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August 12, 2010

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LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON, OF COUNSEL

RECEIVED
AUG 16 2010
DEPARTMENT OF
WATER RESOURCES

Aaron Marshall
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

*Re: Larry Kemp and Syndee Kemp, Larry Kemp Family Ltd Partnership
Water Right Nos. 29-13240, 29-13241*

Dear Aaron:

Enclosed please find the original and two copies of two Applications to Sell or Lease a Water Right to the Water Supply Bank which we're submitting on behalf of Larry Kemp. Please file the originals and conform stamp and return the extra copies to me and to the applicant in the stamped and addressed return envelopes. Thank you for your assistance. If you have any questions don't hesitate to contact me.

Sincerely,


RANDALL C. BUDGE

RR

RCB:rr
Enclosures
cc: Larry Kemp

RECEIVED

AUG 16 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 Larry Kemp Family Limited Partnership Phone 208-237-0224

Mailing address 2600 N. Stone River Circle, Pocatello, Idaho 83204 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. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>29-13241</u>	<u>0.3 cfs/60 AFA</u>	<u>Irrigation</u>	<u>4/1</u> to <u>10/31</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

Total Amount: ALL

2. Source of water Portneuf River tributary to Snake River

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
7S	35E	21		SE	SE	NW	Bannock

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	
7S	35E	21								15									15

If the right is for irrigation, show total number of acres offered to the bank. **Total Acres** 15

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.

Pump and motor

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

29-14240

3. Will the present place of use continue to receive water from any source?

Yes ☐ No ☒

If yes, describe.

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 _____ 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.

Signature of Applicant

Larry Kemp

Printed Name and Title*

Date

8/10/10

Signature of Applicant

Synde Kemp

Printed Name and Title*

Date

8/10/10

*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

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/22/2010

WATER RIGHT NO. 29-13241

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY KEMP FAMILY LTD PARTNERSHIP C/O LARRY KEMP 1541 E CLARK POCATELLO, ID 83201 (208)232-6400
Original Owner	KERI L FOWLER
Original Owner	RANDALL S FOWLER
Original Owner	BIG ELK 285 ROCKY CHANNEL RD SWAN VALLEY , ID 83449 (208)478-2255

Priority Date: 02/26/1869

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.3 CFS	60 AFA
Total Diversion			0.3 CFS	

Location of Point(s) of Diversion:

PORTNEUF RIVER	SESENW	Sec. 21	Township 07S	Range 35E	BANNOCK County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BANNOCK County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	35E	21		SENW	15									

Total Acres: 15

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.
2.		DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM THE ORIGINAL SOURCE, MINK CREEK.

Dates:

Licensed Date:

Decreed Date: 03/22/2004

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:

Water District Number: 29D

Generic Max Rate per Acre:

Generic Max Volume per Acre:

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

Close

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

SOURCE: PORTNEUF RIVER TRIBUTARY; SNAKE RIVER

QUANTITY: 0.30 CFS
60.00 AFY

PRIORITY DATE: 02/26/1869

POINT OF DIVERSION: T07S R35E S21 SESENN Within Bannock County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.30 CFS
			60.00 AFY

PLACE OF USE:	Irrigation	Within Bannock County
	T07S R35E S21	SENE 15.0
	15.0 Acres Total	

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

DIVERSION OF WATER UNDER THIS RIGHT IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT AND PRIORITY FROM THE ORIGINAL SOURCE, HINK CREEK.

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
Presiding Judge of the
Snake River Basin Adjudication