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JUL 28 2009

DEPARTMENT OF
WATER RESOURCES

Form 42-1761
01/03

Water Supply Bank No. _____

Water Right No. 63-27214

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

Name of Seller/Lessor Boise State University Phone 208-426-1011

Post office address Office of the President, 1910 University Drive, Boise, ID 83725

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by: **See attached copy of partial decree 63-27214 and transfer application.**

- a. Decree No. _____ Decreed to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water
Resources.
- c. Permit No. _____ issued by the Idaho Department of Water
Resources.

2. DESCRIPTION OF PORTION OF 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.)

- a. Amount of water under right: 0.27 cubic feet per second &/or 61.7 acre-feet per
annum
- b. Point of diversion: SE 1/4 of SW 1/4 of Section 10 Township 3N Range
2E, B.M. in Ada County.
Additional points NWNE, S15, T3N, R2E

- c. Place of use: 13.7 acres irrigation within a 115-acre permissible place of use described below and proposed on accompanying transfer application

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2E	10											Lt 8 10	Lt 9 23.5			Lt 13 6.5	Lt 12 3	43
		15	Lt 1 32.5	Lt 5 32			Lt 4 7.5												72

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 13.7 within a 115-acre ppu

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 seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Lessor is owner of record

- 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 issued April 29, 2009

- 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.

- 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.

Acres have been developed and are no longer irrigated

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

- 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.

4. REMARKS:

A GIS analysis, using 2007 aerial photography, calculated a total of 30 acres of landscape irrigation within the BSU campus north of University Drive. Irrigated area has decreased due to recent building and development. A transfer application has been submitted that proposes a 115-acre permissible place of use for water right 63-27214.

5. SALE/LEASE AGREEMENT

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

_____ For sale;

X For lease for a period from July, 2009 to Indefinitely
(Day, month, year) (Day, month, year)

(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 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 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.

Date

7-20-09

Signature

Shary Pearson
VP FINANCE & ADMINISTRATION

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial _____ by _____

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)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 63-27214

NAME AND ADDRESS: BOISE STATE UNIVERSITY
OFFICE OF THE PRESIDENT
1910 UNIVERSITY DR
BOISE, ID 83725

SOURCE: GROUND WATER

QUANTITY: 0.87 CFS
196.70 AFY

PRIORITY DATE: 03/15/1950

POINT OF DIVERSION: T03N R02E S10 SESW Within Ada County
S15 NWNE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.87 CFS 196.70 AFY

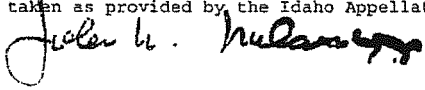
PLACE OF USE:	Irrigation		Within Ada County
	T03N R02E S10	NESW 0.1	NWSW 0.2
		SWSW 3.0	SESW 7.5
		SWSE 3.0	SESE 0.4
	S15	NENE 3.3	NWNE 21.5
		NENW 4.7	
	43.7 Acres Total		

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

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. I.C. SECTION 42-1412(6).

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.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

T3N R2E

2007 Photo

10

11

15

14

Legend

-  Proposed PPU
-  63-27214 Current POU
-  Sections

Water Bank Map



0 365 730
Feet



SPF WATER
ENGINEERING