



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

September 13, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RODNEY A JENTZSCH
20106 5TH ST
RUPERT ID 83350

RE: APPLICATION TO LEASE WATER RIGHT NO. 36-7216 TO THE WATER SUPPLY BANK

Dear Mr. Jentzsch:

The Department of Water Resources (Department) has completed its review of your application to lease water right 36-7216 to the Water Supply Bank (Bank). Based on that review, the Department cannot accept water right 36-7216 into the Bank. The reasons are described below.

The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. The criteria include whether information available indicates that the water right has been forfeited, whether acquisition of the water right will be contrary to the State Water Plan, whether the application is in the local public interest, the probability of renting the right from the Bank, and other factors as determined by the Water Resource Board. A water right may not be rented from the Bank if the rental will result in enlargement of the water right. Since water right 36-7216 is "stacked" with other water rights rental of this right alone would constitute an enlargement of the right. Therefore, water right no. 36-7216 cannot be accepted into the Bank at this time and the Department is returning your application.

If you would still like to offer water right no. 36-7216 for lease to the Bank, please submit a new application along with applications to lease the appropriate portions of associated "stacked" water rights. Future lease applications must be on current Department application forms and include all requested information including a description of the specific acres that will remain unirrigated during the lease period and evidence that the offered right(s) have been used within the previous five years. Please note that water rights appurtenant to lands enrolled in the Eastern Snake Plain Aquifer Conservation Reserve Enhancement Program (CREP) are not acceptable for lease to the Bank.

Please contact me if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s): Lease Application (original)

c: Zach Latham – Brockway Engineering

RECEIVED

AUG 23 2010

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 Rodney Jentzsch

Phone 208-532-4119 Post office address 20106 5th St Rupert, Idaho 83350

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. 36-7216 Decreed to _____
(Name)

in case of _____ vs _____

dated _____ 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: 0.41 cubic feet per second

& / or

_____ acre-feet per annum

b. Point of diversion SE ¼ of NW ¼ of Section 27 Township 08S Range 22E

B.M. in Minidoka County

Additional points SWSW Sec 27 08S 22E

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	
08S	22E	27		38	38		35	38	35	37	33	37	37	35		36	38		437
		34					35	32	34	34									135

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 20.3*

NOTE: *20.3 Acres will no longer be irrigated within 572 acre place of use

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 4/01 to 10/31 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.

36-2635 and 36-11328

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: None

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".

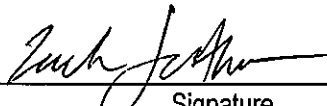
current rental rate

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.

6/19/10
Date

 P.O.A.
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/17/2010

WATER RIGHT NO. 36-7216

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RODNEY A JENTZSCH
Current Owner	SHIRLEY S JENTZSCH 20106 5TH ST RUPERT, ID 83350 (208)532-4119
Original Owner	JANICE I BRANDON
Original Owner	MAC J BRANDON 1000 W 500 N PAUL, ID 83347 (208)438-5590

Priority Date: 01/05/1972

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	3.58 CFS	
Total Diversion			3.58 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESENW |Sec. 27|Township 08S|Range 22E|MINIDOKA County

GROUND WATER|NESWSW|Sec. 27|Township 08S|Range 22E|MINIDOKA County

IRRIGATION Use:

Acre Limit: 179

Place(s) of use:

Place of Use Legal Description: IRRIGATION MINIDOKA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08S	22E	27		NWNE	38		SWNE	38						
				NENW	35		NWNW	38		SWNW	35		SENE	37
				NESW	33		NWSW	37		SWSW	37		SESW	35
				NWSE	36		SWSE	38						
		34		NENW	35		NWNW	32		SWNW	34		SENE	34

Total Acres: 572

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.56 CFS, A TOTAL COMBINED DIVERSION VOLUME OF 2288 AF. COMBINED RIGHT NOS.: 36-02635 AND 36-11328.
THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER
2. BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF 179 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON AND COMBINED TOTAL OF 572 ACRES. COMBINED RIGHT NOS.: 36-02635 AND 36-11328.
4. M01 A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

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|--------|--|
| 6. | THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 36-02635 & 36-11328. THE NUMBER OF IRRIGATED ACRES FOR THIS RIGHT WAS DETERMINED BASED ON A DIVERSION RATE OF 0.0097 CFS PER ACRE AT THE WELL HEADS. |
| 7. C05 | RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE. |

Dates:

Licensed Date:

Decreed Date: 09/05/2001

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND/OR

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 572

Combined Volume Limit: 2288

Combined Rate Limit: 5.56

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close