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DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
WATER RESOURCE BOARD

WSB No. \_\_\_\_\_

Receipt No. C095023Date/by 4-9-2012 SR7

(For Department Use Only)

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

Name of Seller/Lessor Howard Robinson and Karen Robinson Phone (801)450-0126  
 Mailing address 2288 WILLIAMSBURG CIRCLE WEST JORDAN, UT 84084 Email \_\_\_\_\_

## 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. <u>Water Right Number</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u>        |
|------------------------------|---------------------------|----------------------|-----------------------------|
| <u>45-2363</u>               | <u>1.0/424.5</u>          | <u>Irrigation</u>    | <u>4/01</u> to <u>10/31</u> |
| _____                        | _____                     | _____                | _____ to _____              |
| _____                        | _____                     | _____                | _____ to _____              |
| Total Amount:                | <u>1.0/424.5</u>          |                      |                             |

2. Source of water \_\_\_\_\_ Ground Water \_\_\_\_\_ tributary to \_\_\_\_\_

3. Point(s) of Diversion:

| Twp | Rge | Sec | Lot | 1/4 | 1/4 | 1/4 | County |
|-----|-----|-----|-----|-----|-----|-----|--------|
| 13S | 22E | 27  |     | NW  | NW  | SW  | Cassia |
|     |     |     |     |     |     |     |        |
|     |     |     |     |     |     |     |        |
|     |     |     |     |     |     |     |        |

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

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
| 13S | 22E | 27  |        |    |    |    |        |    |    |    | 39     | 36 | 20 | 20 |        |    |    |    | 115    |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

If the right is for irrigation, show total number of acres offered to the bank. **Total Acres** 115

## 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 point of diversion for the water right owned or managed by an irrigation district? 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:  
 \_\_\_\_\_

**C. GENERAL INFORMATION**

- Please provide a description of the current diversion system.  
The well is currently not functioning. The delivery system is being utilized for canal shares.
- Describe any other water rights used for the same purpose or at the same place of use as described above.  
Water shares from the Oakley Canal Company supply primary water to the POU of 45-2363.
- Will the present place of use continue to receive water from any source? Yes ☒ No ☐  
If yes, describe. Oakley Canal Company shares
- 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. Yes, Oakley Canal Shares have been applied as primary irrigation water. 45-2363 is a supplemental water right that can only be used when the primary water right is not adequate for full irrigation.
- 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:

- Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
- 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**

- 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 4/01/2012 to 4/01/2017 (not to exceed 5 years).  
(Month / Day / Year) (Month / Day / Year)
- 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.  
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:

- Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
- 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.
- A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
- While a right is in the bank, forfeiture provisions are stayed.
- Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

