



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

September 13, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

LAVERNE WILLIAMS
1710 FIR ST
RUPERT ID 83350

RE: APPLICATION TO LEASE WATER RIGHT NO. 36-8595 TO THE WATER SUPPLY BANK

Dear Ms. Williams:

The Department of Water Resources (Department) has completed its review of your application to lease water right 36-8595 to the Water Supply Bank (Bank). Based on that review, the Department cannot accept the water rights into the Bank.

36-8595 is currently listed as a permit, meaning development of the water right has been authorized but not verified. A field examination has not been conducted to verify the extent of development, so there is no way of quantifying the amount of water right available for lease to the Bank. Until such time as the extent of beneficial use has been verified, the right can not be accepted into 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: Zach Latham – Brockway Engineering

RECEIVED

AUG 23 2010

DEPARTMENT OF
WATER RESOURCES

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Name of Seller/Lessor Laverne Williams

Phone 208-436-6088 Post office address 1710 Fir Street Rupert Idaho 83350

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. 36-8595 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: 0.14 cubic feet per second

& / or

_____ acre-feet per annum

b. Point of diversion NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31 Township 08S Range 25E

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	25E	31		6					1.2										7.2

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 7.2

NOTE: A total of 7.2 acres will be dried up under the current place of use upon approval of this water bank application

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEROF, 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.

see attached partial decree

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.)

Water use is irrigation water from 3/15 to 11/15 annually.

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.

Water right 36-8205 and 36-7171.

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

NA

f. If the right to use 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: None

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 period from Indefinite to _____
(Month, Day, Year) (Month, Day, 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 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 the sale or lease of this right 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.

8/19/10
Date

Mark J. [Signature] P.O.A.
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

7/16/2010

WATER RIGHT NO. 36-8595

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LAVERNE R WILLIAMS 1710 FIR ST RUPERT, ID 83350 (208)436-6088

Priority Date: 07/10/1991
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>Volume</u>
IRRIGATION	3/15	11/15	0.16 CFS	
Total Diversion			0.16 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENENW|Sec. 31|Township 08S|Range 25E|MINIDOKA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MINIDOKA County

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

08S	25E	31	2	NWNE	6												
				SWNW	2												

Total Acres: 8

Conditions of Approval:

- 1.052 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
- 2.046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 3.03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- 4.053 The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
- 5.051 Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

Dates:

Proof Due Date: 01/01/1993

Proof Made Date: 01/21/1992

Approved Date: 12/19/1991

Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Application Received Date: 07/10/1991

Protest Deadline Date:

Number of Protests: 0

Field Exam Date::

Date Sent to State Off:

Date Received at State Off:

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 130

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close