-16826	2.34/920	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 17.27 cfs and/or 4620 ac-ft

2. Total amount of water proposed to be transferred or changed 17.27 cubic feet per second and/or 4620 acre-feet per annum.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	24E	26		40	40		40	40	40	40	40	40	40	40	40	40	40	40	560
06S	24E	35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
07S	24E	5					19												19

Total Acres (for irrigation use) 1219

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Existing wells, mainlines and irrigation systems

A new half pivot will be installed after the transfer is approved. A new main line will be installed to provide water to new pivot.

- b. Who owns the property at the point(s) of diversion? Joseph & Melynda Kearl and Rodney & Shirley Jentzsch

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☒ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Northwest Farm Credit Services

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____

No change

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____

N/A

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|-------------------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☒ | ☐ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☒ | ☐ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: 80.0 acres are leased to the Idaho Water Supply Bank. 16.0 acres will be withdrawn from the Idaho Water Supply Bank when this transfer is approved.

59.0 acres are enrolled in CREP

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-2190A

Current Owner: JOSEPH KEARL
MELYNDA KEARL
SHIRLEY S JENTZSCH
RODNEY A JENTZSCH

Priority Date: 2/25/1953

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.52 CFS	608 AF
	<u>Total Diversion</u>	1.52 CFS	608 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4NW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NW1/4SE1/4NE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4SE1/4SW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4NE1/4SW1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				

Place of Use

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IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENW	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENW	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. X36 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124 and 36-7193 are also diverted through the point(s) of diversion described above.
3. X35 Rights 36-16826, 36-2122A, 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. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T19 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.
6. R64 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.
7. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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.
8. R02 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.
9. R05 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.
10. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
11. X27 This right is limited to the irrigation of 152 acres within the place of use described above in a single irrigation season.

Decreed Date: 8/27/2001

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-2122B

Current Owner: SHIRLEY S JENTZSCH
RODNEY A JENTZSCH
JOSEPH KEARL
MELYNDA KEARL

Priority Date: 6/7/1951

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.28 CFS	368 AF
	<u>Total Diversion</u>	1.28 CFS	368 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4SE1/4SW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4NE1/4SW1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NE1/4SE1/4NW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NW1/4SE1/4NE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				

Place of Use

Page _____ of _____

IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENW	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENW	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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.
2. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
3. X27 This right is limited to the irrigation of 92 acres within the place of use described above in a single irrigation season.
4. R64 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.
5. T19 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 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. R02 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.
9. X36 Rights 36-16826, 36-2122A, 36-2123, 36-2124, 36-2190A and 36-7193 are also diverted through the point(s) of diversion described above.
10. R05 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.
11. X35 Rights 36-16826, 36-2122A, 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.

Decreed Date: 12/3/2001

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-16826

Current Owner: JOSEPH KEARL
MELYNDA KEARL
RODNEY A JENTZSCH
SHIRLEY S JENTZSCH

Priority Date: 9/13/1984

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

03/15 to 11/15

2.34 CFS

920 AF

Total Diversion

2.34 CFS

920 AF

Location of Point(s) of Diversion

GROUND WATER

SW1/4NE1/4SE1/4

Sec. 35, Twp 06S, Rge 24E B.M.

MINIDOKA County

GROUND WATER

SW1/4SE1/4SW1/4

Sec. 26, Twp 06S, Rge 24E B.M.

MINIDOKA County

GROUND WATER

SW1/4NE1/4SW1/4

Sec. 35, Twp 06S, Rge 24E B.M.

MINIDOKA County

GROUND WATER

NE1/4SE1/4NW1/4

Sec. 26, Twp 06S, Rge 24E B.M.

MINIDOKA County

GROUND WATER

SE1/4NW1/4SE1/4

Sec. 26, Twp 06S, Rge 24E B.M.

MINIDOKA County

GROUND WATER

NW1/4SE1/4NE1/4

Sec. 35, Twp 06S, Rge 24E B.M.

MINIDOKA County

Place of Use

Page _____ of _____

IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENE	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. X27 This right is limited to the irrigation of 230 acres within the place of use described above in a single irrigation season.
2. T19 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.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. X35 Rights 36-16826, 36-2122A, 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.
5. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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. R02 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.
7. R64 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. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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.
9. T08 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. R05 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.
11. X36 Rights 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are also diverted through the point(s) of diversion described above.

Decreed Date: 12/12/2001

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-7193

Current Owner: JOSEPH KEARL
MELYNDA KEARL
SHIRLEY S JENTZSCH
RODNEY A JENTZSCH

Priority Date: 6/29/1971

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.28 CFS	136.6 AF
	<u>Total Diversion</u>	0.28 CFS	136.6 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4SE1/4SW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4NE1/4SW1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NE1/4SE1/4NW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NW1/4SE1/4NE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				

Place of Use

Page _____ of _____

IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENE	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
2. T19 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.
3. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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. R64 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.
5. X35 Rights 36-16826, 36-2122A, 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.
6. T08 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. X35 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.
8. X27 This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
9. R02 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.
10. X36 Rights 36-16826, 36-2122A, 36-2122B, 3-2123 36-2124 and 36-2190A are also diverted through the point(s) of diversion described above.
11. R05 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.
12. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 8/27/2001

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-2123

Current Owner: JOSEPH KEARL
MELYNDA KEARL
RODNEY A JENTZSCH
SHIRLEY S JENTZSCH

Priority Date: 6/7/1951

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.72 CFS	640 AF
	<u>Total Diversion</u>	2.72 CFS	640 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4SE1/4SW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4NE1/4SW1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NE1/4SE1/4NW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NW1/4SE1/4NE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				

Place of Use

Page _____ of _____

IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENE	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. R02 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.
3. X35 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.
4. R05 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. X27 This right is limited to the irrigation of 160 acres within the place of use described above in a single irrigation season.
6. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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.
7. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
8. X35 Rights 36-16826, 36-2122A, 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.
9. R64 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.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. X36 Rights 36-16826, 36-2122A, 36-2122B, 36-2124, 36-2190A and 36-7193 are also diverted through the point(s) of diversion described above.
12. T19 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.

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-2124

Current Owner: JOSEPH KEARL
MELYNDA KEARL
SHIRLEY S JENTZSCH
RODNEY A JENTZSCH

Priority Date: 6/7/1951

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>
IRRIGATION	03/15 to 11/15
	<u>Total Diversion</u>

<u>Diversion Rate</u>
6.1 CFS
6.1 CFS

<u>Annual Volume</u>
1220 AF
1220 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4SE1/4SW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4NE1/4SW1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NE1/4SE1/4NW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NW1/4SE1/4NE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				

Place of Use

Page _____ of _____

IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENE	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. X35 Rights 36-16826, 36-2122A, 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.
2. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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.
3. X27 This right is limited to the irrigation of 305 acres within the place of use described above in a single irrigation season.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. R02 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. T19 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.
7. R64 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. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.
9. R05 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.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. X36 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2190A and 36-7193 are also diverted through the point(s) of diversion described above.

Decreed Date: 8/27/2001

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 36-16924

Current Owner: MELYNDA KEARL
JOSEPH KEARL
SHIRLEY S JENTZSCH
RODNEY A JENTZSCH

Priority Date: 7/25/1987

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	3.03 CFS	864 AF
	<u>Total Diversion</u>	3.03 CFS	864 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4NE1/4SW1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NE1/4SE1/4NW1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 26,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	NW1/4SE1/4NE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35,	Twp 06S,	Rge 24E B.M.
MINIDOKA County				

Place of Use

Page _____ of _____

IRRIGATION Within MINIDOKA County

T06S R24E S26	NWNE	40.00	T06S R24E S26	SWNE	40.00
T06S R24E S26	NENW	40.00	T06S R24E S26	NWNW	40.00
T06S R24E S26	SWNW	40.00	T06S R24E S26	SENE	40.00
T06S R24E S26	NESW	40.00	T06S R24E S26	NWSW	40.00
T06S R24E S26	SWSW	40.00	T06S R24E S26	SESW	40.00
T06S R24E S26	NESE	40.00	T06S R24E S26	NWSE	40.00
T06S R24E S26	SWSE	40.00	T06S R24E S26	SESE	40.00
T06S R24E S35	NENE	40.00	T06S R24E S35	NWNE	40.00
T06S R24E S35	SWNE	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NENW	40.00	T06S R24E S35	NWNW	40.00
T06S R24E S35	SWNW	40.00	T06S R24E S35	SENE	40.00
T06S R24E S35	NESW	40.00	T06S R24E S35	NWSW	40.00
T06S R24E S35	SWSW	40.00	T06S R24E S35	SESW	40.00
T06S R24E S35	NESE	40.00	T06S R24E S35	NWSE	40.00
T06S R24E S35	SWSE	40.00	T06S R24E S35	SESE	40.00

Total Acres: 1200

Conditions of Approval:

1. 206 Rights 36-16826, 36-2122A, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are limited to the irrigation of a specific 1155 acres within the 1200 acre place of use authorized by these rights in a single Irrigation season. The specific 1155 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right 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 1200 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.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. R05 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. R64 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.
5. X36 Rights 36-16826, 36-2122B, 36-2123, 36-2124, 36-2190A and 36-7193 are also diverted through the point(s) of diversion described above.
6. X35 Rights 36-16826, 36-2122A, 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.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. R02 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.
9. T19 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.
10. X27 This right is limited to the irrigation of 216 acres within the place of use described above in a single irrigation season.
11. 131 Prior to the diversion and use of water under Transfer approval 73432 the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and 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.

Decreed Date: 12/12/2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

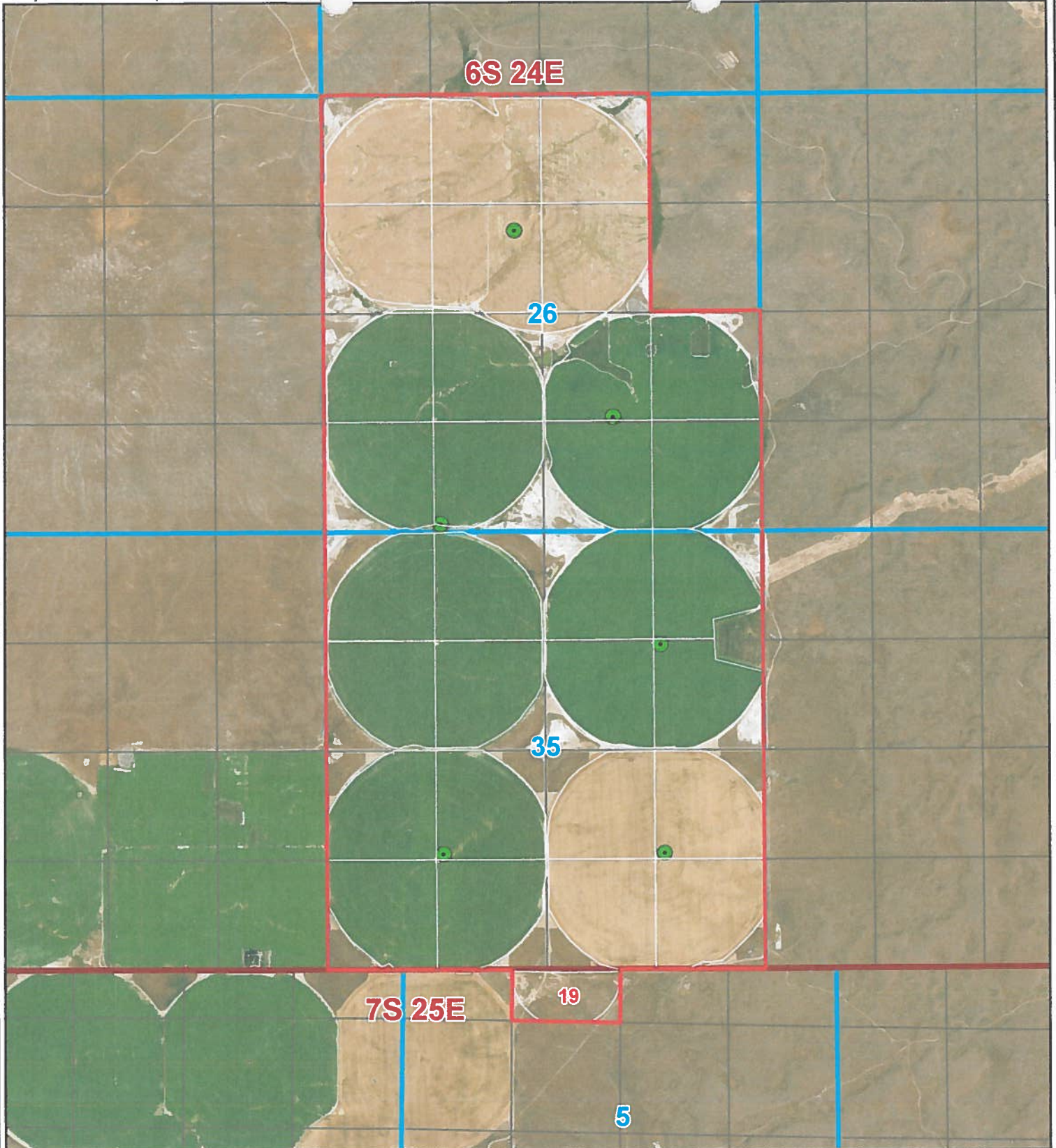
FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by JK Date 6/7/2012 Prelim. Check by JK Date 6/7/2012

Fee Paid \$500.00 Date 6/8/2012 Received by JK Receipt # 5032610

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



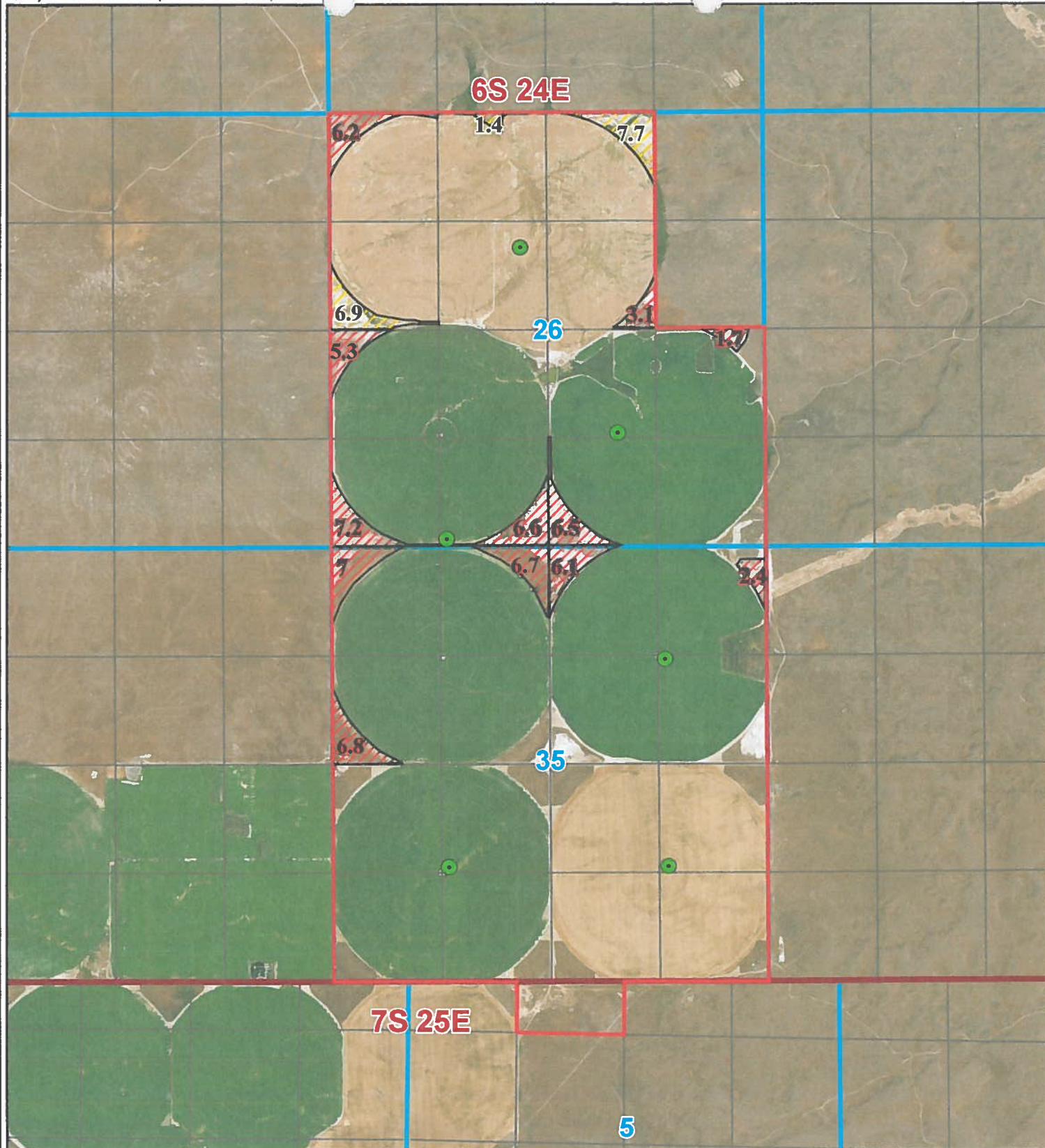
0 750 1,500 3,000 Feet

**JENTZCH KEARL - SECTION 26,35, 5
PPU TRANSFER MAP 2012
NAIP 2011 AERIAL**

Legend

- Proposed PPU
- 2012_Inr_POU_Sec_26_36_5
- POD_Sec_26,35
- twnshp
- first
- ladesc





0 750 1,500 3,000 Feet

JENTZCH KEARL- SECTION 26,35, 5 WATER BANK LEASE CHANGES 2012 NAIP 2011 AERIAL

BROCKWAY ENGINEERING, PLLC.
ALR - MAY 14, 2012

Legend

Water_Bank_Ac_2012

Remaining in Water Bank 66 ac.

Remove from Water Bank 16 ac.

POD_Sec_26,35

Proposed PPU
twshp
first
ladesc





May 30, 2012

Brockway Engineering PLLC
Mr. Greg Sullivan
2016 N Washington St Suite 4
Twin Falls, ID. 83301

Dear Mr. Sullivan,

We have been advised that Jentzsch Kearn Farms has requested a transfer of Water Right from Township 6 South, Range 25 East, Section 35 to Township 7 South, Range 25 East, Section 5 in an amount to irrigate 20 acres.

Please consider this letter as consent of that transfer request in the amount specified. As you know, this consent will need to be provided to the Idaho Department of Water Resources. If you have any questions regarding this matter please advise.

Regards,
Northwest Farm Credit Services

A handwritten signature in cursive script, appearing to read "Rich Fehringer".

Rich Fehringer
VP Agribusiness

WARRANTY DEED

462281

#16630

For Value Received

**THE PRUDENTIAL INSURANCE COMPANY OF AMERICA,
which acquired title as PRUDENTIAL INSURANCE COMPANY OF AMERICA**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**RODNEY A. JENTZSCH and SHIRLEY S. JENTZSCH, husband and wife
and JOSEPH KEARL and MELYNDA KEARL, husband and wife
Address: 480 E.1500 N., RUPERT, ID. 83350**

Hereinafter called the Grantee, the following described premises situated in Minidoka County, Idaho, to-wit:

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

SECTION 26: NW¼, W¼NE¼, S¼, EXCEPT the following described tracts:

TRACT 1:

Beginning at the Southeast corner of Section 26, said corner marked by a U.S. General Land Office iron pipe with brass cap which shall be the POINT OF BEGINNING;
Thence North 89°44'23" West along the South section line for 2633.94 feet to a U.S. General Land Office iron pipe with brass cap at the S¼ section corner of Section 26;
Thence North 00°04'04" East for 1681.61 feet to a ½ inch rebar;
Thence South 89°23'51" East for 2636.58 feet to a ½ inch rebar on the East line of Section 26;
Thence South 00°09'18" West along the East line of Section 26 for 1665.86 feet to the POINT OF BEGINNING.

TRACT 2:

Beginning at the Southwest corner of Section 26, said corner marked by a 2 inch iron pipe;
Thence South 89°52'01" East along the South line of the SW¼ for 1285.70 feet to a point which shall be the POINT OF BEGINNING;
Thence North 00°07'59" East for 103.93 feet;
Thence South 89°52'01" East for 100.00 feet;
Thence South 00°07'59" West for 103.93 feet to the South line of the SW¼;
Thence North 89°52'01" West along said line for 100.00 feet to the POINT OF BEGINNING.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Instrument # 462281

MINIDOKA COUNTY, RUPERT, IDAHO
2002-11-22 01:01:13 No. of Pages: 3
Recorded for: RUPERT LAND TITLE
DUANE SMITH Fee: 9.00
Ex-Officio Recorder Deputy *du*

Taxes for 2002 and subsequent years, a lien, but not yet due or payable.

Assessments if any, levied or to be levied by the Magic Valley Ground Water District.

Power Line Easement from Capital Company to Idaho Power Company, a corporation, dated February 18, 1954, and recorded March 16, 1954 as Instrument No. 116953 in Book 29 of Deeds, Page 564, records of Minidoka County, Idaho, granting a right of way and easement over and across the NW¼, S¼ of Section 26, Township 6 South, Range 24 East of the Boise Meridian; W¼ of Section 3, N¼, SE¼, E¼SW¼, Lot 4 of Section 18, all in Township 7 South, Range 24 East of the Boise Meridian.

Financing Statement between Jentzsch-Kearl Farm, A General Partnership, as Debtor #1 and Valley Equipment Irrigation, as Secured Party and Diversified Financial Services, Inc., as Assignee, recorded October 1, 1999 as Instrument No. 444131, records of Minidoka County, Idaho. (SE¼, Section 26, Township 6 South, Range 24, East of the Boise Meridian and additional property not included herein)

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 15, 2002

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA

BY: R.T. Robertson
R.T. ROBERTSON, Vice President

STATE OF _____)
COUNTY OF _____) ss.

On this _____ day of NOVEMBER, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared R.T. ROBERTSON, known or identified to me to be the VICE PRESIDENT of THE PRUDENTIAL INSURANCE COMPANY OF AMERICA corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Notary Public
Residing at:
My Commission expires:

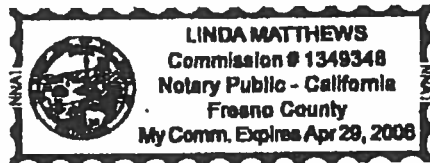
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Fresno

On November 20, 2002, before me, Linda Matthews, Notary Public, personally appeared R.T. Robertson, personally known to me, to be the person whose name is subscribed to the within Instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Linda Matthews
Signature of Notary

CAPACITY CLAIMED BY SIGNER

☒ Corporate Officer

Vice President

Title

DESCRIPTION OF ATTACHED DOCUMENT

Warranty Deed

TITLE OR TYPE OF DOCUMENT

SIGNER IS REPRESENTING:

The Prudential Insurance Company of America

(Including Notary Acknowledgments)

3

No. of Pages

November 16, 2002

DATE OF DOCUMENT

422679

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:RECORDED AT REQUEST OF
Land Title-RupertFILM NO. —

422679

(410831)

'96 FEB 28 16 : 38

(Space above line for Recorder's use)

MINIDOKA COUNTY, IDAHO

DUANE SMITH, RECORDER

FEE 9 DEPUTY JP

WARRANTY DEED

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

SUBJECT TO the following:

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

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

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

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

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

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

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

"GRANTOR"

ACEQUIA, INC.

Date: 2/13/96

By: Michael Haley

Michael Haley, President

DISTRICT OF COLUMBIA) ss.
)

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

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



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

My Commission
Expires 5/15/99

-2-

2/12/96

Order No.: 10831

SCHEDULE C

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

TRACT NO. 1:

SECTION 35: S½.

TRACT NO. 2:

SECTION 35: N½.

TRACT NO. 3:

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

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

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

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

Thence South 89°23'51" East for 2636.58 feet to a ¼ inch rebar on the East line of Section 26;

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

TRACT NO. 4:

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

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

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

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

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

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

EXHIBIT A

462775

463137

Instrument # 462775

MINIDOKA COUNTY, RUPERT, IDAHO
2002-12-19 08:45:13 No. of Pages: 2
Recorded for: KELLY BESSIRE
DUANE SMITH Fee: 6.00
Ex-Officio Recorder Deputy

MAILING ADDRESS OF GRANTEE:

Rodney and Shirley Jentzsch
20106 5th Acequia
Rupert, ID 83350

QUITCLAIM DEED

For Value Received, JOE KEARL, partner of Jentzsch-Kearl Farms, hereinafter called the grantor, does hereby convey, release, remise, and forever Quitclaim unto Rodney and Shirley Jentzsch, hereinafter called the grantee; the following described premises, in MINIDOKA County, Idaho, to-wit and together with their appurtenances:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever. THE SUCCESSOR ENTITY HAS FULL RIGHTS TO SELL OR ENCUMBER THE PROPERTY.

Dated this 12 day of December 2002.

BY: Joe Kearl

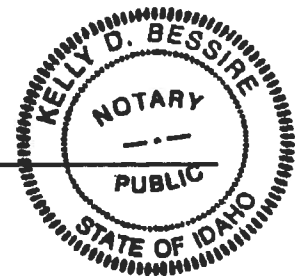


STATE OF IDAHO)

COUNTY OF MINIDOKA)

On this 19th day of December, of the year 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared Rodney and Shirley Jentzsch, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Kelly D. Bessire
Notary Public in and for the State of Idaho
Residing Rupert, Idaho
My commission expires: 11-07-08



Re-recording due to lack of Notary's signature on previous recording.

EXHIBIT "A"

Real property, situated in Minidoka County:

Township 7 South, Range 25 East of the Boise Meridian,
Minidoka County, Idaho, Section 5: Lot 3

Assessors Parcel No.: RP07S25E052850

Instrument # 463137
MINIDOKA COUNTY, RUPERT, IDAHO
2003-01-09 11:22:01 No. of Pages: 2
Recorded for : KELLY BESSIRE
DUANE SMITH Fee: 6.00
Ex-Officio Recorder Deputy

RP 07525E052B50 A	JENTZSCH, RODNEY	LOT 3 IN 5-7-25	18	17,434	AC	2,204	2006
008-0000 RP07525E052B50T & JENTZSCH, SHIRLEY							
5-7-25	20106 5TH ST						
	RUPERT	ID 83350					
	GC463137						
	GC463275						
	MD462512						
	ANC461984						
	MC456093						
PROPERTY ADDR:							
TYPE:	LOCATION:	3	CAMA AREA #:	1			
INSP YR:	2006						
				17,434	**	2,204	***

462512

MARSHAL'S DEED

This indenture is made this 19th day of November, 2002, by Patrick E. McDonald, U. S. Marshal (the "Marshal") to Jentzsch-Kearl Farms (the "Purchaser"), whose address is 480 East 1500 North, Rupert, Idaho 83350.

RECITALS

A. A decree of foreclosure was rendered by the United States District Court for the District of Idaho on January 5, 2001, in Case No. CIV 98-0050-S-BLW, entitled Prudential Insurance Company of America v. Acequia, Inc., wherein the Court ordered the Marshal to sell at public auction in the manner required by law all real and personal property referenced in the Decree of Foreclosure and Judgment.

B. At 1:30 p.m. on September 6, 2001, after giving the required public notice, the Marshal conducted a public auction in front of the Minidoka County Courthouse and sold the property described in the Decree of Foreclosure and Judgment to the highest bidder, which was the Purchaser, who bid the sum of [REDACTED]

C. After the sale, the Marshal issued a second amended Certificate of Sale and delivered it to the Purchaser. The second amended Certificate of Sale was recorded in the Minidoka County Recorder's office as Instrument No. 461984.

