

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED
NOV 01 2010
DEPARTMENT OF
WATER RESOURCES

October 29, 2010

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

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

Dear Monica,

Brockway Engineering, on behalf of Jentzsch-Kearl Farms, submitted applications to lease portions of water rights 36-2565B, 36-13065B, and 36-15170B to the Idaho Water Supply Bank in December of 2008. Response letters from the Idaho Water Supply Bank were received stating water right applications dealing with these water rights could not be accepted by the WSB due to "stacking" of these water rights with other water rights or for other reasons.

Portions of alternative water rights 36-2467 and 36-2668 have been included in this amended WSB submittal package which is intended to supersede the applications submitted in 2008. Both applications seek to place excess irrigation water into the water supply bank for 5 years starting on October 29th 2010. Jentzsch-Kearl Farms expects to remove the leased water from the Idaho Water Supply Bank when lands become available for irrigation and or when the water can be transferred to the new location for permanent irrigation use.

Please contact me directly with any additional concerns you may have regarding any of the attached Jentzsch-Kearl water supply bank application. Thank you for your time and if you have questions or comments, please don't hesitate to call.

Regards,

Zach Latham, M.S., Hydrologist

Enc: (2) Water Supply Bank Lease Applications and Lease Agreements

Cc: Bryan Jentzsch- Jentzsch Kearl Farms

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

RECEIVED

NOV 01 2010

DEPARTMENT OF
WATER RESOURCES
STATE OF IDAHO
WATER RESOURCE BOARD

Water Supply Bank No. _____
(For Department Use Only)

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

Name of Seller/Lessor Darrell James Baker Phone 208-531-5562

Mailing address 655N 900E Rupert, ID 83350 Email _____

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>36-2467</u>	<u>0.14 / 54.7</u>	<u>Irrigation</u>	<u>3/15</u> to <u>11/15</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

Total Amount: 0.14 / 54.7

2. Source of water Ground Water tributary to N/A

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
07S	26E	19		SW	NE	SE	BLAINE
07S	26E	30		SE	NE	NW	BLAINE
07S	26E	30		NE	SE	NW	BLAINE

4. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	26E	19			32	37							23	35	40	40	40	40	287
07S	26E	30	30	40	40	33	36	39	33	33	7				33	39			363

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 650*
*27.8 acres in 650 acre POU are to be offered to the WSB.

B. OWNERSHIP

- Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
- Is the water right appurtenant to land subject to any liens, deeds of trust, mortgages, or contracts? Yes ☐ No ☒
If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes and list name of entity: _____

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

The water diversion and delivery system is connected via buried mainlines.

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

Water rights 36-2467 36-2668 36-2190B, 36-2453B, 36-13065B, 36-2565B, 36-15167B and 36-15170B share the same place of use.

3. Will the present place of use continue to receive water from any source? Yes ☒ No ☐

If yes, describe. Irrigation will continue under portions of water rights which have not been offered to the Water Supply Bank.

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. N/A.

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe. N/A.

D. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale ☐ or lease ☒?

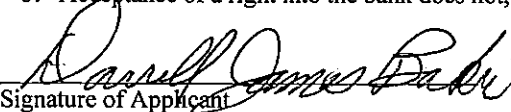
If Lease, for a period from 10/29/10 to 10/29/15 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the Idaho Water Resource Board. Include the method of determining the minimum payment if other than 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 this right for sale or lease 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/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a 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.



Signature of Applicant

Darrell James Baker
Printed Name and Title*

10-27-10
Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098