

RECEIVED

SEP 25 2023
DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50.00
Receipt No. 2117090
Received By ICM
Date Received 9.25.23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 37-23370 Name of Permit Holder(s) JK Potatoes LLC / David JentzschTelephone No. 208-431-1227 Email david@hcanyonfarms.comMailing Address 319 River Rd City Bliss State ID Zip 833142. Source of Water springs If Ground Water (well), Date Drilled mo. ____ / yr. ____

Drilling Permit/Tag No. ____ Drilling Company's Name ____

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) 1 Irrigation (No. acres) ____ Stockwater (No. and stock type) ____

Other ____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.04 cfs OR ____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

water gravity flows in a 2" poly pipe into the house

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- | | | | |
|--------------------------|-------------------------------------|--------------------------|---|
| ☐ | ☐ | ☐ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☒ | ☐ | Mitigation plan |
| ☐ | ☐ | ☐ | Lockable controlling works |
| ☐ | ☐ | ☐ | Measuring device |
| ☐ | ☐ | ☐ | Fish screen |
| ☐ | ☐ | ☐ | Other requirements of the water right permit |
| ☐ | ☐ | ☐ | Reasonably Anticipated Future Needs ("RAFN") Municipal use |

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No7. Fee Enclosed \$ 50.00 or ☐ CWRE field report attached or ☐ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: David Jentzsch Telephone No. 208-431-1227 Email david@hcanyonfarms.comMailing Address 319 River Rd. City Bliss State ID Zip 83314

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

David Jentzsch
SIGNATURE OF PERMIT HOLDER*David Jentzsch Owner
PRINTED NAME AND TITLE9-21-23
DATE

*Attach power of attorney if completing on behalf of permit holder.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 37-23370

Priority: January 26, 2022

Maximum Diversion Rate: 0.04 CFS

This is to certify that

JK POTATOES LLC
20511 F ST
RUPERT ID 83350-9476

has applied for a permit to appropriate water from:

Source : SPRINGS

Tributary: SNAKE RIVER

and a permit is APPROVED for development of water as follows:

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.04 CFS

Location of Point(s) of Diversion

SPRINGS SE¼ SW¼ SW¼, Sec. 8, Twp 06S, Rge 13E, B.M. GOODING County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	13E	8											X						

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2023**.
2. Subject to all prior water rights.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
6. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
7. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

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SEP 27 202

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 37-23370

8. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water rights will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation by non-use. The mitigating rights may also include a condition stating that the mitigation by non-use is for the benefit of this right.

Right No.	Use Changed to Mitigation by Non-Use	Mitigation Rate (cfs)
37-7216	Fish Propagation	0.04

The fish propagation places of use that will have their flow rates reduced under this right are located within the NWNW & NENW of Section 17, Township 06S, Range 13E, B.M., and within the SENE of Section 18, T06S, R13E, B.M.

If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

To reflect the mitigation by non-use amount reflected above, the following condition will be changed on rights 37-7216 & 37-23355 as follows:

Right Nos. 37-7216 & 37-23355 are limited to a total combined diversion rate of 3.92 cfs.

In addition, to reflect the mitigation by non-use amount reflected above, the following condition will be changed on rights 37-7216, 37-23248, and 37-23355 as follows:

Water Rights 37-7216, 37-23248 & 37-23355 when combined are limited to an overall diversion rate of 3.92 cfs.

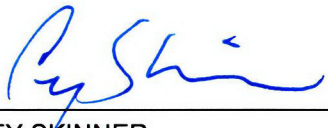
In addition, to reflect the mitigation by non-use amount reflected above, the following condition will be changed on right 37-23248 as follows:

Water Rights 37-7216 & 37-23248 when combined are limited to an overall diversion rate of 3.92 cfs.

9. This right is for the use of trust water, and it is subject to review 5 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 19th day of September, 2022.



