

Zach Latham

From: Van Bussum, Monica <Monica.VanBussum@idwr.idaho.gov>
Sent: Thursday, January 05, 2012 2:49 PM
To: Zach Latham
Subject: RE: Garner/Jentzsch lease

Hi Zach,

I was thinking that may be the cleanest way to do it. Thanks for taking a look at that again.

Monica

From: Zach Latham [<mailto:zach.latham@brockwayeng.com>]
Sent: Thursday, January 05, 2012 2:48 PM
To: Van Bussum, Monica
Subject: RE: Garner/Jentzsch lease

Monica-

Thanks for getting back to me, Greg mentioned you have been pretty busy as of late.

I just reviewed the Garner Lease, and I think I need Garner to sign the application, because the lease to JK Farms only includes the pivot areas (and spells out not the corners) or approximately 275 acres.

I will have Bryan Jentzsch get Gary Garner to sign the updated application, and I will get it, along with a map that matches the application and a land list. I changed the area offered to the bank to include only those areas within a WR POU. Thanks again for all of your help. I hope to be able to get this to you by the end of next week.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506
zach.latham@brockwayeng.com

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From: Van Bussum, Monica [<mailto:Monica.VanBussum@idwr.idaho.gov>]
Sent: Thursday, January 05, 2012 8:40 AM
To: Zach Latham
Subject: Garner/Jentzsch lease

Hi Zach,

You said you have the lease agreement from Garner and a POA to sign for Jentzsch. Does the lease agreement address water rights at all? Maybe you can send me a copy?

Monica

Zach Latham

From: Van Bussum, Monica <Monica.VanBussum@idwr.idaho.gov>
Sent: Friday, December 16, 2011 9:05 AM
To: Zach Latham
Subject: RE: Jentzsch Kearl RE-Submittal Question

Hi Zach,

It appears we have enough to accept at least some of the acres into the Bank. I do need a few additional things from you, though. They are:

1. A copy of the power of attorney to sign on behalf of the Garners (I do not have a copy in the files)
2. A tabular breakdown of the acres to be offered to the Bank. We have a map, but I'll need the information in a tabular format, as well. See number 4 below also.
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Call or email if you have questions.

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MEMORANDUM

TO: Water Right Files 36-2381A and 36-12043
FROM: Daniel A. Nelson
DATE: December 12, 2011
SUBJECT: Gary B Garner and Beverly Garner Water Supply Bank Lease Application

I was asked to review the possibility of irrigation of the lands to be placed into the Water Supply Bank for the Water Supply Bank lease for water rights 36-2381A and 36-12043. The applicant's consultant supplied crop records from the Farm Service Agency (FSA), stating that 304 acres of the 308 acres in the water right description were actually irrigated in 2005. A previous review of the LandSat aerial photography suggests that only approximately 265.2 acres were actually irrigated.

Although I would agree with the initial assessment of the LandSat aerial photography, the FSA crop records does suggest that some irrigation did actually take place. The FSA crop records state that Hard Red Spring Wheat was planted on these fields. Typically Hard Red Spring Wheat requires a minimum amount of water, but if this crop was being grown for production purposes, it should have shown up as being irrigated on the LandSat aerial photos. Many farmers use a grain or wheat crop to plant with grass seed to establish a cover crop on ground that is not going to be irrigated in the future to avoid erosion of the soil. Although Hard Red Spring Wheat is not normally used to establish a cover crop for non-farmed land, it does appear from the 2004 and 2006 NAIP aerial photography that a cover crop could have been planted in 2005. If a cover crop was planted with the Hard Red Spring Wheat, then some irrigation would have been needed to establish the grain and cover crop.

I have re-reviewed the LandSat aerial photography for 2005, and there is a suggestion that sporadic irrigation could have taken place up to June of 2005. This would coincide with the harvest of the grain crop, which is typically harvested in mid July or green chopped in mid to late June. Judging from the aerial photography, it is highly doubtful that this crop was grown for production purposes, but it is highly likely that the crop could have been used to establish a cover crop.

From the information I have available to me, I cannot confirm or deny whether or not irrigation has occurred. However, the information does suggest that at least some form of irrigation did occur to at least establish the grain/cover crop. Whereas the Water Supply Bank lease was submitted in 2008, there simply isn't enough evidence to confirm forfeiture of this water right. I would recommend moving forward with the processing of the Water Supply Bank lease based on the information that is available.

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FSA-578 (Producer Print)

REPORT OF ACREAGE

PROGRAM YEAR 2005

DATE: 09-07-2011

Farm Number	Tract Number	CLU/Field	Ir Pr	C/C	Var/Type	Int Use	C/C Stat	Rpt Unt	Reported Quantity	Determined Quantity	Crp Lnd	Planting Date	Prod Share	Prod Name	RMA Opt	Unt
3940	1451	1	Ir	ALFAL		Forage	I	A	33.10		Y	09-13-2002	1.0000	JENTZSCH-KEARL FARMS		
		2	Ir	ALFAL		Forage	I	A	35.00		Y	09-13-2002	1.0000	JENTZSCH-KEARL FARMS		
	1453	1	Ir	PTATO RUS		Fresh	I	A	32.10		Y	04-13-2005	1.0000	JENTZSCH-KEARL FARMS		
		2	Ir	PTATO RUS		Fresh	I	A	22.50		Y	04-13-2005	1.0000	JENTZSCH-KEARL FARMS		
		4B	Ir	PTATO RUS		Fresh	I	A	6.00		Y	04-13-2005	1.0000	JENTZSCH-KEARL FARMS		
	1457	1	Ir	WHEAT HRW		Grain	I	A	14.70		Y	09-11-2004	1.0000	JENTZSCH-KEARL FARMS		
		3	Ir	WHEAT HRW		Grain	I	A	12.30		Y	09-11-2004	1.0000	JENTZSCH-KEARL FARMS		
	1460	1	Ir	CORN YEL		Grain	I	A	37.00		Y	05-12-2005	1.0000	JENTZSCH-KEARL FARMS		
		3	Ir	CORN YEL		Grain	I	A	38.40		Y	05-12-2005	1.0000	JENTZSCH-KEARL FARMS		
		2	Ir	CORN YEL		Grain	I	A	33.60		Y	05-12-2005	1.0000	JENTZSCH-KEARL FARMS		
	1461	1	Ir	CORN YEL		Grain	I	A	39.70		Y	05-12-2005	1.0000	JENTZSCH-KEARL FARMS		
	1462	2	Ir	CORN YEL		Grain	I	A	24.70		Y	05-12-2005	1.0000	JENTZSCH-KEARL FARMS		
		1A	Ir	CORN YEL		Grain	I	A	3.60		Y	05-12-2005	1.0000	JENTZSCH-KEARL FARMS		
		1B	Ir	GRASS ORG		Graze	I	A	4.50		Y	09-01-1973	1.0000	JENTZSCH-KEARL FARMS		
	1500	1A	Ir	SBEET		Proces	I	A	234.00		Y	03-26-2005	1.0000	JENTZSCH-KEARL FARMS		
		1B	Ir	WHEAT HRS		Grain	I	A	89.70		Y	03-22-2005	1.0000	JENTZSCH-KEARL FARMS		
		2A	Ir	PTATO RUS		Fresh	I	A	234.00		Y	04-27-2005	1.0000	JENTZSCH-KEARL FARMS		
		2B	Ir	WHEAT HRS		Grain	I	A	80.10		Y	03-22-2005	1.0000	JENTZSCH-KEARL FARMS		
	1502	1	Ir	WHEAT HRS		Grain	I	A	6.20		Y	03-28-2005	1.0000	JENTZSCH-KEARL FARMS		
		2	Ir	WHEAT HRS		Grain	I	A	4.10		Y	03-28-2005	1.0000	JENTZSCH-KEARL FARMS		
		5	Ir	WHEAT HRS		Grain	I	A	10.00		Y	03-28-2005	1.0000	JENTZSCH-KEARL FARMS		
		4	Ir	WHEAT HRS		Grain	I	A	8.20		Y	03-28-2005	1.0000	JENTZSCH-KEARL FARMS		
		8	Ir	WHEAT HRS		Grain	I	A	5.70		Y	03-28-2005	1.0000	JENTZSCH-KEARL FARMS		
		7	Ir	WHEAT HRS		Grain	I	A	4.60		Y	03-28-2005	1.0000	JENTZSCH-KEARL FARMS		
		3	Ir	SBEET		Proces	I	A	127.60		Y	03-26-2005	1.0000	JENTZSCH-KEARL FARMS		
		6	Ir	SBEET		Proces	I	A	137.60		Y	03-26-2005	1.0000	JENTZSCH-KEARL FARMS		
	1511	2	Ir	ALFAL		Forage	I	A	30.50		Y	09-15-2002	1.0000	JENTZSCH-KEARL FARMS		
		1	Ir	ALFAL		Forage	I	A	15.00		Y	09-15-2002	1.0000	JENTZSCH-KEARL FARMS		
		4	Ir	ALFAL		Forage	I	A	157.90		Y	09-15-2002	1.0000	JENTZSCH-KEARL FARMS		
		3	Ir	FALOW			I	A	1.10		Y	09-15-2002	1.0000	JENTZSCH-KEARL FARMS		
		5	Ir	FALOW			I	A	1.30		Y	06-21-2005	1.0000	JENTZSCH-KEARL FARMS		
	1535	1	Ir	PTATO RUS		Fresh	I	A	8.20		Y	05-03-2005	1.0000	JENTZSCH-KEARL FARMS		

