

RECEIVED

APR 08 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD

WSB No. _____

Receipt No. 0096888Date/by 4-8-13 HP

(For Department Use Only)

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKName of Seller/Lessor The Boyd Charles Smith & Jill Johnson Smith Trust c/o Phone 208-523-0620Mailing address Holden Kidwell Hahn & Crapo PO Box 50130 Idaho Falls, ID83405 Email _____

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

If the entire right is for sale or lease, check 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>22-42</u>	<u>0.37</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/31</u>
			to
			to
Total Amount: <u>0.37</u>			

2. Source of water South Leigh Creek tributary to Teton River

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
06N	46E	30		NE	NW	SE	Teton

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	
06N	46E	30										1.1		0.9	4.9	0.7	0.4	1.1	9.1
06N	46E	31					7.2	2.2											9.4

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 18.5

B. OWNERSHIP

1. 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 along with the required documentation and fee.
2. Is the point of diversion for the water right owned or managed by an irrigation district? 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

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

Head gates, pumps and pipes

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

None. PPU with individual authorized areas.

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 right 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 (IWRB) for sale
- ☐
- or lease
- ☒
- .

If lease, for a period from 01-01-2013 to 12-31-2018 (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.

Robert L. Harris
Signature of Applicant

ROBERT L. HARRIS, ATTORNEY
Printed Name and Title*

APRIL 3, 2013
Date

Signature of Applicant

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



**TETON RANCH / BOYD C & JILL J. SMITH TRUST
WATER BANK ACRES
NAIP 2011 AERIAL PHOTO**



BROCKWAY ENGINEERING, PLLC.
GEP - MARCH 28, 2013

TETON RANCH - BOYD SMITH
2011 WATER SUPPLY BANK APPLICATION DATA
BROCKWAY ENGINEERING, PLLC
28-Mar-13

				Under Allowed (alr)		Total Acres										cfs**%/100	
T	R	SEC	QQ	ACRES	Irr	Ac for WSB	WSB	Lease App	SRBA	Decree Date	Priority Date	WR CFS	Acres to WSB	Acres in WR	%	cfs of WR to WSB	
Acres to WSB/Acres in WR**100																	
6N	45E	36	SWNE	16	21	5			11/28/2008	22-42 ^{a,c,d}	1916	0.8	18.5	40	46.250	0.37	
			SENE	21	25	4			11/28/2008	22-160 ^{a,c}	1891	3.2	0	160	0.000	0.00	
			SWNW	6.5	7.6	1.1			11/28/2008	22-545 ^{a,c}	1896	1.8	0	90	0.000	0.00	
			SENW	11.2	21	9.8			11/28/2008	22-616 ^{a,c,e}	1916	8.0	152.8	400	38.200	3.06	
			NESW	0	40	40			11/28/2008	22-13160 ^{a,c}	1905	0.63	0	40	0.000	0.00	
			NWSE	0	39	39			11/24/2008	22-312 ^{b,c}	1897	3.0	0	160	0.000	0.00	
6N	46E	31	NENE	30.6	40	9.4			11/24/2008	22-487 ^{b,c}	1897	0.72	0	160	0.000	0.00	
			NWNE	38.7	40	1.3		152.8	11/24/2008	22-13016 ^{b,c}	1899	1.48	0	160	0.000	0.00	
			SENE	20	22	2										3.43	
			SWNW	23.5	26	2.5											
			SENW	27.1	35	7.9											
6N	46E	32	L2 (SWNE)	16.8	28	11.2											
			NENW	26.7	32	5.3											
			NWNW	32.6	36	3.4											
			L3 (NWSE)	15.4	25	9.6											
			SWSE L4	0	1.3	1.3											
6N	46E	30	NWSW/L3	22.9	24	1.1											
			SESW	36.1	37	0.9											
			NESE	29.1	34	4.9											
			NWSE	25.3	26	0.7		18.5									
			SWSE	38.6	39	0.4											
			SESE	37.9	39	1.1											
6N	46E	31	NENW	32.8	40	7.2											
			NWNW	35.8	38	2.2											
^a Combined Allowed Acres 688.9 ^b Combined Allowed Acres 253 ^c Combined Allowed Acres 736.3 ^d individual water right limited to 40 acres, rights not stacked ^e individual water right limited to 400 acres, rights not stacked entirely																	

^a Combined Allowed Acres 688.9

^b Combined Allowed Acres 253

^c Combined Allowed Acres 736.3

^d individual water right limited to 40 acres, rights not stacked

^e individual water right limited to 400 acres, rights not stacked entirely