

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**APPLICATION TO SELL OR LEASE A WATER RIGHT TO
THE WATER SUPPLY BANK**

Name of Seller/Lessor Juniper Hills Country Club, Inc.

Phone 208-233-0241

Post office address 6600 S. Bannock Highway, Pocatello, ID 83204

c/o Thomas J. Budge
Racine Olson Nye Budge & Bailey, Chtd.
201 East Center
P.O. Box 1391
Pocatello, ID 83204-1391
(208) 232-6101

RECEIVED

SEP 12 2008

DEPARTMENT OF
WATER RESOURCES

1. DESCRIPTION OF WATER RIGHT: See Water Right Report for Water Right Number 29-13827 attached.
2. DESCRIPTION OF PORTION OF WATER RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, show "all" on line a below and skip the remainder of part 2.)
Entire right is for lease.
3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE
 - a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the sell/lessor, attach a copy of a change of ownership form as required to Section 42-248 or 42-1409(6). Idaho Code, together with required documentation.

Water right required by transfer number 73269, a copy of the lessor's deed is attached.

 - b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

Partial decree entered March 22, 2004.

 - c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

N/A

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

N/A

- e. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

N/A

4. REMARKS:

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

☐ For sale

☒ For lease for a period from to INDEFINITE

(The lease period may be shown as "indefinite", if the total duration of lease is unknown) or

☐ As a gift to the state of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate".

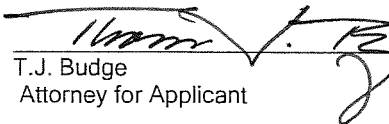
Current rental rates.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities 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 of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water 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.

8-27-08
Date


T.J. Budge
Attorney for Applicant

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial _____ by _____

4-1

20807461

RECORDATION REQUESTED BY:
Juniper Hills Country Club

OFFICIAL RECORD BK# 906
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 12 DEPUTY me

WHEN RECORDED MAIL TO:
Juniper Hills Country Club, Inc.
6600 Bannock Highway
Pocatello, Idaho 83204

20807461

Racine Law

2008 APR -7 P 4:15

**WATER RIGHT
WARRANTY DEED**

<u>Grantors</u>	<u>Grantee</u>
East Bannock Agricultural Property Trust, Jeffrey and Paulette Christensen, H&W Paul Frandsen and Ingeburg Murata, H&W	Juniper Hills Country Club 6600 Bannock Highway Pocatello, Idaho 83204

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the Grantors hereby sell and forever transfer to the Grantee the Grantors' entire, right, title and interest in the following described water right:

A 0.3 cfs and 52.5 acre-feet portion of Water Right License No. 29-13771 which is appurtenant to property located in the SE1/4 NE1/4 of Section 21, Township 8 South, Range 38 East, B.M., and also in the NE1/4 of the SE1/4 of Section 21, Township 8 South, Range 38 East, B.M., Bannock County, Idaho.

TO HAVE AND TO HOLD the foregoing water right unto the Grantee and its successors and assigns forever.

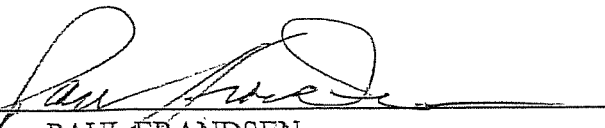
The Grantors hereby covenant that the Grantors are the owners in fee simple of the foregoing water right; that the foregoing water right is free and clear of any and all mortgages, liens, or other encumbrances; and that the Grantors will warrant and defend the same from any and all lawful claims whatsoever.

IN WITNESS WHEREOF, the Grantors hereunto set their hands this ____ day of April, 2008.

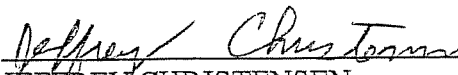
4-2

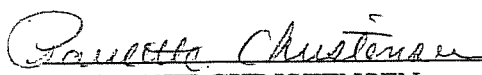
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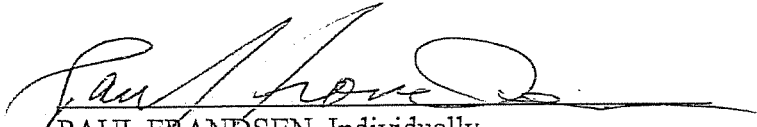
EAST BANNOCK AGRICULTURAL
PROPERTY TRUST

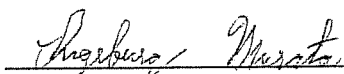
By: 

PAUL FRANDSEN


JEFFREY CHRISTENSEN


PAULETTE CHRISTENSEN


PAUL FRANDSEN, Individually

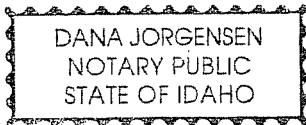

INGEBURG MURATA

4-3

20807461

STATE OF IDAHO)
) : SS
 County of Bannock)

On this 4th day of April, 2008, before me, the undersigned Notary Public, in and for said State and County, personally appeared Paul Frandsen, known or identified to me to be the Trustee of East Bannock County Agricultural Property Trust, whose name is subscribed to the within instrument and acknowledged to me that he is authorized and instructed to execute and has executed the same on behalf of said Trust, and further acknowledged to me that said Trust executed the same.

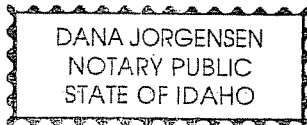


Dana Jorgensen
 NOTARY PUBLIC FOR IDAHO
 Residing at: Pocatello, ID
 My Commission Expires: 6/2/2010

STATE OF IDAHO)
) : SS
 County of Bannock)

On this 4th day of April, in the year 2008, before me, a Notary Public in and for said state, personally appeared Ingeburg Murata and Paul Frandsen, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Dana Jorgensen
 NOTARY PUBLIC FOR IDAHO
 Residing at: Pocatello, ID
 My Commission Expires: 6/2/2010

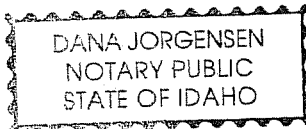
STATE OF IDAHO

)
: SS
)

County of Bannock

On this 4th day of April, in the year 2008, before me, a Notary Public in and for said state, personally appeared Jeffrey Christensen and Paulette Christensen, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Dana Jorgensen
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello, ID
My Commission Expires: 6/2/2010

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

09/02/2008

WATER RIGHT NO. 29-13827

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUNIPER HILLS COUNTRY CLUB INC 6600 BANNOCK HWY POCATELLO, ID 83204 (208)233-0269
Original Owner	EAST BANNOCK AGRICULTURAL PROPERTY TRUST C/O PAUL FRANDBSEN 4361 N GARTON LN POCATELLO, ID 83201 (208)233-9545

Priority Date: 01/29/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.3 CFS	52.5 AFA
Total Diversion			0.3 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NWSENW	Sec. 17	Township 07S	Range 35E	BANNOCK County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	35E	17		NESE	1.5		NWSE	13		SESE	0.5			

Total Acres: 15

Conditions of Approval:

1.	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.
2.	01M	After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3.	T07	The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
4.	R63	This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5.	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.
6.	F06	The following rights are diverted through point(s) of diversion described above: 29-4433, 29-13827.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

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:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

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