Van Bussum, Monica

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Sent: Friday, December 16, 2011 9:05 AM
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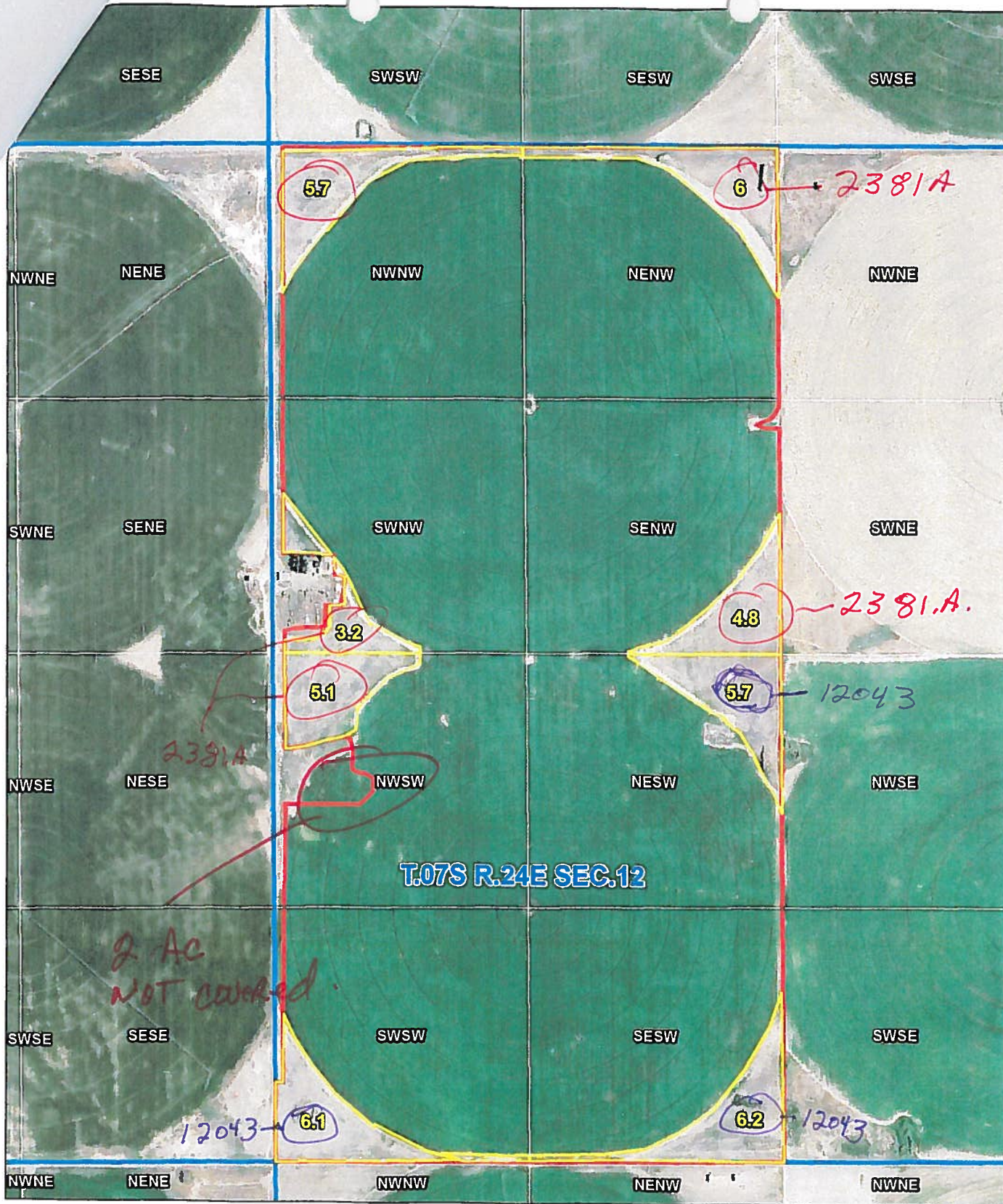
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JENTZSCH-KEARL FARMS - GARNER FARM
WATER BANK 36-2381A, 36-12043
NAIP 2009 AERIAL PHOTOGRAPH

Legend

- WSB Acres Offered for Lease = 42.8
- Garner Farm POU
- Sections
- QQ

N
 0 175 350 700 Feet
 BROCKWAY ENGINEERING, PLLC
 ALR - APRIL 12, 2011
 (ZL- 12/28/11)

SCANNED

MAR 15 2012



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 21, 2011

GARY B GARNER
BEVERLY GARNER
1458 N 300 E
RUPERT ID 83350

RE: APPLICATION TO LEASE WATER RIGHT NOS. 36-2381A AND 36-12043 TO THE WATER SUPPLY BANK

Dear Applicant:

On December 24, 2008, and again on August 23, 2010, the Department received your applications to lease the above-mentioned water rights to the Water Supply Bank (Bank). Water Supply Bank Rule 25 (also known as IDAPA 37.02.03.025) requires the Department to evaluate whether the water right has been lost through abandonment or forfeiture as defined by Section 42-222(2), Idaho Code. Section 42-222(2) states, in part, "All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which is was appropriated."

