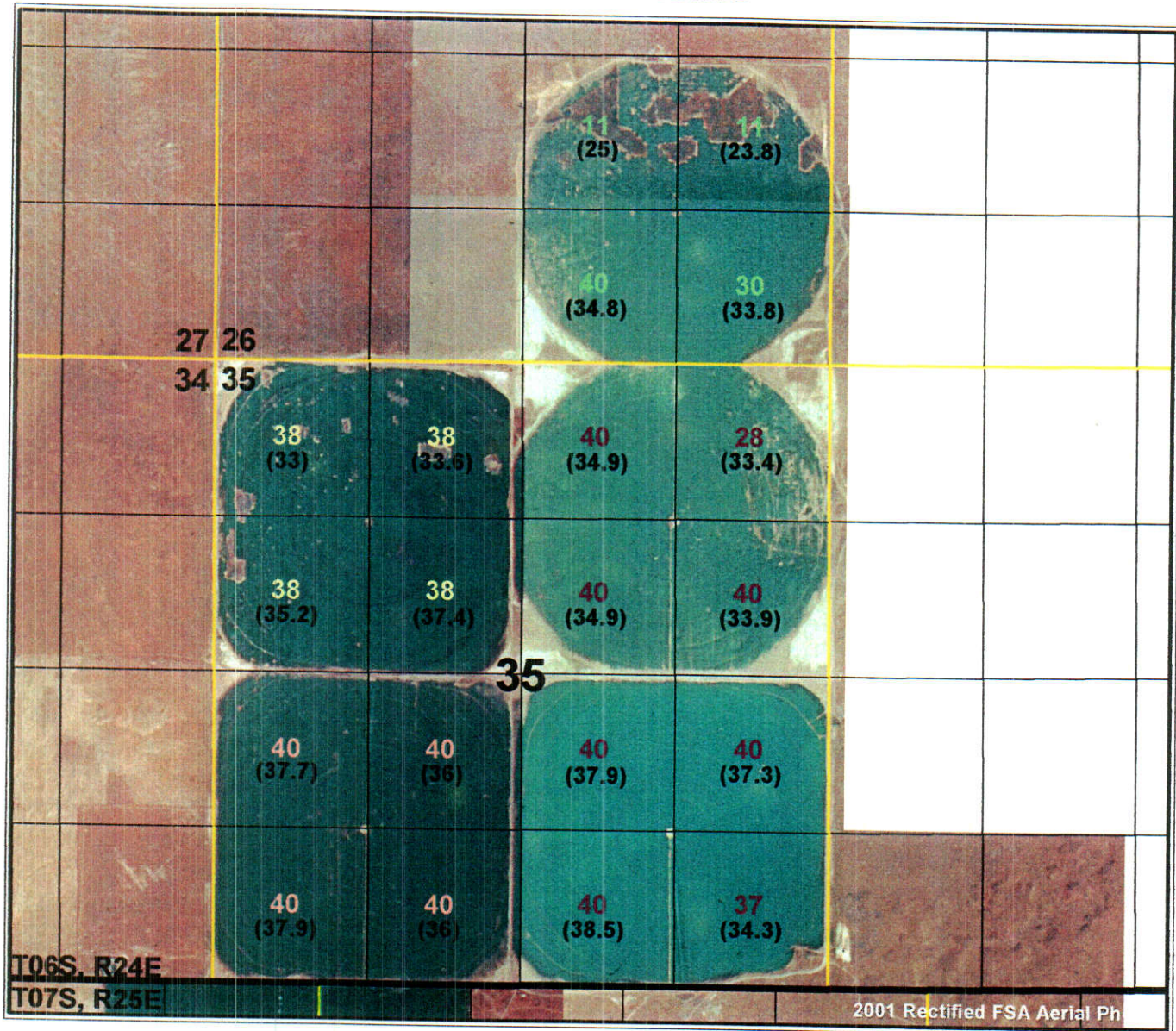


SECTION 35 FARM ROD AND JOE FARMS



1000 0 1000 2000 3000 4000 Feet

Section 35 Farm (approximate)

Section Lines

Quarter Section Lines

Point of Diversion for Water Right
36-2190A, 36-2122B, 36-2123,
36-2124, and 36-7193

(40) Current Irrigation

Water Right 36-2190A: 1.52 CFS, 608 AFA, 4.5 gpm/ac, 2/25/1953
Acres to be Irrigated = 152 ac.
Acres Currently Irrigated = 139.2 ac.

Water Right 36-2122B: 1.28 CFS, 368 AFA, 6.26 gpm/ac, 6/7/1951
Acres to be Irrigated = 92 ac.
Acres Currently Irrigated = 117.4 ac.

Water Right 36-2124: 6.1 CFS, 1220 AFA, 9 gpm/ac, 6/7/1951
Acres to be Irrigated = 305 ac.
Acres Currently Irrigated = 285.1 ac.

Water Right 36-2123: 2.72 CFS, 7.65 gpm/ac, 6/7/1951
Water Right 36-7193: 0.28 CFS, 0.79 gpm/ac, 6/29/1971

(Use of these water rights are limited to a total combined
annual diversion volume of 640 AFA, and the irrigation of a
combined total of 160 acres in a single irrigation season.)

Total Acreage to be Irrigated = 709 ac.

MICROFILMED Total Acreage Currently Irrigated = 689.3 ac.



Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Name of Seller/Lessor Rodney A. Jentzsch & Shirley S. Jentzsch / Joseph Kearl & Melynda Kearl

Phone 208-532-4119 Post office address 480 East 1500 North, Rupert, Idaho 83350

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

a. Decree No. 36-2190A Decreed to Above _____
(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 2/25/1953 _____

4. Water is used for the following purposes:

Amount 1.52 cfs for Irrigation purposes from 3/15 to 11/15

Amount _____ for _____ purposes from _____ to _____

Amount _____ for _____ purposes from _____ to _____

5. Total amount of water under right: a. 1.52 cubic acre per second

& / or

b. 608.0 acre-feet per annum

6. Total amount of water under right is SE 3 of SW 3 of Section 26 Township 6 S

Range 24 E, B.M. in Minidoka County

Additional points of diversion, if any NWSE Section 26, SWSENE Section 35, SWNESW Section 35,

SWNESE Section 35, T. 6 S, R 24 E.

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JUL 15 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	
6S	24E	35					38	38	38	38									152

Total number of acres to be irrigated 152

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. 0.10 cubic feet per second
& / or
b. 40.0 acre-feet per annum
- Point of diversion SE 3 of SW 3 of Section 26 Township 6S Range 24E
B.M. in Minidoka County
Additional points Same as above

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	
6S	24E	35					3	4	2	1									10

Total number of acres to be irrigated 10

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JUL 15 2003

C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, 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 water rights are 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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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.

5-21-03
(Date)

Rodney Jentrich
(Signature of Applicant)

FOR DEPARTMENT USE ONLY

Received by WJA Date 4-24-03 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

MICROFILMED

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.

3-24-03
(Date)

Shirley S. Ventresch
(Signature of Applicant)

FOR DEPARTMENT USE ONLY

Received by VZA Date 4-24-03 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

MICROFILMED

JUL 15 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.

2-21-03
(Date)

Joseph R. Rasmussen
(Signature of Applicant)

FOR DEPARTMENT USE ONLY

Received by WJA Date 4-24-03 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

MICROFILMED

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.

