



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

August 25, 2003

PETER FLOOD
FLOPET INC
PO BOX 229
SUN VALLEY ID 83353

**RE: APPLICATION TO LEASE PART OF WATER RIGHT NO. 2-7287 AND SRBA
CLAIM 2-4 TO THE WATER SUPPLY BANK**

Dear Mr. Flood:

The department has completed its review of the Applications to Sell or Lease Water Right(s) to the Water Supply Bank ("bank") that you submitted to this office. Please consider that the offered water right(s) are accepted into the bank.

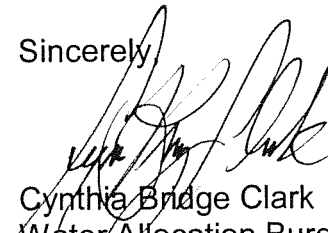
Several items to keep in mind in connection with the lease of a water right to the bank are as follows:

1. There is no rental payment to the 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.
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.
6. The lessor may be required to provide evidence of availability of the surface water source prior to rental of the right.

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

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

c: IDWR Western Regional Office
SRBA Claim 2-4, water right 2-7287

Timothy Stover
Robertson, Hepworth, Slette, Worst & Stover, P.L.L.C.

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MEMORANDUM

To: Files 2-4, 2-7287

From: Cynthia Bridge Clark

Date: August 21, 2003

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>
2-4	2-4	0.22 cfs	40 af	10 ac
2-7287	Licensed 1991	2.0 cfs	500 af	100 ac

The applicant has offered two rights for lease to the bank. Right 2-4 is an SRBA claim based on beneficial use. Scott King of the Adjudication staff has reviewed the claim, received evidence of priority, and has issued a preliminary recommendation that matches the claimed use. Based on the evidence collected by IDWR staff, the right has been accepted into the bank as claimed.

Right number 2-7287 is based on a license. In a place of use comparison, statutory claim 2-4013 appears to overlap the offered right in the south half of section 6, T6S R9E. Further review confirmed that lands authorized under right 2-7287 are located in Government Lots 7 & 8, while those authorized under right 2-4013 are located in Lots 1, 2, 3, and 5.

Both rights are accepted into the bank indefinitely.

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**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.**
ATTORNEYS AT LAW

J. EVAN ROBERTSON
JEFFREY J. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER

303 Shoshone Street North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041



TIMOTHY J. STOVER
tstover@idalawyer.com

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AUG - 6 2003

Department of Water Resources

August 5, 2003

Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

RE: **Applications to Sell or Lease to Water Bank/Flopet, Inc.**

Dear Mr. Saxton:

Enclosed please find two original Applications to Sell or Lease a Water Right to the Water Supply Bank from my client, Flopet, Inc. Before proceeding to file these applications, I would ask that you please contact me so that we can discuss a few issues.

Thank you for your attention to this matter. I look forward to hearing from you.

Yours truly,

TIMOTHY J. STOVER

TJS:jl
Encls.
cc: Peter Flood

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Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Department of Water Resources

Name of Seller/Lessor Flopet, Inc. Phone (208) 726-4591

Post office address P.O. Box 229, Sun Valley, ID 83353

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. _____ issued by the Idaho Department of Water Resources.
- c. Permit No. 02-00004 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: .22 cubic feet per second &/or
10 acre-feet per annum (all)
- b. Point of diversion: L4 SE 1/4 of SE 1/4 SE 1/4 of Section 21 Township 05S Range
10 E, B.M. in Elmore County.
Additional points _____

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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	
05S	10E	21												3.0					3.0
														L4					
05S	10E	28						7.0											7.0
								L8											

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 10.0

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.

Warranty Deed (copy 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).

See attached Idaho Power bills

- 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.

All year.

- 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.

No

- 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.

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;

xx For lease for a period from indefinite to _____
(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".

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.

Date

7/28/03

Signature

[Signature]

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

WARRANTY DEED

For Value Received Paul D. Shrum and Debra K. Shrum, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
Flopert, Inc., a California Corporation
whose address is: P. O. Box 229, Sun Valley, ID 83353

Hereinafter called the Grantee, the following described premises situated in Elmore County, Idaho, to-wit:

Township 5 South, Range 10 East, Boise Meridian, Elmore County, Idaho

Section 21: All that part of Government Lot 4 and all that part of the
SW1/4 SW1/4 lying between the Oregon Short Line Railroad Company right of
way and the Snake River.

Section 28: All that part of Government Lots 7 and 8 lying between the
Oregon Short Line Railroad Company right of way and the Snake River.

SAVE AND EXCEPT that part of Lot 7, Section 28, Township 5 South, Range 10
East, Boise Meridian, Elmore County, Idaho, lying South of the Existing 1-
84 right of way and East of the existing railroad right of way.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee
simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and
except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will
warrant and defend the same from all claims whatsoever.

Dated: December 7, 1993

Paul D. Shrum
Paul D. Shrum

✓ Debra K. Shrum
Debra K. Shrum

State of Idaho

County of Elmore

On December 15, 1993 before me, the undersigned, a Notary Public in and for said State, personally appeared Paul D.
Shrum and Debra K. Shrum personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons
whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Signature

Dan Noble

Commission Expires: Feb. 16, 1994

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CUSTOMER IDENTIFICATION

CUSTOMER NAME FLOPET INC	SERVICE LOCATION 4540 HP 10
ACCOUNT NUMBER 1935-001481-6	TYPE OF SERVICE IRRIGATION SECONDARY

ACCOUNT INFORMATION AS OF **OCTOBER 21, 1999**

BALANCE FORWARD >

METER NUMBER OR NUMBER OF LAMPS	R A T E	SERVICE		D A Y S	*	METER READING		METER CONSTANT	BILLING DEMAND	BILLING ENERGY KILOWAT HOURS	
		FROM	TO			PREVIOUS	PRESENT				
79188613G	24	920	1019	30	0	07289	10491	1	10	3202	11146

ACCOUNT BALANCE 11146

**** ACCOUNT ACTIVITY SINCE LAST BILLING ****
31.66CR TOTAL PAYMENTS THANK-YOU

*pd 11-4-99
Ch 2314
Flopet*

\$2.50 CUSTOMER CHARGE, PLUS
0.0340290 PER KWH

COMPARE YOUR AVERAGE DAILY USE WITH LAST YEAR

DAYS	BILLING PERIOD	KWH BILLED	KWH PER DAY
	THIS MONTH THIS YEAR THIS MONTH LAST YEAR		

LEVEL PAY
AMOUNT

PLEASE PAY
THIS AMOUNT

111.46

PLEASE ADD \$1, \$5 OR \$10 TO AID THE PROJECT SHARE PROGRAM



RECYCLABLE

*O- REGULAR READING
CR- CREDIT

1- CUSTOMER READING
AV- AVERAGE

2 OR 3- ESTIMATED READING
MN- MINIMUM

FOR ADDITIONAL INFORMATION SEE REVERSE SIDE OR VISIT OUR WEB SITE www.idahopower.com

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PLEASE BRING ENTIRE BILL WHEN PAYING IN PERSON
FOR ACCOUNT INQUIRIES CALL OR CONTACT YOUR LOCAL OFFICE AT
(800)488-6151 2430 AMERICAN LEGION, MTN HO

CUSTOMER IDENTIFICATION

CUSTOMER NAME PET FLO INC	SERVICE LOCATION 4540 HP 10
ACCOUNT NUMBER 1935-001481-6	TYPE OF SERVICE IRRIGATION SECONDARY

ACCOUNT INFORMATION AS OF AUGUST 23, 1999

BALANCE FORWARD ➤											
METER NUMBER OR NUMBER OF LAMPS	R A T E	SERVICE		D A Y S	*	METER READING		METER CONSTANT	BILLING DEMAND	BILLING ENERGY KILOWAT HOURS	
		FROM	TO			PREVIOUS	PRESENT				
79188613G	24	812	819	7	0	07261	07285	1	9	24	1050
ACCOUNT INITIATION CHARGE											1500
ACCOUNT BALANCE											2550
**** ACCOUNT ACTIVITY SINCE LAST BILLING ****											
.00 TOTAL PAYMENTS RECEIVED											

pd 9-20-99
Ch 2295
Floret

\$10.07 CUSTOMER CHARGE, PLUS
0.0262730 PER KWH
3.5800 PER KW OF BILLING DEMAND

COMPARE YOUR AVERAGE DAILY USE WITH LAST YEAR			
DAYS	BILLING PERIOD	KWH BILLED	KWH PER DAY
	THIS MONTH THIS YEAR THIS MONTH LAST YEAR		

LEVEL PAY AMOUNT

PLEASE PAY THIS AMOUNT
25.50

PLEASE ADD \$1, \$5 OR \$10 TO AID THE PROJECT SHARE PROGRAM



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*O- REGULAR READING
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AV- AVERAGE

2 OR 3- ESTIMATED READING
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PLEASE BRING ENTIRE BILL WHEN PAYING IN PERSON

FOR ACCOUNT INQUIRIES CALL OR CONTACT YOUR LOCAL OFFICE AT

(800)488-6151

2430 AMERICAN LEGION, MTN HO

CUSTOMER IDENTIFICATION

CUSTOMER NAME PET FLO INC	SERVICE LOCATION 4540 HP 10
ACCOUNT NUMBER 1935-001481-6	TYPE OF SERVICE IRRIGATION SECONDARY

ACCOUNT INFORMATION AS OF SEPTEMBER 22, 1999

BALANCE FORWARD ➤

METER NUMBER OR NUMBER OF LAMPS	R A T E	SERVICE		D A Y S	*	METER READING		METER CONSTANT	BILLING DEMAND	BILLING ENERGY KILOWAT HOURS	
		FROM	TO			PREVIOUS	PRESENT				
79188613G	24	819	920	30	0	07285	07289	1	6	4	3166

ACCOUNT BALANCE 3166

**** ACCOUNT ACTIVITY SINCE LAST BILLING ****
25.50CR TOTAL PAYMENTS THANK-YOU

*pd 10-5-99
Ch 2303
f. leger*

\$10.07 CUSTOMER CHARGE, PLUS
0.0262730 PER KWH
3.5800 PER KW OF BILLING DEMAND

COMPARE YOUR AVERAGE DAILY USE WITH LAST YEAR

DAYS	BILLING PERIOD	KWH BILLED	KWH PER DAY
	THIS MONTH THIS YEAR THIS MONTH LAST YEAR		

LEVEL PAY
AMOUNT

PLEASE PAY
THIS AMOUNT

31.66

PLEASE ADD \$1,\$5 OR \$10 TO AID THE PROJECT SHARE PROGRAM



RECYCLABLE

*O- REGULAR READING
CR- CREDIT

1- CUSTOMER READING
AV- AVERAGE

2 OR 3- ESTIMATED READING
MN- MINIMUM

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