

RECEIVED

FEB 20 2024

WATER RESOURCES
WESTERN REGION

**WITHDRAWAL
OF
APPLICATION FOR TRANSFER OF WATER RIGHT(S)**

I/We, Carlos Ensz and _____ ,
(Applicant's Printed Name) (Applicant's Printed Name)

_____ and _____ ,
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 86299 of Water Right

No(s). 51-7004 _____ .

Signed this 20th day of February , 20 24 .

Carlos Ensz

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

MAY 24 2022

42-222 POD - 07/18

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. APPLICANT(S) Carlos Ensz Phone 208-599-1494
 2. MAILING ADDRESS 27971 Cattle Drive Rd City Bonanza
 State ID Zip 83604 Email ensz farms@gmail.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 51-7004

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 4.86 cubic feet per second and/or 972 acre-feet per annum.
 (diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NE	SW	3	07S	04E	Owyhee	Ground Water	
N			NE	SW	3	07S	04E	Owyhee	Ground Water	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Drilling new well to tie into existing pivots

- b. Who owns the property at the point(s) of diversion? Carlos Ens2

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes ☒ No ☐

- ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

51-7004 has 320 acres and 1600 AFA. I only irrigate 243 acres and am capped at 972 AFA (HG * Acres)

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Carlos Ens2
Signature of applicant or authorized agent

