

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: **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. 74-2169 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: **1.8** cubic feet per second &/or _____ acre-feet per annum
- b. Point of diversion: **NWSE Sec. 18 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									40	36	37	40					74.6*

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 74.6*

***Water right is limited to the irrigation of 74.6 acres within the place of use.**

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 a ground water right (74-7255), 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".

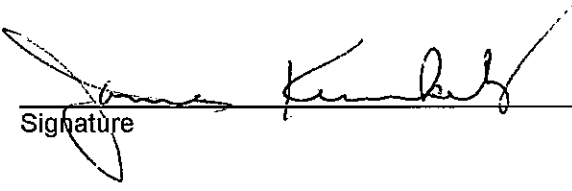
The minimum payment for this lease will be \$5000. \$450 will go towards the Water Bank administrative fees, and the remaining \$4500.00 will be paid to the lessor. The CBWTP will cover all costs through an IWRB rental.

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

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

Adjudication Recommendation Report 74-2169 V1

WATER RIGHT NUMBER: 74-2169 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM L FAYLE PO BOX 114 LEADORE, ID 83464
Current Owner	JAMES KRUCKEBERG SR 411 18 MILE RD LEADORE, ID 83464 (208)768-2420
Original Owner	DALE FAYLE PO BOX 114 LEADORE, ID 83464

Priority Date: 04/30/1914

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
EIGHTEENMILE CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.800 CFS	
	<u>Total Diversion:</u>	1.800 CFS	

Location of Point(s) of Diversion

EIGHTEENMILE CREEK	NW1/4SE1/4	Sec. 18, 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									40.0	36.0	37.0	40.0					153.0
												L 3	L 4						

Total Acres: 153

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. K06 This right is limited to the irrigation of 74.6 acres within the place of use described above in a single irrigation season.
3. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.