

RECEIVED

AUG 21 2003

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 Bernard L Brown Phone 631-2965

Post office address 655 E. 19 N, Mountain Home, ID 83647

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

a. Decree No. _____ Decreed to _____
(Name)

in case of _____ vs _____

dated _____ in _____ county of _____
(Name of court)

b. License No(s). 61-2154, 61-2155, 61-7005, 61-7119, 61-10378, 61-7396 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: 6.74 cubic feet per second &/or

2576 acre-feet per annum

b. Point of diversion: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18 Township 04S Range

06E, B.M. in Elmore County.

Additional points SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sect. 19 in T04S R06E B.M.
SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20 in T04S R06E B.M.
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20 in T04S R06E B.M.

c. Place of Use:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04S	06E	17											40	40					80
		18							8	16	40	40	40	40		20	40	40	284
		19	40	40	39	39	40	41	41	39	40	40	40	40	28	40	40	40	627
		20	40	40	40	40	40	40	40	40					40	40	40	40	480
																Total PPU			1471
																Total acres irrigated			1244

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 644

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.

Proof of ownership attached

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).

Partial decree has been issued in last 5 years

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.

The right is from a ground water source

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.

The owner has changed his farming operation and now periodically leases portions of the property to potato growers, and leaves portions dry. In any given year it is anticipated that 600 acres of the total 1244 irrigable will be irrigated.

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.

Not Applicable

4. REMARKS:

Applicant has changed his farming operation and now leases portions of the farm to potato growers, and leaves portions idle. While the fallow portions rotate around the farm, it is envisioned that approximately 644 acres of the total 1244 irrigable will be dry in any given year.

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

_____ For lease for a period from 03/01/04 to indefinite
(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".

_____ \$10/acre-foot _____

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.

8/18/03 Bernad L Brown
Date Signature of Applicant

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

SCANNED
AUG 15 2007

Calculation of water to be leased

Bernard Brown

Rights no.		cfs	afa	acres irrigated	PPU
61-2155		5.86	1232	308	308
61-2154	} limited as a group				
61-7005					
61-7119		12.88		936	1163
61-10378					
61-7396					
				1244	1471

Applicant wishes to continue irrigating approximately 600 acres within the place of use of 1471 acres. He wishes to retain a full .02 cfs flow for each acre he continues to irrigate.

