

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

RECEIVED
MAY 01 2006
DEPARTMENT OF
WATER RESOURCES

Name of Seller/Lessor: **James Kruckeberg**

Phone: (208) 768-2420

Post office address: **411 Eighteenmile Road, Leadore, ID 83464**

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. 74-7255 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: **.79** cubic feet per second &/or _____ acre-feet per annum
- b. Point of diversion: Lot 3 NWSW Sec. 7 T15N R27E, B.M., Lemhi 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	
15N	27E	7									35.8	35.8	35	35.8					142.4

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 142.4

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.

Recommended as decreed in the Lemhi adjudication. Attached is the Director's Report Adjudication Recommendation Report, which shows ownership.

- 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).

IDWR personnel have viewed the aerial photos and visited the site to confirm use. Landowner has stated he irrigates land yearly. Director's Report has been submitted to the SRBA court.

- 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. March 15 to November 15.
- 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.

There is an Eighteenmile Creek water right (74-2169), which has the same purpose and place of use. That water right will not be used for the term of this lease.

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

- 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:

This lease is under the Columbia River Basin Water Transaction Program. The intent of the program is to enhance tributary flows for anadromous and resident fish. This includes leasing water from the landowner and use of the Idaho Water Bank. This is a partial season lease from July 1 to November 15.

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 **01, 07, 2006** to **15, 11, 2006**
(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".

The minimum payment for this lease will be \$5000. \$450 will go towards the Water Bank administrative fees, and the remaining \$4500.00 will be paid to the lessor. The CBWTP will cover all costs through an IWRB rental.

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.

April 28, 2006
Date

[Signature]
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 74-7255

WATER RIGHT NUMBER: 74-7255

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES KRUCKEBERG SR 411 18 MILE RD LEADORE, ID 83464 (208)768-2420

Priority Date: 02/11/1994

Basis: License

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>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.790 CFS	
	<u>Total Diversion:</u>	0.790 CFS	

Location of Point(s) of Diversion

GROUND WATER	L3 (NW1/4SW1/4)	Sec. 7, Twp 15N, Rge 27E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	27E	7									35.8	35.8	35.0	35.8					142.4
												L 3	L 4						

Total Acres: 142.4

Conditions of Approval:

- 079 This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
- R25 This right when combined with all other rights shall provide no more than 3.5 afa per acre for irrigation of the lands above.
- The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 498.4 af for the lands above.

Remarks:Comments: