

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

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RECEIVED

AUG 08 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

August 7, 2013

Mr. Allen Merritt
Idaho Dept. of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

**RE: Blaine County Recreation District
Transfer No. 78396**

Dear Allen:

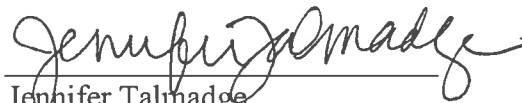
In the matter of Water Right No. 37-2627D and Transfer No. 78396, enclosed please find the original and one copy each of (1) an Acknowledgment and Agreement and (2) a Request to Release a Right from the Water Supply Bank. Please receipt date-stamp the copy and return it for our files in the enclosed self-addressed envelope.

Please feel free to call Jim Speck with any questions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By:



Jennifer Talmadge
Asst. to James P. Speck

Enclosures

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

ACKNOWLEDGMENT AND AGREEMENT

To: Idaho Department of Water Resources and Watermaster of Water District 37

Subject: Acknowledgment of limitation and agreement to divert and use water under Right No. 37-2627D consistent with the terms of Transfer No. 78396

Blaine County Recreation District ("BCRD", the undersigned holder of the portion of Right No. 37-2627D that is the subject of Transfer Application No. 78396 (0.06 cfs, up to 10.5 afa, for the irrigation of 3.0 acres¹) acknowledges that this water right is leased to the Idaho Water Resource Board's Water Supply Bank and that portions of the right are rented from the Water Supply Bank for use by others as follows:

- A 0.02 cfs portion for one (1) acre is rented until October 31, 2013.
- An additional 0.02 cfs portion for one (1) acre is rented until October 31, 2015.
- A third 0.02 cfs portion for one (1) acre is not rented from the Water Supply Bank.

BCRD seeks the approval of Transfer No. 78396 as soon as possible so that work toward completion of the transfer may begin soon. Pursuant to the attached *Water Supply Bank: Request to Release a Water Right from the Bank*, BCRD desires the release of the unrented 0.02 cfs portion of Right No. 37-2627D from the Water Supply Bank immediately, and seeks release of the remaining portions from the Water Supply Bank as their rental terms are completed. BCRD proposes to complete the proposed transfer in a manner that will not duplicate or enlarge the use of Right No. 37-2627D during the terms of the Water Supply Bank rentals. Therefore, BCRD agrees to divert and use water consistent with Transfer No. 78396 according to the following schedule:

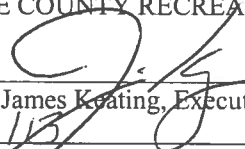
- After approval of Transfer No. 78396, the exercise of the portion Right No. 37-2627D modified by the transfer shall be limited during the remainder of the irrigation season for year 2013 to the diversion of no more than 0.02 cfs for the irrigation of one (1) acre of land.
- During the irrigation seasons in 2014 and 2015, no more than 0.04 cfs and 7.0 afa shall be diverted and no more than two (2) total acres per season shall be irrigated pursuant to the portion of Right No. 37-2627D modified by Transfer No. 78396.
- During the irrigation season of 2016 and thereafter the portion of Right No. 37-2627D modified by Transfer No. 78396 may be used in full.

BCRD requests that the development period for Transfer No. 78396 be extended through the 2016 irrigation season.

BCRD acknowledges that the use of Right No. 37-2627D may be curtailed due to priority call.

BCRD acknowledges that irrigation of lands inconsistent with the provisions this Acknowledgement and Agreement is a violation I.C. §42-351 and is subject to the provisions of Idaho Code § 42-1701B including civil penalty not to exceed \$300 annually per acre irrigated.

BLAINE COUNTY RECREATION DISTRICT

By: 
James Keating, Executive Director
8/6/13

¹ Right No. 37-2627D was decreed in the SRBA for the diversion of 0.10 cfs to irrigate 5 acres. Via Transfer No. 78397, 0.03 cfs for 1.3 acres became Right No. 37-22807. Transfer App. No. 78398 proposes to change an additional 0.01 cfs for 0.7 acres of Right No. 37-2627D to Right No. 37-22808. The remaining portion of Right No. 37-2627D, which is the subject of Transfer App. No. 78396, is 0.06 cfs for 3 acres.

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
WATER RESOURCE BOARD
WATER SUPPLY BANK
REQUEST TO RELEASE A WATER RIGHT FROM THE BANK

ONE FORM PER WATER RIGHT

This form is a statement that the lessor requests the termination of a Water Supply Bank ("Bank") lease for the water right identified below. A water right remains in the Bank for the accepted lease period unless released earlier by the Water Resource Board or until the lessor submits a request in writing to the Department of Water Resources to release the right from the Bank. However, if a water right is currently rented, the portion of the right being rented must remain in the Bank for the duration of the rental agreement.

If requesting a change in lease amounts (reducing acreage, etc.), you must file an Application to Sell or Lease a Water Right to the Water Supply Bank. This form can be found on IDWR's website at: www.idwr.idaho.gov.

Water Right No: 37-2627D - portion for T.78396 Telephone No: (208) 726-4421

Name(s) of Lessor(s): Blaine County Recreation District

Mailing Address: c/o Jim Speck, P.O. Box 987

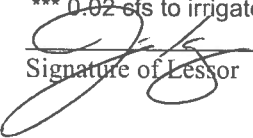
City: Ketchum State: ID Zip: 83340

Requested Release Date: August 1, 2013* Nov. 15, 2013** Nov. 15, 2015***

* 0.02 cfs to irrigate 1.0 acres in the SESW, S.16, T.3N., R.18E. per the attached map

** 0.02 cfs to irrigate 1.0 acres in the SESW, S.16, T.3N., R.18E. per the attached map

*** 0.02 cfs to irrigate 1.0 acres in the SESW, S.16, T.3N., R.18E. per the attached map

 Signature of Lessor Printed Name and Title* Jim Keating, Executive Director Date 8/6/13

Signature of Lessor Printed Name and Title* Date

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

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

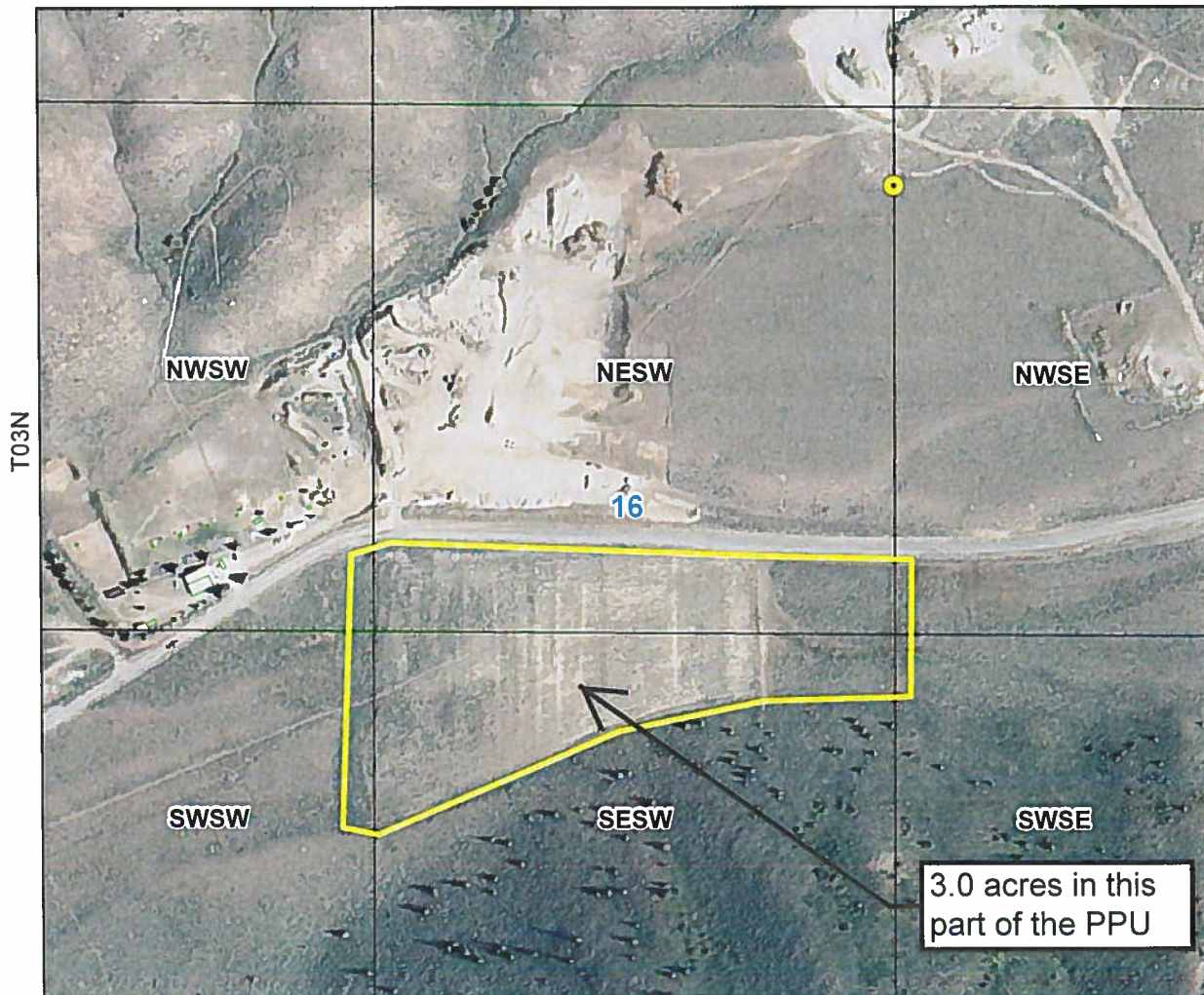
State of Idaho
Department of Water Resources

Water Right
37-2627D

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

R18E



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.05 0.1 0.2 Miles

BLAINE COUNTY RECREATION DISTRICT
APPLICATION FOR TRANSFER - PORTION OF 37-2627D
FOX ACRES PARCEL
ATTACHMENT #7a & b
P.1 - EXISTING PERMISSIBLE PLACE OF USE

