



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 12, 2010

KORTNY ALBERTSON
579 N 2850 E
ROBERTS ID 83444

RE: APPLICATION TO LEASE WATER RIGHT 35-2389 THE WATER SUPPLY BANK

Dear Applicant:

On May 14, 2009, the Idaho Department of Water Resources (Department) received your application to lease water right 35-2389 to the Water Supply Bank (Bank) and application rent water from the Water Supply Bank (Bank) for irrigation use in Jefferson County. In the application, you requested the rental of water until a water right transfer was approved to permanently provide water for the proposed use. Water right transfer 76183 was approved January 20, 2010, and provides authorization for much of the use of water as also requested in your rental applications. Since the transfer covers as much of the acreage you require as possible, the Department is returning your lease application.

However, as you know, the transfer did not provide authorization for all of the water requested in your application for rental. We are currently processing other leases that might be good candidates to satisfy your rental and will send further correspondence when we complete rental review.

If you have any questions, please contact me at (208) 287-4907.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s)

C: Lyle Swank – IDWR Eastern Regional Manager

RECEIVED

WA

MAY 14 2009

Water Supply Bank No. _____

Water Right No. _____

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 Kortny Albertson Phone 521-8506
Post office address 579 N 2850 E Roberts ID 83444

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. 35-2389 Decreed to Kortny Albertson
in case of SRBA vs (Name)
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: 0.84 cfs cubic feet per second &/or
262.8 acre-feet per annum
- b. Point of diversion: NE 1/4 of SW 1/4 of Section 33 Township 5N Range
36E, B.M. in Jefferson County.
Additional points _____

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	36E	33		.4	3.8		.8	2	16			1.1	20	4.2		.4	17		65.7

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

Total number of acres 76.5

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

Water right is in my name. I have been working with
Water Resources since 2007 to resolve unauthorized
irrigation under this right.

- 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 bills, 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).

Right has been used annually. Well has metal tag
no. A0008218. WMIS records show annual power
usage since 1995.

- 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.

NA

- 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? If so, describe.

NA

- e. If the water right is a permit, describe the work accomplished toward developing the right.

NA

- 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:

I will rent back my own water to help fill my rental request submitted to the water bank in March/April 2009.

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

X For lease for a period from 1 May 2009 to 31 Oct 2011
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of 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".

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 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.

5/11/09
Date

Kathy R. Altman
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____