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Documents
In File

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 27 2003

Department of Water Resources

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

Name of Seller/Lessor STEPHEN & HELEN PERCY Phone 587-4699

Post office address P.O. Box 248, Mtn Home Id. 83647

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

a. Decree No. 61-10841 Decreed to STEPHEN & HELEN PERCY
(Name)
in case of SNAKE RIVER BASIN ADJUDICATION vs _____
dated 10-26-2000 in _____ county of _____
(Name of court)

b. License No. 61-10841 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: all cubic feet per second &/or
_____ acre-feet per annum

b. Point of diversion: SW 1/4 of SW 1/4 of Section 6 Township 03S Range
08E, B.M. in ELMORE County.
Additional points none

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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	1		4.5	22.5	19.0	15.0	5.2	6.1	37.0	6.4				33.2	23.0	9.2	19.6	200.7
03S	07E	12	3.0																3.0
03S	08E	6							1.5		4.6	13.0	24.0	24.0					67.1
03S	08E	7					0.8	5.4											6.2

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 277

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.

Purchased from Federal Land Bank Feb '89

- 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).

Used infrequently - Supplemental irrigation, fire, stock water;
Claim Filed in SRBA from 8-7-1989 & Decreed 10-26-2000
Forfeiture does not apply during those years.

- ☒ e. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

- 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.

Water right on Rattlesnake Creek R61-002713,
R61-00269, R61-00275,
61-07069E From same well.

- ☒ 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:

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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 1-4-03 to 1-10-04
(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".

Going rate (\$11?) //

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.

Mar. 26, 03
Date

Stephen H. H. H. H.
Signature

FOR DEPARTMENT USE ONLY

Received by WJH Date 3-27-03 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

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QUITCLAIM DEED

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MAR 27 2003

FOR VALUE RECEIVED

Stephen H. Percy and Helen S. Percy, husband and wife

Department of Water Resources

DO HEREBY CONVEY, RELEASE, REMISE AND FOREVER QUITCLAIM

UNTO

Stephen H. Percy and Helen S. Percy, Trustees of the Stephen H. and

Helen S. Percy Trust, under Trust Agreement, dated 05/13/98

WHOSE ADDRESS IS: P.O. Box 248

Mountain Home, Id 83647

THE FOLLOWING DESCRIBED PREMISES, TO-WIT:

(See Attached)

TOGETHER WITH THEIR APPURTENANCES.

DATED: May 20, 2002


Stephen H. Percy


Helen S. Percy

STATE OF IDAHO, COUNTY OF Blaine

On this day of 2002,
before me, a notary public in and for said
State personally appeared

Stephen H. Percy
Helen S. Percy

known to me to be the person(s) whose name(s)
are subscribed to the within instrument and
acknowledged to me that they executed the same

Residing at
Commission Expires

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MAY 21 2003

LEGAL DESCRIPTION

E1/2SW1/4; SE1/4; SW1/4NW1/4

EXCEPTING Therefrom the following-described parcel:

A parcel of land located in the NE1/4 of Section 1, Township 3 South, Range 7 East of the Boise Meridian, more particularly as follows:

Commencing at the Northeast corner of Section 1, T3S, R7E, B.M. the Initial Point of this description; thence along the East line of said Section 1
S 00°58'56" W 1034.83 feet to the North right of way line of the U.S. Highway 20; thence along said right of way
S 70°47'12" W 183.39 feet to a highway right of monument; thence continuing along said right of way line
S 73°54'48" W 1826.28 feet to a point on the centerline of an existing driveway; thence along said centerline
N 05°02'45" W 693.04 feet; thence
N 70°41'44" E 215.16 feet; thence
N 72°20'30" E 76.78 feet; thence
S 33°41'42" E 91.35 feet; thence
N 85°30'39" E 448.64 feet; thence
N 12°55'09" W 895.56 feet to a point on the North line of said Section 1; thence along said North line
S 89°22'20" E 1432.78 feet to the Initial Point of this description.

Section 12: N1/2NE1/4

Township 3 South, Range 8 East, Boise Meridian, Elmore County, Idaho

Section 5: SW1/4SW1/4

Section 6: U.S. Government Lots 3, 4, 5, 6, and 7;
SE1/4NW1/4; NE1/4SW1/4;

SW1/4NE1/4; NW1/4SE1/4

Section 7: U.S. Government Lot 1; NE1/4NW1/4

EXCEPTING That portion conveyed to the state of Idaho for public highway by Deed recorded July 10, 1946, in Book 2 of Highway Deeds at Page 191, and by Deed recorded September 7, 1946, in Book 29 of Deeds at Page 608, records of Elmore County, Idaho.

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LEGAL DESCRIPTION

Township 1 South, Range 7 East, Boise Meridian, Elmore County, Idaho

Section 10: S1/2SW1/4; SE1/4SE1/4
Section 13: SW1/4SW1/4
Section 14: W1/2NE1/4; W1/2; SE1/4
Section 15: N1/2; N1/2S1/2; S1/2SE1/4; SE1/4SW1/4
Section 21: N1/2NE1/4
Section 22: N1/2; NE1/4SE1/4
Section 23: NW1/4NE1/4; NW1/4; N1/2SW1/4; SE1/4SW1/4
Section 24: N1/2NW1/4; SE1/4NW1/4; SW1/4NE1/4; E1/2SE1/4
Section 25: E1/2E1/2

Township 1 South, Range 8 East Boise Meridian, Elmore County, Idaho

Section 19: U.S. Government Lots 2, 3, and 4; E1/2SW1/4; W1/2SE1/4
Section 27: S1/2N1/2; N1/2S1/2
Section 30: U.S. Government Lots 1, 2, 3, and 4; W1/2E1/2; E1/2W1/2

Township 2 South, Range 7 East, Boise Meridian, Elmore County, Idaho

Section 23: E1/2SE1/4
Section 24: W1/2 W1/2

EXCEPTING That portion conveyed to the state of Idaho for a public highway by Warranty Deed, recorded April 12, 1979, as Instrument No. 187345, records of Elmore County, Idaho.

FURTHER EXCEPTING That portion of the above-described real property described in that Partial Fulfillment Deed naming Farm Credit Bank of Spokane, a corporation, as Grantor, and Stephen H. Percy and Helen S. Percy, husband and wife, as Grantees, recorded August 14, 1988, as Instrument No. 309793, records of Elmore County, Idaho, described as follows:

Real property situated in Township 2 South, Range 7 East, Boise Meridian, Elmore County, Idaho, including:

Section 24: W1/2W1/2 North and East of U.S. Highway 20
Section 23: NE1/4SE1/4 North and East of U.S. Highway 20

Township 3 South, Range 7 East, Boise Meridian, Elmore County, Idaho

Section 1: U.S. Government Lots 1, 2, 3 and 4; S1/2NE1/4; SE1/4NW1/4;

(See Attached)

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MAY 21 2003

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 61-10841

NAME AND ADDRESS: HELEN PERCY
STEPHEN PERCY
PO BOX 248
MOUNTAIN HOME, ID 83647

SOURCE: GROUNDWATER

QUANTITY: 4.60 CFS
1251.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.91 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1350 AF. COMBINED RIGHT
NOS.: 61-070690, 61-07069E.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.54 CFS. COMBINED RIGHT NOS.:
61-00269, 61-00270.

PRIORITY DATE: 03/24/1970

POINT OF DIVERSION: T03S R08E S06 SESWSW Within Elmore County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	4.60 CFS 1251.00 AFY

PLACE OF USE:	Irrigation	Within Elmore County
	T03S R07E S01 LOT 02 (NWNE) 4.5	SWNE 22.5
	SENE 19.0	LOT 03 (NENW) 15.0
	LOT 04 (NWNW) 5.2	SWNW 6.1
	SENW 37.0	NESW 6.4
	NESE 33.2	NWSE 23.0
	SWSE 9.2	SESE 19.6
	S12 NENE 3.0	
	R08E S06 SWNW 1.5	NESW 4.6
	LOT 03 (NWSW) 13.0	LOT 04 (SWSW) 24.0
	LOT 05 (SESW) 24.0	
	S07 NENW 0.8	LOT 01 (NWNW) 5.4
	277.0 Acres Total	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 277 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00269, 61-00275

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

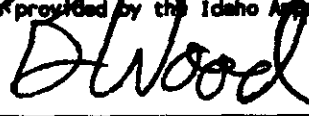
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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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.



Berry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication



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

March 8, 2004

STEPHAN PERCY
PO BOX 248
MOUNTAIN HOME ID 83647

RE: WATER SUPPLY BANK LEASE TERM. WATER RIGHT NO. 61-10841

Dear Lessor:

As requested in your letter, received by the department on March 4, 2004, the Department will retain the water right number(s) referenced above in Water Supply Bank. The right(s) will remain in the bank for an "indefinite" lease term unless the rights are released earlier by the Board, or upon a request from the owner of the rights. To extend the term of the lease or to release the right(s) from the bank, the water right owner or lease applicant must contact the department in writing prior the release date.

Enclosed is a copy of the Internal Revenue Service Request for Taxpayer Identification and Certification, Form W-9. The Department of Water Resources is required to file an information return with the Internal Revenue Service ("IRS") for all rental payments issued to owners of water rights leased to the bank. Please return this form to my attention. Payments for the rental of a water right or a part thereof cannot be issued to the lessor unless the department has received a completed IRS W-9 form.

If you have questions, please feel free to contact me.

Sincerely,

Cynthia Bridge Clark
Water Allocation Bureau

c: John Westra -- IDWR Western Region

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MAR 10 2004

P.O. Box 248
Mtn. Home, Id. 83647

February 29, 2004

Cynthia Bridge Clark
Dept. of Water Resources
P.O. Box 83720
Boise, Id. 83720

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Department of Water Resources

Re: Water Right No. 61-10841

I wish to extend the period of the lease
to the Idaho Water Resource Board for an
indefinite period of time.
Thank you.

Stephen Percy
STEPHEN PERCY

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MAR 10 2004



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

February 24, 2004

STEPHEN PERCY
PO BOX 248
MOUNTAIN HOME ID 83647

**RE: TERMINATION OF LEASE TO THE WATER SUPPLY BANK – WATER
RIGHT NO(S). 61-10841**

Dear Sir or Madam:

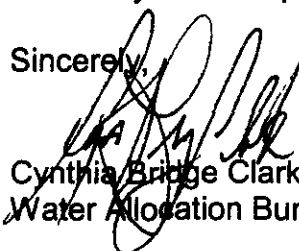
Department records show that the above referenced water right(s) has been leased through January 10, 2004 to the Water Supply Bank ("bank") operated by the Idaho Water Resource Board. This letter is notice that the right will be considered released from the bank unless you advise me, in writing, within fourteen (14) days of the date of this letter that you want to extend the period of the lease.

If you would like the right(s) to remain leased to the bank, please specify the date to which you want the lease extended. You may also request the right(s) remain leased to the bank for an "indefinite" period. In this case, the right(s) will remain in the bank indefinitely unless released earlier by the Board or until the water right owner or lease applicant contacts the department in writing to request the release of the right(s) from the bank.

Please consider that the five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the bank. If a written request is not received within fourteen (14) days, the right(s) will be considered released from the bank as of January 10, 2004.

If you have questions, feel free to contact me directly at (208) 327-7898.

Sincerely,


Cynthia Bridge Clark
Water Allocation Bureau

c: IDWR - Regional Office

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MAR 10 2004



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

March 27, 2003

Stephen Percy
PO Box 248
Mountain Home, ID 83647

**RE: APPLICATION TO LEASE WATER RIGHT NO. 61-10841 TO THE WATER
SUPPLY BANK**

Dear Mr. Percy:

The department has completed its review of the Application to Sell or Lease a Water Right to the Water Supply Bank ("bank") that you submitted to this office in the name of Idaho Transportation Department. Please consider that the offered water right is accepted into the bank.

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

1. There is no rental payment to the owner 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.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires on December 31, 2006.
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.

If you have questions, please feel free to contact me.

Sincerely,


L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - W. Region
61-10841

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MAY 21 2003