

RECEIVED
MAY 05 2011
DEPARTMENT OF
WATER RESOURCES

Water Supply Bank No. _____
(For Department Use Only)

STATE OF IDAHO
WATER RESOURCE BOARD

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

Name of Seller/Lessor RJ, L.L.C. (Richard Young) Phone 208-436-4114

Mailing address 72 Pelican Point Rupert, ID 83350 Email _____

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

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. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>36-7934</u>	_____	<u>Irrigation</u>	<u>04/01</u> to <u>10/31</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

Total Amount: _____

2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
06S	23E	31		NW	SE	NW	Lincoln
06S	23E	31	L4	NW	SW	SW	Lincoln
07S	23E	4		SW	SE	NE	Lincoln

4. Lands irrigated or 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	
06S	23E	31					7.8	8.5	3.1	2.9	2.7	2.9	12.2	10.5					50.6
07S	23E	03	8.7	8.3	2.4	2.9									6.0	5.9	9.7	9.6	53.5

If the right is for irrigation, show total number of acres offered to the bank. **Total Acres** 104.1

B. OWNERSHIP

- 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.
- 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: Met Life handled locally by Clear Creek Land and Mortgage (copy attached, original on file at IDWR)

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.
Ground water to pipeline, then out to pivots.
2. Describe any other water rights used for the same purpose or at the same place of use as described above.
36-7934 is part of a PPU with water rights 36-7835, 36-7523, and 36-2449, but is not stacked with these other rights.
3. Will the present place of use continue to receive water from any source? Yes ☐ No ☒
If yes, describe. Applicant is drying up pivot corners.
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. Since August 5, 2008, 16.2 acres have been in the Water Supply Bank and the remaining 117.8 acres under cultivation and irrigation.
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. 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 01/01/2011 to 12/31/2016 (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. Current lease rate is acceptable.

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.

Richard C. Young
Signature of Applicant

Richard C. Young authorized for RJ, LLC
Printed Name and Title*

12/20/10
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

4/22/2011

WATER RIGHT NO. 36-7934

Owner Type	Name and Address
Current Owner	R J, LLC 72 PELICAN POINT RUPERT, ID 83350 (208) 436-4114
Original Owner	CHARLES R HISAW RT 1 BOX 1420 PAUL, ID 83347 (208)532-4166

Priority Date: 08/19/1980

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	2.68 CFS	536 AFA
Total Diversion			2.68 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSENW	Sec. 31	Township 06S	Range 23E	LINCOLN County
GROUND WATER	NWSWSW Lt 4	Sec. 31	Township 06S	Range 23E	LINCOLN County
GROUND WATER	SWSENE	Sec. 04	Township 07S	Range 23E	LINCOLN County

Licensed Diversion Capacity: 5.17

IRRIGATION Use:
Acre Limit: 134

Place(s) of use:

Place of Use Legal Description: IRRIGATION LINCOLN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	23E	31		NENW	40	1	NWNW	52	2	SWNW	52		SENW	40
				NESW	40	3	NWSW	52	4	SWSW	52		SESW	40
07S		4	1	NENE	26	2	NWNE	26		SWNE	40		SENE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40

Total Acres: 660

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 134 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 36-7523 and 36-7934 when combined shall not exceed a total diversion rate of 5.17 cfs.
3.	X35	Rights 36-2449, 36-7523, 36-7835 and 36-7934 when combined shall not exceed a total diversion rate of 10.33 cfs, a total annual maximum diversion volume of 2600.0 af at the field headgate, and the irrigation of 650 acres.
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. 130.
5.	213	Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points)of diversion in accordance with Department specifications.
6.	214	Prior to the diversion and use of water under Transfer approval 76826, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8.	X61	The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
9.	R55	This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
10.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

11.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date: 06/17/1994

Decreed Date:

Permit Proof Due Date: 8/1/1991

Permit Proof Made Date: 6/8/1990

Permit Approved Date: 7/26/1989

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 08/19/1980

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector: And

Water District Number: 130

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 5.17

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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07934

Priority: August 19, 1980

Maximum Diversion Rate: 2.68 CFS
Maximum Diversion Volume: 536.0 AF

This is to certify, that CHARLES R. HISAW

RT. 1 BOX 1420

PAUL ID 83347

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 19, 1980; and has submitted Proof of Beneficial Use on June 8, 1990. An examination indicates that the works have a diversion capacity of 5.170 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.68 CFS	536.0 AF

LOCATION OF POINT(S) OF DIVERSION: SENE, Sec. 4, Township 07S, Range 23E
LINCOLN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	23E	4	Lot 1(NENE) 27	Lot 2(NWNE) 27	SWNE 40	
			SENE 40			134

Total number of acres irrigated: 134

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

State of Idaho
Department of Water Resources

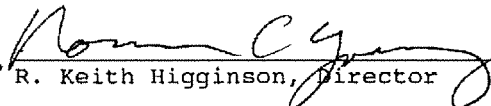
WATER RIGHT LICENSE

WATER RIGHT NO. 36-07934

CONDITIONS/REMARKS:

8. The Director retains jurisdiction of the right issued to change, add or remove any requirement as determined to be appropriate.
9. The maximum combined rate of diversion under this right & Right 36-7523 shall not exceed 5.17 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code,
Witness the seal and signature of the Director, affixed at Boise, this 17th
day of JUNE, 1994.

Acting for  R. Keith Higginson, Director

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/25/2011

WATER RIGHT NO. 36-7523

Owner Type	Name and Address
Current Owner	R J, LLC 72 PELICAN POINT RUPERT, ID 83350 (208) 436-4114
Original Owner	CHARLES R HISAW
Original Owner	PAMELA HISAW RT 1 BOX 1420 PAUL, ID 83347 (208)532-4166

Priority Date: 02/26/1975

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	2.68 CFS	624 AFA
DOMESTIC	01/01	12/31	0.04 CFS	
Total Diversion			2.68 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSENW	Sec. 31	Township 06S	Range 23E	LINCOLN County
GROUND WATER	NWSWSW Lt 4	Sec. 31	Township 06S	Range 23E	LINCOLN County

GROUND WATER	SWSENE	Sec. 04	Township 07S	Range 23E	LINCOLN County
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IRRIGATION Use:
Acre Limit: 156

Place(s) of use:

Place of Use Legal Description: IRRIGATION LINCOLN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	23E	31		NENW	40	1	NWNW	52	2	SWNW	52		SENW	40
				NESW	40	3	NWSW	52	4	SWSW	52		SESW	40
07S		4	1	NENE	26	2	NWNE	26		SWNE	40		SENE	40
				NESE	40		NWSE	40		SWSE	40		SESE	40

Place of Use Legal Description: DOMESTIC LINCOLN County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	23E	4		SWNE										

Total Acres: 660

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 156 acres within the authorized place of use in a single irrigation season.
2.	X35	Rights 36-7523 and 36-7934 when combined shall not exceed a total diversion rate of 5.17 cfs.
3.	X35	Rights 36-2449, 36-7523, 36-7835 and 36-7934 when combined shall not exceed a total diversion rate of 10.33 cfs, a total annual maximum diversion volume of 2600.0 af at the field headgate, and the irrigation of 650 acres.
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. 130.
5.	213	Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points)of diversion in accordance with Department specifications.
6.	214	Prior to the diversion and use of water under Transfer approval 76826, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7.	132	Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
8.	N12	The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

9.	R64	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10.	T07	The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12.	T19	Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Dates:

Licensed Date:

Decreed Date: 12/12/2001

Permit Proof Due Date: 4/1/1980

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 4/19/1975

Permit Moratorium Expiration Date:

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: And

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 5.17

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

[Close](#)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-07523

1997 DEC -3 PM 2:11

DISTRICT COURT-5th
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: CHARLES R HISAW
PAMELA HISAW
RT 1 BOX 1420
PAUL ID 83347

SOURCE: GROUNDWATER

QUANTITY: 2.68 CFS
624.0 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 02/26/1975

POINT OF DIVERSION: T07S R23E S04

SWSENE

Within LINCOLN County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
IRRIGATION
DOMESTIC 1 HOME

PERIOD OF USE
Irrigation Season
01-01 12-31

QUANTITY
2.68 CFS
0.04 CFS

PLACE OF USE: IRRIGATION
T07S R23E S04
156 ACRES TOTAL

Within LINCOLN County
NESE 39

NWSE 40

SWSE 39

SESE 38

DOMESTIC
T07S R23E S04

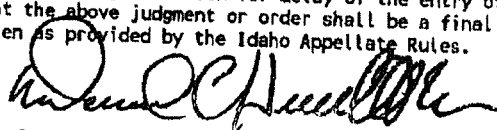
Within LINCOLN County
SWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Water Right 36-07523
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 03, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

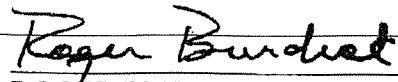
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the ***Partial Decree*** was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the ***Partial Decree***.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated December 12, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

Important Information About Your Water Right

December 12, 2001

Charles R Hisaw
Pamela Hisaw
Rt 1 Box 1420
Paul, ID 83347

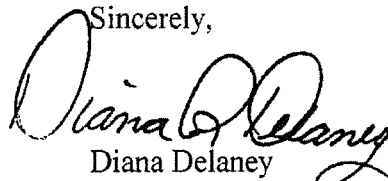
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 36-07523. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the ***Order*** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the ***Order***, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This ***Order*** also incorporates into the ***Partial Decree*** an express statement that the ***Partial Decree*** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This ***Order***, in combination with the ***Partial Decree*** that was issued for this water right on December 03, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the ***Partial Decree*** to show evidence of this water right. The original of this ***Order*** and the original of the ***Partial Decree*** for this water right are on file with SRBA Court. If you do not have a copy of the original ***Partial Decree***, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the ***Order*** is entered ***Nunc Pro Tunc***, meaning that the ***Order*** will be treated as if it were issued on the same date that the ***Partial Decree*** was originally issued.

Sincerely,


Diana Delaney
Case Administrator