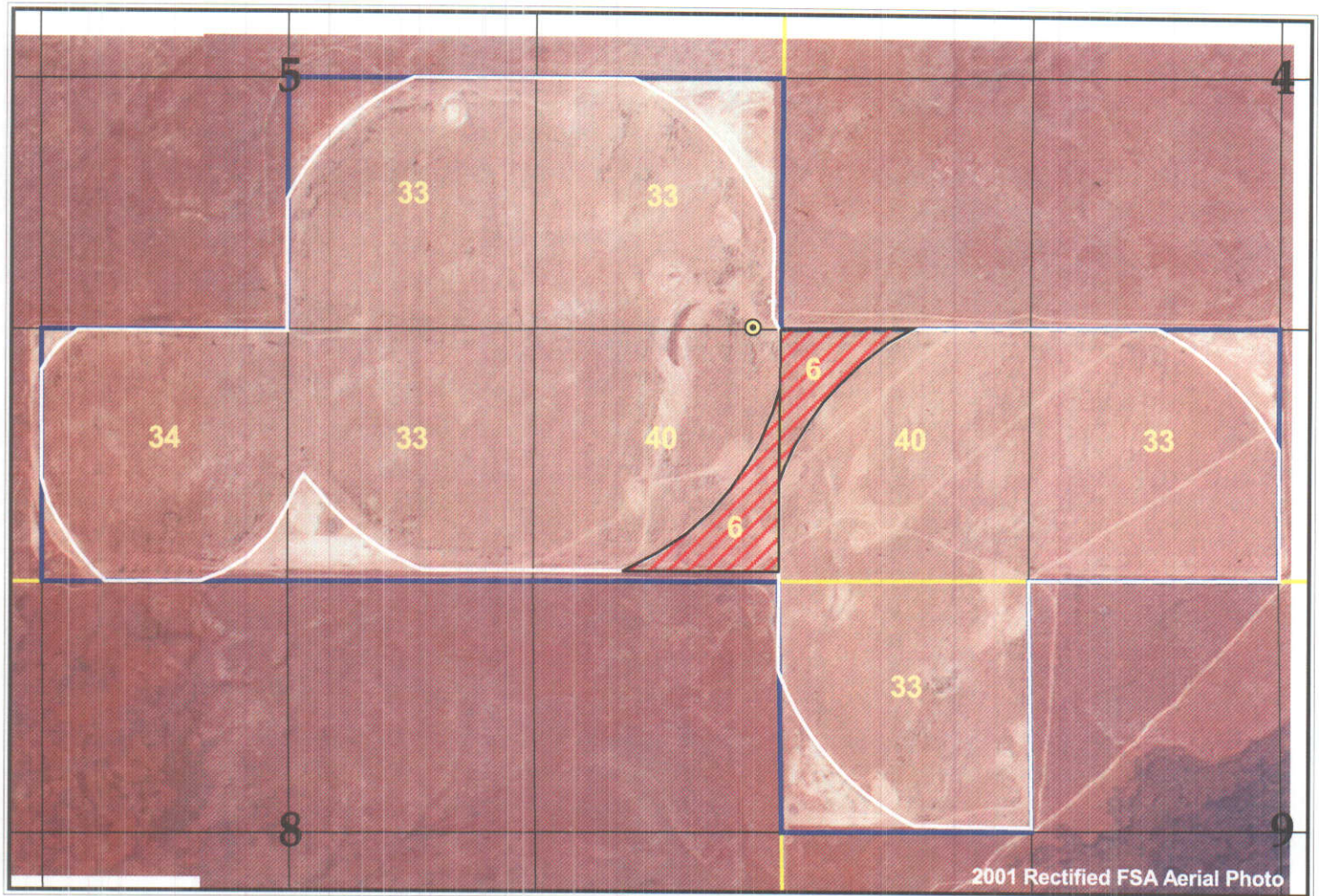


ORTONS FARM

JKF LONG TERM LEASED GROUND

T08S, R27E



500 0 500 1000 1500 2000 Feet

■ **Water Right 36-2565A: 3.67 CFS, 1116 AFA,
5.92 gpm/ac, 2/11/1963**

- Orton Farm (approximate)
- Point of Diversion for Water Right 36-2565A
- Section Lines
- Quarter Section Lines
- Portion submitted to water bank.



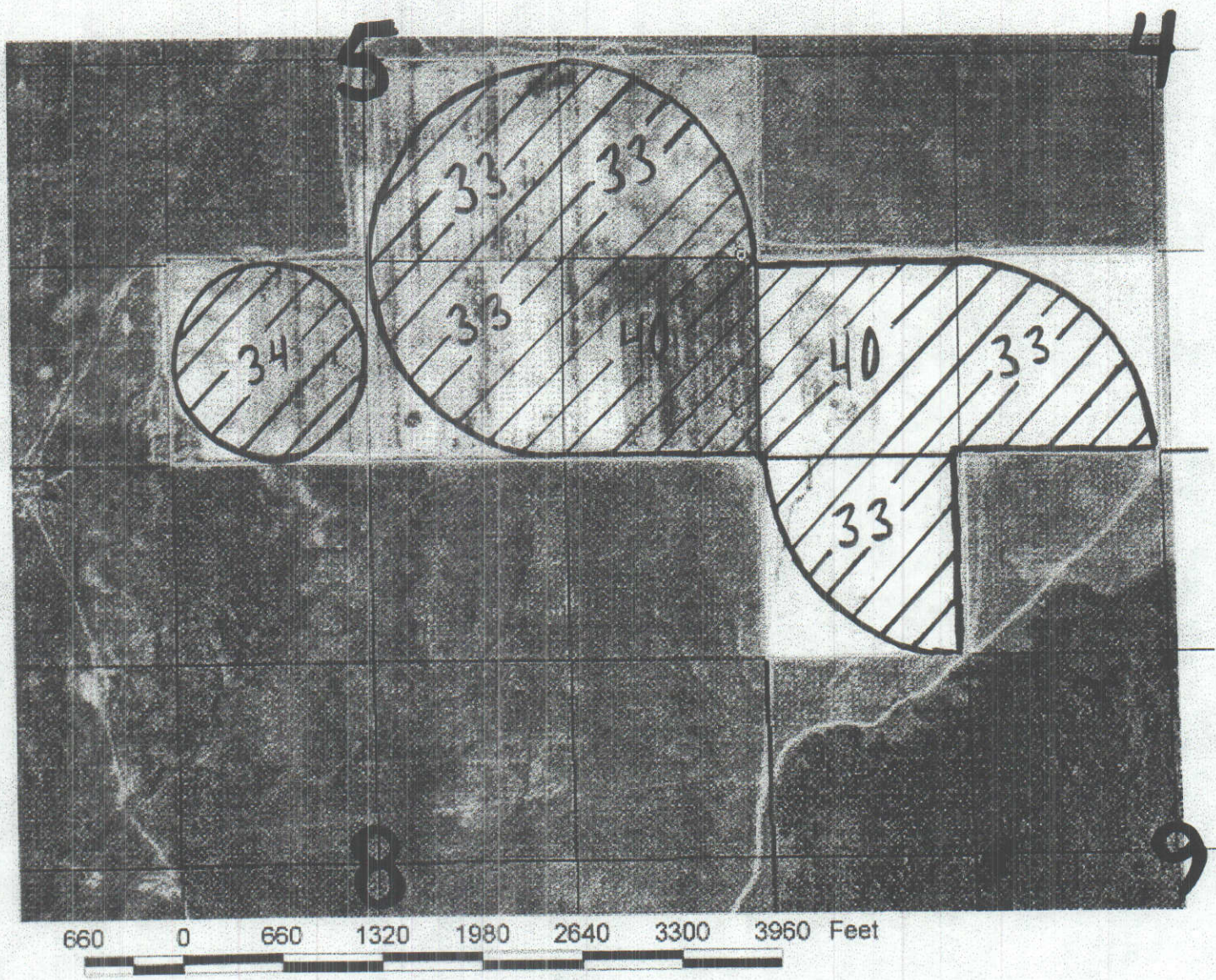
pg 5 of 6

ORTON

T # 5425

IDAHO DEPARTMENT OF WATER RESOURCES

36-02565
ETHEL ORTON



TNS 8S, RNG 27E, SEC 4 S1/2SW1/4
TNS 8S, RNG 27E, SEC 5 SE1/4, SE1/4SW1/4
TNS 8S, RNG 27E, SEC 9 NW1/4NW1/4



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OCT 07 2003

- ⊙ Recommended Point of Diversion
- Recommended Place of use
- ~ Section lines
- Quarter/Quarter Lines

MICROFILMED
APR 25 2000

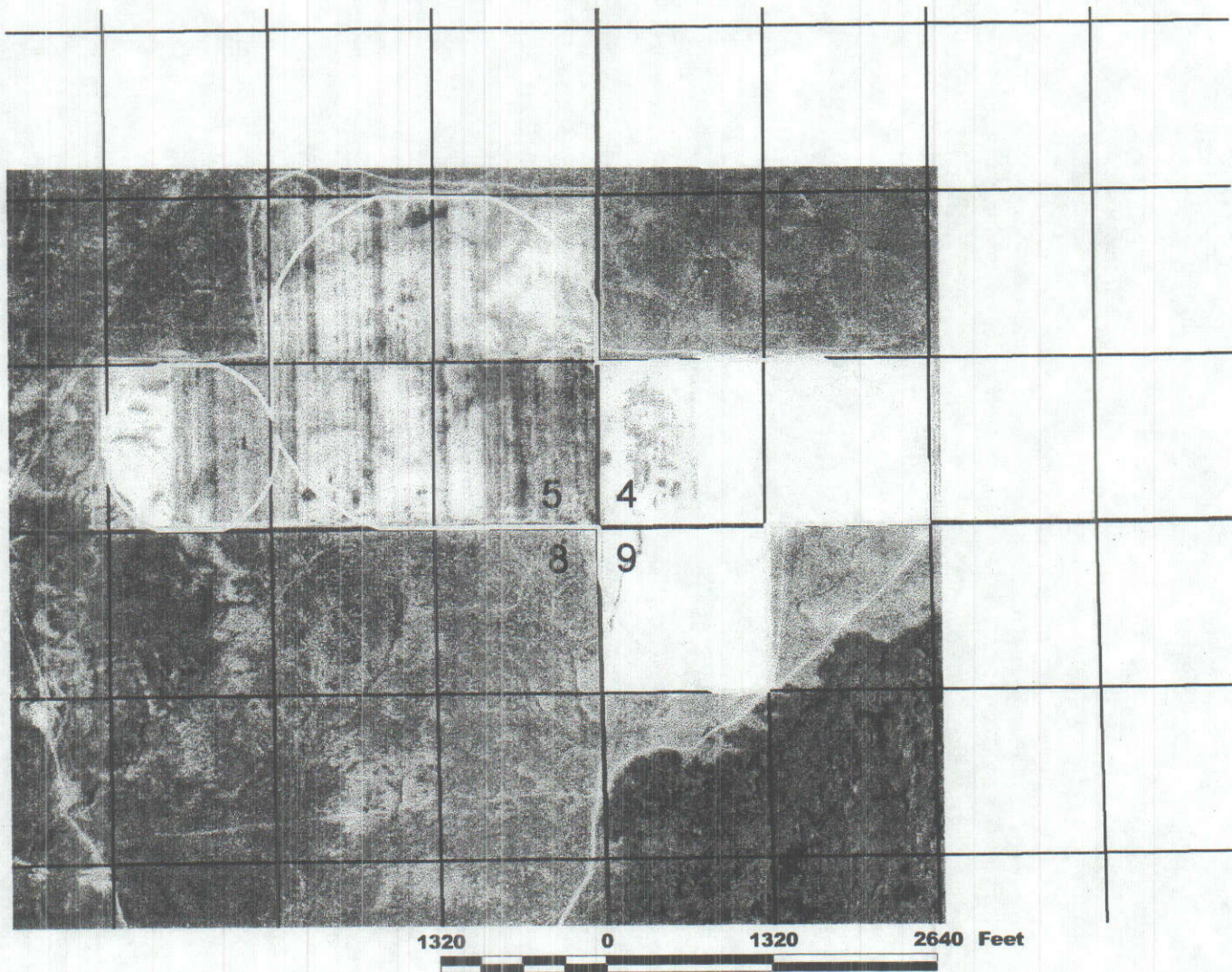
PLACE OF USE AFTER
PROPOSED TRANSFER
IRRIGATED ACRES

IDAHO DEPARTMENT OF WATER RESOURCES

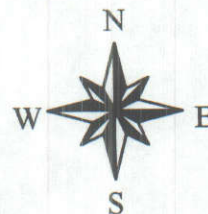
Orton Transfer

Proposed P/U

TwP 08S Rge 27E



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OCT 07 2003



⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

ORTON 2



SECTION LINES &/OR TRACT LINES



QUARTER/QUARTER LINES

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APR 25 2000

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY

IDAHO DEPARTMENT OF WATER RESOURCES

TRANSFER # 5424 AND #5425

T36-02565A

(POST TRANSFER CONDITIONS)

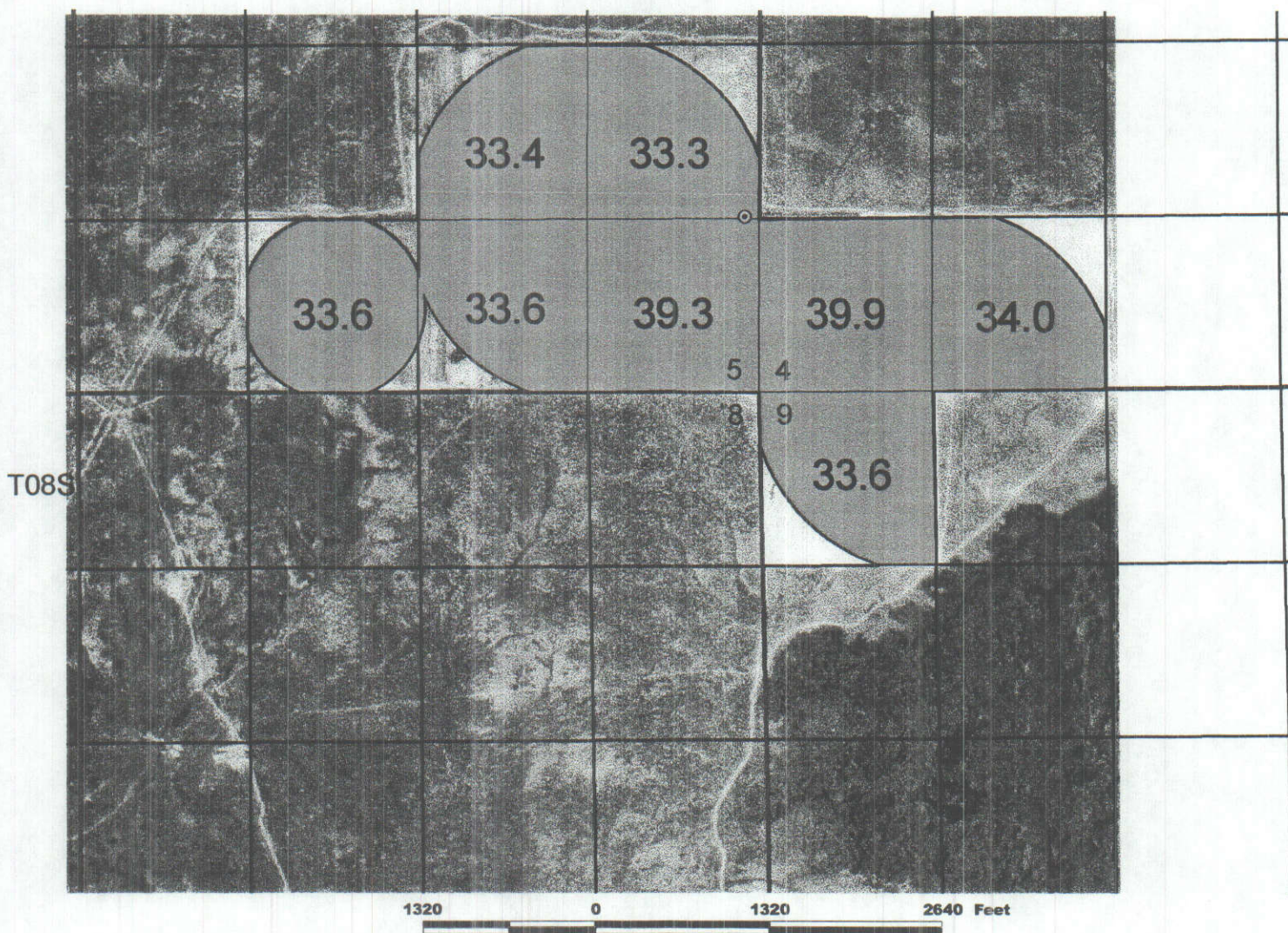
GIS complete

stored in

D: basins / 636 /

transfers

RANGE 27 EAST



-  RESULTING PLACE OF USE
-  POINT OF DIVERSION
-  QUARTER/QUARTER LINES
-  SECTION LINES

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OCT 07 2003

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APR 25 2000

250.7 Acres



PLACE OF USE PRESENTATION
1987/1988 NAPP PHOTOGRAPHY
DATA ENTRY BY COREY SKINNER

T# 5425

Orton

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

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

APR 24 2003

Department of Water Resources
Southern District

Name of Seller/Lessor Ortons Limited Partnership

Phone 208-356-4154 Post office address c/o Rodney Jentzsch, 480 East 1500 North, Rupert, Idaho 83350

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

a. Decree No. 36-2565A Decreed to Orton _____
(Name)

in case of SRBA _____ 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. Source of water Groundwater _____ tributary to _____

3. Date of priority 2/11/1963

4. Water is used for the following purposes:

Amount 3.67 cfs for Irrigation purposes from 4/1 to 11/1

Amount _____ for _____ purposes from _____ to _____

Amount _____ for _____ purposes from _____ to _____

5. Total amount of water under right: a. 3.67 cubic acre per second

& / or

b. 1116 acre-feet per annum

6. Total amount of water under right is NE 3 of SE 3 of Section 5 Township 8S

Range 27E, B.M. in Blaine County

Additional points of diversion, if any _____

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AUG 20 2003

7. Lands irrigated or 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	
8S	27E	4											40	33					73
8S	27E	5												34	33	33	33	40	173
8S	27E	9						33											33

Total number of acres to be irrigated 279

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit Part B.)

- Amount of water under right: a. 0.16 cubic feet per second
& / or
b. 48.0 acre-feet per annum
- Point of diversion NE 3 of SE 3 of Section 5 Township 8S Range 27E
B.M. in Blaine County
Additional points _____

3. 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	
8S	27E	5																6	6
8S	27E	4											6						6

Total number of acres to be irrigated 12

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEROF, FOR SALE OR LEASE

1. 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.

Purchase

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture.

Right has been used as indicated on attached aerial photo. Right was decreed in the SRBA in 2002 and was therefore protected from forfeiture until this point in time.

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability:

Land is served by a deep well which supplies adequate discharge for irrigation. A 2001 water measurement report is attached.

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

No other right is appurtenant. Land to be placed in the bank represents center pivot corners and will not be irrigated.

5. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

6. 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.

7. If the right is included in an ongoing adjudication, a copy of the claim of the claim must be provided with this application.

N/A

8. If applicable, map(s) attached.

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919 2 0 2003

9. Remarks: _____

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:
_____ For Sale

XXX For Lease for period from 2003 to 2003
(Year) (Year)

As a gift to the State of Idaho
2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:
XXX Acceptable _____ Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

3/25/07 *Robert O. Dutton*
(Date) (Signature)
~~Secretary of Agriculture~~

FOR DEPARTMENT USE ONLY

Received by WZ4 Date 4-28-03 Preliminary check by _____
24

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

MICROFILMED

9/16 2 0 2003

CloseIDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/17/2003

WATER RIGHT NO. 36-2565A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ORTONS LIMITED PARTNERSHIP 635 CHAD DR REXBURG, ID 83440 (208)356-4154
Original Owner	ETHEL M ORTON C/O ORTONS LIMITED PARTNERSHIP 635 CHAD DR REXBURG, ID 83440 (208)678-5812

Priority Date: 02/11/1963

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	11/01	3.67 CFS	1116 AFA
Total Diversion			3.67 CFS	1116 AFA

Location of Point(s) of Diversion:

GROUND WATER	SENESE	Sec. 05	Township 08S	Range 27E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE 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>
08S	27E	4		SWSW	40		SESW	33						
		5		SESW	34									
				NESE	33		NWSE	33		SWSE	33		SESE	40
		9		NWNW	33									

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APR 20 2003

Total Acres: 279

Conditions of Approval:

1.	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.
----	-----	---

Remarks:

1.	Purpose of Use	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 BEFORE [APRIL 1] AND AFTER [NOVEMBER 1] 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.
----	----------------	--

Dates:

Licensed Date:

Decreed Date: 04/06/2001

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:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

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

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APR 10 2003

ORTONS FARM
JKF LONG TERM LEASED GROUND
T08S, R27E



500 0 500 1000 1500 2000 Feet

**Water Right 36-2565A: 3.67 CFS, 1116 AFA,
 5.92 gpm/ac, 2/11/1963**



Orton Farm (approximate)



Point of Diversion for Water Right 36-2565A

Section Lines



Quarter Section Lines



Portion submitted to water bank.

MICROFILMED

AUG 28 2003



JAN 18 2002

Important Information About Your Water Right

January 17, 2002

Ortons Limited Partnership
635 Chad Drive
Rexburg, ID 83440

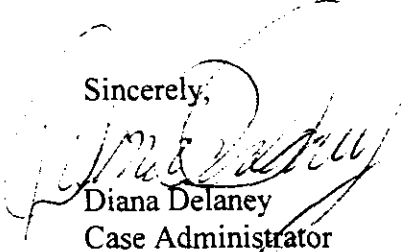
Dear Water Right Claimant(s):

This letter accompanies a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, and Incorporating into Partial Decree Express Statement Regarding General Provisions, Nunc Pro Tunc** (hereinafter "**Order**") issued for water right number 36-02565. Following the issuance of the **Partial Decree** for water right 36-02565 the water right was split into multiple water rights pursuant to administrative proceedings conducted before the Idaho Department of Water Resources (IDWR). According to the records of IDWR, you are the current owner of water right 36-02565A, which represents a water right resulting from the split of water right 36-02565. If you are not the current owner, please contact IDWR immediately at:

1301 North Orchard, Boise, ID 83706, 800-451-4129.

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for water right 36-02565. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). The **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for water right 36-02565, sets forth all of the elements from which your water right is derived. (Again, your water right was split from water right 36-02565.) The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this water right. The original of the **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued on the same date that the **Partial Decree** was originally issued and therefore does not supercede any administrative changes occurring after that date.

Sincerely,


Diana Delaney
Case Administrator

MICROFILMED

AUG 20 2003

SEP 17 11 34 AM
DISTRICT COURT
TWIN FALLS, IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	For Decreed Water Right 36-02565
	)	(Split administratively into water rights 36-02565A &
	)	36-02565B)
Case No. 39576	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
	)	INCORPORATING INTO PARTIAL DECREE AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for water right 36-2565 ("decreed water right") on January 15, 1998. The period of use element therein was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, the Idaho Department of Water Resources (IDWR) filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included irrigation period of use recommendations for water right 36-02565. On April 6, 2001, IDWR a *Notice of Completed Administrative Proceeding* notifying this Court that pursuant to administrative proceedings conducted before IDWR, the decreed water right was split into multiple water rights designated as 36-02565A and 36-02565B ("split water rights").¹ There are no outstanding objections to IDWR's recommendations. The Court finds that IDWR's recommendations for irrigation period of use for the split water rights are based on the irrigation period of use for the decreed water right.

