

BEFORE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NOS.)	
73721 & 73723 IN THE NAME OF)	PRELIMINARY ORDER CORRECTING
RODNEY A & SHIRLEY S JENTZSCH)	TRANSFER APPROVALS
_____)	

This matter having come before the Department of Water Resources (Department) as a result of review of Water Supply Bank lease applications for all of right 36-8624 and a portion of right 36-16553, the Department finds, concludes and orders:

FINDINGS OF FACT

1. On July 28, 2008 the Department approved Application for Transfer nos. 73721 and 73723 (transfers) changing and adding points of diversion and changing the place of use for water rights 36-8624, 36-16552 and 36-16553 to a common 160-acre permissible place of use.
2. Prior to the transfers, licensed right 36-8624 when combined with licensed right 36-8415 was limited to the total diversion rate of 0.82 cfs. Right 36-8415 was split into rights 36-16553 and 36-16554 to transfer each split portion to a different place of use under separate transfers.
3. A condition of approval of the transfers listed the total rate of diversion authorized under combined rights 36-8624, 36-16552, and 36-16553 as follows:

Rights 36-8624, 36-16552, and 36-16553 when combined shall not exceed a total diversion rate of **2.63 cfs**, a total annual maximum diversion volume of 640.0 af at the field headgate, and the irrigation of 160.0 acres.
4. In order to preserve the limits established under licensed rights 36-8624 and 36-8415 (parent right of 36-16553), rights 36-8624 and 36-16553 when combined were correctly limited to 0.48 cfs, and when combined with the 1.94 cfs authorized under 36-16552 should have been limited to a combined total of **2.42 cfs** authorized under the three rights.

CONCLUSIONS OF LAW

1. The transfer approvals should accurately describe each established water right as changed by the transfers pursuant to Section 42-222, Idaho Code.
2. A condition of the transfer approvals contains a clerical error incorrectly identifying the total rate of diversion authorized under combined rights 36-8624, 36-16552 and 36-16553.

3. The Department should modify the condition to show the correct total rate of diversion authorized under combined rights 36-8624, 36-16552 and 36-16553.

ORDER

IT IS THEREFORE HEREBY ORDERED that transfer approval nos. 73721 and 73723 are **CORRECTED** by modifying conditions of approval no. 3 of right 36-8624 in Transfer 73721, condition no. 2 of right 36-16552 and condition no. 3 of right 36-16553 in Transfer 73723 to identify 2.42 cfs as shown below and on the amended transfer approval documents issued in conjunction with this order.

Rights 36-8624, 36-16552, and 36-16553 when combined shall not exceed a total diversion rate of 2.42 cfs, a total annual maximum diversion volume of 640.0 af at the field headgate, and the irrigation of 160.0 acres.

Dated this 30th day of December, 2010.


PAMELA S. SKAGGS
Water Rights Supervisor