

No Color
Documents
In File

Water Supply Bank No. _____

Water Right No. _____

RECEIVED
APR 30 2004
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

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

DEPARTMENT OF WATER RESOURCES

Name of Seller/Lessor Jay + Jonna Barnett Phone 208 587 5960

Post office address 4550 NW 18th ST MTN. Home, Id. 83647

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by 61-11980, 61-11982, 61-11986

a. Decree No. 61-11984, 61-11985, 61-11987 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. Related to Transfer No. 69815

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: _____ cubic feet per second &/or

8.4 acre-feet per annum

b. Point of diversion. NW 3 of SW 3 of Section 7 Township 03S Range

07E B.M. in Elmore 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	
03S	07E	7									8.4								8.4

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 8.4

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.

Transfer from M. Peter Nielsen Apr 11th 2003
to U.S. (Jay & Jonna Barnett)

- 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).

New

- 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.

Does not Apply

- 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.

N/D

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

Does not Apply

- 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:

Does not Apply

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 04/30/04 to 04/30/06
(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".

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

04/30/04
Date

Jay D. Barnett
Signature

FOR DEPARTMENT USE ONLY

Received by J. Westra Date 4/30/04 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69815

This is to certify that: JAY BARNETT
4550 N 18TH E
MOUNTAIN HOME ID 83647
(208)587-5960

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
61-11980	WR/Decreed	04/23/1964	2.54 cfs	809.7 af	179.9	226.4	GROUND WATER
61-11982	WR/Decreed	03/15/1977	0.55 cfs	N/A	46.5	226.4	GROUND WATER

Purpose of Transfer (Changes Proposed)

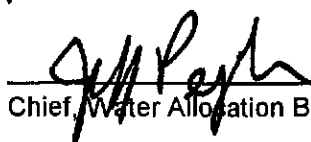
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-11980	YES	YES	YES	NO	NO	NO
61-11982	YES	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
61-11980	61-11985	0.1 cfs	31.8 af	7.1	8.4	61-11984	2.44 cfs	777.9 af	172.8	218.0
61-11982	61-11987	0.02 cfs	N/A	1.3	8.4	61-11986	0.53 cfs	N/A	45.2	218.0
COMBINED										
TOTALS		0.1 cfs	31.8 af		8.4		2.44 cfs	777.9	N/A	218.0

Detailed Water Right Description(s) attached

Dated this 10 day of April, 2003

For 
Chief, Water Allocation Bureau

MICROFILMED

APR 24 2003

WATER RIGHT NO. 61-11987
As Modified by Transfer No. 69815

In accordance with the approval of Transfer No. 69815, Water Right No 61-11987 is now described as follows.

Right Holder: JAY BARNETT And
 JONNA BARNETT
 4550 N 18TH E
 MOUNTAIN HOME ID 83647

Priority Date: March 15, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.02 CFS
			0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSW Sec. 7 Twp 03S Rge 07E ELMORE 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	
03S	07E	7																	8.4

Total Acres: 8.4

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code
2. Prior to diversion and use of water under this transfer approval, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications and shall report the amount of water diverted to the Department at the end of each calendar year.
3. This right is limited to the irrigation of 1.3 acres within the place of use described above in a single irrigation season.
4. Right 61-11985 retains its priority date of April 23, 1964 and right 61-11987 retains its priority date of March 15, 1977 relative to actions to distribute water that relates to management of the Mountain Home Ground Water Management Area overall. Diversion and use of water is subordinate to all rights to use ground water existing within the immediate area of the point of diversion on the date of this approval. Any water management dispute relative to increased draw downs of the water table or depletion of ground water resulting from this approval is presumed to be within the immediate area, resulting in a subordination of the water right.

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APR 1978

WATER RIGHT NO. 61-11987
As Modified by Transfer No. 69815

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Rights 61-11985 and 61-11987 when combined shall not exceed a total diversion rate of 0.10 cfs, a total annual maximum diversion volume of 31.8 af at the field headgate, and the irrigation of 8.4 acres.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
10. Right 61-11987 is an enlargement of Right No. 61-11985 pursuant to Section 42-1426, Idaho Code.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10 day of April, 2003


for Chief, Water Allocation Bureau

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2003

WATER RIGHT NO. 61-11985
As Modified by Transfer No. 69815

In accordance with the approval of Transfer No. 69815, Water Right No 61-11985 is now described as follows.

Right Holder: JAY BARNETT And
 JONNA BARNETT
 4550 N 18TH E
 MOUNTAIN HOME ID 83647

Priority Date: April 23, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.10 CFS	31.8 AF
			0.10 CFS	31.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWSW Sec. 7 Twp 03S Rge 07E ELMORE 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	
03S 07E 7																	8.4

Total Acres: 8.4

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code
2. Prior to diversion and use of water under this transfer approval, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion, in accordance with Department specifications and shall report the amount of water diverted to the Department at the end of each calendar year.
3. This right is limited to the irrigation of 7.1 acres within the place of use described above in a single irrigation season.
4. Right 61-11985 retains its priority date of April 23, 1964 and right 61-11987 retains its priority date of March 15, 1977 relative to actions to distribute water that relates to management of the Mountain Home Ground Water Management Area overall. Diversion and use of water is subordinate to all rights to use ground water existing within the immediate area of the point of diversion on the date of this approval. Any water management dispute relative to increased draw downs of the water table or depletion of ground water resulting from this approval is presumed to be within the immediate area, resulting in a subordination of the water right.

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WATER RIGHT NO. 61-11985
As Modified by Transfer No. 69815

5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. Rights 61-11985 and 61-11987 when combined shall not exceed a total diversion rate of 0.10 cfs, a total annual maximum diversion volume of 31.8 af at the field headgate, and the irrigation of 8.4 acres.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
10. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
11. Right 61-11987 is an enlargement of Right No. 61-11985 pursuant to Section 42-1426, Idaho Code.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10 day of April, 2003


For Chief, Water Allocation Bureau

RECORDED

APR 10 2003

WATER RIGHT NO. 61-11986
As Modified by Transfer No. 69815

In accordance with the approval of Transfer No. 69815, Water Right No. 61-11986 is now described as follows.

Right Holder: M PETER NIELSEN
 3955 S 136 W
 MOUNTAIN HOME ID 83647

Priority Date: March 15, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15 to 11/15	0.53 CFS
		0.53 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENENW Sec. 19 Twp 04S Rge 05E ELMORE 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	
04S 05E 19	35.6	38.0	37.0	13.6	39.0	7.4	7.4	40.0									218.0

Total Acres: 218

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 45.2 acres within the place of use described above in a single irrigation season.
2. Rights 61-11984 and 61-11986 when combined shall not exceed a total diversion rate of 2.44 cfs, a total annual maximum diversion volume of 777.9 af at the field headgate, and the irrigation of 218 acres.
3. Right 61-11984 is also diverted through the point(s) of diversion described above.
4. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
5. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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APR 1 1988

WATER RIGHT NO. 61-11986
As Modified by Transfer No. 69815

6. Right 61-11986 is an enlargement of Right No. 61-11984 pursuant to Section 42-1426, Idaho Code.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10 day of April, 20 03


For Chief, Water Allocation Bureau

WATER RIGHT NO. 61-11984
As Modified by Transfer No. 69815

In accordance with the approval of Transfer No. 69815, Water Right No. 61-11984 is now described as follows.

Right Holder: M PETER NIELSEN
 3955 S 136 W
 MOUNTAIN HOME ID 83647

Priority Date: April 23, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	2.44 CFS	777.9 AF
			2.44 CFS	777.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER SENENW Sec. 19 Twp 04S Rge 05E ELMORE 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	
04S	05E	19	35.6	38.0	37.0	13.6	39.0	7.4	7.4	40.0									218.0

Total Acres: 218

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 172.8 acres within the place of use described above in a single irrigation season.
2. Rights 61-11984 and 61-11986 when combined shall not exceed a total diversion rate of 2.44 cfs, a total annual maximum diversion volume of 777.9 af at the field headgate, and the irrigation of 218 acres.
3. Right 61-11986 is also diverted through the point(s) of diversion described above.
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-26-2000.
5. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

MICROFILMED

1983

WATER RIGHT NO. 61-11984
As Modified by Transfer No. 69815

6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. Right 61-11986 is an enlargement of Right No. 61-11984 pursuant to Section 42-1426, Idaho Code.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 10 day of April, 2003


For Chief, Water Allocation Bureau

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APR 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 1, 2004

JAY AND JONNA BARNETT
4550 N 18TH E
MOUNTAIN HOME ID 83647

RE: APPLICATION TO LEASE WATER RIGHT NOS. 61-11985 AND 61-11987 TO THE WATER SUPPLY BANK

Dear Lessor:

The Department of Water Resources ("department") has completed its review of the Application to Sell or Lease Water Right(s) to the Water Supply Bank ("bank"). Please consider that the offered water rights are accepted into the bank.

Several items to keep in mind in connection with the lease of a water right to the bank are as follows:

1. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented 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 from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease
4. While a water right is in the bank, forfeiture provisions are stayed.
5. The water right referenced above will be rented from the bank at the current rental rate.
6. Water rented from the bank under rights 61-11985 and 61-11987 is limited to irrigation of a combined total of 8.4 acres, and a combined diversion rate of 0.10 cfs and diversion volume of 31.8 afa.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
8. Upon acceptance of a water right into the Board's water supply bank, the owner

of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.

The rights will automatically be released from the bank on April 30, 2006 unless the right is released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the right from the bank, the lessor must submit a request in writing to the department.

If you have questions, please feel free to contact the department.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', written over the printed name.

Jeff Peppersack, Manager
Water Right Permits Section

c: John Westra – IDWR Western Regional Office

MEMORANDUM

To: File 61-11985 and 61-11987

From: Jeff Peppersack

Date: June 1, 2004

Re. Lease of Water Rights to the State Water Supply Bank

<u>Water Right</u>	<u>SRBA Claims</u>	<u>Lease/Rental:</u>		
		<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
61-11985	Decreed	0.10 cfs	31.8 af	7.1 ac
61-11987	Decreed	0.02 cfs	na	1.3 ac
Combined Total		0.10 cfs	31.8 af	8.4 ac

The applicants, Jay and Jonna Barnett, have offered the entire rights for lease to the bank. The rights have been decreed in the SRBA in 2000. Right 61-11987 was decreed as an enlargement of right 61-11985 with combined limits. No forfeiture or other issues have been identified, the right should be accepted into the bank as proposed in the application with combined limit conditions.

MEMORANDUM

TO: **FILE** 61-11985

FROM: **VAULT**

RE: **TRANSFER #** 69 815

DATE: 4.11.03

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 61-11980

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MAY 21 2003