D. More than one year has elapsed since the date of the sale, and no party has redeemed the property sold.

CONVEYANCE

NOW, THEREFORE, in reliance upon the above recitals, and in order to carry out his duties as ordered by the Court in Case No. CIV 98-0050-S-BLW, United States District Court for the District of Idaho, the Marshal does hereby grant and convey to the Purchaser and their successors and assigns forever the real and personal property more particularly described as follows:

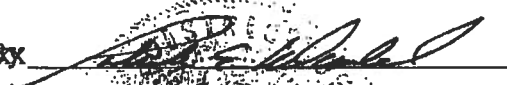
The real property described in Exhibit A attached hereto.

This conveyance is subject to taxes, rights, easements, covenants, restrictions, and zoning regulations that appear of record. The Marshal makes no warranty or covenant with respect to the property conveyed other than those imposed by law.

IN WITNESS WHEREOF, the grantor, as United States Marshal, hereunto sets his hand the day and year first above written.

Patrick E. McDonald
UNITED STATES MARSHAL



By 

STATE OF IDAHO)
) ss.
County of Ada)

On this 19th day of November, 2002, before me a Notary Public in and for the State of Idaho, personally appeared Patrick E. McDonald, known or identified to me to be the person whose name is subscribed 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.


Sherylyn J. Cross
Notary Public in and for the State of Idaho
Residing at Boise, Idaho
My commission expires: 12/6/02

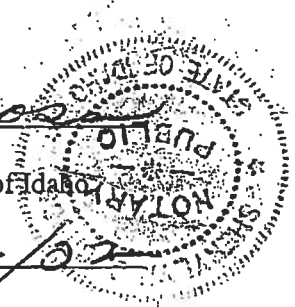


EXHIBIT 'A'

Real property, situated in Minidoka County:

Township 7 South, Range 25 East of the Boise Meridian,
Minidoka County, Idaho, Section 5: Lot 3

Assessors Parcel No.: RP07S25E052850

Instrument # 462512
MINIDOKA COUNTY, RUPERT, IDAHO
2002-12-05 11:31:24 No. of Pages: 3
Recorded for : MOFFATT THOMAS
DUANE SMITH Fee: 9.00
Ex-Officio Recorder Deputy

MEMORANDUM

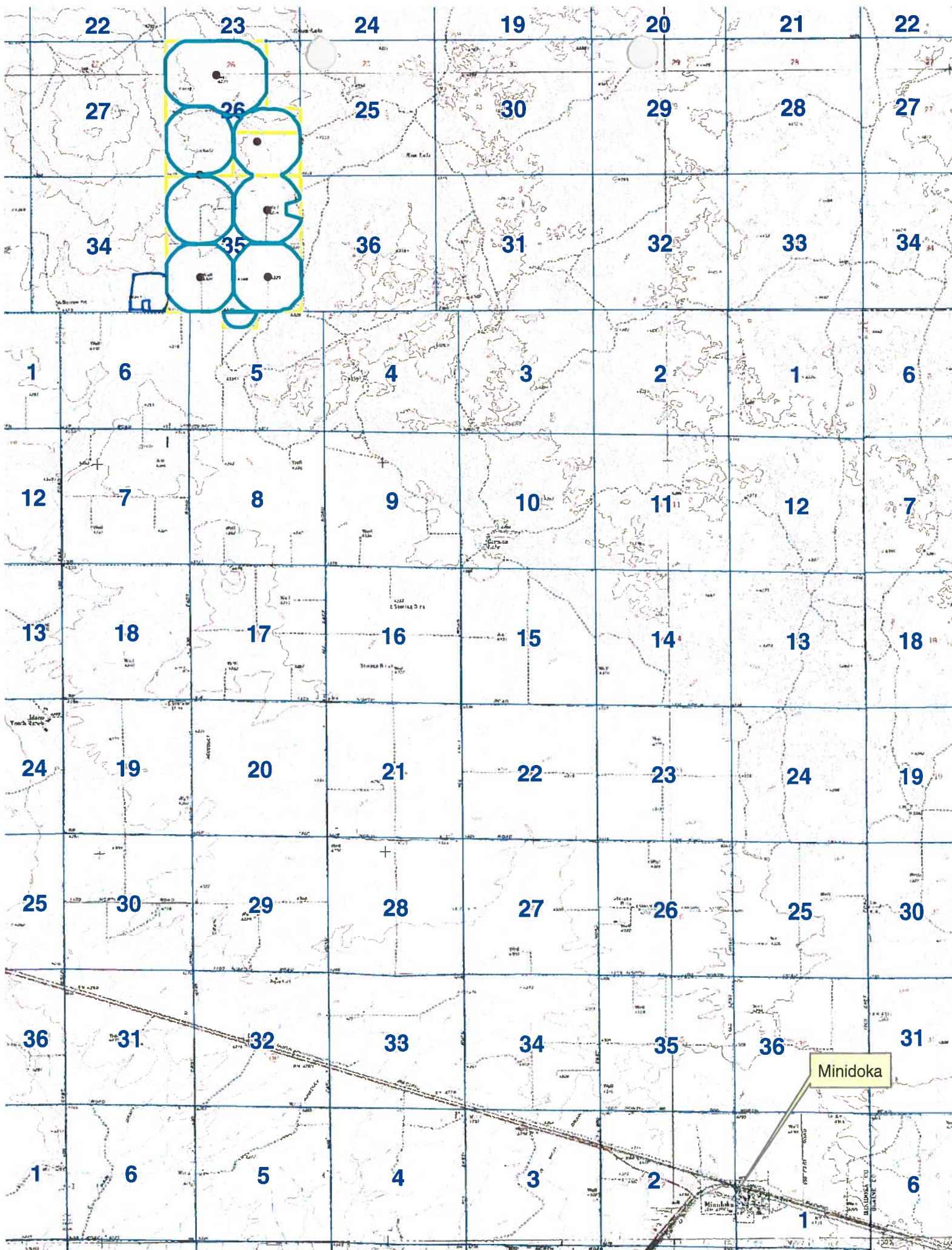
Date: September 21, 2012
To: Transfer 77981 File – Jentzsch/Kearl
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

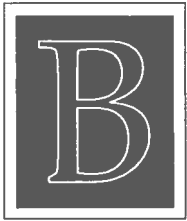
This transfer removes 58.1 acres from the water bank under right 36-16924 and increases the PPU of 7 water rights currently authorized for the combined diversion of 17.27 cfs and 4620.0 AF from 6 existing wells for the irrigation of 1155 acres within a 1200 acre PPU. The PPU will be increased from 1200 acres to 1257 acres but the limit will remain 1155 acres within. (These 1155 acres include 1074.5 irrigated acres, 59.0 CREP acres, and 21.5 acres remaining in the Water Supply Bank). The points of diversion will not be changing and no new wells will be drilled. (The fee was pro-rated for only the 57 acre portion of the diversion rate, or \$500.00 for 0.82 cfs.) Copies of various deeds were submitted, including a Marshals Deed showing the applicants own the added 19 acres in the NENW of Section 5, T07S, R24E and a Warranty Deed showing they own the 38 acres in the SESE of Section 34, T06S, R24E purchased from Fenton. The place of use and wells are located approximately 4.0 – 5.0 miles west and 7.0 – 9.0 miles north of Minidoka. Since only 57 acres are being added to the PPU with no change to the points of diversions, no advertising will be required.

- **Authority to File:**
The application was filed by Greg Sullivan of Brockway Engineering, PLLC, on behalf of the applicants, Joseph & Melynda Kearl. (The water rights are also owned by Shirley & Rodney Jentzsch; all four owners signed the application.) A copy of a limited POA was included for Zach Latham who signed the amended transfer which added 38 additional acres in the SESE of Section 34, T06S, R24E after they were purchased from Fenton. A letter of release from the lien holder, Northwest Farm Credit, was also provided agreeing to the transfer.
- **Water Right Validity:**
The rights were decreed in the SRBA in 2001. Recent aerial photos show the acres have been irrigated and right 36-16924 is listed as active in the water supply bank.
- **Injury to Other Water Rights:**
None anticipated. The right is within WD130 so measurement and reporting will be required and the rights will be under the jurisdiction of the water master of that district. A 206 map for the 1155 authorized acres, which includes 1074.5 irrigated acres, 59 CREP acres, and 21.5 acres remaining in the Water Supply Bank, was created based on the maps submitted with the amended application.
- **Enlargement of Use:**
None anticipated with proper conditioning and the measuring and reporting requirements.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Irrigation is recognized as a beneficial use of water.

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.

Basin	Sequenc	Suffi	Diversion	Rate	comb	rate	Water Use List	Total Acres	Acres	Limit	comb	ac	Volume	comb	vol
36	2122	B		1.28			IRRIGATION	1,155.0		92.0	92.0	368.0		368.0	
36	2123			2.72						160.0		640.0			
36	2124			6.10						305.0	305.0	1,220.0		1220	
36	2190	A		1.52						152.0	152.0	608.0		608	
36	7193			0.28					3	160.0	160.0	136.6		640.0	
36	16826			2.34						230.0	230.0	920.0		920	
36	16924			3.03						216.0	216.0	864.0		864	
				17.27							1,155.0				4,620.0





BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

SEP 18 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

September 18, 2012

Jeanie Roberts
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Jentzsch and Kearl Section 26, 35 and 5 Farm

Dear Miss. Roberts:

It is necessary to amend transfer application 77981 due to additional property purchased by Jentzsch Kearl Farms. This transfer application will create a permissible place of use of 1257.0 acres with a place of use of 1155.0 acres. There are 59.0 acres of the 1155.0 acres currently enrolled in the CREP program. There will be 21.5 acres of the 1155.0 acres that will remain leased to the Idaho Water Supply Bank.

