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District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

August 27, 2001

RODNEY A JENTZSCH
MELYNDA KEARL
JOSEPH KEARL
SHIRLEY S JENTZSCH
RT 3 BOX 3256
RUPERT, ID 83350

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 36-02190. 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 July 15, 1997, 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

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AUG 29 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 36-02190

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 July 15, 1997. 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: 03-15 11-15

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

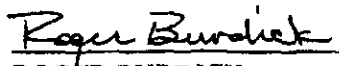
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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

Presiding Judge

Snake River Basin Adjudication

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AUG 20 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5424
WATER RIGHT NO(S). 36-02190B/36-02453B/36-13065B/36-02467
36-02668/36-02565B/36-15167B/36-15170B

This is to certify that: **DARRELL JAMES BAKER**
655 N 900 E
RUPERT ID 83350

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>
Right No. 36-02190B :			
Priority: 02/25/1953			
IRRIGATION	03/15 to 11/15	0.08 CFS	32.0 AF
Right No. 36-02453B :			
Priority: 11/17/1960			
IRRIGATION	04/01 to 10/31	0.70 CFS	190.0 AF
Right No. 36-13065B :			
Priority: 03/15/1981			
IRRIGATION	03/15 to 11/15	0.16 CFS	54.0 AF
SUBTOTAL:		0.70 CFS (*1)	244.0 AF
Right No. 36-02467 :			
Priority: 01/24/1961			
IRRIGATION	03/15 to 11/15	4.00 CFS	1540.0 AF
Right No. 36-02668 :			
Priority: 11/18/1966			
IRRIGATION	05/15 to 09/15	4.79 CFS	2196.0 AF
SUBTOTAL:		4.79 CFS (*2)	2196.0 AF (*2)
Right No. 36-02565B :			
Priority: 02/11/1963			
IRRIGATION	04/01 to 11/01	0.38 CFS	116.0 AF

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APR 24 2000

TRANSFER NO. 5424
 WATER RIGHT NO(S). 36-02190B/36-02453B/36-13065B/36-02467
 36-02668/36-02565B/36-15167B/36-15170B

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-15167B :			
Priority: 06/07/1951			
IRRIGATION	03/15 to 11/15	0.04 CFS	12.0 AF
Right No. 36-15170B :			
Priority: 06/29/1971			
IRRIGATION	03/15 to 11/15	0.01 CFS	4.8 AF
SUBTOTAL:		0.05 CFS	12.0 AF (*3)
TOTAL:		6.00 CFS (*4)	2600.0 AF (*4)

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNESE , Sec. 19, Township 07S, Range 26E
 SENENW , Sec. 30, Township 07S, Range 26E
 NESENW , Sec. 30, Township 07S, Range 26E
 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>
07S	26E	19	SWNE 32	SENE 37	Lot 4 (SWSW) 23	
			SESW 35	NESE 40	NWSE 40	
			SWSE 40	SESE 40		287
		30	NENE 30	NWNE 40	SWNE 40	
			SENE 33	NENW 36	Lot 1 (NWNW) 39	
		Lot 2 (SWNW)	33	SENE 33	NESW 7	
		NESE 33		NWSE 39		363
Total number of acres irrigated:						650 (*5)

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.

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TRANSFER NO. 5424
WATER RIGHT NO(S). 36-02190B/36-02453B/36-13065B/36-02467
36-02668/36-02565B/36-15167B/36-15170B

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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) 5. Right 36-02190B is limited to the irrigation of 8.0 acres in the place of use described above in a single irrigation season.
- (*5) 6. Right 36-02453B is limited to the irrigation of 47.5 acres in the place of use described above in a single irrigation season.
- (*5) 7. Right 36-13065B is limited to the irrigation of 13.5 acres in the place of use described above in a single irrigation season.
- (*1) 8. Rights 36-02453B and 36-13065B when combined shall not exceed a total diversion rate of 0.70 cfs.
9. Right 36-13065B is based on an enlargement of Right 36-02453B pursuant to Section 42-1426, Idaho Code.
- (*5) 10. Right 36-02467 is limited to the irrigation of 385.0 acres in the place of use described above in a single irrigation season.
- (*5) 11. Right 36-02668 is limited to the irrigation of 549.0 acres in the place of use described above in a single irrigation season.
- (*2) 12. Rights 36-02467 and 36-02668 when combined shall not exceed a total diversion rate of 4.79 cfs, a total annual maximum diversion volume of 2196.0 af at the field headgate, and the irrigation of 549.0 acres.
- (*5) 13. Right 36-02565B is limited to the irrigation of 29.0 acres in the place of use described above in a single irrigation season.
- (*5) 14. Right 36-15167B is limited to the irrigation of 3.0 acres in the place of use described above in a single irrigation season.
- (*5) 15. Right 36-15170B is limited to the irrigation of 3.0 acres in the place of use described above in a single irrigation season.
- (*3) 16. Rights 36-15167B and 36-15170B when combined shall not exceed a total annual maximum diversion volume of 12.0 af at the field headgate, and the irrigation of 3.0 acres.
- (*4) 17. The total instantaneous diversion of water from all points of diversion under Transfer 5424 shall not exceed 6.00 cfs, nor total combined annual volume of 2600.0 af at the field headgate for the irrigation of 650.0 acres.
18. 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 and after the described season 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.

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SEP 20 2003

TRANSFER NO. 5424
WATER RIGHT NO(S). 36-02190B/36-02453B/36-13065B/36-02467
36-02668/36-02565B/36-15167B/36-15170B

CONDITIONS OF APPROVAL AND REMARKS

19. Pursuant to Section 42-1412(6), Idaho Code, Rights 36-02190B, 36-02467, 36-02565B, 36-02668, 36-15167B and 36-15170B are 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.
20. A single point of diversion is located on or near the line between SENENW and NESENW, S30, T07S, R26E.

Dated this 3rd day of

April, 2000

J. Glen Saxton
Chief, Water Allocation Bureau

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APR 24 2000

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AUG 28 2003

RECEIVED

JUL 17 1997

Department of Water Resources
Adjudication Bureau

RECEIVED

JUL 15 1997

OFFICE OF THE
ATTORNEY GENERAL

JUL 15 AM 11:32

DISTRICT COURT - SDA
TWIN FALLS, IDAHO
FILED

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

) ORDER OF PARTIAL DECREE

) For Water Right 36-02190

On May 15, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 14a, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 36-02190 be decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED July 15, 1997.


DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE
6/25/97



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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO JUL 15 AM 11:32
I.R.C.P. 54(b) FOR

Water Right 36-02190

DISTRICT COURT-SAL
TWIN FALLS COUNTY
FILED

NAME & ADDRESS: RODNEY A JENTZSCH
JOSEPH KEARL
SHIRLEY S JENTZSCH
MELYNDA KEARL
RT 3 BOX 3256
RUPERT ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.6 CFS
640.0 AFY

PRIORITY DATE: 02/25/1953

POINT OF DIVERSION: T06S R24E S26
S35

SESW
NWSE
NWSSE
SWNESE
SWNESE

Within MINIDOKA County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION

PERIOD OF USE
Irrigation Season

QUANTITY
1.6 CFS
640.0 AFY

PLACE OF USE: IRRIGATION
T06S R24E S35
160.0 ACRES TOTAL

Within MINIDOKA County

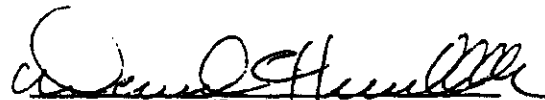
NENW 40.0

NWNW 40.0

SWNW 40.0

SENW 40.0

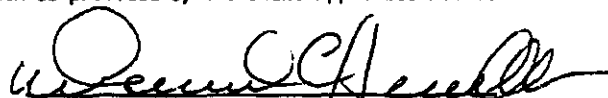
DATED: JUL 15 1997


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

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: JUL 15 1997


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

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02190

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JUN-10-1997

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AUG 20 2003

1997 JUL 15 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-02190

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-02190 was mailed
on July 15, 1997, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

SUBSTITUTION OF PARTY
CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449

JAMES P. SPECK'
PO BOX 987
KETCHUM, ID 83340

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

MICROFILMED

AUG 20 2003

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07/15/97