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DEPARTMENT OF  
WATER RESOURCES

STATE OF IDAHO  
WATER RESOURCE BOARD

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

Receipt No. 0092948  
(For Department Use Only)

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

Name of Seller/Lessor Burley West Investments, LLC Phone (801) 552-7642

Mailing address P.O. Box 584, Rupert, Idaho 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. Water Right Number 45-13522 Amount (cfs/ac-ft) \_\_\_\_\_ Nature of Use \_\_\_\_\_ Period of Use \_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_ to \_\_\_\_\_

Total Amount: ALL

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

3. Point(s) of Diversion:

| Twp | Rge | Sec | Lot | ¼ | ¼ | ¼ | County |
|-----|-----|-----|-----|---|---|---|--------|
|     |     |     |     |   |   |   |        |
|     |     |     |     |   |   |   |        |
|     |     |     |     |   |   |   |        |
|     |     |     |     |   |   |   |        |

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** \_\_\_\_\_

**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.

Pump to pipe to pivot. Applicant now pumps surface water from a Burley Irrigation District Canal.

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

See #3 below

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

Yes ☒ No ☐

If yes, describe. Surface water rented through the Southwest Irrigation District.

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 for sale ☐ or lease ☒.

If Lease, for a period from 5/1/11 to 12/31/16 (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 rental rates.

**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

Joel Parker, Manager  
Printed Name and Title\*

April 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