In a standard Department review, it appears there may have been more than five years of non-use associated with the pivot corners you seek to lease. It might be best if I summarize it chronologically:

- 2000 – Aerial imagery does not support irrigation of the pivot corners during this year
- 2001 – Aerial imagery does not support irrigation of the pivot corners during this year
- 2002 – Aerial imagery does not support irrigation of the pivot corners during this year
- 2003 – Aerial imagery does not support irrigation of the pivot corners during this year
- 2004 – 38.8 acres of pivot corners accepted as mitigation for the Magic Valley Ground Water Irrigation District mitigation plan
- 2005 – Aerial imagery does not support irrigation of the pivot corners during this year
- 2006 - 38.8 acres of pivot corners accepted as mitigation for the Magic Valley Ground Water Irrigation District mitigation plan
- 2007 – Aerial imagery does not support irrigation of the pivot corners during this year
- 2008 – Aerial imagery does not support irrigation of the pivot corners during this year
- December 24, 2008 – the Department received an application to lease 18.7 acres in the SW quarter of Section 12. This application would likely have been denied for non-use.
- 2009 – Aerial imagery does not support irrigation of the pivot corners during this year

If we count up the years of non-use (2000, 2001, 2002, 2003, 2005, 2007, 2008 and 2009), you see it adds up to more than five years of non-use.

Because of this evidence of more than five years of non-use, the requirements of Water Supply Bank Rule 25 can not be met and we must deny your lease applications. If you wish to apply for a lease again, please submit evidence that the water right has not undergone a five-year period of non-use.

SCANNED
JUL 21 2011

Please contact me at (208) 287-4907 if you have any questions.

Sincerely,


for Monica Van Bussum
Sr. Water Resource Agent

C: Allen Merritt – IDWR Southern Regional Office
Zach Latham – Brockway Engineering PLLC
Cindy Yenter – Watermaster, Water District 130

SCANNED
JUL 21 2011

Zach Latham

From: Van Bussum, Monica <Monica.VanBussum@idwr.idaho.gov>
Sent: Thursday, July 21, 2011 5:16 PM
To: Zach Latham
Subject: RE: Jentzsch/Kearl lease application

Don't worry about this. Enjoy your vacation. I'll anticipate hearing from you the first week of August, which will be about 14 days, so that's good.

Monica

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Thursday, July 21, 2011 4:57 PM
To: Van Bussum, Monica
Subject: RE: Jentzsch/Kearl lease application

I will probably be able to get a map to you the first week of August at the earliest, I'm out on vacation next week but I will see if Amy can do the analysis and then email you. Sorry I didn't get back to you until this afternoon. Thanks for your understanding and I will be in touch-

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Van Bussum, Monica [mailto:Monica.VanBussum@idwr.idaho.gov]
Sent: Thursday, July 21, 2011 4:45 PM
To: Zach Latham
Cc: Greg Sullivan; Yenter, Cindy
Subject: RE: Jentzsch/Kearl lease application

Hi Zach,

Can you send a map confirming irrigation of the corners? The letter went out this afternoon (not long before your email, sorry), but I am happy to accept the application back if we can show irrigation during 2005.

Monica

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Thursday, July 21, 2011 4:30 PM
To: Van Bussum, Monica
Cc: Yenter, Cindy; Greg Sullivan
Subject: RE: Jentzsch/Kearl lease application

Thanks for the reply Monica, JK Farms' records show all corners being irrigated in 2005. If the areas submitted for lease were in fact irrigated during this year, then the forfeiture clock was paused in 2006, and began ticking again in 2007, 2008, and 2009. Our application was submitted in 2010. Based on Jentzsch's information (without an analysis of the 2005 photo by our office), I would say the acres are eligible for lease. Please let me look a little deeper into this one, I will be gone on vacation next week so is there any way you can hold onto this one until I get back and have a chance to do a further analysis? Thanks again for your work and cooperation, have a great rest of your week-

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Van Bussum, Monica [mailto:Monica.VanBussum@idwr.idaho.gov]
Sent: Thursday, July 21, 2011 4:16 PM
To: Zach Latham
Cc: Yenter, Cindy
Subject: RE: Jentzsch/Kearl lease application

Hi Zach,

I caught Cindy before she left the office and she confirmed that a mitigation plan pauses the forfeiture clock, but does not reset it. I am copying her on this email so she can see the analysis in my first email.

Monica

From: Zach Latham [mailto:zach.latham@brockwayeng.com]
Sent: Thursday, July 21, 2011 4:06 PM
To: Van Bussum, Monica
Subject: RE: Jentzsch/Kearl lease application

Monica-

I was under the impression (per conversation with Cindy Yenter) that submission of acres into a mitigation plan would reset the forfeiture clock on a water right, is this correct? If so, the acres submitted under the water rights listed below should be eligible for lease to the WSB. Please let me know, thanks.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506

zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Van Bussum, Monica [mailto:Monica.VanBussum@idwr.idaho.gov]
Sent: Wednesday, July 20, 2011 4:01 PM
To: Zach Latham
Subject: Jentzsch/Kearl lease application

Hi Zach,

I am going through the Jentzsch-Kearl lease applications slowly. I have completed review of the first packet (Garner 36-2381A and 36-12043) and it looks like we will deny those for non-use. Here is the assessment:

- 2000 – Aerial imagery does not support irrigation of the pivot corners during this year
- 2001 – Aerial imagery does not support irrigation of the pivot corners during this year
- 2002 – Aerial imagery does not support irrigation of the pivot corners during this year
- 2003 – Aerial imagery does not support irrigation of the pivot corners during this year
- 2004 – 38.8 acres of pivot corners accepted as mitigation for the Magic Valley Ground Water Irrigation District mitigation plan
- 2005 – Aerial imagery does not support irrigation of the pivot corners during this year
- 2006 - 38.8 acres of pivot corners accepted as mitigation for the Magic Valley Ground Water Irrigation District mitigation plan
- 2007 – Aerial imagery does not support irrigation of the pivot corners during this year
- 2008 – Aerial imagery does not support irrigation of the pivot corners during this year
- December 24, 2008 – the Department received an application to lease 18.7 acres in the SW quarter of Section 12. This application would likely have been denied for non-use.
- 2009 – Aerial imagery does not support irrigation of the pivot corners during this year

The letter will likely go out in tomorrow's mail. Call if you have questions.

Monica

MONICA VAN BUSSUM

Sr. Water Resource Agent
Coordinator, State Water Supply Bank
Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720-0098
(208) 287-4907
Fax: (208) 287-6700

Van Bussum, Monica

From: Zach Latham [zach.latham@brockwayeng.com]
Sent: Monday, May 02, 2011 4:08 PM
To: Van Bussum, Monica
Subject: Correct Jentzsch-Kearl Farms Map- 36-7699
Attachments: BELL FARM BAKER WATER BANK ANALYSIS 2010-11 5-2-11.jpg

Monica-

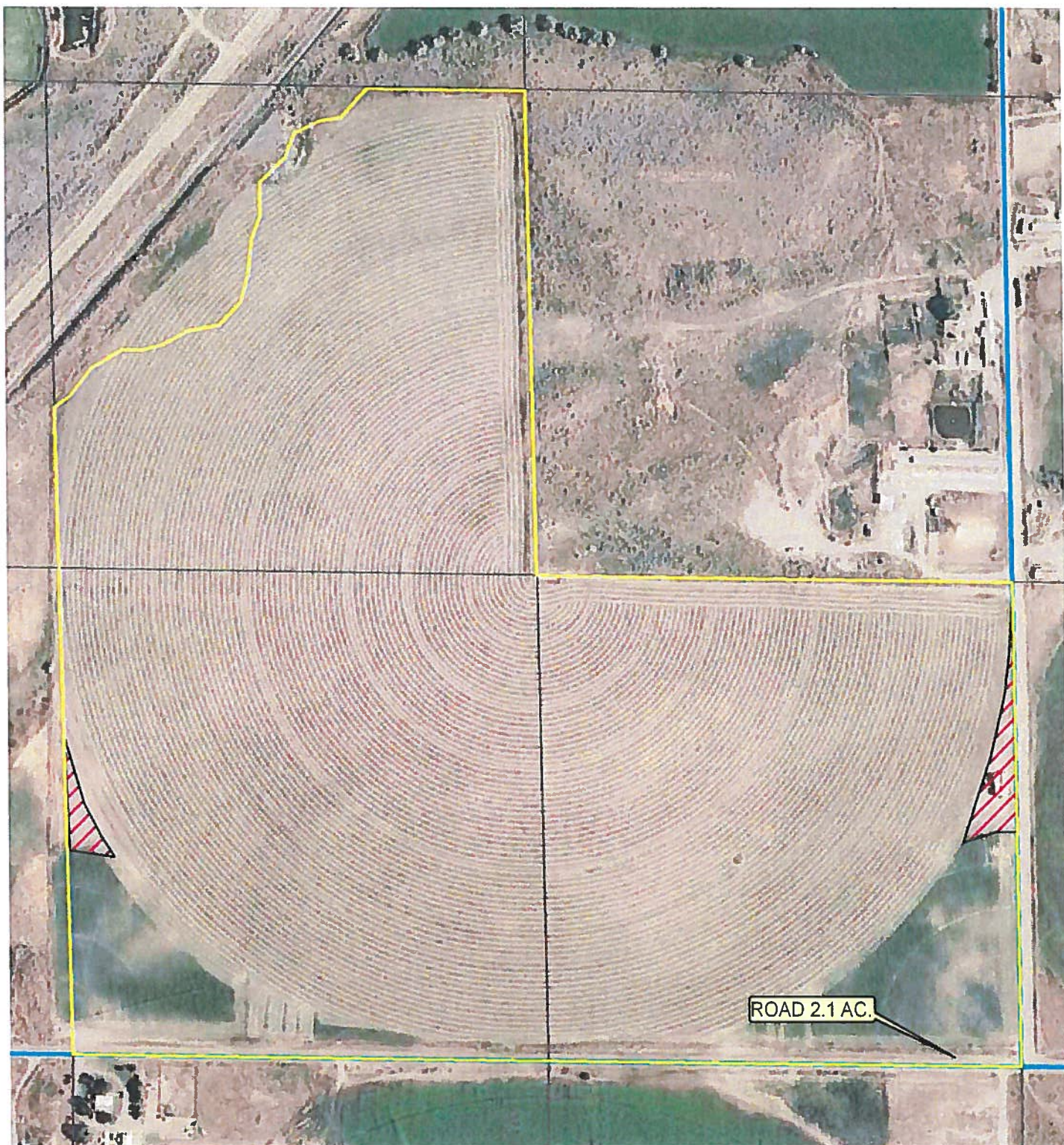
The map accompanying Jentzsch-Kearl Farms water supply bank application submitted to your office last month for water right 36-7699 lists a photo year of 2009 but the photo was taken in 2006. Attached is the map with the correct, 2009 photo. This map is intended to supersede the map submitted by our office last month for this water right. If you have any questions, please give me a call, thanks.