3-21-03
(Date)

Melynda Kearl
(Signature of Applicant)

FOR DEPARTMENT USE ONLY

Received by WJ Date 1-24-03 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

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JUL 15 2003

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/17/2003

WATER RIGHT NO. 36-2190A

Owner Type	Name and Address
Current Owner	RODNEY A JENTZSCH
Current Owner	SHIRLEY S JENTZSCH
Current Owner	JOSEPH KEARL
Current Owner	MELYNDA KEARL
	RT 3 BOX 3256
	RUPERT, ID 83350
	(208)436-1226
Directors Report Owner	ACEQUIA INC
	C/O JAMES P SPECK
	PO BOX 987
	KETCHUM, ID 83340
Attorney	JAMES P SPECK
	PO BOX 987
	KETCHUM, ID 83340
	(208)726-4421

Priority Date: 02/25/1953

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/15	1.52 CFS	608 AFA
Total Diversion			1.52 CFS	608 AFA

Location of Point(s) of Diversion:

GROUND WATER	SESW	Sec. 26	Township 06S	Range 24E	MINIDOKA County
GROUND WATER	NWSE	Sec. 26	Township 06S	Range 24E	MINIDOKA County
GROUND WATER	NWSENE	Sec. 35	Township 06S	Range 24E	MINIDOKA County
GROUND WATER	SWNESW	Sec. 35	Township 06S	Range 24E	MINIDOKA County
GROUND WATER	SWNESE	Sec. 35	Township 06S	Range 24E	MINIDOKA County

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JUL 15 2003

Place(s) of use:

Place of Use Legal Description: IRRIGATION MINIDOKA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	24E	35		NENW	38		NWNW	38		SWNW	38		SEnw	38

Total Acres: 152

Conditions of Approval:

1.	C03	RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2.	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.	Explanatory	THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-2122B, 36-2123, 36-2124 AND 36-7193.
----	-------------	--

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:

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:

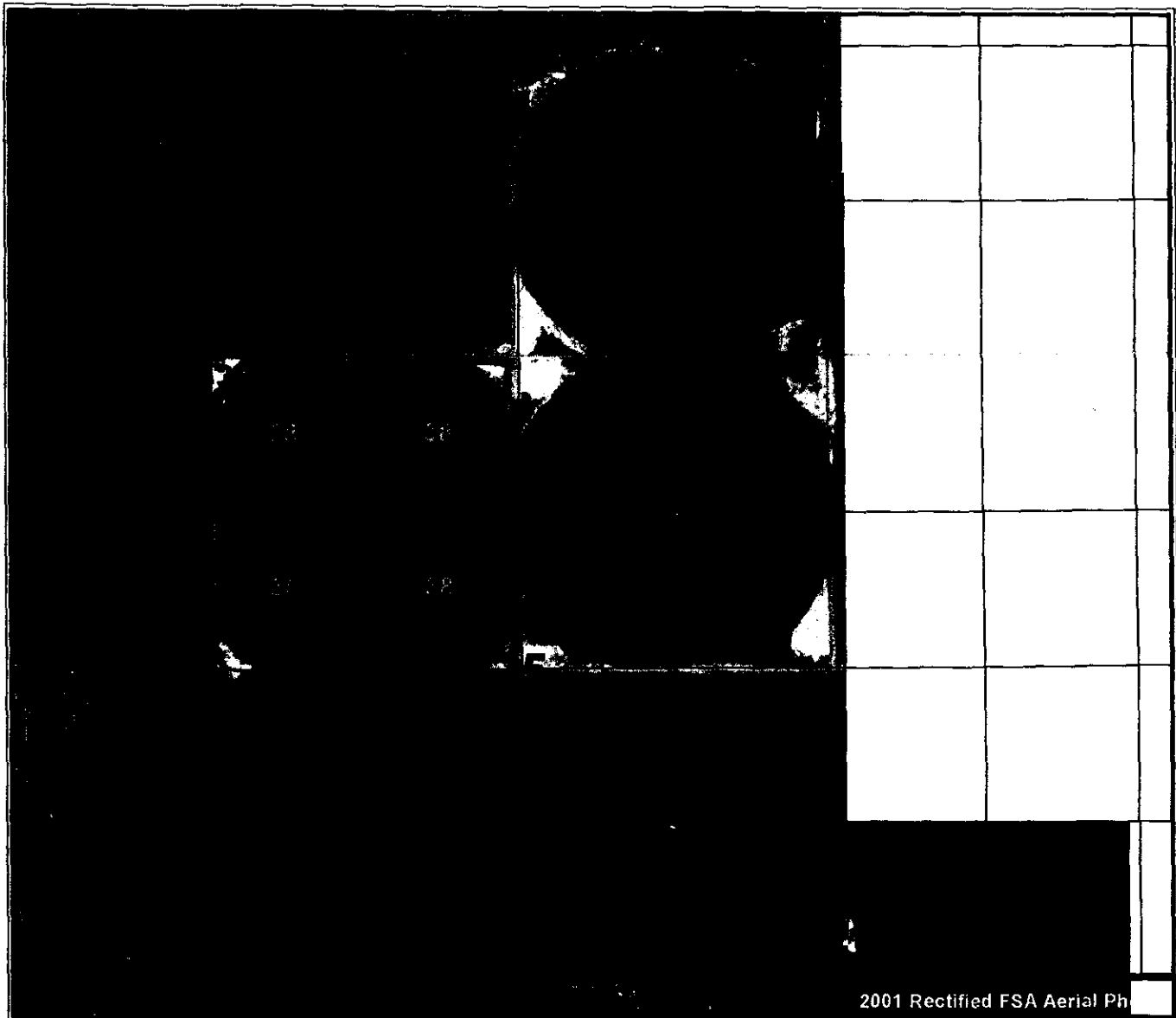
Mitigation Plan: False

Close

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FBI - 3-5-2001

SECTION 35 FARM ROD AND JOE FARMS



1000 0 1000 2000 3000 4000 Feet

2001 Rectified FSA Aerial Photo



Section 35 Farm (approximate)

Section Lines



Quarter Section Lines



Point of Diversion for Water Right
36-2190A, 36-2122B, 36-2123,
36-2124, and 36-7193

(40)

Current Irrigation

Water Right 36-2190A: 1.52 CFS, 608 AFA, 4.5 gpm/ac, 2/25/1953

Acres to be Irrigated = 152 ac.
Acres Currently Irrigated = 139.2 ac.

■ **Water Right 36-2122B: 1.28 CFS, 368 AFA, 6.26 gpm/ac, 6/7/1951**

Acres to be Irrigated = 92 ac.
Acres Currently Irrigated = 117.4 ac.

■ **Water Right 36-2124: 6.1 CFS, 1220 AFA, 9 gpm/ac, 6/7/1951**

Acres to be Irrigated = 305 ac.
Acres Currently Irrigated = 285.1 ac.

Water Right 36-2123: 2.72 CFS, 7.65 gpm/ac, 6/7/1951

Water Right 36-7193: 0.28 CFS, 0.79 gpm/ac, 6/29/1971

(Use of these water rights are limited to a total combined
annual diversion volume of 640 AFA, and the irrigation of a
combined total of 160 acres in a single irrigation season.)

Total Acreage to be Irrigated = 709 ac.

MICRO Total Acreage Currently Irrigated = 689.3 ac.



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-2190A

WATER RIGHT NUMBER: 36-2190A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MELYNDA KEARL RT 3 BOX 3256 RUPERT, ID 83350 (208)436-1226
Current Owner	SHIRLEY S JENTZSCH RT 3 BOX 3256 RUPERT, ID 83350 (208)436-1226
Current Owner	RODNEY A JENTZSCH RT 3 BOX 3256 RUPERT, ID 83350 (208)436-1226
Attorney	JAMES P SPECK SPECK & AANESTAD PO BOX 987 KETCHUM, ID 83340 (208)726-4421
Directors Report Owner	ACEQUIA INC C/O JAMES P SPECK PO BOX 987 KETCHUM, ID 83340
Current Owner	JOSEPH KEARL RT 3 BOX 3256 RUPERT, ID 83350 (208)436-1226

Priority Date: 02/25/1953

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.520 CFS	608.00 AF
	<u>Total Diversion:</u>	1.520 CFS	608.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4SW1/4	Sec. 35, Twp 06S, Rge 24E, B.M.
MINIDOKA County		
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35, Twp 06S, Rge 24E, B.M.
MINIDOKA County		
GROUND WATER	NW1/4SE1/4	Sec. 26, Twp 06S, Rge 24E, B.M.
MINIDOKA County		
GROUND WATER	SE1/4SW1/4	Sec. 26, Twp 06S, Rge 24E, B.M.
MINIDOKA County		
GROUND WATER	NW1/4SE1/4NE1/4	Sec. 35, Twp 06S, Rge 24E, B.M.

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AUG 20 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-2190A

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 24E 35					38.0	38.0	38.0	38.0									152.0

Total Acres: 152

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 36-2122B, 36-2123, 36-2124 AND 36-7193.

Comments:

1. tfawcett 2/23/2001 transfer 5424
Comment: claim split from 36-2190 pursuant to approved transfer 5424.

Dates and Other Information:

Licensed Date:
 Decreed Date: 8/27/2001
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

MICROFILMED
AUG 20 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-2190A

MICROFILMED

AUG 20 2003



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

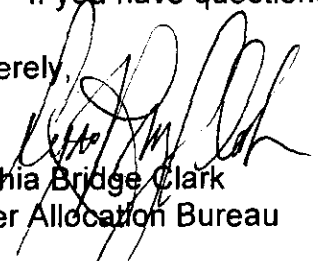
**RE: WATER SUPPLY BANK LEASE TERM. WATER RIGHT NO(S). 36-
2123, 36-2124, 36-2190A, 36-2565A, 36-7193, AND 36-16170**

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



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

RODNEY A. & SHIRLEY S. JENTZSCH
JOSEPH & MELYNDA KEARL
480 E 1500 N
RUPERT ID 83350

**RE: TERMINATION OF LEASE TO THE WATER SUPPLY BANK – WATER
RIGHT NO(S). 36-2123, 36-2124, 36-2190A, 36-7193, & 36-16170**

Dear Sir or Madam:

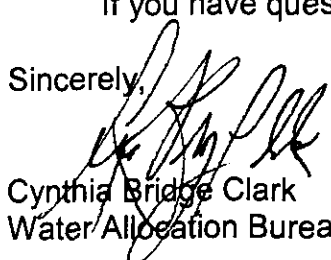
Department records show that the above referenced water right(s) has been leased through December 31, 2003 to the Water Supply Bank ("bank") operated by the Idaho Water Resource Board. This letter is notice that the right will be considered released from the bank unless you advise me, in writing, within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

RODNEY A & SHIRLEY S JENTZSCH
JOSEPH & MELYNDA KEARL
480 E 1500 N
RUPERT ID 83350

**RE: APPLICATION TO LEASE PART OF WATER RIGHT NOS. 36-2123, 36-2124,
36-2190A, AND 36-7193 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.

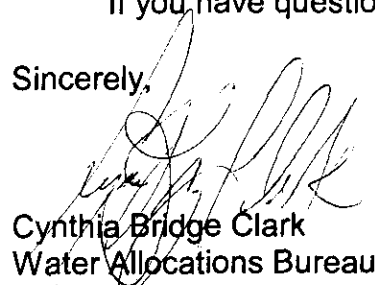
Additionally, the rates leased to the bank associated with water rights 36-2123 and 36-7193 will be 0.2 and 0.02 cubic feet per second (cfs) respectively. The rates identified on the applications were not proportional to the number of acres proposed for lease. These rates were confirmed with Chuck G. Brockway by telephone on May 29, 2003.

MICROFILMED

JUN 13 2003

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

Sincerely,



Cynthia Bridge Clark
Water Allocations Bureau

c: IDWR - W. Region
36-2123, 36-2124, 36-2190A, 36-7193

Chuck G. Brockway
Brockway Engineering

MICROFILMED
JUL 15 2003