Carlos Ens2
Print name and title if applicable

5/24/22
Date

Judy Ens2
Signature of applicant or authorized agent

Judy Ens2
Print name and title if applicable

5/24/22
Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by CS

Date 05/24/2022

Fee paid \$1220⁰⁰ Date 05/24/2022

Received by CS

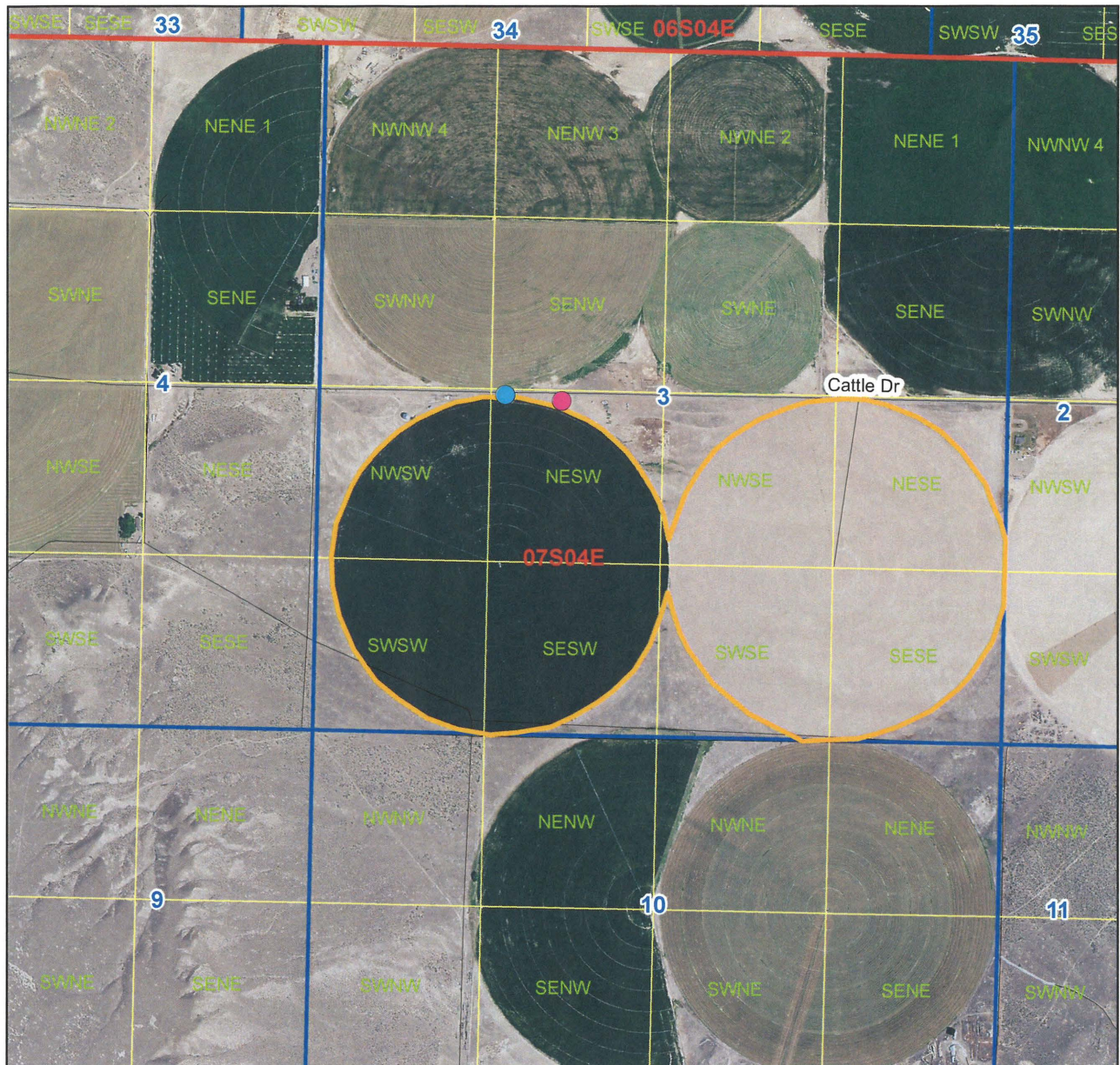
Receipt # W050454

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

State of Idaho
Department of Water Resources
Transfer to Add POD Map
Water Right No. 51-7004



0 0.15 0.3 0.6 Miles

- Proposed_Added_POD_(WELL)
- Existing_POD_(WELL)
- Irrigated_Acres_POU



IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/25/2022

Water Right 51-7004

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CARLOS ENSZ 27972 CATTLE DRIVE RD BRUNEAU, ID 83604 (208) 599-1494
Current Owner	JUDY ENSZ 27972 CATTLE DRIVE RD BRUNEAU, ID 83604
Original Owner	SONNICH SONICHSEN JEROME, ID
Previous Owner	HERB ALLEN 734 GOLF COURSE RD JEROME, ID 83338 (208) 324-4627
Previous Owner	MARY CHUGG ALLEN 734 GOLF COURSE RD JEROME, ID 83338 (208) 733-0395

Priority Date: 9/14/1967

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/01	12/01	6.100 CFS	1,600.0 AF
	<u>Total Diversion</u>		6.100 CFS	1,600.0 AF

Source and Point(s) of Diversion:

GROUND WATER NESW

Sec. 3, Twp 07S, Rge 04E, OWYHEE County

Place Of Use:

IRRIGATION within OWYHEE County

				NE				NW				SW				SE				Totals
Twp	Rng	Sec		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

5/25/2022

07S	04E	3									40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	320.0
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POU Total Acres: 320.0

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.

Comments:

1 AJU10-JS 7/31/1998 AJU10 CONDITION UPDATE
CONDITION CODE(S) C14 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date: 12/1/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: NWD
Mitigation Plan: False

Combined Use Limits:

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

February 22, 2024

CARLOS ENSZ
27971 CATTLE DRIVE RD
BRUNEAU ID 83604

Re: Withdrawal of Application for Transfer No. 86299

Dear Applicants:

The Department has received your recent withdrawal of the above referenced application. For your convenience a copy of the application and the withdrawal are enclosed. This action classifies the application as null, void, and of no further consideration by the department. A refund has been requested for the application fee.

Please feel free to contact our office at 208-334-2190 if you have additional questions in this matter.

Sincerely,

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705

Enclosures: copy of application, copy of withdrawal of application for transfer of water right(s)



Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

January 26, 2023

CARLOS ENSZ
27971 CATTLE DRIVE RD
BRUNEAU ID 83604

RE: Application for Transfer No. 86299

Dear Mr. Ensz:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right. Additional information is needed to evaluate and process your application.

After preliminary review of the application, some concerns have been identified regarding validity of Water Right number 51-7004 involved with the transfer. Evaluation of aerial photography and remote sensing data at the place of use for 51-7004 shows little evidence of irrigation in approximately 74.4 acres of the right's 320 acres. These acres are in the areas outside of the pivots as outlined in the attached map. Please explain or provide evidence of how this right has been used for irrigation at the proposed place of use and if so how it has been used in conjunction with Water Right 63-33142 that overlaps at the place of use. You may also provide a valid defense against forfeiture, defenses against forfeiture are outlined in Idaho Statutes Title 42 Chapter 2 section 42-223 (which can be found at: <https://legislature.idaho.gov/statutesrules/idstat/Title42/T42CH2/SECT42-223/>).

Please submit the requested information for application processing to continue. You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within the next thirty (30) days.

Without a timely reply, IDWR will issue a preliminary order to reject the application. The application fee will not be refunded for a rejected application. A rejected application may be re-filed when adequate information can be provided.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-605-4629 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Aaron Olson - Water Resource Agent
Idaho Dept. of Water Resources
2735 W Airport Way
Boise, ID 83705
(208) 605-4629
Aaron.Olson@idwr.idaho.gov