The ownership, beneficial use and points of diversion will not be changing with this transfer.

Sincerely,

Greg Sullivan, M.S., E.I.T.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Cc: Bryan Jentzsch

Enc: Amended Transfer, Aerial Maps, Limited Power of Attorney, Warranty Deeds

Robertson, Jean

From: Robertson, Jean
Sent: Tuesday, September 18, 2012 8:30 AM
To: 'Greg Sullivan'
Subject: RE: Jentzsch Transfer and Water Bank Acres

Probably the entire application would be best!

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]
Sent: Tuesday, September 18, 2012 8:29 AM
To: Robertson, Jean
Subject: RE: Jentzsch Transfer and Water Bank Acres

It is on my desk. Do you want me to submit the pages that are changing or the entire application?

From: Robertson, Jean [<mailto:Jean.Robertson@idwr.idaho.gov>]
Sent: Monday, September 17, 2012 4:28 PM
To: Greg Sullivan
Subject: RE: Jentzsch Transfer and Water Bank Acres

Have you submitted the amended transfer application yet?

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]
Sent: Monday, September 17, 2012 4:06 PM
To: Robertson, Jean; Yenter, Cindy
Cc: Van Bussum, Monica
Subject: Jentzsch Transfer and Water Bank Acres

Jeanie,

Here are the 206 maps for the recent Jentzsch transfer. Water right 36-16924 (formally known as 36-2122A) will have 58.1 acres released from the bank and will have 21.5 acres remaining in the bank after the transfer is approved.

Summary:

Irrigated acres allowed:	1155.0
Irrigated acres proposed:	1074.5
Irrigated acres in Bank:	21.5
CREP acres:	59.0

Greg Sullivan
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2221 / Virus Database: 2437/5273 - Release Date: 09/17/12

Robertson, Jean

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Monday, September 17, 2012 4:06 PM
To: Robertson, Jean; Yenter, Cindy
Cc: Van Bussum, Monica
Subject: Jentzsch Transfer and Water Bank Acres
Attachments: SEC 26,35 2 WATER BANK Updates 2012.jpg; SEC 26,35 2 Irrigation Limit in PPU 2012.jpg

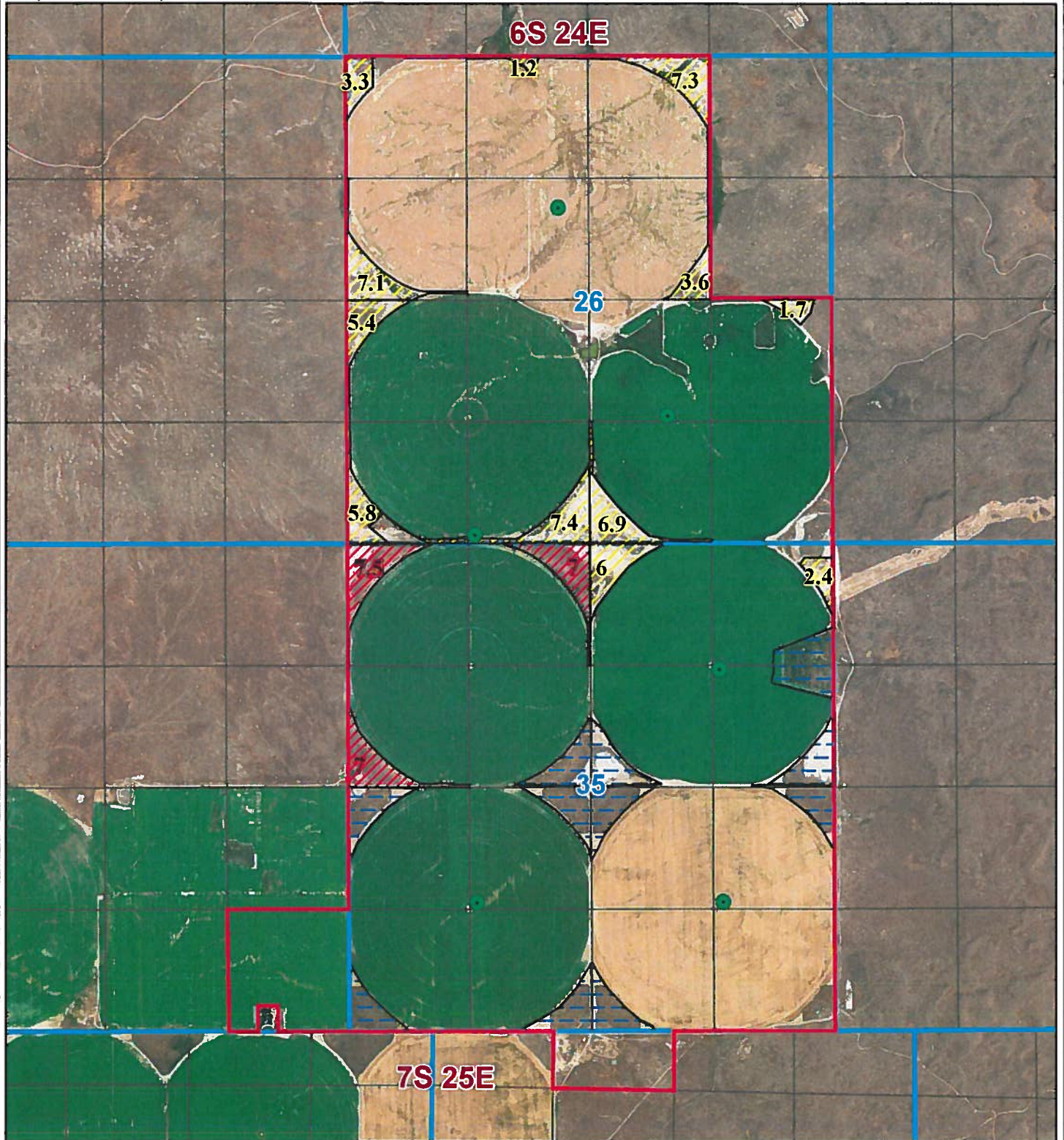
Jeanie,

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Summary:

Irrigated acres allowed:	1155.0
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Irrigated acres in Bank:	21.5
CREP acres:	59.0

Greg Sullivan
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543



**JENTZSCH KEARL- SECTION 26,35, 5
IRRIGATION 2011, WATER BANK & CREP ACRES
NAIP 2011 AERIAL**

0 700 1,400 2,800 Feet

BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 17, 2012

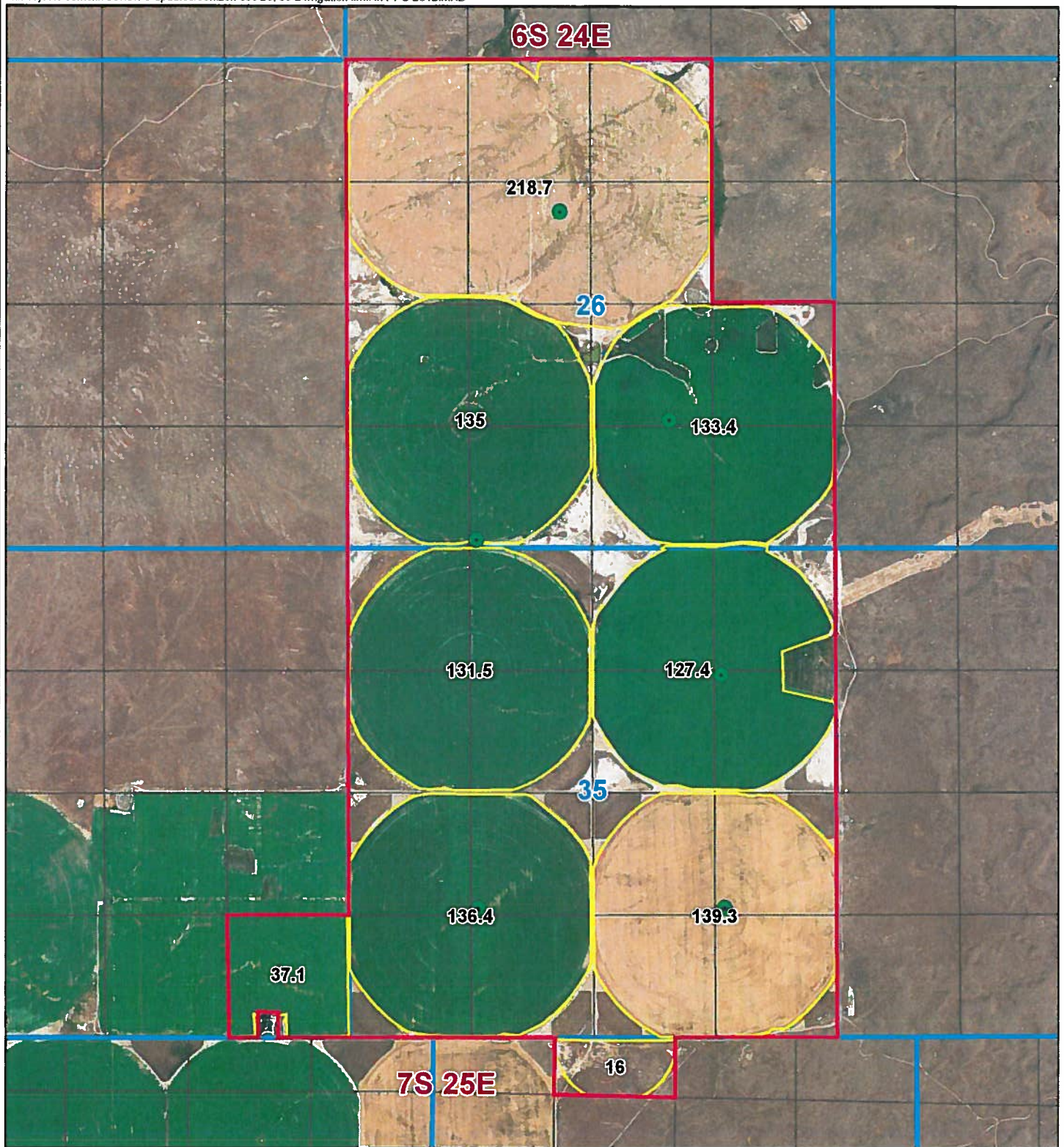
Legend

Water_Bank_Ac_2012

-  Remaining in Water Bank 21.5 ac.
-  Remove from Water Bank 58.1 ac.
-  CREP Sec 26, 35=59 AC.

-  Proposed PPU
-  first
-  land use
-  POD_Sec_26,35





**JENTZSCH KEARL- SECTION 26,35, 5
IRRIGATION LIMIT IN PPU 2012
NAIP 2011 AERIAL**

0 700 1,400 2,800 Feet

BROCKWAY ENGINEERING, PLLC.
ALR - SEPT 17, 2012

Legend

- Proposed PPU
- first
- ladeso
- POD_Sec_26,35
- Irrigation 2012= 1074.7 ac



Robertson, Jean

From: Robertson, Jean
Sent: Monday, September 10, 2012 10:31 AM
To: 'Greg Sullivan'
Cc: Yenter, Cindy; Van Bussum, Monica
Subject: Jentzsch-Kearl Transfer #77981

Hi Greg,

Have they closed on the Fenton place yet? Was wondering when you might be submitting the amended transfer which will increase their PPU? Don't forget we will also need the 206 map submitted with it which will include their various kinds of acres; irrigated, Water Supply Bank, and CREP... Jeanie

Robertson, Jean

From: Robertson, Jean
Sent: Monday, August 20, 2012 12:21 PM
To: 'Greg Sullivan'
Subject: Jentzsch-Kearl Transfer 77981

Hi Greg,

Talked to Cindy about this transfer and it is okay with us if you want us to hold off till they get the Fenton place and then send an amended application in. We did not advertise so there wouldn't be an additional fee. You can send the 206 map in with it and identify all the different kinds of acres! Jeanie

From: Yenter, Cindy
Sent: Thursday, August 09, 2012 8:33 PM
To: Bryan Jentzsch; Greg Sullivan; Van Bussum, Monica
Cc: Robertson, Jean
Subject: RE: Jentzsch Kearl WRs

From: Bryan Jentzsch [<mailto:Bryan@jkgfarms.com>]
Sent: Thu 8/9/2012 3:49 PM
To: Greg Sullivan; Van Bussum, Monica
Cc: Yenter, Cindy; Robertson, Jean
Subject: RE: Jentzsch Kearl WRs

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]
Sent: Thursday, August 09, 2012 3:12 PM
To: 'Van Bussum, Monica'
Cc: 'Yenter, Cindy'; Robertson, Jean; Bryan Jentzsch
Subject: RE: Jentzsch Kearl WRs

[illegible]

1

From: Van Bussum, Monica [<mailto:Monica.VanBussum@idwr.idaho.gov>]
Sent: Thursday, August 09, 2012 3:03 PM
To: Greg Sullivan
Cc: Yenter, Cindy; Robertson, Jean; Bryan Jentzsch
Subject: RE: Jentzsch Kearl WRs

Hi Greg,

Can you send me a table showing the legal description of the acres to remain in the Bank? Thanks!

Monica

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]
Sent: Thursday, August 09, 2012 2:54 PM
To: Van Bussum, Monica
Cc: Yenter, Cindy; Robertson, Jean; 'Bryan Jentzsch'
Subject: Jentzsch Kearl WRs

Monica,

Here is the new map for the Jentzsch water rights. Currently there are:

1021.6 acres irrigated in 2011

16.0 to be withdrawn from the Water Bank and transferred within PPU

59.0 acres in CREP

58.4 acres are to remain in the Water Bank

Water bank accounting:

Original lease acres was 81.6 acres.

2.0 acres removed from Water Bank and transferred (Approved late 2011)

16.0 acres removed from Water Bank and transferred (Transfer is pending IDWR approval)

5.2 acres withdrawn from the Water Bank to eliminate enlargement of water rights

1155.0 total acres of irrigation is available on this farm

Greg Sullivan
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2178 / Virus Database: 2437/5189 - Release Date: 08/09/12

Robertson, Jean

From: Van Bussum, Monica
Sent: Thursday, August 02, 2012 3:37 PM
To: Yenter, Cindy; Skaggs, Pam
Cc: Robertson, Jean; Merritt, Allen
Subject: RE: Condition 206

I'll just answer Cindy's question to me.

The WSB Lease layer is created automatically from the WR shape. There is no hands-on work with the lease layer, only the rental layer.

However, you can determine the actual leased acreage by looking in the lease application packet. Since 2010 we have required maps showing the specific acres to be idled under the lease.

Hope this helps.

Monica

From: Yenter, Cindy
Sent: Thursday, August 02, 2012 3:27 PM
To: Skaggs, Pam
Cc: Van Bussum, Monica; Robertson, Jean; Merritt, Allen
Subject: RE: Condition 206

OK, we are confused. What acres should be included in the 206? If the map is limited to actual irrigated acres, I still won't know where the WSB and CREP acres are, unless the applicant is required to identify those shapes separately. Then we're back to total authorized acres. Right now the CREP layer is not complete. Monica, are you creating specific WSB shapes for the lease layer or just using the water right shape? This particular transfer the WSB shape is the existing water right shape, which is about to change.

From: Skaggs, Pam
Sent: Thursday, August 02, 2012 12:49 PM
To: Yenter, Cindy
Cc: Van Bussum, Monica; Robertson, Jean; Merritt, Allen
Subject: RE: Condition 206

Cindy,

I think you are on track. Those acres in CREP or WSB are part of the authorized acres, but committed to non-use. Greg should identify the remaining authorized acres for actual irrigation.

The specific pou is to eliminate question of actual coverage. If they identify the total number of authorized acres where irrigation might occur, they are creating a ppu in a ppu because it would be limited to the balance of acres outside of those committed to CREP or WSB.

Pam

From: Yenter, Cindy
Sent: Thursday, August 02, 2012 12:34 PM

Robertson, Jean

From: Yenter, Cindy
Sent: Thursday, August 02, 2012 3:27 PM
To: Skaggs, Pam
Cc: Van Bussum, Monica; Robertson, Jean; Merritt, Allen
Subject: RE: Condition 206

OK, we are confused. What acres should be included in the 206? If the map is limited to actual irrigated acres, I still won't know where the WSB and CREP acres are, unless the applicant is required to identify those shapes separately. Then we're back to total authorized acres. Right now the CREP layer is not complete. Monica, are you creating specific WSB shapes for the lease layer or just using the water right shape? This particular transfer the WSB shape is the existing water right shape, which is about to change.

From: Skaggs, Pam
Sent: Thursday, August 02, 2012 12:49 PM
To: Yenter, Cindy
Cc: Van Bussum, Monica; Robertson, Jean; Merritt, Allen
Subject: RE: Condition 206

Cindy,

I think you are on track. Those acres in CREP or WSB are part of the authorized acres, but committed to non-use. Greg should identify the remaining authorized acres for actual irrigation.

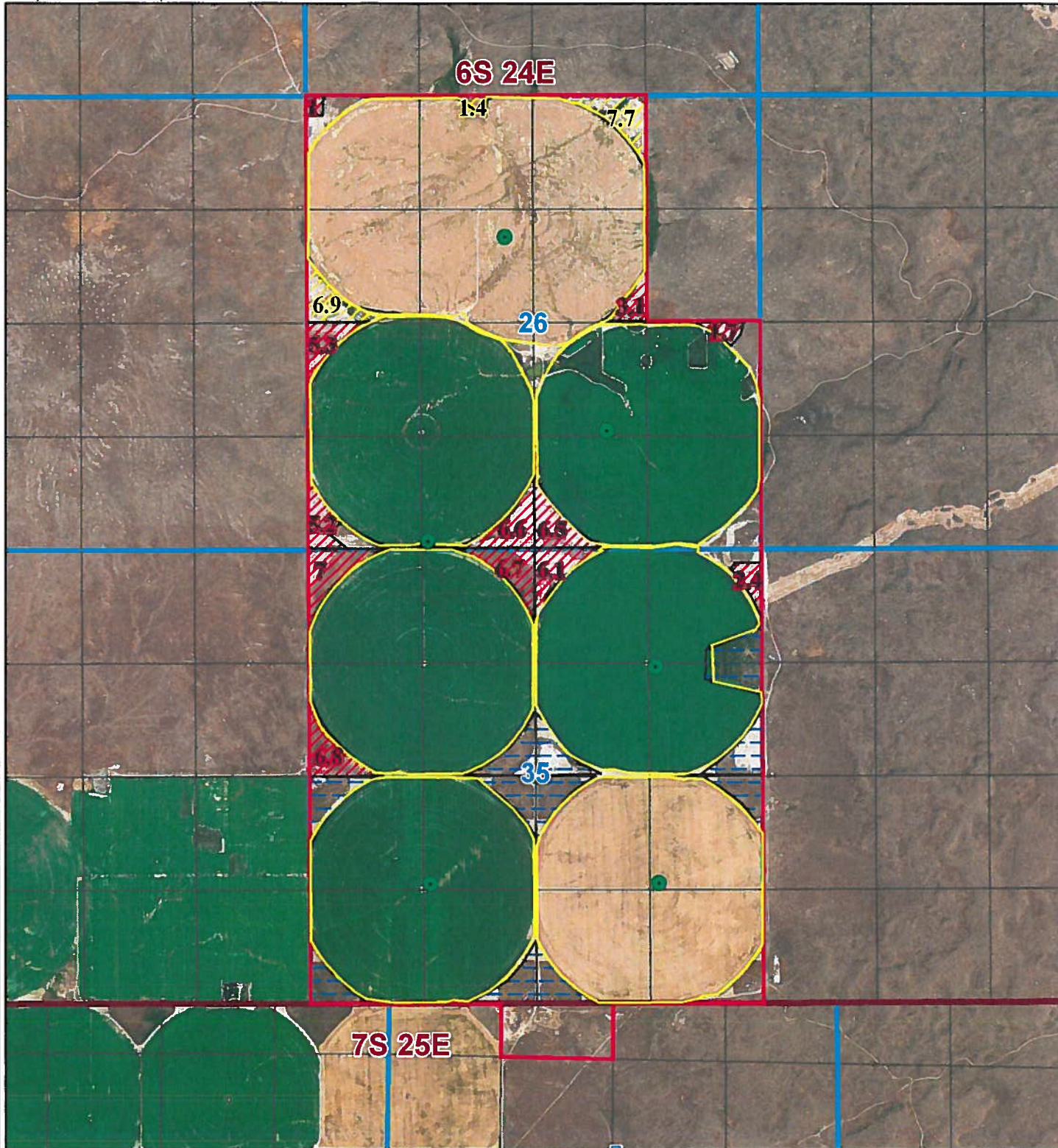
The specific pou is to eliminate question of actual coverage. If they identify the total number of authorized acres where irrigation might occur, they are creating a ppu in a ppu because it would be limited to the balance of acres outside of those committed to CREP or WSB.

Pam

From: Yenter, Cindy
Sent: Thursday, August 02, 2012 12:34 PM
To: Skaggs, Pam
Cc: Robertson, Jean; Van Bussum, Monica
Subject: Condition 206

Pam – I have been instructing Brockway Engineering staff that the 206 shape when requested should include all irrigated acres under a system PLUS any CREP acres, water bank acres or acres otherwise idled which would total the authorized acres under the right. My basis for this is that those acres represent “potential” irrigated acres within the total authorized. CREP acres are fixed for the duration of the contract and can't be changed, and we need to keep tabs on those. WSB acres also need to be tracked in order that we can do a beneficial use analysis if necessary. Greg in particular is having trouble with this concept and keeps sending us the same shape for a transfer we're working on, which includes only irrigated acres.

Am I off base here? I believe the purpose of 206 is to track the total authorized acres within a PPU, and not merely the presently irrigated. we have other layers which, in theory, can show those administratively idled acres. For some time now I've been requiring identification of specific acres within a PPU leased into the WSB, and not allowing vague descriptions such as “17 acres within the PPU”. I think this keeps water users accountable and prevents a different type of moving target where we also don't know which authorized acres are supposed to be dry.



**JENTZSCH KEARL- SECTION 26,35, 5
IRRIGATION 2011, WATER BANK & CREP ACRES
NAIP 2011 AERIAL**

0 750 1,500 3,000 Feet

BROCKWAY ENGINEERING, PLLC.
ALR - AUG. 9, 2012

Legend

Water_Bank_Ac_2012

- Remaining in Water Bank 58.4 ac.
- Remove from Water Bank 16 ac.

CREP Sec 26, 35=59 AC.

Sec_26_35_Irr_2011 1021.6 ac

Proposed PPU

twnshp

first

ladesc

POD_Sec_26,35



Robertson, Jean

From: Yenter, Cindy
Sent: Monday, July 23, 2012 4:05 PM
To: Greg Sullivan
Cc: Robertson, Jean; 'Bryan Jentzsch'; Van Bussum, Monica
Subject: RE: Jentzsch transfer follow up

Greg – thanks for the clarification. I have since found out that the Jentzsch CREP contract and acres were finalized, but there seems to be a significant disconnect between the administering agencies, so our CREP database has not been updated to reflect that. Sorry for any angst that may have caused.

I did remember the transfer of 2 years ago, thought I had the acres correct so I will go look again.

However, bottom line issue here is that JK Farms still appears to be irrigating slightly more acres than allowed on this farm (1155 acres) given the acres in CREP and the acres in the WSB. The acres you have identified as CREP acres total more than 59, as they got pared down some in the approval. That accounts for part of the discrepancy.

The solutions are they reduce their irrigated acreage, or pull some additional acres from the bank. I just digitized the shape you sent and found about 1036 wetted acres, not including the part of the pivot in Sec 35 that is in CREP. There are also 3-4 acres being irrigated in SENE Sec 26 that Rod doesn't own. Those will need to be dried up since they can't be included in the POU.

1155- (1036 currently irrigated + 16 acres back in service) – 59 CREP = 44 remaining in the WSB. Someone please let me know if the math doesn't work.

Your 206 map will need to identify where the remaining WSB acres are.

Thanks,
Cindy

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]
Sent: Monday, July 23, 2012 11:41 AM
To: Yenter, Cindy
Cc: Robertson, Jean; 'Bryan Jentzsch'; Van Bussum, Monica
Subject: RE: Jentzsch transfer follow up

Cindy and Jeanie,

We ran into these same issues when we leased the 81.6 acres to the water bank. Zach was able to figure out where the CREP acres are located and we water banked the rest. The attached maps shows the 59.0 acres of CREP, the 63.6 acres that are to remain leased to the Water Bank and the 16.0 acres that are included in this transfer 77981. A transfer that was approved earlier this year for 2.0 (36-16925) from Section 26 SWSW which reduced the numbers of acres in the water bank from 81.6 to 79.6 acres.

I have included Monica Van Bussum in this email chain so that she can update the Water Supply Bank records accordingly.

Greg Sullivan
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543

From: Yenter, Cindy [<mailto:Cindy.Yenter@idwr.idaho.gov>]
Sent: Monday, July 23, 2012 9:07 AM
To: Greg Sullivan
Cc: Robertson, Jean; Bryan Jentzsch
Subject: Jentzsch transfer follow up

Greg – to provide some follow up to Jeannie’s email of last week, we need to hold up a bit on this transfer. I discovered last week that the CREP contract has not been fully executed, and we do need to know exactly where those CREP acres are and how many there will be, before we finalize the pou.

I am sending you a brief spreadsheet analysis I did for Bryan Jentzsch on this farm. I initially found a small shortfall in irrigation acres based on 59 CREP acres – JK may need to pull additional acres out of the water bank to even things out. This will depend on the final CREP contract. The final CREP acreage plus any remaining WSB acres will have to be accounted for in the 1155-ac pou map (206 map).

The rental for the Fenton property that I mentioned is NOT part of the transfer, but will come out of the remaining WSB acres on this farm.

<<J-K Farms 26-35Farm.xlsx>>

Bryan – I modified this spreadsheet a little bit after I looked at your proposed CREP acreage. I am going to call FSA in Rupert today because I have a question on the acreage, and hopefully we will not be delayed too long. Chuck Pentzer in Jerome had the CREP file but it did not include a signed agreement. I hope to find out what’s up with that. Someone from your camp may need to go sign something.....

