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Form 42-1761-1  
06/09

JAN 13 2009

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESWater Supply Bank No. \_\_\_\_\_  
(for Department use only)APPLICATION TO SELL OR LEASE A WATER RIGHT  
TO THE WATER SUPPLY BANKName of Seller/Lessor KDB LLC Phone (209) 861-8340Mailing Address 13 N. Seabiscuit Ave., Nampa, ID 83687 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. Right Number | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|--------------------|---------------|---------------|
| 65-23373        | 0.39 cfs           | irrigation    | 5/1 to 9/15   |
|                 |                    |               | to            |
|                 |                    |               | to            |
| Total: 0.39 cfs |                    |               |               |

2. Source of water Lake Fork tributary to North Fork Payette River

3. Point(s) of Diversion:

| Twp | Rge | Sec | Lot | ¼ | ¼  | ¼  | County               |
|-----|-----|-----|-----|---|----|----|----------------------|
| 17N | 3E  | 3   |     |   | SE | NE | Valley               |
| 17N | 3E  | 32  |     |   | NW | NE | Valley (injection)   |
| 17N | 3E  | 32  |     |   | NW | SE | Valley (rediversion) |
|     |     |     |     |   |    |    |                      |

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 |        |
| 16N | 3E  | 17  |      |    |    | 21 |      |    |    |    |      |    |    |    |      |    |    |    | 21     |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 21

## B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank?

Yes X 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?

No X Yes \_\_\_\_\_ 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.  
The water right was purchased without purchase of the land to which it was appurtenant. There is no current diversion system.
2. Describe any other water rights used for the same purpose or at the same place of use as described above.  
65-23371
3. Will the present place of use continue to receive water from any source?  
No \_\_\_\_\_ Yes X \_\_\_\_\_ If yes, describe. Water is being provided from ground water to the present place of use under Water Right Permit 65-22888.
4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?  
No X \_\_\_\_\_ Yes \_\_\_\_\_ 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?  
No \_\_\_\_\_ Yes X \_\_\_\_\_ If yes, describe. A portion of this water right is being used for mitigation of Water Right Permit 65-23098.

**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:  
Sale \_\_\_\_\_ Lease X \_\_\_\_\_  
If lease, for a period from \_\_\_\_\_ to \_\_\_\_\_ OR X Indefinite  
(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 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/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.

Kristy Burnett  
Signature of Applicant

Kristy Burnett-Pes  
Printed Name and Title\*

1-6-10  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Printed Name and Title\*

\_\_\_\_\_  
Date