H. Dutch Robinson  
Signature of Applicant

H. Dutch Robinson owner  
Printed Name and Title\*

4/2/12  
Date

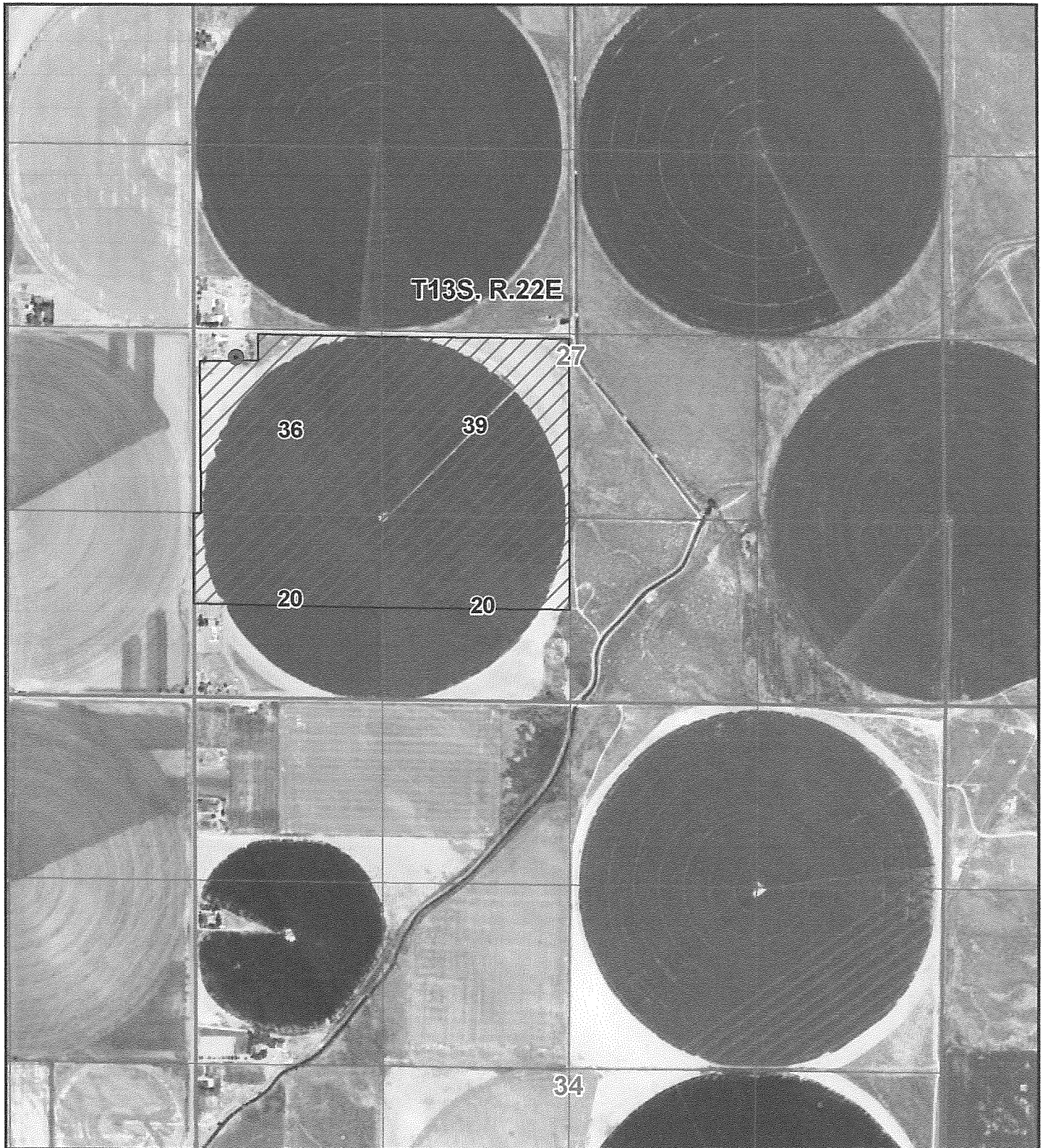
Karen Robinson  
Signature of Applicant

Karen Robinson  
Printed Name and Title\*

4/2/12  
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



0 900 1,800 Feet

PKD PROPERTIES  
WATER BANK RENTAL MAP 45-2363  
NAIP 2011 AERIAL PHOTO

Legend

- 45-2363 POD
- ▨ 45-2363\_POU
- ▬ Sections
- ▭ QQ Lines



## QUITCLAIM DEED

For value received, PKD Properties, as grantor hereby quitclaims unto Howard Robinson and Karen Robinson, the grantee whose current address is 2288 WILLIAMSBURG CIRCLE WEST JORDAN, UT 84084, all of the grantor's right, title, and interest in and to the following described water rights situated in Cassia County, Idaho, on record with the Idaho Department of Water Resources.

Water right 45-2363, priority date 2/06/1951, for 1.0 cfs and irrigation of 115.0 acre.

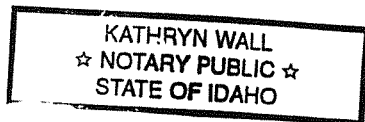
Grantor has caused this quitclaim deed to be executed this 22 day of November, 2011.

PKD Properties  
By: Paul H. Duncan  
<GRANTOR>

State of Idaho )  
County of Cassia ) S.S.

On this 22<sup>nd</sup> day of November, in the year of 2011, before me, a Notary Public, personally appeared Paul H. Duncan, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Kathryn Wall  
Notary Public  
In and for said State and County



3/17/2014  
My Commission Expires on

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A  
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