COREY SKINNER
Southern Regional Manager

SCANNED
SEP 27 2022

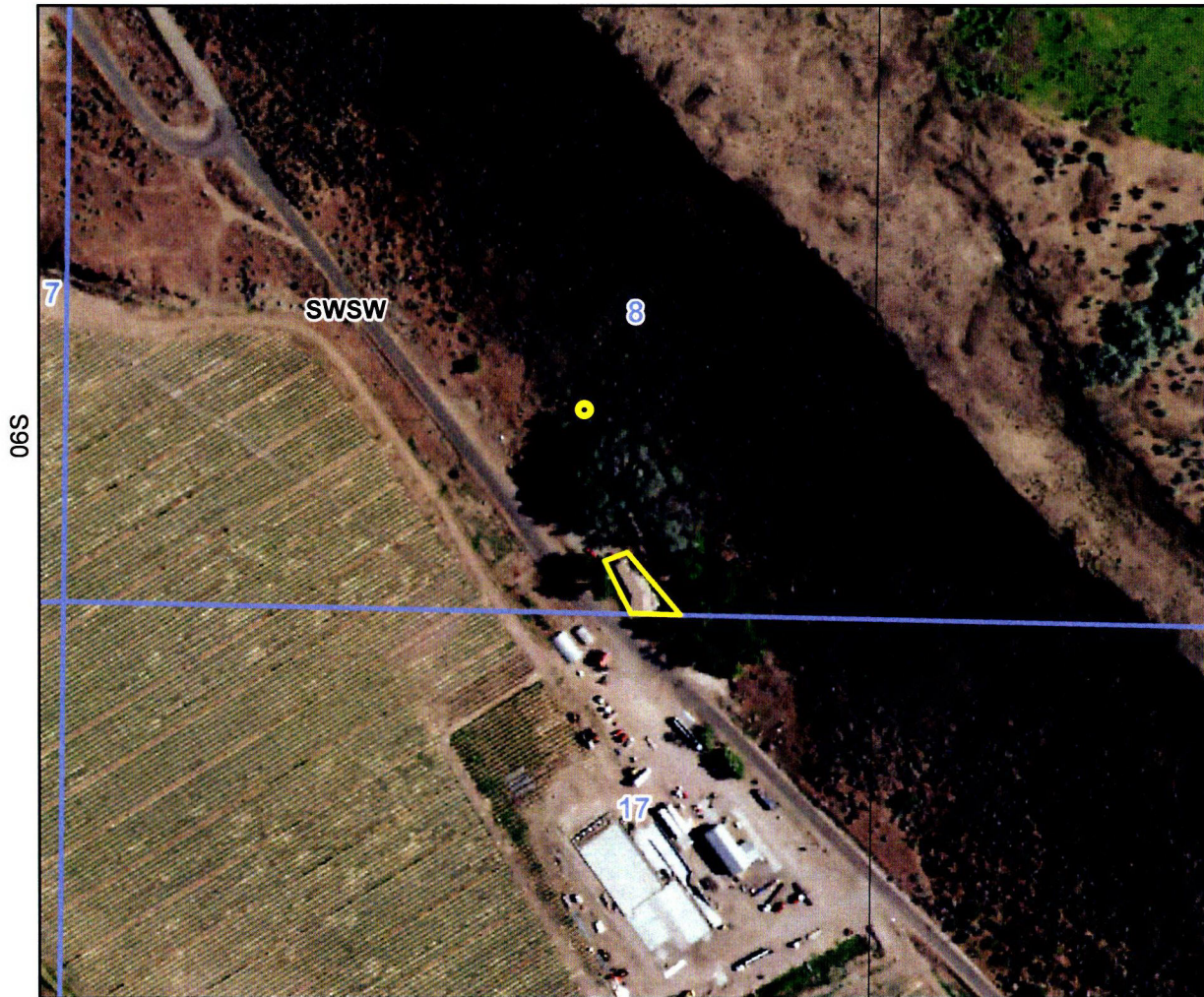
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

