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JAN - 2 2004

Department of Water Resources

Water Supply Bank No. _____

Water Right No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

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

DEC 30 2003

WATER RESOURCES
WESTERN REGION

Name of Seller/Lessor Jay B. Brown
Post office address 6585 W. 54 S, Mountain Home, ID 83647

RECEIVED

AUG 28 2003

WATER RESOURCES
WESTERN REGION

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by: **See attached Decree**

a Decree No _____ Decreed to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b License No(s) 61-7151, 61-2188 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: .88 cubic feet per second &/or
640 acre-feet per annum

b Point of diversion: SW ¼ of NE ¼ of Section 24 Township 04S Range

05E, B M in Elmore County

Additional points

c. Place of Use:

[illegible]

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 160

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 160 acres of the total 320 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 160 acres of the total 320 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.

12/15/03 Bernard F Brown
Date Signature of Applicant

Jay B Brown 12-20-03

Received by JE **FOR DEPARTMENT USE ONLY** Date 12/20/03 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Calculation of water to be leased

Bernard Brown

Rights no

61-2188

61-7151

limited as a group

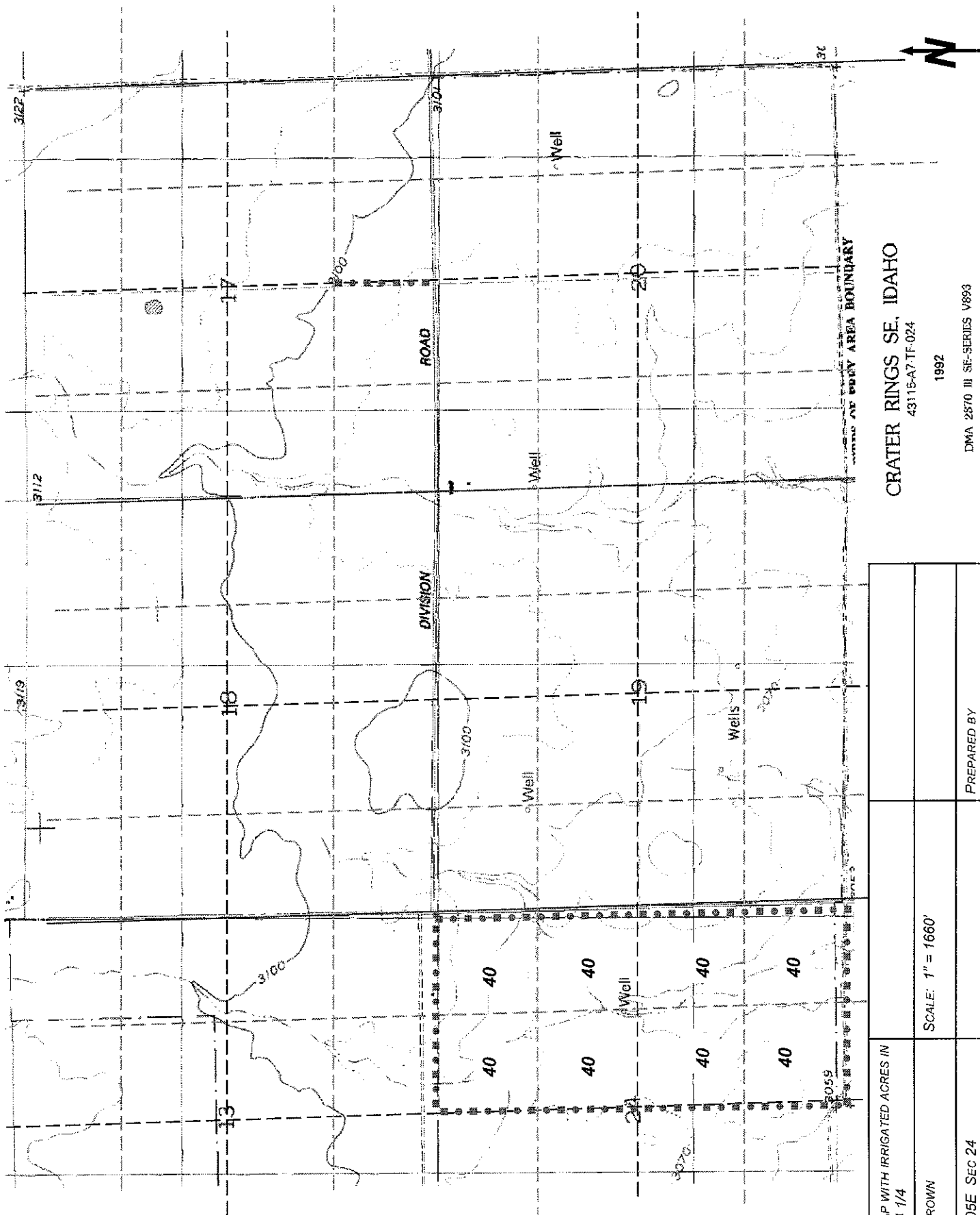
cfs	afa	acres irrigated	PPU
3 28	1280	320	320
		320	320

Applicant wishes to continue irrigating approximately 160 acres within the place of use of 320 acres. He wishes to retain .015 cfs flow for each acre he continues to irrigate

320 acres licensed to irrigate
 160 amount currently irrigated
 160 acres of water right to the water bank
 50.00% percentage of acres to water bank

Retaining .015 cfs for each water right, we get:

Rights no	acres retained	cfs retained	acres to water bank	cfs to water bank
61-2188	160 0	2 40	160 0	0 88
61-7151				
limited as a group				
Totals			160 0	0 88
				640 afa



CRATER RINGS SE, IDAHO 43115-A7-TF-024

1992

DMA 2870 III SE-SERIES V893

TOPO MAP WITH IRRIGATED ACRES IN EACH 1/4 1/4		
JAY B. BROWN	SCALE: 1" = 1660'	
T04S R05E SEC 24	PREPARED BY	DARWIN VANDER STELT