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AUG 27 2008

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 Five E Group LLLP Phone (208) 870-7333

Post office address 3094 S. Abigail Way, Boise, ID 83706

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by: **SRBA Recommendation (attached)**

a. Decree No. _____ Decreed to _____

in Civil Case No. 39576, the Snake River Basin Adjudication, dated _____

in Twin Falls County, the Fifth Judicial District of the State of Idaho.

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: _____ all _____ cubic feet per second &/or

_____ acre-feet per annum

b. Point of diversion: _____ 1/4 of _____ 1/4 of Section _____ Township _____

Range _____, B.M. in _____ 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	

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 _____

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.

Applicant is the owner of record.

- 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).

SRBA recommendation is uncontested and is submitted as evidence of use.

- 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.

Availability is highly variable, but water is generally available within the standard irrigation season.

- 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.

Overlapping water rights 73-12126, 73-12131, 73-73-12134 and 73-12141 are being leased to the Idaho Water Supply Bank. The present place of use will not be irrigated while these water rights are in the bank.

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

not applicable

- 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:

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 indefinite to _____
(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.

8/26/08
Date

William B. Bator
Signature

FOR DEPARTMENT USE ONLY

Received by CW Date 8/27/08 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

08/25/2008

WATER RIGHT NO. 73-12134

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	FIVE E GROUP LLLP 3094 S ABIGAIL WAY BOISE, ID 83706 208- 342-4722
Directors Report Owner	BEREND FRIEHE
Directors Report Owner	CARLA FRIEHE 2498 RD S NE MOSES LAKE, WA 98837 (209)765-4585
Original Owner	EDWARD POPEJOY , ID
Original Owner	A M HATCH & SONS C/O BERT L HATCH HC 62 BOX 2180 MAY, ID 83253 (208)876-4422
Original Owner	BERT L HATCH
Original Owner	DORIS F HATCH HC 62 BOX 2180 MAY, ID 83235 (208)876-4422

Priority Date: 11/19/1903

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PAHSIMEROI RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>

IRRIGATION	04/01	10/31	0.583 CFS	
Total Diversion			0.583 CFS	

Location of Point(s) of Diversion:

PAHSIMEROI RIVER	NENE	Sec. 06	Township 11N	Range 24E	CUSTER County
PAHSIMEROI RIVER	NWNW	Sec. 02	Township 12N	Range 23E	CUSTER County
PAHSIMEROI RIVER	NESW	Sec. 28	Township 13N	Range 23E	CUSTER County
PAHSIMEROI RIVER	NWNW	Sec. 34	Township 13N	Range 23E	CUSTER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
13N	23E	27		SWSW	15									
		34		NENW	40		SENE	29						

Total Acres: 84

Conditions of Approval:

1.	C05	Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2.	C03	Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3.	D08	The total amount of water diverted under this water right may not exceed 0.486 cfs at the points of diversion described in the NWNW T12N R23E S2, NESW T13N R23E S28 or NWNW T13N R23E S34.
4.		This right is a split from former right 73-177.
5.	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.
6.	E55	Right Nos. 73-12141, 73-12126, 73-12131 and 73-12134 are limited to the irrigation of a combined total of 84 acres in a single irrigation season.

Dates:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 73

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