37-23370

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

13E



-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion

0 0.035 0.07 0.14 Miles



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SEP 27 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW/BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATIONExam Date: 12/17/2024

1. Does this qualify for an in-office field exam (IDAPA 37.03.02.035.01.r)? X Y N
- a. Irrigation of 5 acres or less
b. Storage of up to 14.6 AF for stockwater purposes only
c. X Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
d. Other < >
2. Current Owner: JK Potatoes LLC
Owner of Record Correct? X Y N
Address of Record Correct? X Y N
If No Explain: _____
3. Beneficial Use Fees have been paid: X Y N Receipt No: C117090
4. Source: _____ Tributary: _____
Spring _____ Snake River _____

Method of Determination: GIS, Idaho Tax Parcel Data, and the Permit Holders Statement of Completion for Proof of Beneficial Use (Proof Statement).

Change in Source: Y X N**B. OVERLAP REVIEW**

1. Other water rights with the same place of use:
-
- No Overlap

Water Right No.	Source	Purpose of Use	Basis
Multiple	Snake River, Spring	Irrigation	Decree

Comments: There are no domestic water rights overlapping the permitted place of use (POU). There are multiple other water rights overlapping the proposed POU, but they all authorize irrigation or irrigation from storage.

2. Other water rights with the same point of diversion:
-
- No Overlap

Water Right No.	Source	Purpose of Use	Basis
37-7216	Spring	Irrigation, Fish Propagation, and Mitigation by Nonuse.	Decreed
37-23355	Spring	Irrigation	Decreed
37-23248	Spring	Irrigation	Decreed
37-7712	Spring	Fish Propagation	Decreed

Comments: There are four other water rights (seen above) diverting from the permitted point of diversion (POD). 37-7216, 37-23355, and 37-23248 when combined are limited to 3.92 cfs. Authorization on the permit was only possible if a 0.04 cfs portion of 37-7216 was mitigated by non-use. It would be redundant to limit or add this permit to the above combined limit.

C. DIVERSION AND DELIVERY SYSTEM

1. Location of Point(s) of Diversion:

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Spring		SE	SW	SW	8	06S	13E	B.M.	Gooding

Method of Determination: GIS and Idaho Tax Parcel Data.Change in POD? Y X N Amendment Required? Y X N

2. Place of Use:

TWP	RGE	Sec	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
06S	13E	7											D					
		Lot #																

Method of Determination: GIS, Idaho Tax Parcel Data, and 2023 NAIP Aerial Imagery.Change in POU? Y X N Amendment Required? Y X N

3. Diversion System Information:

Y Delivery System Diagram Attached. (mark all major components and distances between components)X Aerial Photo indicating the location of the recommended POD and POU.Y Aerial Photo Attached (required)Y Photo of Diversion and System Attached

3. Diversion Id No.*	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
N/A					

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1. Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurement Comments: The permit holder did not provide a pump horsepower because the diversion system operates under gravity flow. Therefore, a diversion rate calculation is not possible.

E. FLOW CALCULATIONS

Y Additional Computation Sheets Attached

Measured Method: The permit holder did not provide a pump horsepower because the diversion system operates under gravity flow. Therefore, a diversion rate calculation was not possible. According to Administrative Application Processing Memo #22 the standard diversion rate for a single-family home is 0.04 cfs. The permit authorized 0.04 cfs. I am recommending a 0.04 cfs diversion rate.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\text{No Separate Irrigation Use Authorized on Permit}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = \underline{\text{See Above}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\text{See Above}}$$

2. Volume Calculations for Other Uses: The permit contains a condition limiting domestic use to 13,000 gal/day. According to the IDAPA Beneficial Use Examination Rules 37.03.02.035.01j.ii if a permit limits domestic use to the definition of domestic use under Idaho Code §42-111 then a diversion volume is not required at licensing.

G. PURPOSE OF USE

Irrigation Y X N # Stock N/A Domestic # of Homes 1Change in Purpose of Use? Y X NMethod of Determination: GIS, Idaho Tax Parcel Data, NAIP Aerial Imagery, and the permit holders Proof Statement.

