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Form 42-1761-1
06/09

AUG 19 2010

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Water Supply Bank No. _____
(for Department use only)

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

Name of Seller/Lessor John Brubaker Phone 208-308-5766

Mailing address 1113 E. 3900 N. Buhl, Id 83316 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
~~47-36~~ 07126	16.02/	Fish Prop/	01/01 to 12/31
MVB			to
			to
Total:	16.02/		

2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
10S	14E	16			SE	SW	Twin Falls
10S	14E	16			SE	SW	Twin Falls

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	
10S	14E	16										x							

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

B. OWNERSHIP

- 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.
- 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.
Existing diversion system utilizing pumps and piping
2. Describe any other water rights used for the same purpose or at the same place of use as described above.
47-07090, 47-07126, 47-07127
3. Will the present place of use continue to receive water from any source?
No ☒ Yes ☐ If yes, describe. _____
4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?
No ☒ 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 ☐ If yes, describe. _____

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 ☒
If Lease, for a period from _____ to _____ OR ☒ 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.

Barbara Dubaker
Signature of Applicant

owner
Printed Name and Title*

8/18/10
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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/16/2010

WATER RIGHT NO. 47-7126

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BARBARA BRUBAKER
Current Owner	JOHN BRUBAKER
Current Owner	JOHN M BRUBAKER
	1113 E 3900 N
	BUHL, ID 83316
	(208)543-6917
Original Owner	FLOYD KAUFMAN
Original Owner	IDA KAUFMAN
	1119 E 3800 N
	BUHL, ID 83316
	(208)543-4049

Priority Date: 01/25/1972

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>
FISH PROPAGATION	1/01	12/31	16.02 CFS	
Total Diversion			16.02 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SESW|Sec. 16|Township 10S|Range 14E|TWIN FALLS County
 GROUND WATER|SESW|Sec. 16|Township 10S|Range 14E|TWIN FALLS County

Place(s) of use:

Place of Use Legal Description: FISH PROPAGATION TWIN FALLS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	14E	16		NWSW										

Conditions of Approval:

1. A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE PERMANENTLY MAINTAINED AS A PART OF THE OUTLET WORKS.
2. C18 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. Section 42-1412(6), Idaho Code.
3. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
4. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 16.02 CFS. COMBINED RIGHT NOS.: 47-7090, 47-7126 & 47-7127
5. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
6. 47A The operation, use and administration of this water right is subject to the terms and conditions of the agreement with Twin Falls Canal Company recorded in the Twin Falls County Records Office as Instrument No 231297.

Dates:

Licensed Date:

Decreed Date: 08/06/2009

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

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:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND/OR

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 16.02

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

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