

RECEIVED

DEC 30 2011

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDWSB No. _____
Receipt No. 5094513
Date/by 12-30-2011
(For Department Use Only)APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKName of Seller/Lessor Lexington Hills, Inc. Phone 208-249-0032
Mailing address 3319 Dewey St., Boise, ID 83703 w/ copy to John Marshall Email 365dave@gmail.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. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>63-123F</u>	<u>1.385 CFS</u>	<u>Irrigation</u>	<u>3-01</u> to <u>11-15</u>
			to
			to
Total Amount: <u>1.385</u>			

2. Source of water Boise River tributary to Snake River

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
3N	2E	05		NE	SE	NE	Ada

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 Digital boundary

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:
See attached

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

Right is appurtenant to the hardscape surfaces in a developed residential subdivision and is no longer being used.

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

None. Right 63-123G is appurtenant to the irrigated portion of the subdivision, but the decreed places of use expressly do not overlap.

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 01/01/2012 to 12/31/2013 (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.

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

Dave Roylance, President

Printed Name and Title*

Date

Dennis J. Whitmore
Signature of Applicant

DENNIS J. WHITMORE, TREASURER
Printed Name and Title*

12/29/2011
Date

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

Right 63-123F historically was diverted and delivered through the Farmer's Union Canal Company ditch system. However, right 63-123F is privately owned, and the canal company does not have any ownership in the water right. Historically the water right was delivered pursuant to a private contract between the right owner and the canal company that required the owner to convey 1/3 of the right to the canal company to cover the conveyance losses. This portion to right 63-123 has been decreed to Farmer's Union as right 63-123C. Accordingly, under the circumstances of this right, canal company consent is not necessary to lease right 63-123F into the bank or to have it rented from the bank.