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DEPARTMENT OF
WATER RESOURCES

April 5, 2013

Ms. Pam Skaggs
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720

Re: The Boyd Charles Smith & Jill Johnson Smith Trust – Teton Ranch
Water Supply Bank Applications
Project No. 158-09-2010

Dear Pam:

Enclosed with this letter are two Water Supply Bank applications for the Boyd Charles Smith & Jill Johnson Smith Trust (Smith Trust). On October 12, 2012, a packet of twelve water bank applications were submitted to IDWR on behalf of the Smith Trust. Ms. Van Bussum reviewed the applications and accepted 10 of the applications into the water bank, but denied two of the applications based on potential enlargement issues.

I had numerous conversations with Ms. Van Bussum before she left IDWR about denied applications and illustrated to her how there was no potential enlargement. These water rights have an individual and multiple combined acreage limits. The acreage limits indicate that a single water right within the combination is the only right authorized to irrigate a certain number of acres. Therefore, the water right holder should be able to place a single right in the water bank. Ms. Van Bussum agreed with this logic and her last email correspondence is included for your review. However, she left IDWR before we could get these revised applications to her.

Water Bank Application for 22-616

The original application for water right no. 22-616 was for 163.3 acres. Upon additional discussions with Ms. Van Bussum, we collectively determined that this right was the only irrigation right on 153.3 acres. We have elected to reduce the number of acres in the water bank application to 152.8 acres. The flow rate offered in this application is 3.06 cfs and was determined by multiplying the partially decreed flow rate (8.0 cfs) by the percentages of acres offered to the bank ($152.8 \text{ acres} / 400 \text{ acres} = 38.2\%$). Ms. Van Bussum

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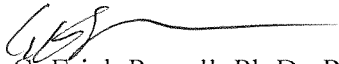
determined that the lease application fee for this right would not be necessary (see attached correspondence).

Water Bank Application for 22-42

Water right no. 22-42 is partially decreed to irrigate 40 acres; again, this right has several combined limits, but it appears that the right is only irrigation water authorized on the 40 acres in the partial decree. The Smith Trust wishes to offer a portion of this right for 18.5 acres to the water bank. The flow rate offered to the bank is 0.37 cfs and was determined by multiplying the partially decreed flow rate of 0.8 cfs by the percentage of acreage offered to the bank ($18.5 \text{ acres} / 40 \text{ acres} = 46.25\%$). The lease application fee of \$250 is provided for this water bank application.

I appreciate your prompt review of these applications. If you have questions and/or concerns regarding these applications, I would appreciate a direct phone call to me to resolve your questions and/or concerns.

Sincerely,



G. Erick Powell, Ph.D., P.E.

enclosure

cc: Rob Harris