



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](http://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. 36-16553 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 36-16553 to the Water Supply Bank (Bank). Based on that review, the Department cannot accept water right 36-16553 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 such other factors as determined to be appropriate 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 36-15170A is "stacked" with other water rights, including 36-8624, rental of this right alone would constitute an enlargement of the right. Therefore, water right no. 36-16553 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. 36-16553 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. \_\_\_\_\_

## Amendment

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 A Jentzsch

Phone 208-532-4119 Post office address 20106 5<sup>th</sup> St Rupert ID, 83350

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
(Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of Court)

b. License No. 36-16553 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: 0.25 cubic feet per second  
& / or  
50.4 acre-feet per annum

b. Point of diversion NE ¼ of SW ¼ of Section 2 Township 07S Range 24E  
B.M. in Minidoka County  
Additional points SWNESE Sec 2 T07S R24E

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 | 2   |      |    |    |    |      |    |    |    | 40   | 40 | 40 | 40 |      |    |    |    | 160    |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

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 12.6\*

NOTE: 12.6 Acres will no longer be irrigated within the 160 acre place of use. Acres to be dried up are the corner areas of the pivots. This is an amendment to a previously submitteed 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 as irrigation water from 04/01 to 10/31 on an annual basis.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 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 36-8624, 36-16553 and 36-16552

- 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.

8/19/10  
Date

 P.O.A.  
Signature

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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

7/16/2010

WATER RIGHT NO. 36-16553

| <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    | DARRELL JAMES BAKER     |
|                   | 655 N 900 E             |
|                   | RUPERT, ID 83350        |
|                   | (208)531-5562           |

Priority Date: 03/21/1989

Basis: License

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            | 04/01       | 10/31     | 0.48 CFS              | 96 AFA        |
| Total Diversion       |             |           | 0.48 CFS              |               |

Location of Point(s) of Diversion:

|              |        |         |              |           |                 |
|--------------|--------|---------|--------------|-----------|-----------------|
| GROUND WATER | SWNESW | Sec. 02 | Township 07S | Range 24E | MINIDOKA County |
| GROUND WATER | SWNESE | Sec. 02 | Township 07S | Range 24E | MINIDOKA County |

Licensed Diversion Capacity: 0.86

IRRIGATION Use:

Acre Limit: 24

Place(s) of use:

Place of Use Legal Description: IRRIGATION MINIDOKA County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 07S             | 24E          | 2              |            | NESW         | 40           |            | NWSW         | 40           |            | SWSW         | 40           |            | SESW         | 40           |

Total Acres: 160

Conditions of Approval:

1. X27 This right is limited to the irrigation of 24.0 acres within the place of use described above in a single irrigation season.
2. Rights 36-8624 and 36-16553 when combined shall not exceed a total diversion rate of 0.48 cfs.
3. X35 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. 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.  
The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be
5. X61 shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. F06 The following rights are diverted through point(s) of diversion described above: 36-8624, 36-16552, and 36-16553
7. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
9. R57 The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
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. | 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.                                                                                                                                                                                                                                                   |
| 12. | 131 | Prior to the diversion and use of water under Transfer approval 73723, 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. |
| 13. | 004 | This right does not grant any right-of-way or easement across the land of another.                                                                                                                                                                                                                                                                                                                                                        |
| 14. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.                                                                                                                                                                                                                                                                                                                    |
| 15. | 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.                                                                                                                                                                                                                                                                                                 |

## Dates:

Licensed Date: 11/17/1993

Decreed 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:

Owner Name Connector: And

Water District Number: 130

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: T

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close