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APR 18 2012

Form 42-1761-1 08/11

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD

WSB No. _____

Receipt No. _____

Date/by _____

(For Department Use Only)

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

Name of Seller/Lessor

David Hinckley

Phone

801 558 4342

Mailing address

358 S 2750E, Declo ID 83323

Email

rulen@pearl.com

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, check here ☐, list the water right number, and skip to Part B.

1. Water Right Number

Amount (cfs/ac-ft)

Nature of Use

Period of Use

43-02574 D

to

to

to

Total Amount:

2. Source of water

Ground

tributary to

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
11S	27E	11		NE			CASSIA
11S	27E	11		SE			
11S	27E	23		NE			
11S	27E	23		SE			

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 158.28

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank?

Yes ☒ No ☐

If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.

2. Is the diversion works or system owned or managed by an irrigation district or water delivery company?

Yes ☐ No ☒

If yes, provide written consent from the company, corporation or irrigation district to the proposed sale or lease and list name of entity:

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

3. Will the present place of use continue to receive water from any source?

Yes ☐ No ☒

If yes, describe.

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☒ No ☐

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes ☐ No ☒

If yes, describe.

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.

E. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?

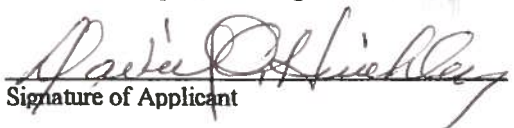
If lease, for a period from _____ to _____ (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

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

The owner/lessor acknowledges the following:

1. Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
2. While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
4. While a 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.


Signature of Applicant

David O'Huckley
Printed Name and Title*

13 April 2012
Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/10/2012

WATER RIGHT NO. 43-2576D

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID O HINCKLEY 3500 N 2200 W SALT LAKE CITY, UT 84116 801-595-6339
Representative	ERO RESOURCES CORP C/O STEVE HANNULA 3314 GRACE ST BOISE, ID 83703 (208)373-7983
Original Owner	RAFT RIVER RANCHES INC PO BOX 11503 SALT LAKE CITY, UT 84147 (208)595-6322
Security Interest	WESTERN AG CREDIT FLCA 10980 SOUTH JORDAN GATEWAY PO BOX 95850 SOUTH JORDAN, UT 84095-0850 (800) 824-9198

Priority Date: 03/24/1964

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	10.563 CFS	6072 AFA

Total Diversion		10.56 CFS	
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Location of Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 11	Township 11S	Range 27E	CASSIA County
GROUND WATER	SESESE	Sec. 11	Township 11S	Range 27E	CASSIA County
GROUND WATER	SENESE	Sec. 23	Township 11S	Range 27E	CASSIA County
GROUND WATER	NESESE	Sec. 23	Township 11S	Range 27E	CASSIA County

IRRIGATION Use:
Acre Limit: 1518

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11S	27E	11		NENE	37		NWNE	35		SWNE	40		SENE	34
				NENW	20		SENE	35						
				NESW	38		NWSW	35		SWSW	40		SESW	40
				NESE	30		NWSE	40		SWSE	40		SESE	39
		14		NENE	39		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	31		SENE	40
				NESW	40		NWSW	15		SWSW	2.5		SESW	38
				NESE	39		NWSE	40		SWSE	40		SESE	39
		23		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESW	40		NWSW	40		SWSW	40		SESW	40
				NESE	40		NWSE	40		SWSE	40		SESE	40

Total Acres: 1706.5

Conditions of Approval:

1.	E56	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1706.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-02574D, 43-02576D, & 43-10597A.
2.	K03	RIGHT NO. 43-10597A IS AN EXPANSION OF RIGHT NOS. 43-02574D & 43-02576D PURSUANT TO SECTION 42-1416B, IDAHO CODE.

3.	S40	THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
4.	E61	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 26.82 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 6072 AF. COMBINED RIGHT NOS.: 43-02574D, 43-02576D, & 43-10597A.
5.	E55	USE OF THIS RIGHT WITH RIGHT NO. 43-02574D IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1518 ACRES IN A SINGLE IRRIGATION SEASON.
6.	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.

Dates:

Licensed Date:

Decreed Date: 06/28/2002

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: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 1518

Combined Volume Limit:

Combined Rate Limit:

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



USDA United States Department of Agriculture
Farm Service Agency

Oct. 19, 2010



990.01

Digital Orthophotography
Not to Scale

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.