Zach Latham

Hydrologist
Brockway Engineering, P.L.L.C.
2016 Washington Street North, Suite 4
Twin Falls, ID 83301
t. 208-736-8543
c.208-308-0739
f. 208-736-8506
zach.latham@brockwayeng.com

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

EO-13636
JUL 21 2011



0 200 400 Feet

**JENTZSCH-KEARL, JIM BAKER BELL FARM
WATER BANK 36-7699, 2010
NAIP 2009 AERIAL PHOTO**

Legend

- 36-7699_WRR_POU
- T08S_R25E
- lades
- BELL FARM WATER BANK= 1.1 ac



BROCKWAY ENGINEERING, PLLC.
ALR - MAY 2, 2011

SCANNED
JUL 21 2011



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

APR 27 2011

DEPARTMENT OF
WATER RESOURCES

April 25th, 2011

Monica Van Bussum
Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720

Re: Water Supply Bank Applications with Maps for Jentzsch-Kearl Farms.

Dear Monica,

Brockway Engineering, on behalf of Jentzsch-Kearl Farms, would like to submit maps to accompany the previously submitted water supply bank applications as requested in your March 31st 2011 letter. Each map is intended to show where acres are to be idled under each water right submitted to the WSB. It is our understanding that all of the Jentzsch-Kearl Farms water supply bank applications will be processed with the original submittal dates and we appreciate your willingness to do so. Although the amended water supply bank applications for water rights 36-2467 and 36-2668 were submitted to your office on October 29th 2010, they were not included in your package dated March 31st 2010. We have included maps for these WSB applications in this submittal. No changes to the previously submitted applications were made as our analysis shows all acres proposed to be submitted were eligible for WSB enrollment at the time of application submittal.

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

Thank you for your time, please contact me directly with any additional concerns you may have regarding any of the attached Jentzsch-Kearl water supply bank applications or maps. Have a great day and I look forward to hearing from you in the near future.

Regards,

Zach Latham, M.S., Hydrologist

Enc: (1) Water Supply Bank Lease Application Package from IDWR with Maps dated March 31st 2011

Cc: Bryan Jentzsch- Jentzsch Kearl Farms (Maps Only)

SCANNED
JUL 21 2011



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

March 31, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RECEIVED

APR 04 2011

ZACH LATHAM
BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

RE: APPLICATION TO LEASE WATER RIGHT NO(S). 36-2122A, 36-2381A, 36-2635, 36-2656B, 36-7216, 36-7699, 36-11328, 36-12043, 36-16550, 36-16556 TO THE WATER SUPPLY BANK

Dear Applicant:

Per our phone conversation yesterday, we are returning these applications to you unprocessed. We are returning them to allow you time to gather maps and amend the applications as needed. Please reapply when you have all the necessary paperwork.

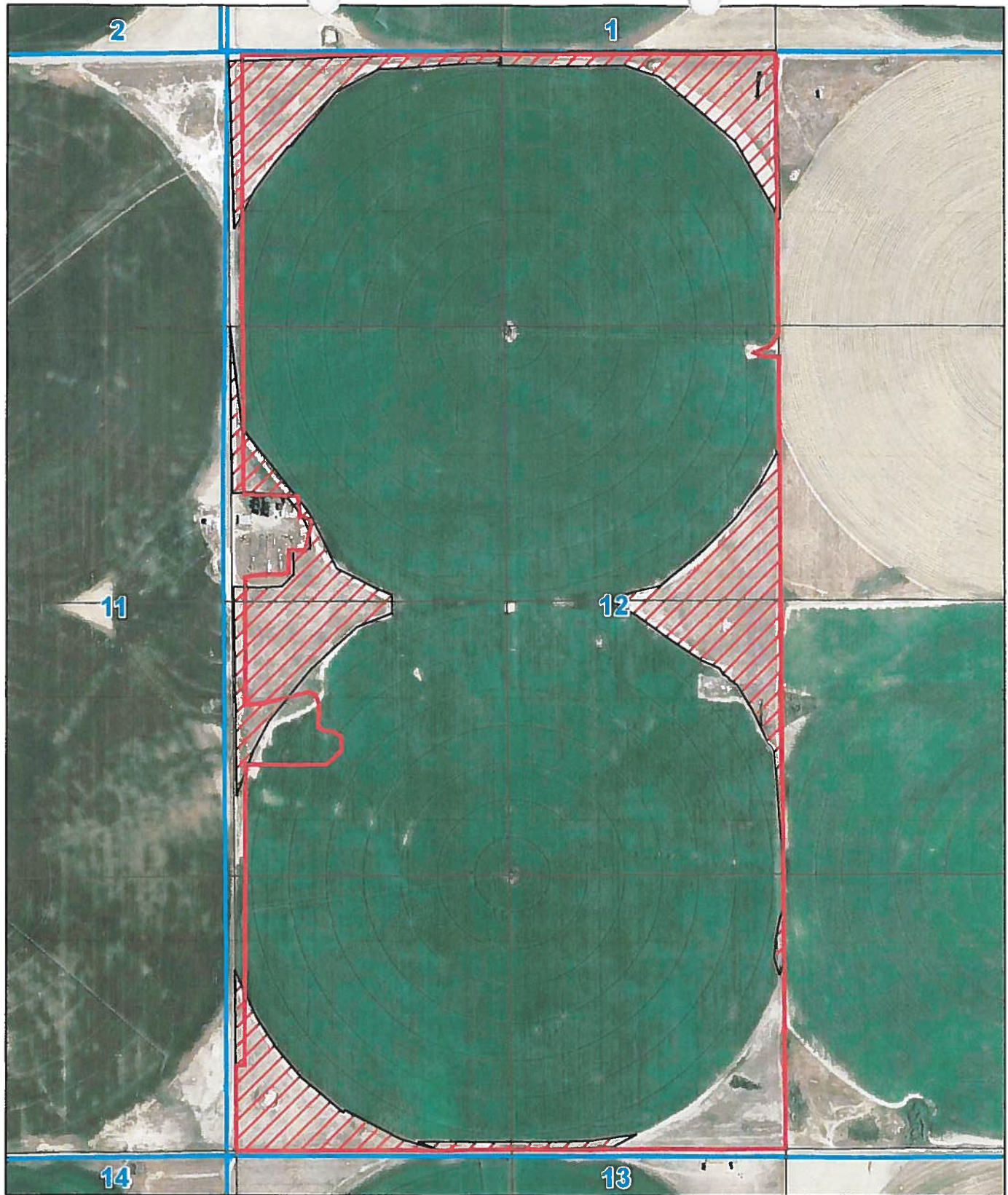
If you have any questions, please contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

c: Gary B Garner – 36-12043 and 36-2381A – 1548 N 300 E; Rupert, ID 83350
Rodney and/or Shirley Jentzsch – 36-2635, 36-7216, 36-11328, 36-16550, 36-16556,
and 36-2122A – 20106 5th St; Rupert, ID 83350
Darrell James Baker – 36-2656B and 36-7699 – 655 N 900 E; Rupert, ID 83350

SCANNED
JUL 21 2011



0 250 500 1,000 Feet

**JENTZSCH-KEARL FARMS - GARNER FARM
WATER BANK 36-2381A, 36-12043
NAIP 2009 AERIAL PHOTOGRAPH**

Legend

-  Garner Water Bank 41.5 AC.
-  sections
-  107s24e
-  Garner_WRPOU



JUL 21 2011



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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

March 31, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

ZACH LATHAM
BROCKWAY ENGINEERING PLLC
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

RE: APPLICATION TO LEASE WATER RIGHT NO(S). 36-2122A, 36-2381A, 36-2635, 36-2656B, 36-7216, 36-7699, 36-11328, 36-12043, 36-16550, 36-16556 TO THE WATER SUPPLY BANK

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Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

c: Gary B Garner – 36-12043 and 36-2381A – 1548 N 300 E; Rupert, ID 83350
Rodney and/or Shirley Jentzsch – 36-2635, 36-7216, 36-11328, 36-16550, 36-16556,
and 36-2122A – 20106 5th St; Rupert, ID 83350
Darrell James Baker – 36-2656B and 36-7699 – 655 N 900 E; Rupert, ID 83350

SCANNED
MAR 31 2011

RECEIVED

AUG 23 2010

DEPARTMENT OF
WATER RESOURCES

Water Supply Bank No. _____

Water Right No. _____

Amendment

p.d. 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Gary B. Garner

Phone 208-532-4123 Post office address 1458 N 300 E Rupert, Id 83350

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. 36-2381A Decreed to Gary B. Garner
(Name)

in case of _____ vs _____

dated 8/27/2001 in _____ county of _____

(Name of Court)

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line

a. below and skip the remainder of part 2.)

a. Amount of water under right: 0.35 cubic feet per second

& / or

_____ acre-feet per annum

b. Point of diversion SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12 Township 07S Range 24E

B.M. in Minidoka County

Additional points _____

SCANNED
JUL 21 2011

c. Place of use: _____

TWP	RGE	SEC	N.E.				N.W.				S.W.				S.E.				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	12					39	39	36	39	38	37	40	40					308

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 23.5*

NOTE: *23.5 Acres will be dried up under 308 acre PPU. Acres dried up will be located in the pivot corners.