¹ Some or all of these split water rights may have again been split or affected by administrative proceedings following the issuance of the *Supplemental Director's Report*. However, this *Order* only amends the *Partial Decree* that was issued for the decreed water right and addresses only those split rights of which the Court received notice. Administrative changes to the split rights, if any, that occurred following the filing of the *Notice of Completed Administrative Proceeding* are not affected by this *Order* and are therefore not referenced.

MICROFILMED
AUG 20 2003
1/10/02

THEREFORE, IT IS ORDERED that period of use element for the irrigation portion of the above-captioned decreed water right is hereby amended and decreed as:

PERIOD OF USE: 04-01 to 11-01

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 before April 1 and after November 1 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.

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned decreed water right is hereby amended and decreed to contain the following:

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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

IT IS FURTHER ORDERED that this order is being entered *nunc pro tunc* effective as of the date the *Partial Decree* was issued and shall not supercede any subsequent administrative changes to the water right that may have occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: January 17, 2002.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

Important Information About Your Water Right

August 27, 2001

ETHEL M ORTON
RT 2
HEYBURN, ID 83336

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 36-02565. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the ***Order*** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the ***Order***, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This ***Order*** also incorporates into the ***Partial Decree*** an express statement that the ***Partial Decree*** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This ***Order*** in combination with the ***Partial Decree*** that was issued for this water right on January 15, 1998, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the ***Partial Decree*** to show evidence of the water right. The original of this ***Order*** and the original of the ***Partial Decree*** for this water right are on file with SRBA Court. If you do not have a copy of the original ***Partial Decree***, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the ***Order*** is entered ***Nunc Pro Tunc***, meaning that the ***Order*** will be treated as if it were issued the same date that the ***Partial Decree*** was originally issued.

Sincerely,



Diana Delaney
Case Administrator

MICROFILMED

AUG 20 2003

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Right 36-02565

Case No. 39576)

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on January 15, 1998. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 04-01 11-01

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 BEFORE APRIL 1 AND AFTER NOVEMBER 1 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.***

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated August 27, 2001

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED
AUG 28 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5425
WATER RIGHT NO. 36-02565A

This is to certify that: **ORTONS LIMITED PARTNERSHIP**
635 CHAD DR
REXBURG ID 83440

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	3.67 CFS	1116.0 AF

SOURCE

GROUNDWATER

Priority: 02/11/1963

LOCATION OF POINT(S) OF DIVERSION: SENESE , Sec. 5, Township 08S, Range 27E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	27E	4	SWSW 40	SESW 33		73
		5	SESW 34	NESE 33	NWSE 33	
			SWSE 33	SESE 40		173
		9	NWNW 33			33
Total number of acres irrigated:						279

CONDITIONS OF APPROVAL AND REMARKS

1. 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.
2. 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. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

MICROFILMED
AUG 20 2003
MICROFILMED
APR 25 2000

TRANSFER NO. 5425
WATER RIGHT NO. 36-02565A

CONDITIONS OF APPROVAL AND REMARKS

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. 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.
6. 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 shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 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.

Dated this 3rd day of April, 2000.

J. Blum Saylor
Chief, Water Allocation Bureau

MICROFILMED
AUG 20 2003

MICROFILMED
APR 25 2000

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-02565

1998 JAN 15 AM 11:23

FILED
JAN 15 1998
TWIN FALLS, IDAHO

NAME & ADDRESS: ETHEL M ORTON
RT 2
HEYBURN ID 83336

SOURCE: GROUNDWATER

QUANTITY: 4.05 CFS
1232.0 AFY

PRIORITY DATE: 02/11/1963

POINT OF DIVERSION: T08S R27E S05 SENESE Within BLAINE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	IRRIGATION	Irrigation Season	4.05 CFS 1232.0 AFY

PLACE OF USE:	IRRIGATION	Within BLAINE County
T08S R27E S04	SWSW 40	SESW 40
S05	SESW 40	NESE 39
	SESE 31	NWSE 38
S09	NWNW 40	SWSE 40
308 ACRES TOTAL		

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02565

AUG 20 2000

PAGE 1
DEC-11-1997

Age 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5425

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

DEC 30 1998

PART 1

JUL 15 1999

Department of Water Resources
Name of applicant ~~THE PERSON~~ Ortens Limited Partnership Phone 208-256-4454
Post Office address 635 Chad Drive Rexburg ID 83440

1. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other SPLIT RIGHT

2. Describe the reason for the proposed changes DUE TO THE RECENT INSTALLATION OF A SPRINKLER IRRIGATION SYSTEM, SOME OF THE IRRIGATED ACRES HAVE CHANGED. THIS TRANSFER SEEKS TO PROPERLY RECORD THE ACRES THAT ARE ACTUALLY BEING IRRIGATED.

3. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>36-02565 (PART)</u>	<u>02/11/1963</u>	<u>3.67 cfs</u>	<u>IRRIGATION</u>	<u>04/01</u> to <u>10/31</u>
				to
				to
				to

2. Total amount of water being transferred 3.67 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	<u>SE</u>	<u>NE</u>	<u>SE</u>	<u>05</u>	<u>08S</u>	<u>27E</u>	<u>BLAINE</u>	<u>EXISTING WELL</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>08S</u>	<u>27E</u>	<u>04</u>											<u>40</u>	<u>33</u>					<u>73</u>
<u>08S</u>	<u>27E</u>	<u>05</u>												<u>34</u>	<u>33</u>	<u>33</u>	<u>33</u>	<u>40</u>	<u>173</u>
<u>08S</u>	<u>27E</u>	<u>09</u>						<u>33</u>											

MICROFILMED MIC 633
APR 25 2000

Total acres 279.0

PART 1

6. General Information:

a. Description of diversion system EXISTING WELL, MAINLINES TO SPRINKLER IRRIGATION SYSTEM

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

PIVOT CORNERS IN THE SESW 1/4 SECTION 04 (7 ACRES),
SESW 1/4 SECTION 05 (4 @ 1.5 EACH = 6 ACRES TOTAL), NESE SECTION 05
(6 ACRES), NWSE SECTION 05 (5 ACRES), SWSE SECTION 05 (7 ACRES),
AND NWNW 1/4 SECTION 09 (7 ACRES) WILL NO LONGER BE
IRRIGATED.

d. Remarks:

PART OF THE LAND IDENTIFIED ABOVE, SPECIFICALLY
IDENTIFIED IN PART 2C3 OF THIS APPLICATION, IS
INVOLVED WITH ANOTHER TRANSFER APPLICATION.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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APR 25 2000

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APR 27 2000

PART 2

TRANS NO. 5425

DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 36-02565

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	4.05 CFS	1232.0 AF

SOURCE

GROUNDWATER

Priority: 02/11/1963

LOCATION OF POINT(S) OF DIVERSION:

SENESE , Sec. 5, Township 08S, Range 27E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08S	27E	4	SWSW 40	SESW 40		80
		5	SESW 40	NESE 39	NWSE 38	
			SWSE 40	SESE 31		188
		9	NWNW 40			40
Total number of acres irrigated:						308

CONDITIONS/REMARKS:

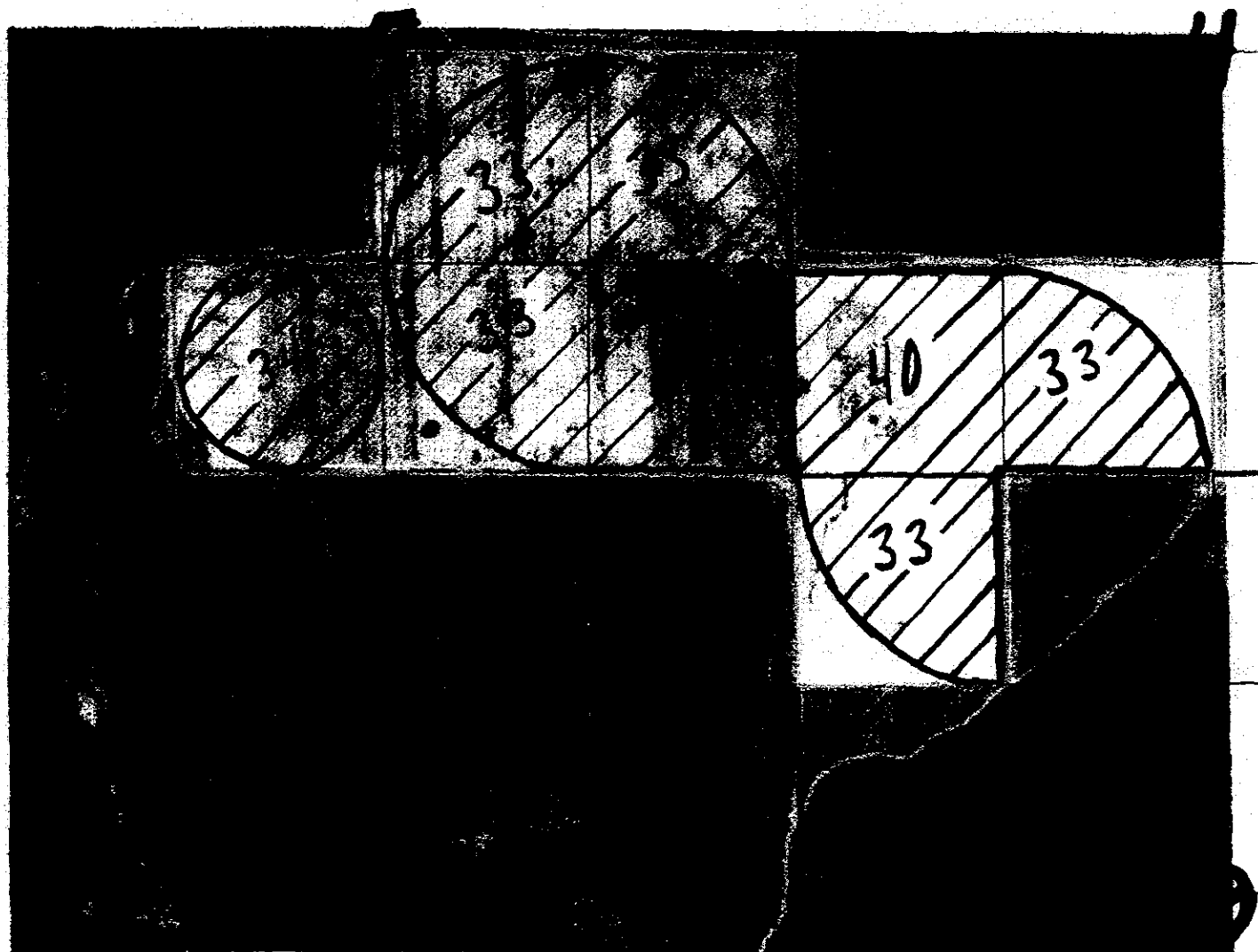
MICROFILMED
APR 25 2000

MICROFILMED
OCT 07 2003

IDAHO DEPARTMENT OF WATER RESOURCES

T # 5425

36-02565
ETHEL ORTON



660 0 660 1320 1980 2640 3300 3960 Feet

TNS 8S, RNG 27E, SEC 4 S1/2SW1/4
TNS 8S, RNG 27E, SEC 5 SE1/4, SE1/4SW1/4
TNS 8S, RNG 27E, SEC 9 NW1/4NW1/4



⊙ Recommended Point of Diversion

Recommended Place of use

Section lines

Quarter/Quarter Lines

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APR 25 2000

PLACE OF USE AFTER
PROPOSED TRANSFER
 IRRIGATED ACRES

Pg 5a of 6

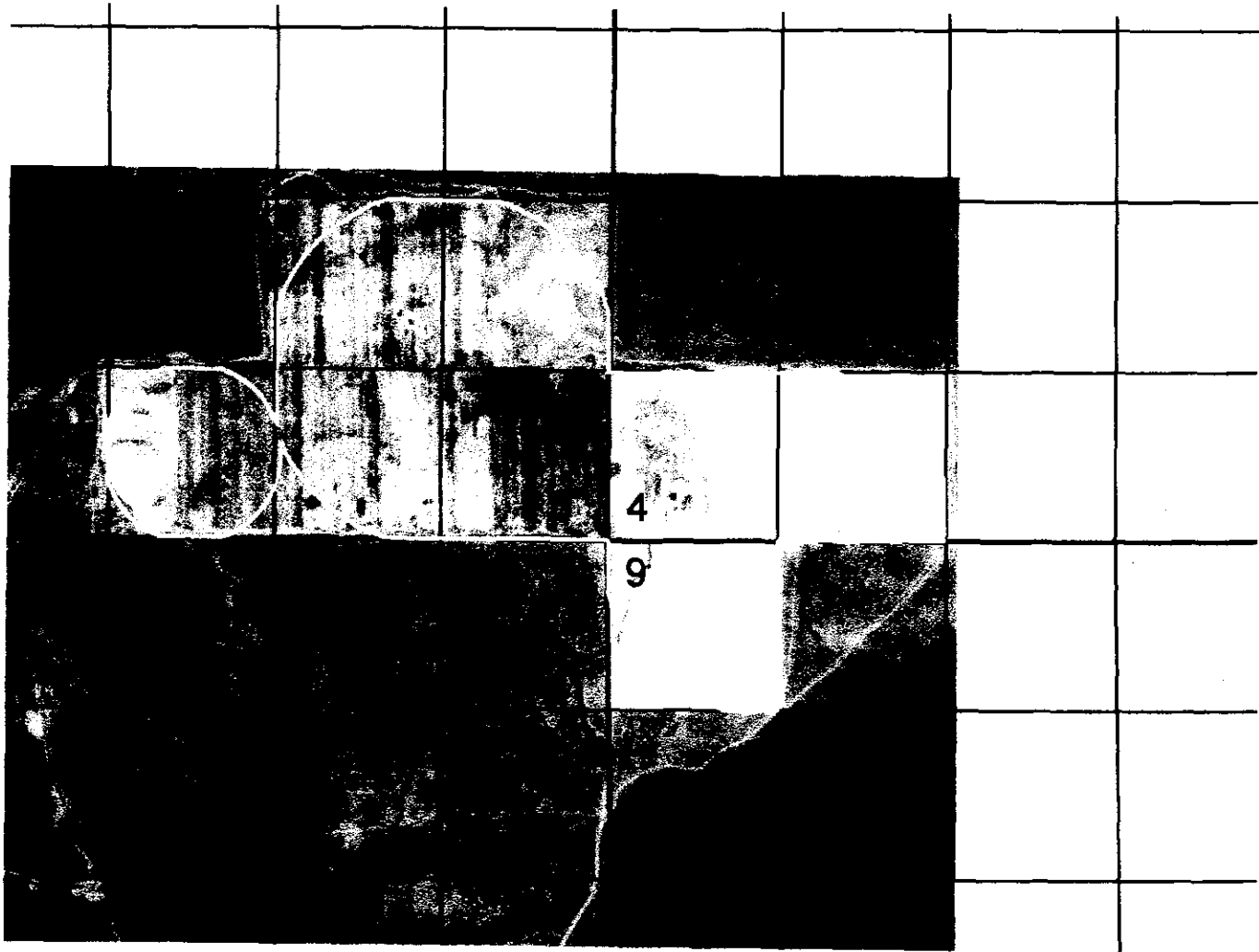
T# 5425

IDAHO DEPARTMENT OF WATER RESOURCES

Orton Transfer

Proposed P/U

Twp 08S Rge 27E



1320 0 1320 2640 Feet

© RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

ORTON 2



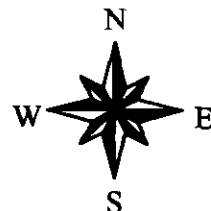
SECTION LINES &/OR TRACT LINES



QUARTER/QUARTER LINES

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OCT 07 2003



GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY

MICROFILMED

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PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

STATE OF IDAHO
COWLEY OF MADISONRonald D. Carter Gen Ptnr.
(Signature of Applicant)Subscribed and sworn to before me this 23 day of DECEMBER, 19 98.Donald Koer
(Notary Public)My commission expires 11-01-2000

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachmentsReceived by P. SKINNER Date 12/30/1998Protest filed by NonePrelim. check by P. SKINNER Fee \$100.00 \$021699Receipted by P. SKINNER Date 12/30/1998Published in Wood River Journal

Copies of protest forwarded by _____

Pub. dates 3/31 & 4/7/99

Hearing held by _____ Date _____

Watermaster recommendation requested on N/ARecommended for ☒ approval ☐ denial

_____ rec'd. _____

by ADK

Copy of transfer sent to lien holder _____

MICROFILMED
APR 25 2000MICROFILMED
OCT 07 2003

1997 TAX BILL/RECEIPT

MAKE CHECK PAYABLE TO:

ICKI L. DICK

LAIN COUNTY TAX COLLECTOR

P.O. BOX 905 (208) 788-5530

HAILEY, IDAHO 83333

1ST HALF DUE

534.46

TAX

LATE

INT

COST

TOT

2ND HALF DUE

534.46

TAX

LATE

INT

COST

TOT

FULL DUE

1,068.92

TAX

LATE

INT

COST

TOT

TOT MV

128,080

TOT ACS

320,000

TAXING DISTRICT

STATE .000000000

COUNTY .001131513

AMBULANCE .000186118

RECREATION .000145597

REC. BOND .000063997

SCHOOL DIST #61 .003262566

SCHOOL BOND .000320386

L W RIVER LIBR .000230432

MINIDOKA FIRE .000202809

MINIDOKA BOND .000460473

DISTRICT TOTAL .006003693

M.V. GROUND WATER

AMOUNT DUE

1,068.92

AMOUNT

144.92

23.84

18.64

8.20

417.86

41.04

29.50

25.94

58.98

768.92

300.00

1,068.92

ORTONS LIMITED PARTNERSHIP

635 CHAD DR

REXBURG

ID 83440

SL/2SW, SEC 4

SE, SESW, SEC 5

NW, SEC 9

BS 27E

From: Roscoe O. Dorton
To: Idaho Dept of Water Resources
Att: Corcy Skinner
Fax # 208 736-3037

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK
★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT

SUBJECT TO BANK CLEARANCE.

PLEASE RETURN STUBS WITH TAX PAYMENT ** FOR TAX
RELATED QUESTIONS CALL (208) 788-5530

RECEIVED
FEB 01 1999
Department of Water Resources
Southern Region

MICROFILMED
APR 25 2000

MICROFILMED
OCT 07 2003

T # 5425



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 10, 2004

ORTONS LIMITED PARTNERSHIP &
RODNEY A. & SHIRLEY S. JENTZSCH
JOSEPH & MELYNDA KEARL
C/O RODNEY JENTZSCH
480 E 1500 N
RUPERT ID 83350

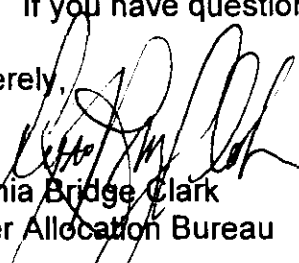
RE: WATER SUPPLY BANK LEASE TERM. WATER RIGHT NO(S). 36-2123, 36-2124, 36-2190A, 36-2565A, 36-7193, AND 36-16170

Dear Lessor(s):

As requested in the electronic mail message you sent on March 11, 2004, the department will retain the water right number(s) referenced above in Water Supply Bank. The right(s) will automatically be released from the bank on **December 31, 2004**, unless the rights are released earlier by the Water Resource Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department prior to the release date.

If you have questions, please feel free to contact me.

Sincerely,


Cynthia Bridge Clark
Water Allocation Bureau

c: Allen Merritt - IDWR Southern Regional Office

Clark, Cynthia (Bridge)

From: Bryan Jentzsch [bryan@safelink.net]
Sent: Thursday, March 11, 2004 11:25 AM
To: cclark@idwr.state.id.us
Subject: Water Bank

Cynthia:
Jentzsch-Kearl Farms would like to keep the existing water in the bank for another year.
Namely: Right # 36-2565 Orton Limited
And: Rights # 36-2123, 36-2124, 36-2190A, 36-7193 & 36-16170

Thank You for your help



Bryan Jentzsch

480 E 1500 N Rupert, ID 83350

Office: (208) 532-4119

Fax: (208) 532-4110

Cell: (208) 431-4754

bryan@safelink.net

5/9/2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 24, 2004

ORTONS LIMITED PARTNERSHIP
C/O RODNEY JENTZSCH
480 E 1500 N
RUPERT ID 83350

**RE: TERMINATION OF LEASE TO THE WATER SUPPLY BANK – WATER
RIGHT NO(S). 36-2565 *A***

Dear Sir or Madam:

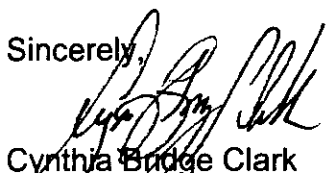
Department records show that the above referenced water right(s) has been leased through December 31, 2003 to the Water Supply Bank ("bank") operated by the Idaho Water Resource Board. This letter is notice that the right will be considered released from the bank unless you advise me, in writing, within fourteen (14) days of the date of this letter that you want to extend the period of the lease.

If you would like the right(s) to remain leased to the bank, please specify the date to which you want the lease extended. You may also request the right(s) remain leased to the bank for an "indefinite" period. In this case, the right(s) will remain in the bank indefinitely unless released earlier by the Board or until the water right owner or lease applicant contacts the department in writing to request the release of the right(s) from the bank.

Please consider that the five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the bank. If a written request is not received within fourteen (14) days, the right(s) will be considered released from the bank as of December 31, 2003.

If you have questions, feel free to contact me directly at (208) 327-7898.

Sincerely,


Cynthia Bridge Clark
Water Allocation Bureau

c: IDWR - Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 30, 2003

ORTONS LIMITED PARTNERSHIP
C/O RODNEY JENTZSCH
480 E 1500 N
RUPERT ID 83350

**RE: APPLICATION TO LEASE PART OF WATER RIGHT NOS. 36-2565A TO THE
WATER SUPPLY BANK**

Dear Applicants:

The department has completed its review of the Applications to Sell or Lease Water Rights to the Water Supply Bank ("bank") that you submitted to this office. Please consider that the offered water rights are accepted into the bank.

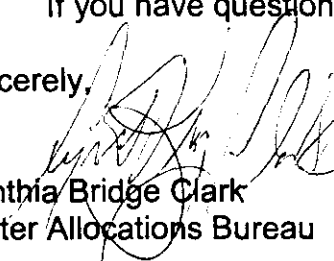
Several items to keep in mind in connection with lease of a water right to the bank is as follows:

1. There is no rental payment to the owner of the water right if the right or a part thereof is not rented 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.

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AUG 20 2003

If you have questions, please feel free to contact me.

Sincerely,



Cynthia Bridge Clark
Water Allocations Bureau

c: IDWR - W. Region
36-2565A

Charles G. Brockway
Brockway Engineering

MICROFILMED

AUG 20 2003



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

April 23, 2003

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED

APR 28 2003

Department of Water Resources

Re: Applications and other forms – Jentzsch

Dear Allen:

Enclosed are three (3) transfer applications, one (1) permit application, six (6) water bank submittal applications, and one (1) change of ownership form. The applications deal with water rights on farms either owned or operated by Rodney Jentzsch. Each application is explained in detail below:

Transfer application for water rights 36-2128 and 36-7405

This transfer application modifies the 240-acre recorded place of use to accommodate the two new overlapping center pivots on the farm known as "Section 3". Based on the survey by Desert West Surveying, with a pivot length of 1298 feet and an end gun throw of 75 feet, the irrigated acreage is nearly exactly 240 acres. A map is enclosed indicating the new irrigated acreage configuration.

Transfer and permit applications for water rights 36-196, 36-15535, and 36-15536

These applications are appurtenant to the farm known as the "Harris Farm". A new permit application is being submitted to request additional flow only (no additional acreage) to bring the total diversion rate to 0.75 inches/acre (6.75 gpm/acre) on this farm. The well has historically supplied a flow rate just adequate to irrigate the land, so this permit will not result in additional consumptive use. The transfer application is being submitted to restructure the rights to comport with actual usage and to create a permissible place of use containing all rights. An aerial map is included showing the current acreage configuration.

Transfer applications for water right 36-2122

This transfer is to add the well in SE1/4 NE1/4 Section 35 as a point of diversion on the farm known as "Section 26".

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

MICROFILMED

AUG 20 2003

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APR 24 2003

Department of Water Resources
Southern Basin

Water bank submittals: Section 35, Section 2, and Section 36

The purpose of these applications is to submit to the bank water rights appurtenant to center pivot corners which are not being irrigated. There are six applications – one for each water right. A map showing the portion of the water rights to be put in the bank is included for each of the farms. All of the rights were recently decreed (in 2001), which hopefully will be sufficient proof of ownership.

Change of ownership

The water right for the farm known as "Section 2", 36-2127, is still in the name of Fassett and still covers both the SW1/4 and SE1/4 of Section 2. Rod and Shirley Jentzsch purchased the SW1/4 of Section 2, along with the well in the NE1/4 SW1/4 Section 2. Deeds recording this purchase are included.

I am enclosing checks for the following application fees:

\$100 for the change of ownership

\$1,480 for the permit application and transfer applications

Cordially,



Charles G. Brockway, P.E.

cc: Rod Jentzsch

MICROFILMED

AUG 20 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 5, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ORTONS LIMITED PARTNERSHIP
635 CHAD DR
REXBURG ID 83440

RE: Water Right 36-02565A (Transfer 5425)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5425). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Sharla Curtis

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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APR 25 2000 MICROFILMED

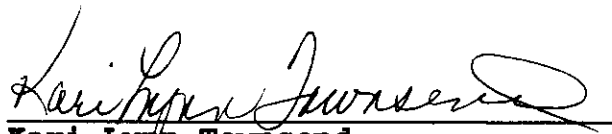
OCT 31 2003

CERTIFICATE OF MAILING

I hereby certify that on the 5th day of **April, 2000** I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

RE: WATER RIGHT 36-02565A (Transfer 5425)

**ORTONS LIMITED PARTNERSHIP
635 CHAD DR
REXBURG ID 83440**


**Kari Lynn Townsend
Secretary**

**MICROFILMED
APR 25 2000**

**MICROFILMED
OCT 6 7 2003**

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED
APR 25 2000

SRBA

SUBCASE SUMMARY REPORT 36-02565

[Return to SRBA Home Page](#)

SRBA
03-27-2000

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 36-02565 FILE#: 00000
CLAIMANT: ORTON, ETHEL M
STATUS: PD ISSUED
WATER SOURCE: GROUNDWATER,

**** PARTIES INVOLVED ****

ETHEL M ORTON

C PRO SE

**** ROA ENTRIES ****

01-15-1998 PARTIAL DECREE FILED
01-15-1998 CERTIFICATE OF MAILING - PARTIAL DECREE
08-05-1999 SUPPLEMENTAL DIRECTOR'S REPORTS, RP 1, BASIN
36 PERIOD OF USE & CONJUNCTIVE MANAGEMENT

01-15-1998

[Return to SRBA Home Page](#)

MICROFILMED

APR 25 2000

MICROFILMED

OCT 07 2003

T# 5425

APPLICANT: Artesian Ltd. Partnership WATER RIGHT NO. 36-02565

WATER RIGHT NO.

36-02565

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

TRANSFER # 5424 AND #5425

T36-02565A

(POST TRANSFER CONDITIONS)

GIS complete

stored in

D: basins/636/

transfers

RANGE 27 EAST

T08S



1320 0 1320 2640 Feet

-  RESULTING PLACE OF USE
-  POINT OF DIVERSION
-  QUARTER/QUARTER LINES
-  SECTION LINES

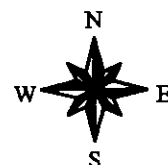
MICROFILMED

987 6.7 2000

250.7 Acres

MICROFILMED

APR 25 2000



PLACE OF USE PRESENTATION
1987/1988 NAPP PHOTOGRAPHY
DATA ENTRY BY COREY SKINNER

T# 5425

AFFIDAVIT of PUBLICATION

RECEIVED

APR 13 1999

Department of Water Resources
Cody, Idaho

State of Idaho,

SS.

County of Blaine

On this 12th day of April, in the year 1999, before me a Notary Public of said State, personally appeared Clyde Pinson, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 31st day of March, 1999, and the date of the last publication was on the 7th day of April, 1999.

Clyde Pinson

Subscribed and sworn to before me this 12th day of April, 1999.

VIRGINIA R. BALLON
NOTARY PUBLIC
STATE OF IDAHO

Virginia R. Ballon
NOTARY PUBLIC
Commission exp 9-17-04

#11298

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line 11.5
Number of Lines in Notice 47.267
Number of Insertions 2
Lines tabular at 7¢ / Pica
141.267 Lines straight at 97.474 6¢ / Pica
141.267 Subsequent lines at 81.228 5¢ / Pica
TOTAL COST 3183.69

COPY OF NOTICE
(Paste Here)

Proposed Water Right Change #5423
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

Proposed Changes of Water Rights

NOTICE OF PROPOSED CHANGES OF WATER RIGHTS

Notice is hereby given that two (2) Applications for Transfer have been filed with the Department of Water Resources to make changes to several water rights. PRESENTLY, Water Right No. 36-02190 (1.60 cfs) with a priority date of 02/25/1953 is diverted from groundwater within SE1/4SW1/4 & NW1/4SE1/4, S26; SE1/4NE1/4, NE1/4SW1/4, & NE1/4SE1/4, S35 for irrigation for irrigation of 160 acres within parts of S35, all T06S, R24E; Minidoka County. PRESENTLY, Water Right No. 36-02453 (3.79 cfs) with a priority date of 11/17/1960 and Water Right No. 36-13065 (0.84 cfs) are diverting a combined total of 3.79 cfs from groundwater within NW1/4 SE1/4, S03 for irrigation of 330 acres within parts of Sections 2 & 3, all T07S, R24E; Minidoka County. PRESENTLY, Water Right No. 36-02467 (4.00 cfs) with a priority date of 01/24/1961 and Water Right No. 36-02668 (4.79 cfs) are diverting a combined total of 4.79 cfs from groundwater within NE1/4 SE1/4, S19; E1/2NW1/4, S30 for irrigation of 549 acres within parts of Sections 19 and 30, all T07S, R26E; Blaine County. PRESENTLY, Water Right No. 36-02565 (4.05 cfs) with a priority date of 02/11/1963 is diverted from groundwater within NE1/4SE1/4, S05 for irrigation of 308 acres within parts of Sections 4, 5, & 9, all T08S, R27E; Blaine County. PRESENTLY, Water Right No. 36-15167 (8.00 cfs) with a priority date of 06/07/1951 and Water Right No. 36-15170 (1.82 cfs) with a priority date of 06/30/1971 are diverting a

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Sections 17 and 30, all
T07S, R26E; Blaine County.

PRESENTLY, Water Right No.
36-02565 (4.05 cfs) with
priority date of 02/11/1963 is
diverted from groundwater
within NE1/4SE1/4, S05 for
irrigation of 308 acres within
parts of Sections 4, 5, & 9, all
T08S, R27E; Blaine County.

PRESENTLY, Water Right No.
36-15167 (8.00 cfs) with a
priority date of 06/07/1951 and
Water Right No. 36-15170 (1.82
cfs) with a priority date of
06/29/1971 are diverting a
combined total of 9.82 cfs from
groundwater within SE1/4NE1/4,
SE1/4NW1/4, SW1/4SE1/4, S06
for irrigation of 656 acres within
parts of Sections 5 & 6, all
T07S, R25E; Minidoka County.