Cindy Yenter

Watermaster, Water District 130

Twin Falls, ID

cindy.yenter@idwr.idaho.gov

208-736-3033

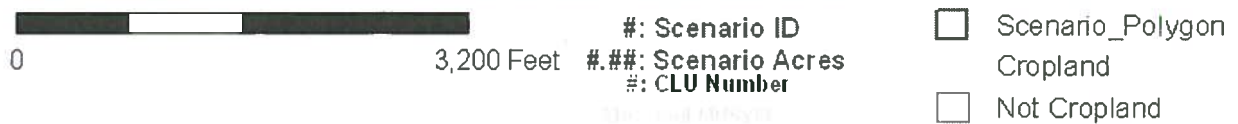
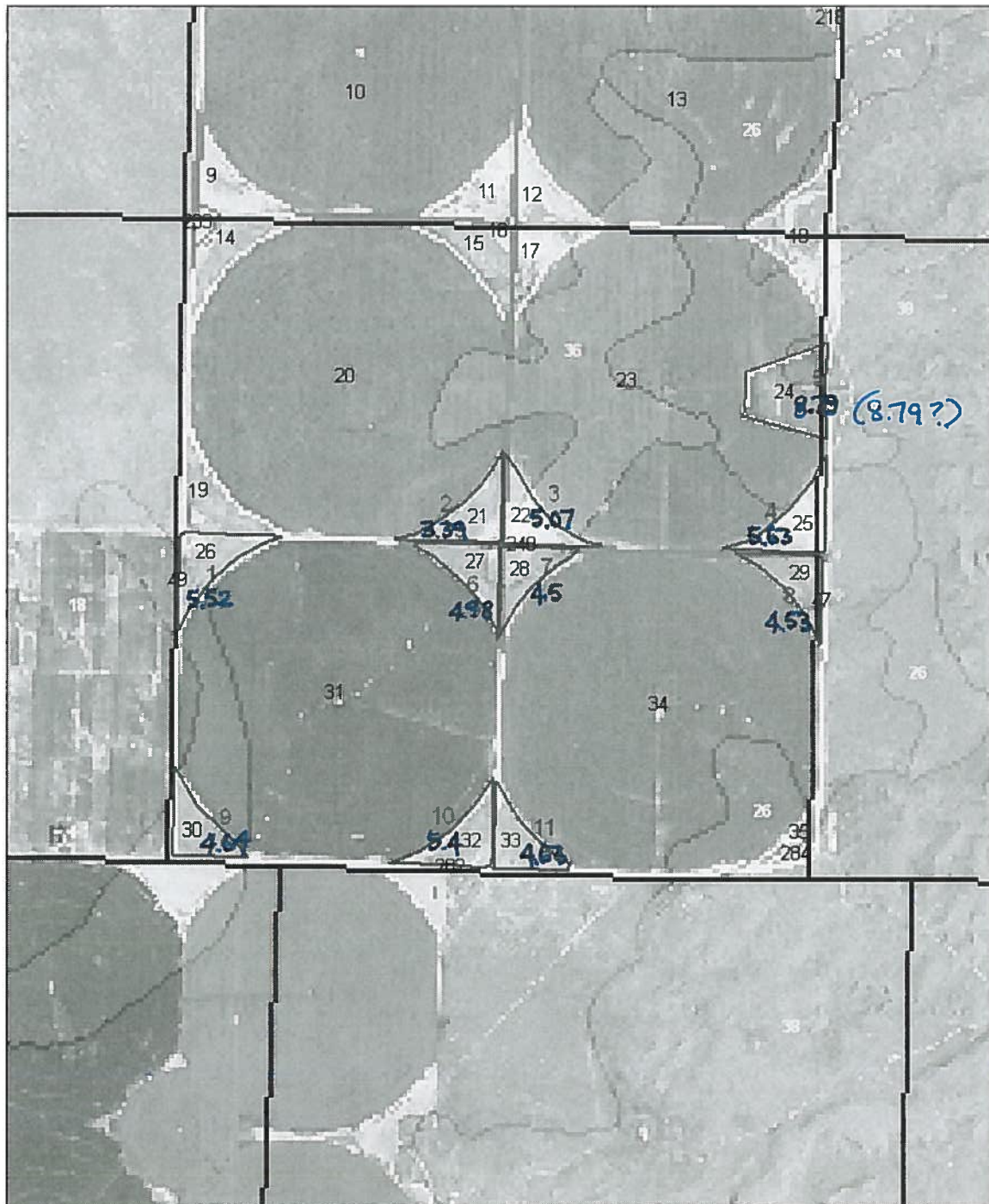
No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2178 / Virus Database: 2437/5149 - Release Date: 07/23/12

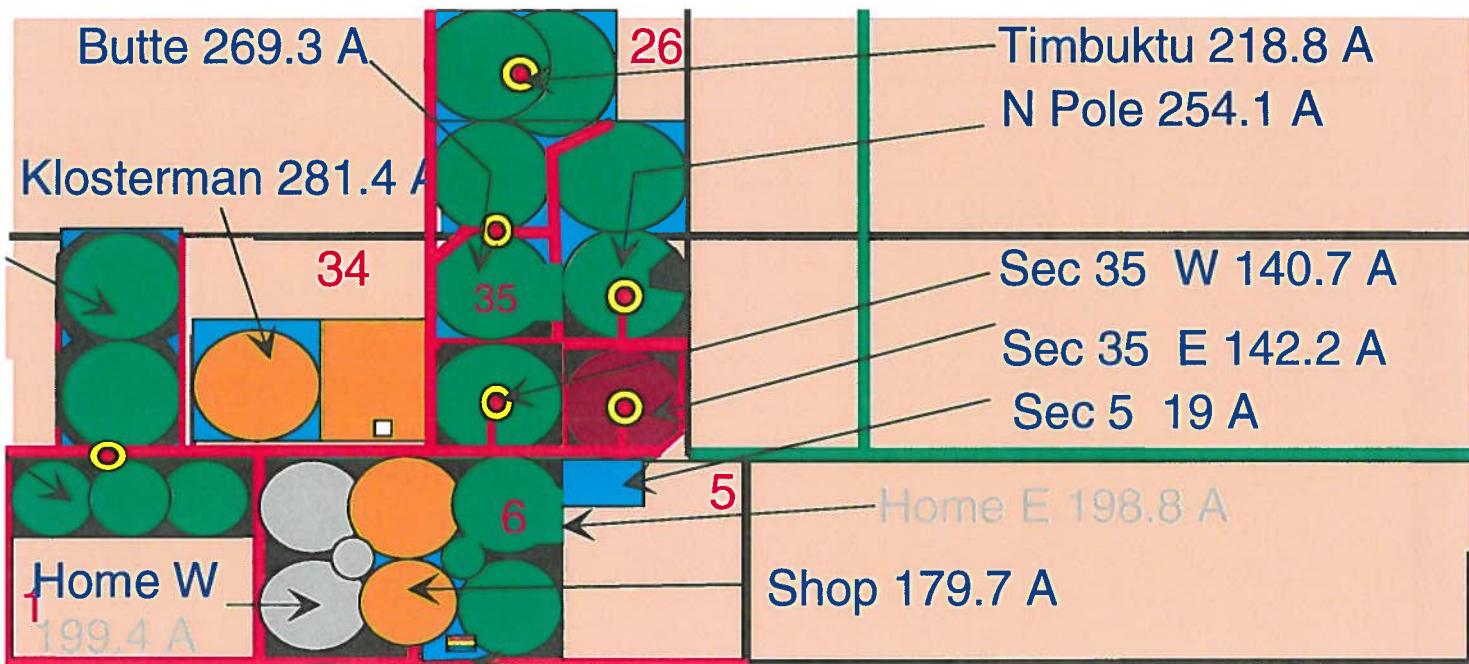
Scenario Map

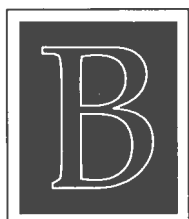
General Signup 39 General CRP Signup 39

Scenario Name: Jentzsch-Kearl3000 (1)

Tract: 3000







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DEPT. OF WATER RESOURCES
SOUTHERN REGION

June 6, 2012

Allan Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Jentzsch and Kearl Section 26, 35 and 5 Farm

Dear Mr. Merritt:

In an effort to increase production of this farm, it is desired to amend the PPU and change the POU for water rights 36-2190A, 36-2122B, 36-2124, 36-2123, 36-7193, 36-16924 and 36-16826. The farm is located in Township 06S Range 24E Section 26 and 35 and Township 07S Range 24E Section 5.

It is proposed to install a 16.0 acre half pivot in Section 5. It is necessary to increase the PPU to 1219.0 acres and update the POU.

The ownership, PODs, beneficial use and period of use will not be changing with this transfer. No ESPA model analysis was performed because the current PODs and diversion amounts will not be changing.

It is requested that this transfer is not publically advertised due to no change in diversion, volume, ownership, PODs, beneficial use and period of use.

Portions of water right 36-16924 are currently enrolled in CREP and leased to the Idaho Water Supply Bank. The CREP acres will remain unchanged. A 16.0 Acre portion of water will be withdrawn from the Idaho Water Supply Bank when this transfer is approved.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., E.I.T.

Cc: Bryan Jentzsch

Enc: Aerial Map, Warranty Deeds, Consent Letter, Check #10828 for \$1,860.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

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IDAHO 83301

208•736•8543

FAX: 736•8506

Robertson, Jean

From: Robertson, Jean
Sent: Thursday, June 07, 2012 4:45 PM
To: 'Greg Sullivan'
Subject: Jentzsch/Kearl transfer (77981)

Hey Greg,

I was assigned the new transfer you submitted for Jentzsch/Kearl. I was looking it over and starting to data enter it when I noticed the fee amount. You paid for the total cfs of all the rights, which would be the \$1860.00 for 17.27 cfs. You are really only adding 19 acres to the PPU though so we would normally pro-rate the fee based on a 19 acre portion of each right. I quickly did some math and came up with a total cfs for the actual "change" of about 0.28 cfs or \$500.00. Do you want to send me a new check and pick up this old one? Jeanie

$$17.27 \text{ cfs} \div 1200 \text{ Ac.} \times 19 \text{ AC} = 0.27 \text{ cfs} = \$500.00$$