This is an amendment to a previously submitted application.

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEROF, FOR SALE OR LEASE

a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

see attached partial decree

b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years.)

Water is used for irrigation purpose from 3/15 to 11/15 annually.

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

NA

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

Water rights 36-12043 and 36-2381A.

- e. If the water right is a permit, describe the work accomplished toward developing the right.

NA

- f. If the right to use the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. Remarks:

SCANNED
11/21/2011

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For Sale;
 X For Lease for period from Indefinite to _____
(Month, Day, Year) (Month, Day, Year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the State of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

8/19/10
Date

Tracy Johnston P.O.A.
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

SCANNED
JUL 21 2011

Water Supply Bank No. _____

Water Right No. _____

RECEIVED

DEC 24 2008

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Department of Water Resources

P.d. 1997

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Name of Seller/Lessor Beverly Garner

Phone 208-532-4123 Post office address 1458 N 300 E Rupert, Id 83350

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. 36-2381A Decreed to Beverly Garner
(Name)

in case of _____ vs _____

dated 8/27/2001 in _____ county of _____

(Name of Court)

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line

a. below and skip the remainder of part 2.)

a. Amount of water under right: 0.38 cubic feet per second

& / or

103.8 acre-feet per annum

b. Point of diversion SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12 Township 07S Range 24E

B.M. in Minidoka County

Additional points _____

SCANNED
11/21/2011

c. Place of use: _____

TWP	RGE	SEC	N.E.				N.W.				S.W.				S.E.				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	12									3.2	3.6	5.7	6.2					18.7

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 18.7

NOTE: Place of use is the corner sections of pivots

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEROF, FOR SALE OR LEASE

a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

see attached partial decree

b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years.)

Water is used for irrigation purpose from 3/15 to 11/15 annually.

c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

NA

d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

Water rights 36-12043 and 36-2381A.

e. If the water right is a permit, describe the work accomplished toward developing the right.

NA

f. If the right to use the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. Remarks:

SCANNED
MAY 21 2011

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For Sale;

 X For Lease for period from Indefinite to _____
(Month, Day, Year) (Month, Day, Year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the State of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

12/23/08
Date


Signature
Power of Attorney

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

RECEIVED

DEC 24 2008

DEPARTMENT OF
WATER RESOURCES

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Beverly Garner

Phone 208-532-4123 Post office address 1458 N 300 E Rupert, Id 83350

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. 36-12043 Decreed to Beverly Garner
(Name)

in case of _____ vs _____

dated 08/27/2001 in _____ county of _____
(Name of Court)

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line

a. below and skip the remainder of part 2.)

a. Amount of water under right: .25 cubic feet per second
& / or

72 acre-feet per annum

b. Point of diversion SE ¼ of NW ¼ of Section 12 Township 07S Range 24E

B.M. in Minidoka County

Additional points _____

SCANNED
JUL 21 2011

c. Place of use: _____

TWP	RGE	SEC	N.E.				N.W.				S.W.				S.E.				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	12					4.7	6.4	2.5	3.9	.5								18

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 18

NOTE: Place of use is the corner sections of pivots

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEROF, FOR SALE OR LEASE

a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

see attached partial decree

b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years.)

Water is used for irrigation purpose from 3/15 to 11/15 annually.

SCANNED
JUL 21 2011

c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

NA

d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

Water rights 36-12043 and 36-2381A.

e. If the water right is a permit, describe the work accomplished toward developing the right.

NA

f. If the right to use the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. Remarks:

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For Sale;
 X For Lease for period from Indefinite to _____
(Month, Day, Year) (Month, Day, Year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the State of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.
5. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

12/23/08
Date

Jack Jafna
Signature
Power of Attorney

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

RECEIVED
JUL 21 2011



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 14, 2003

GARY GARNER
BEVERLY GARNER
1458 N 300 E
RUPERT ID 83350

RE: Change of Ownership for Water Rights 36-2381A, 36-2381B, 36-12043

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

SCANNED
JUN 02 2004

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MAR 17 2003

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DAVID F. SHIRLEY

TELEPHONE
(208) 878-8382

FAX NO.
(208) 878-0146

pss@pmt.org

March 11, 2003

RECEIVED

MAR 12 2003

Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore Street, Suite 2000
Twin Falls, ID 83301-3380

**RE: Water Right Nos. 36-2381(A), 36-2381(B), and 36-12043
Our File No. 7337.000010**

Gentlemen:

I'm enclosing a check for \$75.00, a Change in Water Right Ownership, a map and a copy of the recorded Warranty Deed regarding the above water rights.

I notice on the printout that Gary Garner was shown as an original owner and I don't suspect that makes any difference as he and Beverly now own all of the property.

If there is something else, I need to provide please let me know.

Very truly yours,

PARSONS, SMITH & STONE, LLP


William A. Parsons

WAP:sw
Enc.

MICROFILMED
MAR 17 2003