



## 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. 36-15170A 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 36-15170A to the Water Supply Bank (Bank). Based on that review, the Department cannot accept water right 36-15170A 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 at the same place of use, rental of this right alone would constitute an enlargement of the right. Therefore, water right no. 36-15170A 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. 36-15170A 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 Jentzsch

Phone 208-532-1971 Post office address 20106 5<sup>th</sup> St. Rupoert, ID 83350

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. 36-15170A Decreed to Rodney Jentzsch  
(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: 0.11 cubic feet per second

& / or

55.6 acre-feet per annum

b. Point of diversion NE 1/4 of SE 1/4 of Section 33 Township 06s Range 24E

B.M. in Minidoka County

Additional points SENENW Sec 01 T07SR24E, SESENE Sec 06 T07SR25E,

SWSWNW Sec 06 T07SR25E, NESWSE Sec 06 T07SR25E

c. Place of use: The complete PPU is listed below.

| 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 |        |
| 06S | 24E | 33  | 40   | 40 | 40 | 40 |      |    |    |    |      |    |    |    | 40   | 40 | 40 | 40 | 320    |
| 07S | 24E | 1   | 17   | 17 | 40 | 40 | 17   | 17 | 40 | 40 |      |    |    |    |      |    |    |    | 228    |
| 07S | 25E | 5   |      |    |    |    | 18   |    | 40 |    |      | 38 | 39 |    |      |    |    |    | 135    |
|     |     | 6   | 18   | 18 | 40 | 40 | 18   | 15 | 32 | 40 | 40   | 32 | 32 | 39 | 40   | 40 | 39 | 35 | 518    |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

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 1201

NOTE: The total irrigated area within the PPU will be reduced 41.1 acres upon approval of this application.

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.

N A

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 36-15167A, 36-15170A, 36-196, 36-15536, 36-16555, 36-16554

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

  Josh Joshua 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. 36-15170A

| <u>Owner Type</u> | <u>Name and Address</u>                                                 |
|-------------------|-------------------------------------------------------------------------|
| Current Owner     | RODNEY A JENTZSCH                                                       |
| Current Owner     | SHIRLEY S JENTZSCH<br>20106 5TH ST<br>RUPERT, ID 83350<br>(208)532-4119 |

Priority Date: 06/29/1971

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            | 03/15       | 11/15     | 1.81 CFS              | 883 AFA       |
| Total Diversion       |             |           | 1.81 CFS              |               |

Location of Point(s) of Diversion:

|              |             |         |              |           |                 |
|--------------|-------------|---------|--------------|-----------|-----------------|
| GROUND WATER | NWNESE      | Sec. 33 | Township 06S | Range 24E | MINIDOKA County |
| GROUND WATER | SENENW Lt 3 | Sec. 01 | Township 07S | Range 24E | MINIDOKA County |
| GROUND WATER | SESENE      | Sec. 06 | Township 07S | Range 25E | MINIDOKA County |
| GROUND WATER | SWSENW      | Sec. 06 | Township 07S | Range 25E | MINIDOKA County |
| GROUND WATER | NESWSE      | Sec. 06 | Township 07S | Range 25E | MINIDOKA County |

IRRIGATION Use:

Acre Limit: 653

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> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 06S             | 24E          | 33             |            | NENE         | 40           |            | NWNE         | 40           |            | SWNE         | 40           |            | SENE         | 40           |
|                 |              |                |            | NESE         | 40           |            | NWSE         | 40           |            | SWSE         | 40           |            | SESE         | 40           |
| 07S             |              | 1              | 1          | NENE         | 17           | 2          | NWNE         | 17           |            | SWNE         | 40           |            | SENE         | 40           |
|                 |              |                | 3          | NENW         | 17           | 4          | NWNW         | 17           |            | SWNW         | 40           |            | SENE         | 40           |
|                 | 25E          | 5              | 4          | NWNW         | 18           |            | SWNW         | 40           |            |              |              |            |              |              |
|                 |              |                |            | NWSW         | 38           |            | SWSW         | 39           |            |              |              |            |              |              |
|                 |              | 6              | 1          | NENE         | 18           | 2          | NWNE         | 18           |            | SWNE         | 40           |            | SENE         | 40           |
|                 |              |                | 3          | NENW         | 18           | 4          | NWNW         | 15           | 5          | SWNW         | 32           |            | SENE         | 40           |
|                 |              |                |            | NESW         | 40           | 6          | NWSW         | 32           | 7          | SWSW         | 32           |            | SESE         | 39           |
|                 |              |                |            | NESE         | 40           |            | NWSE         | 40           |            | SWSE         | 39           |            | SESE         | 35           |

Total Acres: 1201

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by transfer 71476 within one (1) year of the date of its approval.
2. 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.
3. 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.
4. X35 Rights 36-15167A and 36-15170A when combined shall not exceed a total diversion rate of 9.77 cfs, a total annual maximum diversion volume of 2612 af at the field headgate, and the irrigation of 653 acres.
5. 067 The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
6. 131 Prior to the diversion and use of water under Transfer approval 71476, 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.

- |     |     |                                                                                                                                                                                                                                                                                                                                            |
|-----|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.  | T19 | Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree. |
| 8.  | T18 | Prior to diversion of water under the transfer 71476 approval, the right holder shall provide lockable controlling works for all authorized points of diversion. The controlling works must be suitable for control of the diversions and acceptable to the watermaster.                                                                   |
| 9.  | WB4 | The total instantaneous diversion of water from all points of diversion under Rights 36-196, 36-15167A, 36-15170A, 36-15536, 36-16554, and 36-16555 shall not exceed 16.53 cfs, nor total combined annual volume of 4732 af for the irrigation of 1183 acres.                                                                              |
| 10. | T08 | Failure of the right holder to comply with the conditions of transfer 71476 is cause for the Director to rescind approval of the transfer.                                                                                                                                                                                                 |

## Dates:

Licensed Date:

Decreed Date: 08/27/2001

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

Combined Acres Limit: 653

Combined Volume Limit: 2612

Combined Rate Limit: 9.77

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