

RECEIVED
JUL 20 2011
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

WSB No. _____
Receipt No. W039454
(For Department Use Only)

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

Name of Seller/Lessor Black Canyon Partners LLC Phone (208) 484-4858
Mailing address % Harry Bettis P.O. Box 7 Emmett Email _____

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK Entire Right
If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

1. Water Right Number 65-7817 Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use _____
_____ to _____
_____ to _____
_____ to _____

Total Amount: _____

2. Source of water Payette River tributary to _____
3. Point(s) of Diversion: _____

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County

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	

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

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 water right appurtenant to land subject to any liens, deeds of trust, mortgages, or contracts? Yes ☐ No ☒
If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes and list name of entity _____

C. GENERAL INFORMATION

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

Pumps in Res.

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:

- 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

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

If Lease, for a period from 3/15/2012 to 11/15/2016 (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 Idaho Water Resource Board. 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:

- 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.

Harry Bethu
Signature of Applicant

HARRY BETHU
manager BLP
Printed Name and Title*

7/20/2011
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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-7817

WATER RIGHT NUMBER: 65-7817

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CAROL LYNN MAC GREGOR 1109 WARM SPRINGS AVE BOISE, ID 83712 (208) 386-9494
Original Owner	MARCUS MERRICK CHRISTIAN & HARDEE LLP ATTN: BARRY L MARCUS 737 N 7TH ST BOISE, ID 83702 (208)342-3563
Original Owner	RONALD L KUENZLI PO BOX 284 STAR, ID 83669-0284 (208)286-7868
Current Owner	BLACK CANYON PARTNERS LLC 124 W MAIN ST, STE D EMMETT, ID 83617 (208) 365-4965
Original Owner	JOSEPH GORDON SCHWARZ 1109 WARM SPRINGS AVE BOISE, ID 83712 (208)386-9494
Original Owner	MAC GREGOR LAND & LIVESTOCK LP PO BOX 1410 CASCADE, ID 83611 (208)382-4266
Original Owner	IDA M KUENZLI PO BOX 284 STAR, ID 83669 (208)286-7481

Priority Date: 01/26/1977

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PAYETTE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.620 CFS	139.50 AF
	<u>Total Diversion:</u>	0.620 CFS	139.50 AF

Location of Point(s) of Diversion

PAYETTE RIVER	L4 (SE1/4SW1/4)	Sec. 19, Twp 07N, Rge 01E, B.M.
GEM County		

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

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Twp	Rge	Sec	NE				NW				SW				SE				Totals
07N	01E	19	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																25.0	6.0		31.0

Total Acres: 31

Conditions of Approval:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-02633 AND 65-11363.
2. T08 Failure of the right holder to comply with the conditions of Transfer 70882 is cause for the Director to rescind approval of the transfer.
3. S39 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 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. R05 Use of water under this right will 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. 65.
5. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.81 CFS. COMBINED RIGHT NOS.: 65-02633 AND 65-11363.
6. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
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.

Remarks:Comments:

1. Iharris 3/8/2004 Approved Transfer
Comment: Transfer 70882 was approved to resolve a pending objection.
2. Iharris 3/8/2004 Ownership Change
Comment: Ownership change submitted on NCAP with approved transfer.
3. dlball 7/31/2007 Water Supply Bank
Comment: Combined limits WRs 65-2633 and 65-11363
4. mciscell 11/24/2010 3:08:25 PM POD
Comment: PODID 614323 correlated from SpatialDataID 305284 to SpatialDataID 60732

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-7817

Dates and Other Information:

Licensed Date:
Decreed Date: 8/3/2004
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank: