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Department of Water Resources
Eastern RegionSTATE OF IDAHO
WATER RESOURCE BOARDAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

WSB No. _____

Receipt No. E0 38905Date/by SC 7-19-13

(For Department Use Only)

Name of Seller/Lessor B & H Real Estate Enterprises LLC Phone (208) 522-6662Mailing Address 3300 Washington Parkway, Idaho Falls, ID 83404 Email _____Prepared by: Keith C. Wilson c/o Rocky Mountain Environmental Associates Inc. Phone (208) 524-2353 / Fax 524-1795482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email kwilson@rockymountainenvironmental.com

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, click here ☐, list the water right number, and skip to Part B.

1. Water Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>23-11360</u>	<u>0.21</u>	<u>Irrigation</u>	<u>04/15</u> to <u>10/31</u>
<u>n/w 23-11437</u>			to
			to
Total Amount:	<u>0.21</u>		

2. Source of water Rainey Creek tributary to South Fork Snake River

3. Point(s) of Diversion

Twp	Rge	Sec	Lot	¼	¼	¼	County
2N	44E	33		SE	NW	SE	Bonneville

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	5	A																
02N	44E	32																A	

10.6 acres w/in 19.7 acres

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 19.7

B. OWNERSHIP

- Are you currently listed in IDWR's Records as the owner of the water right being offered to the bank? Yes ☐ No ☒
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form with the required documentation and fee.
- Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district to the proposed sale or lease and list name of entity:

C. GENERAL INFORMATION

23-11360 (Pg 2 of 3)

1. Please provide a description of the current diversion system.

Diversion Box to ditches to irrigate property

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

Water Rights 23-11364, 23-11358, 23-11360, 23-11362 & 23-11356 share the same diversion system and place of use.In combination these water rights are not to exceed 0.45 cfs or 0.02 cfs/ac.

3. Will the present place of use continue to receive water from any source?

Yes ☐ No ☒If yes, describe

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

5. Is this water involved in any other Department process such as an application for transfer or a mitigation plan?

Yes ☐ No ☒If yes, describe.**D. REQUIRED ITEMS**

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.

E. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale
- ☐
- or lease
- ☒
- .

If Lease, for a period from _____ to _____ (not to exceed 5 years)
(Month / Day / Year) (Month / Day / Year)

2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than 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/lessor 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 or the lease term expires.
4. While a 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.

Signature of Applicant

Printed Name and Title*

Date

Signature of Applicant

Printed Name and Title*

Date

* Please provide title of signatory if signing on behalf of a company or organization or the power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

SPLIT PORTIONS OF WATER RIGHTS**Calculations**

B & H Real Estate Enterprises LLC - Deed includes 19.7 ac of 23-11364, 23-11358, 23-11360, 23-11362 & 23-11356

(a) (b) (c) (d) (e) (f) (g) (h) (i) (j)

Combined Limits	cfs/ac	Acres	Div.Rate (e) x (f) =	Combined Limit
2.11 cfs/92.4 acres =	0.0228	19.7	0.4499	0.45 cfs

Priority Date	Water Right	Div.Rate Limit cfs	Decreed Div.Rate	Acres w/in 92.4	Rate/acre cfs/ac	Acre Limit	(e) ÷ 92.4 WR Ac/92.4	(h)x(19.7 ac) % of 19.7 ac	cfs
03/01/1890	23-11364	2.11	0.60	30.3	0.0198	92.4	0.3279	6.4601	0.1279
06/01/1893	23-11358		0.46	23.2	0.0198		0.2511	4.9463	0.0981
05/07/1896	23-11360		1.00	49.9	0.0200		0.5400	10.6389	0.2132
10/24/1898	23-11362		0.42	21.2	0.0198		0.2294	4.5199	0.0895
01/22/1916	23-11356		2.02	92.4	0.0219		1.0000	19.7000	0.4307

Priority Date	Original Water Right #	New H2O Right Number	H2O Right Acres	Diversion Rate (cfs)
03/01/1890	23-11364		6.5	0.13
06/01/1893	23-11358		4.9	0.10
05/07/1896	23-11360		10.6	0.21
10/24/1898	23-11362		4.5	0.09
01/22/1916	23-11356		19.7	0.43

Combined Limit = 0.45 cfs