Transfer No. 5424 filed by
DARRELL JAMES BAKER,
655 N 900 E; RUPERT ID 83350
proposes to combine rights 36-
02467 & 36-02668 (549 acres)
with 8 acres from 36-02190; 61
acres from 36-02453 & 36-13065;
29 acres from 36-02565 and 3
acres from 36-15167 & 36-15170
to irrigate a total of 650 acres
from existing wells; Blaine
County using the following listed
rights:

Rt No.*Priority*Amount (cfs)

36-02190B*02/25/1953*0.08

36-02453B*11/17/1960*0.70

36-02565B*02/11/1963*0.38

36-02467*01/24/1961*4.00

36-02668*11/18/1966*4.79

36-13065B*03/15/1981*0.16

36-15167B*06/07/1951*0.04

36-15170B*06/29/1971*0.01

The remainder of the above
listed rights (Portion A) with the
exception of Rt No. 36-02565A
will continue to be di-verted as
PRESENTLY listed above minus
101 acres being dried up.

Transfer No. 5425 filed by
ORTONS' LIMITED
PARTNERSHIP, 635 CHAD
DRIVE; REXBURG ID 83440
proposes to record present place
of use: Designated Water Right
No. 36-02565A (3.67 cfs) will be
diverted from the existing well
within NE1/4SE1/4, S05 for
irrigation of 279 acres within
parts of Sections 4, 5, & 9, all
T08S, R27E; Blaine County. Any
protest against the proposed
changes must be filed with the
Department of Water Resources,
Southern Region, 1341 Fillmore
St., Suite 200; Twin Falls, ID
83301 together with a protest fee
of \$25.00 on or before April 19,
1999 to be considered by the
Department in its decision to
grant or deny any part of the
proposed change. (Each transfer
requires a separate protest).
The protestant must also send a
copy of the protest to the
applicant.

Karl J. Dreher, Director

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THE BOARD OF BLAINE COUNTY COMMISSIONERS

206 FIRST AVENUE SOUTH, SUITE 300

HAILEY, IDAHO 83333

PHONE: (208) 788-5500 * FAX: (208) 788-5576

Mary Ann Mix, Chairman

*

Leonard Harlig, Commissioner

*

Dennis Wright, Commissioner

April 12, 1999

Mr. Allen Merritt
Department of Water Resources, Southern Region
1341 Fillmore St. Suite 200
Twin Falls, ID 83301

RECEIVED

APR 14 1999

Department of Water Resources
Southern Region

RE: BLAINE COUNTY COMMENT ON PROPOSED TRANSFER #5425

Dear Allen,

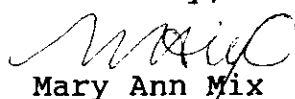
We wish to comment on Transfer #5425 by Orton's Limited Partnership.

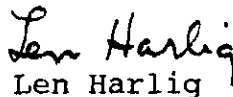
The request to divert water from a downstream source in another county south of Blaine County and utilize it upstream in our county appears to be a practice identified in *Blaine County's Local Interest Water Policy* as contrary to the local public interest.

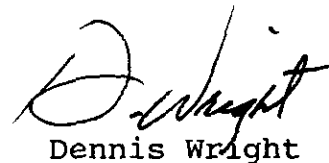
If this practice is allowed, Blaine County will have no ability to maintain its groundwater aquifer for existing users because it can be readily depleted by transferring uses to our county from other areas where water may or may not be in abundance.

We are uncertain if this proposed transfer will cause actual harm to senior water right holders, be a defacto enlargement of right in our county, or create an increase in usage in our county. We would like IDWR to require an analysis by the applicant that clearly demonstrates that this transfer will have no affect on groundwater users in the area of diversion.

Sincerely,


Mary Ann Mix


Len Harlig


Dennis Wright

cc: Linda Haavik

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NOTICE OF PROPOSED CHANGES OF WATER RIGHTS

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acres from 36-02453 & 36-13065; 29 acres from 36-02565 and 3 acres from 36-15167 & 36-15170 to irrigate a total of 650 acres from existing wells; Blaine County using the following listed rights:

Rt No.*Priority*Amount (cfs)
36-02190B*02/25/1953*0.08
36-02453B*11/17/1960*0.70
36-02565B*02/11/1963*0.38
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36-02668*11/18/1966*4.79
36-13065B*03/15/1981*0.16
36-15167B*06/07/1951*0.04
36-15170B*06/29/1971*0.01

The remainder of the above listed rights (Portion A) with the exception of Rt No. 36-02565A will continue to be diverted as PRESENTLY listed above minus 101 acres being dried up.

Transfer No. 5425 filed by ORTONS' LIMITED PARTNERSHIP, 635 CHAD DRIVE; REXBURG ID 83440 proposes to record present place of use: Designated Water Right No. 36-02565A (3.67 cfs) will be diverted from the existing well within NE1/4SE1/4, S05 for irrigation of 279 acres within parts of Sections 4, 5, & 9, all T08S, R27E; Blaine County. Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before April 19, 1999 to be considered by the Department in its decision to grant or deny any part of the proposed change. (Each transfer requires a separate protest). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Wood River Journal on 03/31 & 04/07/99.

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTENTION-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ORTON'S LIMITED PARTNERSHIP
635 CHAD DRIVE
REXBURG ID 83440

Re: Application for Transfer No. 5425 (36-02565 Pt)

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office has scheduled advertising the application in the Wood River Journal for 3/31 and 4/7/99. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

cc: Warren Crane
Jentzsch-Kearl Farms

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APR 25 2000
APR 27 2003

MEMORANDUM

TO: Orton's Limited Partnership Transfer Application

FROM: Corey Skinner *CS*

DATE: March 16, 1999

SUBJECT: Staff Review

The enclosed transfer application, filed in the name of Orton's Limited Partnership, seeks to modify a portion of water right 36-02565. The untransferred portion of water right 36-02565 is involved with a companion transfer, filed by Darrell James Baker. The Orton transfer seeks to redistribute some acres in order to reflect the acres that are currently irrigated. The proposed changes in the Orton transfer result in a change in the place of use and a splitting of the base right, 36-02565.

The enclosed transfer application should be straight forward. Water right 36-02565 was decreed in the Snake River Basin Adjudication on January 15th, 1998, so possible forfeiture should not be an issue. The original place of use for water right 36-02565 was GISed by the SRBA staff. The proposed place of use (after the Orton and Baker transfers) has been GISed, and is saved under the name "ORTON2". At this time, there appears to be no reason why the enclosed transfer can not be approved, if the appropriate approval conditions are implemented.

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T#5425

**JENTZSCH-KEARL FARMS
480 EAST 1500 NORTH
RUPERT, IDAHO 83350
208-532-4119**

RECEIVED
DEC 21 1998
Department of Water Resources
Southern Region

**MR. COREY SKINNER
IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, IDAHO 83301-3380**

December 17, 1998

Dear Corey,

Please find enclosed a check for the amount of \$100 for the application fee for transfer of water rights on the Orton Place. I believe there may be more fees. If there are, please let me know.

Also find enclosed the things that you requested at our last meeting (warranty deeds and bills of sale).

Mr. Tom Steele with Farm Credit Services will be sending a letter of permission soon.

Thank you for your help.

Sincerely,

Warren Crane
Jentsch-Kearl Farms

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APR 25 2000

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APR 27 2000

T # 5425



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 30, 1998

Warren Crane
Jentzsch-Kearl Farms
480 East 1500 North
Rupert, ID 83350

Dear Mr. Crane:

Pursuant to our recent discussions, I have enclose two partially completed Applications for Transfer of Water Right(s). These two applications have been prepared based on our discussions, and the information that you have submitted to this office. Please review these applications carefully, to help ensure that they will accomplish the changes that you desire.

As we previously discussed, in order for an individual to file a water right transfer application, they must show that they own the water right or land that is involved with the proposed transfer. In addition, if there are any liens, mortgages, or other encumbrances on the water right or the property involved with the proposed transfer, a notarized statement from the holder of the lien, mortgage, or encumbrance consenting to the proposed transfer must be provided.

As previously mentioned, I encourage you to carefully review the enclosed applications. I have highlighted some areas of the applications that the applicant(s) need to complete. If the applications are satisfactory, they should be submitted to our office along with the \$100.00 filing fee per application, after they have been signed by the applicant and notarized. The additional information (proof of ownership, consent of lienholder(s), etc.) should also be submitted to our office along with the applications.

I have also enclosed the information regarding the proposals that you wanted returned. If you have any questions, or need any further assistance, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosures

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APR 25 2000

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OCT 27 2000

T # 5425