H. NARRATIVE/REMARKS/COMMENTS

This permit qualifies for an in-office examination. The permit authorizes in-house domestic use for one home. According to 2023 NAIP Aerial Imagery one home was developed within the authorized POU. For the permit approved a 0.04 cfs portion of water right 37-7216 was mitigated by nonuse to offset use under this permit. A condition on the permit delineates the mitigated amount and new authorized amounts for 37-7216 and combined limits. Since the total recommended amount isn't changing, I recommend the condition remain unchanged. The standards set in Administrative Application Processing Memo #22 aided in making a diversion rate recommendation. Since the permit limited domestic use to 13,000 gal/day and therefore the definition of domestic use under Idaho Code §42-111 a diversion volume is not required at licensing according to the IDAPA Beneficial Use Examination Rules 37.03.02.035.01j.ii. All of the conditions on the permit were met and development of beneficial use was confirmed within authorization on the permit. Therefore, I am recommending a 0.04 cfs diversion rate.

All of the conditions present on the permit should remain unchanged on the license.

Have conditions of permit approval been met? ☒ Yes ☐ No

I. RECOMMENDATIONS

1. Recommended Amounts:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Domestic	01/01-12/31	0.04 CFS
<u>Totals:</u>		0.04 CFS

2. Recommended Amendments:

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

J. AUTHENTICATION

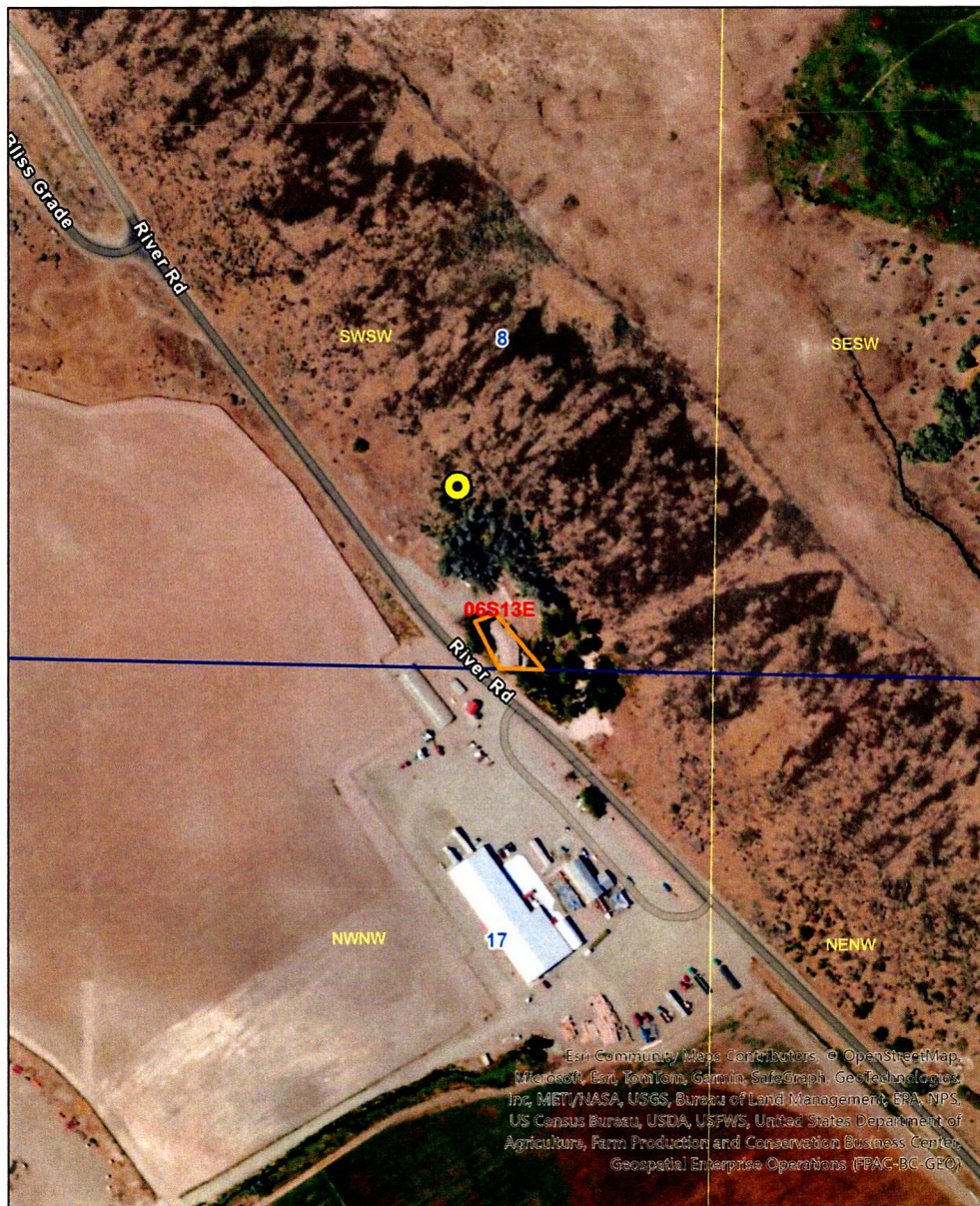
Field Examiner: Skyler Cheever – Water Resource Agent, Sr – State Office

