



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

**COPY**

APRIL 14, 2005

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

STEVEN HANNULA  
ERO RESOURCES CORP  
1106 N COLE RD  
BOISE ID 83704-8661

RE: 61-7007 AND 61-2215 – WATER SUPPLY BANK

Dear Mr. Hannula:

As per your request, I am returning the two lease applications in the name of Robert and/or Daryl Rhead. These applications are withdrawn for consideration from the bank.

If you have any questions, please feel free to call.

Sincerely,

Noreen Vaughan  
Water Allocations

Enc: 2



ERO Resources Corp.  
1106 N. Cole Rd Suite C  
Boise, ID 83704-8661  
(208) 373-7983  
Fax: 373-7985  
Denver • Boise  
www.eroresources.com  
eroboise@eroresources.com

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DEPARTMENT OF  
WATER RESOURCES

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WATER RESOURCES  
WESTERN REGION

November 2, 2004

Ms Cynthia Bridge Clark  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705

RE: Application to Water Supply Bank for Daryl and/or Robert Rhead

Dear Mrs. Bridge Clark:

Attached, please find two applications to the water supply bank in the name of Daryl and/or Robert Rhead for a portion of water right nos. 61-2215 and 61-7007. The applicants wish to place a total of 30 acres of their water rights into the water supply bank.

If you have any questions, please call.

Regards,

Steven R. Hannula

**COPY**

Form No 42-1761  
01/03

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WATER RESOURCES  
WESTERN REGION

Water Supply Bank No. \_\_\_\_\_

Water Right No 61-2215

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

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

Name of Seller/Lessor Robert and/or Daryl Rhead

Phone (208)587-7325

Post office address HC 85 Box 20 Mountain Home, Idaho 83647

**1 DESCRIPTION OF RIGHT:**

Right evidenced by:

a. Decree No. 61-2215 Decreed to Daryl and/or Robert Rhead

(Name)

in case of \_\_\_\_\_ vs. \_\_\_\_\_

dated 10/26/2000 in SRBA county of ELMORE

(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: 0.185 cubic feet per second &/or 59 acre-feet per annum

b. Point of diversion: SW ¼ of NW ¼ of Section 3 Township 5S Range 6E, B.M. in ELMORE County.

Additional points SENW SEC 4, NWNE SEC 5, SENE SEC 5 LOT 2

c. Place of use:

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 5S  | 6E  | 5   |    |    |    | 14 |    |    |    |    |    |    |    |    |    |    |    |    | 14     |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
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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 14

### 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

Robert Rhead began purchasing the property from private ownership in about 1967; see attached warranty deeds.

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). Decree issued October 2000. Entire farm was fully irrigated in 2000 to 2003, a portion was left fallow in 2004.

- 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.

This is a groundwater 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

61-7007 is used in combination with this right. The 30 acres being placed in the water supply bank will not be irrigated.

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

N/A

- 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

N/A

- 4 REMARKS: This portion of water right 61-2215 is being placed in the water supply bank in combination with 61-7007 for a total of 30 acres. These 30 acres are being retired as a result of a conversion from irrigation to stock water and commercial use for a dairy. This water supply bank application is in conjunction with an application for transfer of this same water right.

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 period from 1-1-2005 to INDEFINITE  
(Day, month, year) (Day, month, year)

(This 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

2-11-04  
Date

Robert E Rhoad  
Signature

**FOR DEPARTMENT USE ONLY**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Received \_\_\_\_\_

Recommended for \_\_\_\_\_ approval \_\_\_\_\_ denial by \_\_\_\_\_

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WATER RESOURCES  
WESTERN REGION

**COPY**

Form No. 42-1761  
01/03

Water Supply Bank No. \_\_\_\_\_

Water Right No. 61-7007

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

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

Name of Seller/Lessor Robert and/or Daryl Rhead

Phone (208)587-7325

Post office address HC 85 Box 20 Mountain Home, Idaho 83647

**1 DESCRIPTION OF RIGHT:**

Right evidenced by:

- a Decree No. 61-7007 Decreed to Daryl and/or Robert Rhead (Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated 10/26/2000 in SRBA county of ELMORE  
(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: 0.21 cubic feet per second &/or 61 acre-feet per annum
- b. Point of diversion: SW ¼ of NW ¼ of Section 3 Township 5S Range 6E, B.M. in ELMORE County  
Additional points SENE SEC 4, NWNE SEC 5, SENE SEC 5 LOT 2

c Place of use:

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 5S  | 6E  | 5   |    |    |    | 16 |    |    |    |    |    |    |    |    |    |    |    |    | 16     |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
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|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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 16

### 3 ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

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

N/A

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N/A

4. REMARKS: This portion of water right 61-7007 is being placed in the water supply bank in combination with 61-2215 for a total of 30 acres. These 30 acres are being retired as a result of a conversion from irrigation to stock water and commercial use for a dairy. This water supply bank application is in conjunction with an application for transfer of this same water right.

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X For lease for period from 1-1-2005 to Indefinite  
(Day, month, year) (Day, month, year)

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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.

2-11-04  
Date

Robert C Rhead  
Signature

FOR DEPARTMENT USE ONLY

Received by \_\_\_\_\_ Date \_\_\_\_\_ Preliminary check by \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Received \_\_\_\_\_

Recommended for \_\_\_\_\_ approval \_\_\_\_\_ denial by \_\_\_\_\_