

RECEIVED

Form 42-1761

01/03

AUG 13 2009

Water Supply Bank No. _____

Water Right No. 35-2924

DEPARTMENT OF WATER RESOURCES STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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

Name of Seller/Lessor Kevin Rhodehouse Phone (208)745-7816

Post Office Address 4132 E 100 N, Rigby, ID 83442

c/o Keith C. Wilson Rocky Mountain Environmental Associates, Inc. Email: kwilson@rockymountainenvironmental.com
482 Constitution, Ste 303 (208) 524-2353
Idaho Falls, ID 83402 Fax 208) 524-1795

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

a. Decree No. 35-2924 Decreed to Kevin Rhodehouse

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: ALL cubic feet per second &/or _____ acre-feet per annum

b. Point of Diversion: 1/4 1/4 of Section _____ Township _____ Range _____ B.M., in _____ County.

Additional points: _____

c. Place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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

Total number of Acres _____

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 Sec 42-248 or 42-1409(6), Idaho Code, together with required documentation.

Decreed to Applicant

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 bill, 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).

N/A - Decreed September 28, 2007

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?

N/A

e. If the water 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.

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 Indefinite to _____
(Day, Month, Year) (Day, Month Year)

(The lease period may be shown as "indefinite", if the total duration of the 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 the application is true to the best of my knowledge, and that I have the authority 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.

8-7-09
Date

Kevin Rhodhouse
Signature

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)
)
Case No. 39576)
)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
)
) Water Right 35-02924

NAME AND ADDRESS: KEVIN RHODERHOUSE
4132 E 100 N
RIGBY, ID 83442

SOURCE: GROUND WATER

QUANTITY: 1.11 CFS
241.00 AFY

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/21/1965

POINT OF DIVERSION: T04N R37E S15 SWSW Within Jefferson County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Industrial	01-01 TO 12-31	1.11 CFS
			241.00 AFY

PLACE OF USE:	Stockwater	Within Jefferson County
	Same as Industrial	
	Industrial	Within Jefferson County
	T04N R37E S15 SWSW	

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

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

Owner Type Name and Address

Current Owner KEVIN RHODEHOUSE RIGBY, ID 83442
4132 E 100 N (208)745-7816

Priority Date: 07/21/1965

Basis: License

Status: Active

Source Tributary

GROUND WATER

Beneficial Use From To Diversion Rate Volume

STOCKWATER 01/01 12/31 0.02 CFS

INDUSTRIAL 01/01 12/31 1.11 CFS

Total Diversion 1.11 CFS

Location of Point(s) of Diversion:

GROUND WATER SWSW Sec. 15 Township 04N Range 37E JEFFERSON County

Place of Use Legal Description: STOCKWATER same as

Place of Use Legal Description: INDUSTRIAL JEFFERSON County

Township Range Section Lot Tract Acres Lot Tract Acres Lot Tract Acres Lot Tract Acres

04N	37E	14	7	NWSW	8	NWSW	5	SWSW
		15		SW				
				SE				
		22		NWNE				
				NENW				

Dates:

Licensed Date: 03/21/1968

Claim Received Date:

Decreed Date: