

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

RECEIVED

STATE OF IDAHO
WATER RESOURCE BOARD

OCT 18 2010

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

DEPARTMENT OF
WATER RESOURCES

Name of Seller/Lessor Joseph and/or Melynda Kearl Phone 208-531-4119

Mailing address 20511 F Street 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>36-8205</u>	<u>0.14/28.8</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>
			to _____
			to _____

Total Amount: 0.03/

2. Source of water Ground Water tributary to 28.8

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
08S	25E	31			NE	NW	MINIDOKA

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	
08S	25E	31							30										30

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 30*
*7.2 acres in 30 acre POU are to be offered to the WSB.

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.
The water diversion and delivery system is connected via buried mainlines.
2. Describe any other water rights used for the same purpose or at the same place of use as described above.
Water rights 36-8205, 36-8595 and 36-7171 share the same place of use.
3. Will the present place of use continue to receive water from any source? Yes ☒ No ☐
If yes, describe. Irrigation will continue under portions of water rights which have not been offered to the Water Supply Bank.
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. N/A.
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. N/A.

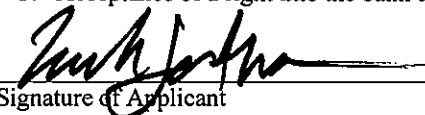
D. SALE/LEASE AGREEMENT

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 10/15/10 to 10/15/15 (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 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.


Signature of Applicant

Zach Latham- Power of Attorney
Printed Name and Title*

10/15/10
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

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/15/2010

WATER RIGHT NO. 36-8205

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOSEPH KEARL
Current Owner	MELYNDA KEARL
	20511 F ST
	RUPERT, ID 83350
	(208) 5324500

Priority Date: 06/15/1983

Basis: License

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	4/01	10/31	0.6 CFS	120 AFA
Total Diversion			0.6 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENW	Sec. 31	Township 08S	Range 25E	MINIDOKA County
--------------	------	---------	--------------	-----------	-----------------

Licensed Diversion Capacity: 2.43

Place(s) of use:

Place of Use Legal Description: IRRIGATION MINIDOKA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08S	25E	31	2	SWNW	30									

Total Acres: 30

Conditions of Approval:

1.	R56	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.
2.	R31	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 irrigation of the lands above.
3.		Right 36-07171 is also diverted through the point of diversion described above.
4.	R57	The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
5.	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.

Dates:

Licensed Date: 05/10/1995

Decreed Date:

Permit Proof Due Date: 6/1/1991

Permit Proof Made Date: 7/11/1990

Permit Approved Date: 5/21/1990

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: 06/15/1983

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:

Generic Max Volume per Acre:

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