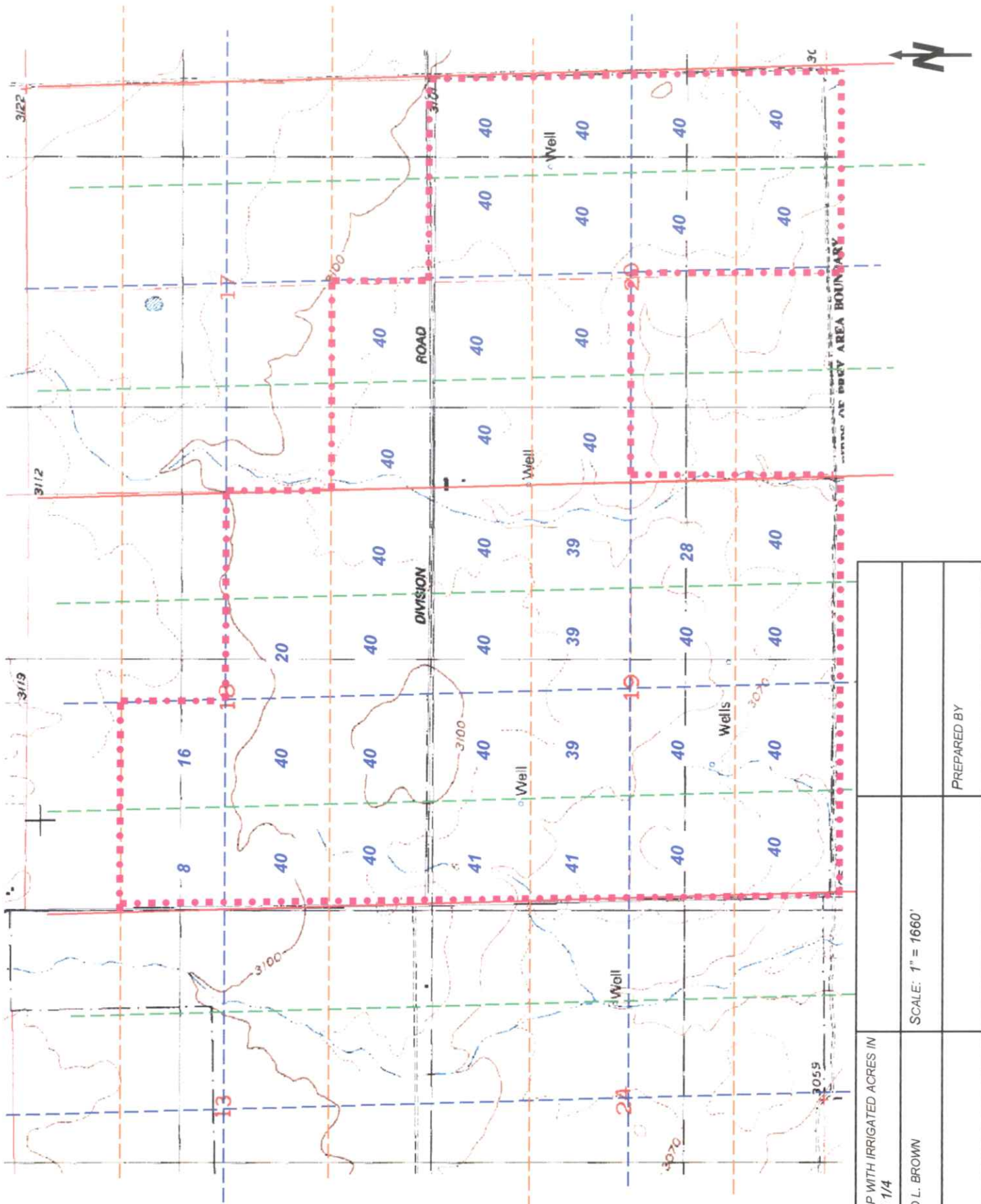
1244 acres licensed to irrigate
600 amount currently irrigated
644 acres of water right to the water bank
51.77% percentage of acres to water bank

Retaining .02 cfs for each "group" of water rights, we get:

Rights no.		acres retained	cfs retained	acres to water bank	cfs to water bank
61-2155		148.6	2.97	159.4	2.89
61-2154	} limited as a group				
61-7005					
61-7119		451.45	9.03	484.55	3.85
61-10378					
61-7396					
Totals				644.0	6.74

SCANNED

AUG 15 2007



TOPO MAP WITH IRRIGATED ACRES IN EACH 1/4 1/4		
BERNARD L. BROWN	SCALE: 1" = 1660'	
	PREPARED BY	
	DARWIN VANDER STELT	

SCANNED
AUG 15 2007

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2003 FEB 27 PM 3 09

SCANNED
AUG 15 2007

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

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.



Roger Byrdick
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA

Case No. 39576

)
)
)
)

Subcase Nos. Attached

CERTIFICATION

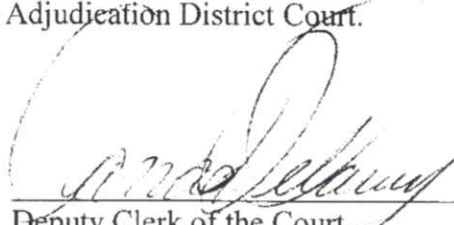
State of Idaho

County of Twin Falls ss.

I hereby certify the attached Partial Decrees to be full, true and correct copies of the
originals on file with the Snake River Basin Adjudication District Court.

DATED February 27, 2003.




Deputy Clerk of the Court
Snake River Basin Adjudication

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

2003 FEB 27 PM 3 09

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 61-07005

NAME AND ADDRESS: BERNARD L BROWN
 655 E 19 N
 MOUNTAIN HOME, ID 83647

SOURCE: GROUNDWATER

QUANTITY: 5.24 CFS
 1280.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 61-02154, 61-07396 AND
61-10378 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.88
CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3196.AF.

PRIORITY DATE: 08/23/1967

POINT OF DIVERSION: T04S R06E S18 SESE Within Elmore County
 S19 LOT 1 (SENWNW)
 S20 SWNWNW
 SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 10-15	5.24 CFS 1280.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL
WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE
AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS
ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation		Within Elmore County
	T04S R06E S19	NENE 40.0	NWNE 40.0
		SWNE 39.0	SENE 39.0
		NENW 40.0	(NWNW) 41.0
	LOT 2	(SWNW) 41.0	SENW 39.0
	S20	NENE 40.0	NWNE 40.0
		SWNE 40.0	SENE 40.0
		NENW 40.0	NWNW 40.0
		SWNW 40.0	SENW 40.0
		NESE 40.0	NWSE 40.0
		SWSE 40.0	SESE 40.0
	799.0 Acres Total		

USE OF THIS RIGHT WITH RIGHT NOS. 61-02154, 61-07396 AND
61-10378 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
799 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 320 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

SCANNED

AUG 15 2007

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

SCANNED

AUG 15 2007

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

In Re SRBA

Case No. 39576

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Subcase Nos. Attached

CERTIFICATION

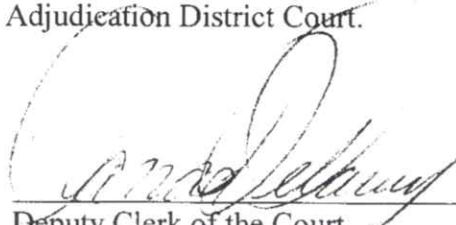
State of Idaho

County of Twin Falls ss.

I hereby certify the attached Partial Decrees to be full, true and correct copies of the originals on file with the Snake River Basin Adjudication District Court.

DATED February 27, 2003.




Deputy Clerk of the Court
Snake River Basin Adjudication

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

2003 FEB 27 PM 3 20

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 61-10378

NAME AND ADDRESS: BERNARD L BROWN
655 E 19 N
MOUNTAIN HOME, ID 83647

SOURCE: GROUNDWATER

QUANTITY: 0.80 CFS

USE OF THIS RIGHT WITH RIGHT NO. 61-02154 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.44 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1276 AF.

USE OF THIS RIGHT WITH RIGHT NOS. 61-02154, 61-07005 AND
61--7396 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 12.88
CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3195 AF.

PRIORITY DATE: 04/30/1974

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
RIGHT.

POINT OF DIVERSION: T04S R06E S18 SESE Within Elmore County
S19 LOT 1 (SENWNW)
S20 SWNWNW
SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	0.80 CFS

PLACE OF USE:	Irrigation	Within Elmore County
	T04S R06E S19	NENE 40.0 NWNE 40.0
		SWNE 39.0 SENE 39.0
		NENW 40.0 LOT 1 (NWNW) 41.0
	LOT 2 (SWNW) 41.0	SENW 39.0
	S20 NENE 40.0	NWNE 40.0
		SWNE 40.0 NENW 40.0
		NWNW 40.0 SWNW 40.0
		SENW 40.0 NESE 40.0
		NWSE 40.0 SWSE 40.0
		SESE 40.0 SESE 40.0
	799.0 Acres Total	

USE OF THIS RIGHT WITH RIGHT NOS. 61-02154, 61-07005 AND
61-07396 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
799 ACRES IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT
NO. 61-02154 PURSUANT TO SECTION 42-1426, IDAHO CODE.
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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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In Re SRBA

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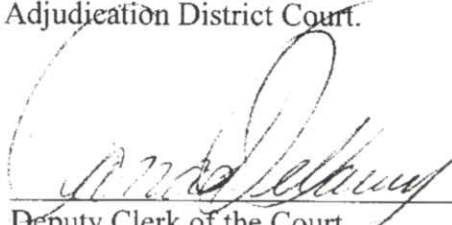
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