Field Examiner's  Date 12/17/2024

Reviewer _____ Date _____

Field Exam Map

Map showing the authorized point of diversion (yellow point) and place of use (orange outline).



Beneficial Use Proof Evaluation

Permit Number: 37-23370 Reviewer: AVeibell Review Date: 9/25/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 9/25/2023
- 4) Proof Due Date: 10/1/2023
- 5) Days added for weekend due date? 2
- 6) Days added for holiday due date? 0
- 7) Number of days late: -8
- 8) Proof received timely? Yes

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed? Yes
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 4) Is there a request to waive the required items? No
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? No
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

S039053

Comments

Proof deemed acceptable. Gave file to water right agent for in-house license review. Water right agent will enter the proof made date in AdHoc at the time of licensing.



Governor Brad Little

Director Gary Spackman

July 31, 2023

JK POTATOES LLC
20511 F ST
RUPERT ID 83350-9476

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 37-23370

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder(s):

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **October 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this department on or before the above proof due date. If neither is received, the department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Water Right Section

Enclosure(s)

c: DAVID JENTZSCH

CERTIFIED MAIL

7022 1670 0001 2370 9676

NO

SCANNED

AUG 02 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 23, 2022

Charles R Atkinson
Monica C Cornelissen
PO Box 3692
Ketchum, ID 83340-3500

Dear Water Right Holders:

Recently the Idaho Department of Water Resources ("IDWR") approved water right permits 37-23360 and 37-23370 ("permits"). These two permits utilized 0.08 cfs of water right 37-7216 as mitigation to offset the new diversion allowed by the permits. Prior to the approval of the permits, water right 37-7216 included a condition that stated:

- *Water Rights 37-7216, 37-23248 & 37-23355 when combined are limited to an overall diversion rate of 4.0 cfs.*

According to IDWR records you are the recorded owners of water right 37-23248. Prior to the approval of the permits, water right 37-23248 included a condition that stated:

- *Water Rights 37-7216 & 37-23248 when combined are limited to an overall diversion rate of 4.0 cfs.*

As a result of the approval of water right permits 37-23360 and 37-23370, the conditions above has been modified as follows:

- *Water Rights 37-7216, 37-23248 & 37-23355 when combined are limited to an overall diversion rate of 3.92 cfs.*
- *Water Rights 37-7216 & 37-23248 when combined are limited to an overall diversion rate of 3.92 cfs.*

I have enclosed copies of approved water right permits 37-23360 and 37-23370 and a water right proof report of 37-23248 (your right) with the above modified condition for your reference and records.

