

RECEIVED

Water Supply Bank No. 33 2008

Water Right No. 36.7828

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

RECEIVED
FEB 26 2008
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Seller/Lessor Frank J Suchan Phone 438 5084
Post office address 931 W 500 N Paul ID 83347

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. 36.7828 Decreed to _____ (Name)
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: 268 cubic feet per second &/or
53.6 acre-feet per annum
- b. Point of diversion: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35 Township 08S Range
22E, B.M. in Minidoka 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	
08S	22E	35					6	1	1.6	4.8									13.4

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 13.4

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.

- 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).

all irrigated in 2007 except for 3 ac in NENW which
was last irrigated in approx 2003.

- 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? If so, describe.

NONE

- e. If the water right 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:

101.7 ac of this farm (40 ac from 36.7839 & 61.7 ac under this right) are enrolled in CREP. This application represents lands not eligible for CREP that will remain non-farmed. Remainder 40.9 acres will continue to be cropped & irrigated.

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 1/1/2008 to 12/31/2008
(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".

Current 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.

2-26-08
Date

Frank Suchan
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: Water Supply Bank Lease
Water Right No: 36-7828
Applicant Name: Suchan

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application
b) ☒ I do not oppose approval of this application if it is conditioned as follows:

10.4 acres in NW Section 35 not available for rental

- c) ☐ I oppose approval of this application(s) for the following reasons:
d) ☒ Additional comment:

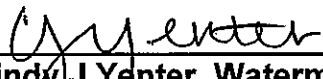
10.4 acres are on rock outcroppings and were not eligible for inclusion in the CREP payment contract. They are not protected under the state ANTD. In order to protect the rights from forfeiture they are being placed in the bank. They should not be rented because they do not represent stand-alone beneficial use.

The balance of 3 acres, situated in NENW Sec 35 have been idled since approx 2001 based on available aerial photography. A home was built on one acre and granaries were constructed on two other acres. These acres should probably be considered forfeited and not accepted for lease.

40.9 acres will remained farmed under this right. 40 acres under associated right 36-7839 are enrolled in CREP.

Dated: February 29, 2008

Water District 130


Cindy J Yenter, Watermaster

8S 22E
NW Sec 35

poor

home

727

727.16

53.6

48.1