



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

November 17, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

BRENDA WYATT
JAMES LEROY WYATT
376 S 1100 E
JEROME ID 83338

RE: APPLICATION TO LEASE WATER RIGHT NO. 36-4042 TO THE WATER SUPPLY BANK

Dear Applicants:

The Department of Water Resources (Department) has completed its review of your application to lease water right 36-4042, received in this office on November 8, to the Water Supply Bank (Bank). Based on that review, the Department cannot accept the water right into the Bank.

It appears 36-7507 is supplemental ground water and has been little used over the last several decades. I contacted Cindy Yenter, the Watermaster for Water District 130, and she confirmed depressed use in the last five years. Because of the supplemental nature of the right and the lack of recent use, it appears there is no stand-alone consumptive use to be leased to the Bank.

Please contact me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s): Lease Application (original)

c: Allen Merritt – IDWR Southern Regional Office
Cindy Yenter – IDWR Southern Regional Office/Watermaster, Water District 130

RECEIVED

NOV 08 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 Brenda Wyatt and James LeRoy Wyatt Phone 208-825-5070

Mailing address 376 S. 1100 E. Jerome Idaho 83338 Email royandbrendawyatt@gmail.com

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>36-4042</u>	<u>1.500 cfs</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>
			to _____
			to _____

Total Amount: 312.00 AF

2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
09S	18E	1	4	NW	NW	NW	Jerome

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	
All																			

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 78 Acres

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.
Well is pumped into the collecting pond. It is pumped from pond to pressurize pivot and hand lines
2. Describe any other water rights used for the same purpose or at the same place of use as described above.
135 Shares of Northside Canal Water
3. Will the present place of use continue to receive water from any source? Yes ☒ No ☐
If yes, describe. Northside Canal Water
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. _____
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. _____

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 1/1/2011 to 12/31/2011 (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.

Brenda K. Wyatt
Signature of Applicant

Brenda K. Wyatt
Printed Name and Title*

11/04/2011
Date

James LeRoy Wyatt
Signature of Applicant

James LeRoy Wyatt
Printed Name and Title*

11/04/2011
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

MAKE CHECK PAYABLE TO:
JEROME COUNTY TAX COLLECTOR
MARY CHILDERS 644-2720
300 NORTH LINCOLN SUITE 309
JEROME IDAHO 83338

2009 TAX BILL/RECEIPT

BILL# 12096
CODE AREA 5-0000

PARCEL NUMBER
RP09S18E013002A
L 28,130

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	
TAX	604.46	TAX	604.46	TAX	1,208.92		28,130
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT. ACS	99.740

WYATT JAMES LEROY
& WYATT BRENDA
376 SOUTH 1100 EAST
JEROME ID 83338

LOT 4, SWNW, N1/2NWSW
SEC 1 T9 R18
99.74 AC

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***
DROP BOX LOCATED EAST OF COURTHOUSE
PAYMENT COUPON BOOKS AVAILABLE

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

FOR CREDIT/DEBIT CARD PYMT-
WWW.JEROMECOUNTY.ORG ALSO ACCEPTED IN
OFFICE OR 1-800-272-9829 / #2218

TAXING DISTRICT	RATE	
JEROME COUNTY	.004547412	127.92
SCHOOL#262 TORT	.000100309	2.82
SD262 BOND	.001681287	47.28
HILLSDALE HWY	.001969138	55.38
FIRST SEG. FIRE	.001276835	35.92
COLLEGE SO. ID.	.000835215	23.48
LIFELINE AMB	.000366919	10.32
VALLEY REC DIST	.000618329	17.38
DISTRICT TOTAL	.011395444	320.50
AMERICAN FALLS		63.42
N SNAKE GROUND WATER		825.00
AMOUNT DUE		1,208.92

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 36-4042

WATER RIGHT NUMBER: 36-4042

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES LEROY WYATT 376 S 1100 E JEROME, ID 83338 (208)825-5070
Original Owner	RUTH BRUNING 376 S 1100 E JEROME, ID 83338 (208)825-5095
Current Owner	BRENDA K WYATT 376 S 1100 E JEROME, ID 83338 (208)825-5070

Priority Date: 07/31/1961

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>Annual Volume</u>
IRRIGATION	3/15 to 11/15	1.500 CFS	312.00 AF
	<u>Total Diversion:</u>	1.500 CFS	312.00 AF

Location of Point(s) of Diversion

GROUND WATER	L4 NW1/4NW1/4NW1/4	Sec. 1, Twp 09S, Rge 18E, B.M.
JEROME County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	18E	1						24.0											24.0
								L 4											
09S	18E	2	24.0	30.0															54.0
			L 1	L 2															

Total Acres: 78

Conditions of Approval:

1. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 36-4042

2. S17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.

Remarks:

Comments:

1. MCCARTHY 10/28/1992 CHANGED RECORD
Comment: CHANGED BASIS OF RIGHT TO J
2. AJU10-DS 12/21/1999 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Licensed Date:
Decreed Date: 12/12/2001
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False