If you have any questions, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, PE
IDWR Southern Region Manger

Enclosures

SCANNED

SEP 27 2022



September 23, 2022

JK POTATOES LLC
20511 F ST
RUPERT ID 83350-9476

RE: Permit No. 37-23370

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

The final step in the water right process is issuance of a water right license. To receive a water right license, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Please note that pursuant to the approval of 37-23370, the official water right record for 37-7216 has been updated accordingly to reflect the mitigation components.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water permit to maintain current ownership and address records on file with the Department. Forms to file an assignment of permit and/or a change in the address of the permit owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure(s)

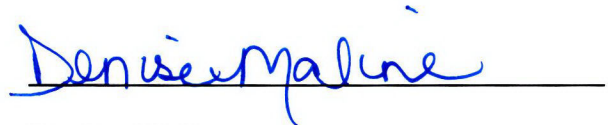
CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2022, I served a true and correct copy of Permit to Appropriate Water No. 37-23370 by U.S. Mail, postage prepaid, to the following:

JK POTATOES LLC (Current Owner)
20511 F ST
RUPERT ID 83350-9476

DAVID JENTZSCH (Representative)
319 RIVER RD
BLISS ID 83314-5050

WATER DISTRICT #130
BRIAN RAGAN (Watermaster)
PO BOX 83720
BOISE ID 83720-0098



Denise Maline
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing 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 this order. **Note: the petition must be received by the department within this fourteen (14) day period.** 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 fourteen (14) 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 this 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 with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director 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 Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 37-7216

9/19/2022

Owner Type **Name and Address**
Current Owner JK POTATOES LLC
20511 F ST
RUPERT, ID 83350-9476
(208) 431-1227

Priority Date: 4/2/1973

Basis: Decreed

Status: Active

Source
SPRINGS

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	1.937 CFS	300.6 AF
FISH PROPAGATION	01/01	12/31	3.920 CFS	
MITIGATION BY NON-USE	04/01	11/01	0.003 CFS	0.4 AF
MITIGATION BY NON-USE	01/01	12/31	0.080 CFS	
	<u>Total Diversion</u>		4.000 CFS	301.0 AF

Source and Point(s) of Diversion:

SPRINGS	NENWNW	Sec. 17, Twp 06S, Rge 13E, GOODING County
SPRINGS	SESWSW	Sec. 8, Twp 06S, Rge 13E, GOODING County

Place Of Use:

MITIGATION BY NON-USE within GOODING 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	
06S	13E	17					X	X											
06S	13E	18				X L7													

FISH PROPAGATION within GOODING 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	
06S	13E	17					X	X											
06S	13E	18				X L7													

IRRIGATION within GOODING 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	
06S	13E	7																6.0	6.0
06S	13E	8											7.0						7.0
06S	13E	17					8.0	29.0	12.7 L1	5.0									54.7
06S	13E	18	4.0			1.0													5.0

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 37-7216

9/19/2022

			L7			L7												
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POU Total Acres: 72.7

Conditions of Approval:

1. 193 This right mitigates for the depletion of water resulting from the diversion and use of water under Rights 37-23359, 37-23360, and 37-23370. To prevent injury to other water right holders, the right holder shall cease diverting 0.083 cfs of this right. If the mitigation portion of this right is used for any purpose other than conveyance loss, then water shall not be diverted under Rights 37-23359, 37-23360, and 37-23370. If the mitigation portion of this right is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under the uses of Rights 37-23359, 37-23360, and 37-23370 that are being mitigated shall be reduced by the same proportion as the reduction to this right.
2. The facility volume for this right & Right 37-7712 shall not exceed 132,132 cubic feet.
3. R29 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
4. E51 Right nos. 37-793, 37-7216, 37-21721, 37-23354, 37-23355 & 37-23356 are limited to a total combined diversion rate of 4.149 cfs for irrigation.
5. 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 priority date earlier than the date a partial decree is entered for this right.
6. R03 Measuring devices of a type approved by this Department shall be maintained at the point of diversion and point of effluent discharge.
7. E55 Right nos. 37-793, 37-7216 and 37-21721 are limited to the irrigation of a combined total of 72.6 acres in a single irrigation season.
8. 044 Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
9. 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.
10. B01 Source in T06S, R13E, S17, NENWNW is also known as Montana Mining Company Ditch Spring No. 11.
11. F02 2 points of diversion located in the NWNW, S17, T6S, R13E.
12. Water Rights 37-7216, 37-23248 & 37-23355 when combined are limited to an overall diversion rate of 3.92 cfs.
13. Right Nos. 37-7216 & 37-23355 are limited to a total combined diversion rate of 3.92 cfs.