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Oct. 19, 2010

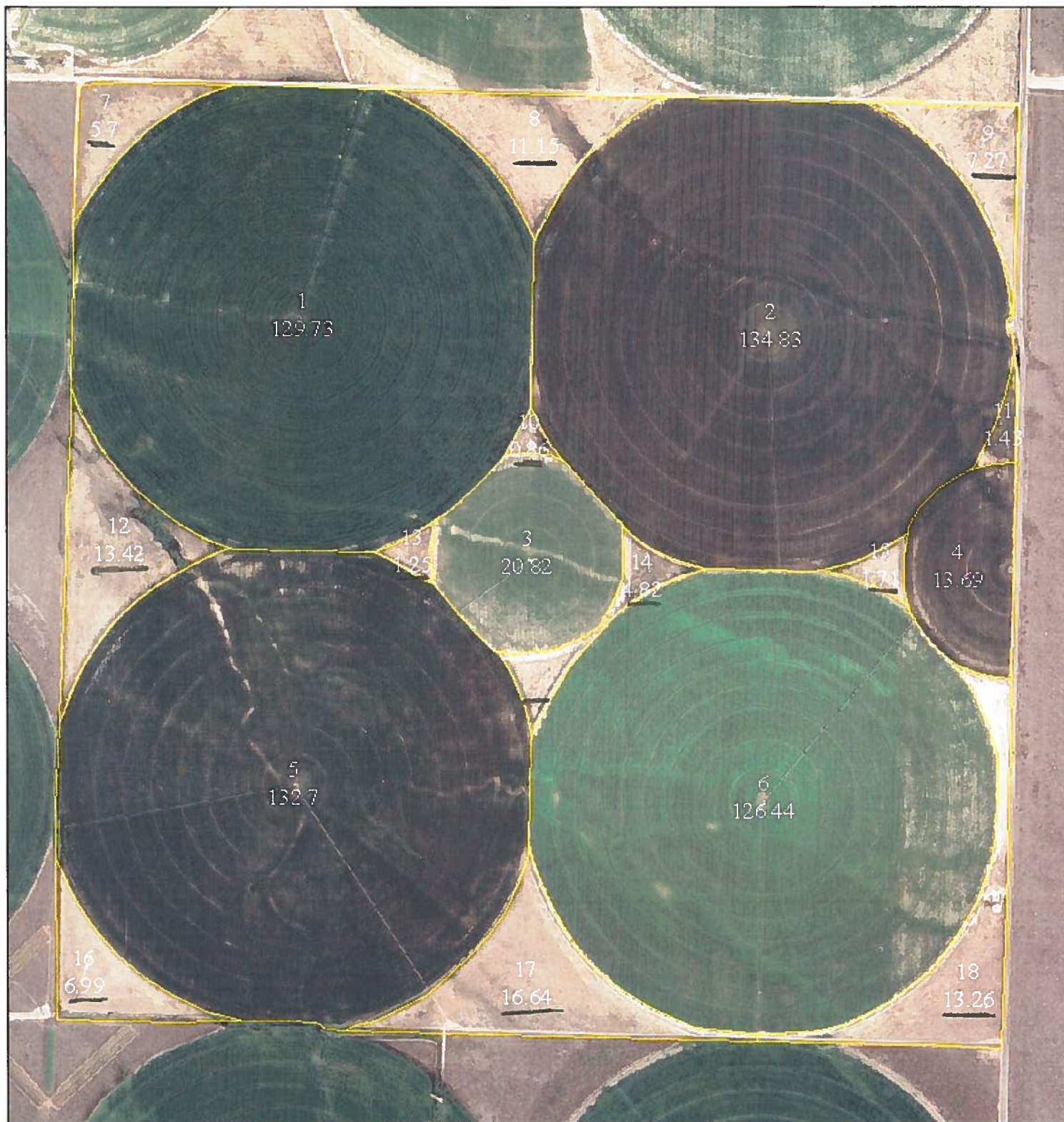


Farm # 2644
Tract # 1670

498.87

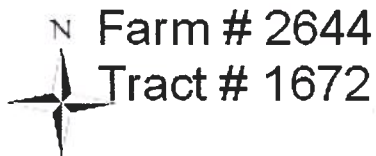
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1548.22

Digital Orthophotography
Not to Scale

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