Dates and Other Information:

Decreed Date: 3/12/2007

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 130

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 37-7216

9/19/2022

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
		72.6	37-7216 ,37-793 ,37-21721
3.920			37-7216 ,37-23355

SubCase:

SubCaseNumber: 37-7216
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: License
Date Filed:
Objection Status:

Water Supply Bank:

Lease ID: 1393

Lease Type: Contract
Lease Status: Active
Lease Start Date: 1/1/2021
Lease End Date: 12/31/2025

<u>Beneficial Use</u>	<u>Div Rate Leased</u>	<u>Div Volume Leased</u>	<u>Acre Limit Leased</u>	<u>Total Acres Leased</u>
Irrigation	0.37	55.50	13.40	13.40

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 37-23355

9/19/2022

6. 044 combined total of 6.0 acres in a single irrigation season.
Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.
7. 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.
8. B01 Source in T06S, R13E, S17, NENWNW is also known as Montana Mining Company Ditch Spring No. 11.
9. F02 2 points of diversion located in the NWNW, S17, T6S, R13E.
10. Water Rights 37-7216, 37-23248 & 37-23355 when combined are limited to an overall diversion rate of 3.92 cfs.
11. E51 Right Nos. 37-7216 & 37-23355 are limited to a total combined diversion rate of 3.92 cfs.

Dates and Other Information:

Decreed Date: 3/12/2007
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 130
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
3.920		6.0	37-23354 ,37-23355 ,37-23356 37-7216 ,37-23355

SubCase:

N/A

Water Supply Bank:

N/A



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 23, 2022

Charles R Atkinson
Monica C Cornelissen
PO Box 3692
Ketchum, ID 83340-3500

Dear Water Right Holders:

Recently the Idaho Department of Water Resources ("IDWR") approved water right permits 37-23360 and 37-23370 ("permits"). These two permits utilized 0.08 cfs of water right 37-7216 as mitigation to offset the new diversion allowed by the permits. Prior to the approval of the permits, water right 37-7216 included a condition that stated:

- *Water Rights 37-7216, 37-23248 & 37-23355 when combined are limited to an overall diversion rate of 4.0 cfs.*

According to IDWR records you are the recorded owners of water right 37-23248. Prior to the approval of the permits, water right 37-23248 included a condition that stated:

- *Water Rights 37-7216 & 37-23248 when combined are limited to an overall diversion rate of 4.0 cfs.*

As a result of the approval of water right permits 37-23360 and 37-23370, the conditions above has been modified as follows:

- *Water Rights 37-7216, 37-23248 & 37-23355 when combined are limited to an overall diversion rate of 3.92 cfs.*
- *Water Rights 37-7216 & 37-23248 when combined are limited to an overall diversion rate of 3.92 cfs.*

I have enclosed copies of approved water right permits 37-23360 and 37-23370 and a water right proof report of 37-23248 (your right) with the above modified condition for your reference and records.

If you have any questions, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, PE
IDWR Southern Region Manger

Enclosures

SCANNED
SEP 27 2022

***** Proof of Publication *****

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

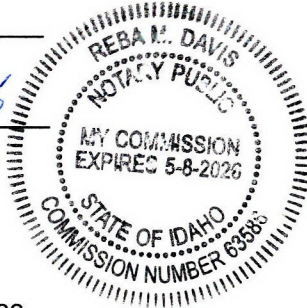
ORDER NUMBER 123944

Sherri Davis
(Legals Clerk)

STATE OF IDAHO)
 SS
COUNTY OF TWIN FALLS)

On this 11th day of February in the year of 2022 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M. Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5/8/2026



Section: Legals
Category: 50 Legal
PUBLISHED ON: 02/03/2022, 02/10/2022

TOTAL AD COST: 259.26
FILED ON: 2/10/2022

RECEIVED

FEB 17 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ DM
2-23-2022
→
OVER

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

✓ 37-23359

JK POTATOES LLC

20511 F ST

RUPERT, ID 83350-9476

Point of Diversion NWNW S17 T06S R13E GOODING County Source

UNNAMED STREAM Tributary SNAKE RIVER

Use: COOLING 07/05 to 10/30 4 CFS

Total Diversion: 4 CFS

Date Filed: 11-17-2021

Place Of Use: COOLING

T06S R13E S17 NWNW

Application for permit proposes diversion of up to 4.0 cfs for cooling use from an unnamed stream at a point located approximately 1.1 mile south and 0.3 mile east of the intersection of U. S. Highway 30 and River Road in Bliss. The water will be piped from the stream to an adjacent concrete flume where it will be used to cool produce from July 5 through October 30. The water will be piped back to the unnamed stream after leaving the flume. A mitigation plan is included in the application to address evaporation from the flume. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

✓ 37-23360

DAVID JENTZSCH

LACI JENTZSCH

314 RIVER RD

BLISS, ID 83314-5050

Point of Diversion SESWSW S8 T06S R13E GOODING County Source

SPRINGS Tributary SNAKE RIVER

Use: DOMESTIC 1/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 11-17-2021

Place Of Use: DOMESTIC

T06S R13E S7 SESE

Application for permit proposes diversion of up to 0.04 cfs for year-round domestic in-house use from a spring located approximately 1.0 mile south and 0.2 mile east of the intersection of U. S. Highway 30 and River Road in Bliss. The proposed place of use will be a home located approximately 0.9 mile south and 0.1 west of Bliss. A mitigation plan is included in the application to address this new use of water from the spring. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

✓ 37-23370

JK POTATOES LLC

20511 F ST

RUPERT, ID 83350-9476

Point of Diversion SESWSW S8 T06S R13E GOODING County Source

SPRINGS Tributary SNAKE RIVER

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 01-26-2022

Place Of Use: DOMESTIC

T06S R13E S8 SWSW

Application for permit proposes diversion of up to 0.04 cfs for year-round domestic in-house use from a spring located approximately 1.0 mile south and 0.2 mile east of the intersection of U. S. Highway 30 and River Road in Bliss. The proposed place of use is a home located adjacent to the spring. A mitigation plan is included in the application to address this use of water from the spring. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

✓ NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 85679

DOUGLAS E WICKHAM and TERRI WICKHAM, 18047 HIGHWAY 30, HAGERMAN ID 83332-5625 has filed Application No. 85679 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-17555, 47-17560, 47-17565. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 2.6 acre portion (0.05 cfs) of three ground water rights from a farm located approximately 7.3 to 8.0 miles south and 0.8 to 1.5 miles west of the City of Kimberly for irrigation use to a parcel located approximately 6.8 to 7.0 miles north and 4.6 to 4.7 miles west of the city of Buhl. The transferred portion of the rights (0.05 cfs) will be diverted from an existing well and a new well to be drilled located on the proposed place of use.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see <https://research.idwr.idaho.gov>. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before February 22, 2022. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on February 3, 10, 2022

✓ DM
2.23.2022
SCANNED

SEP 27 2022

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Water Right No: 37-23370
Applicant Name: JK POTATOES LLC

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: February 15, 2022

Water District 130



Nathan Erickson, Watermaster