

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

RECEIVED
MAR - 6
DEPARTMENT OF
WATER RESOURCES

Name of Seller/Lessor Richard & Ella Beard Phone 208-456-1944

Mailing address P.O. Box 122, Tetonia, Idaho, 83452 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. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>22-11993</u>	_____	_____	_____ to _____
	_____	_____	_____ to _____
	_____	_____	_____ to _____
Total Amount: _____			

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

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	

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

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 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:
Please see attached document providing written consent from Tetonia Canal Company.

C. GENERAL INFORMATION

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

The diversion system consists of a headgate structure, with two gates, located off of Spring Creek at the point of diversion described above.

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

N/A

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 4/15/2013 to 10/31/2017 (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.

This water right shall be rented by the Idaho Water Resource Board, through Idaho's Water Transaction Program.

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.

Richard Beard
Signature of Applicant

RICHARD S BEARD
Printed Name and Title*

10-1-12
Date

Ella Beard
Signature of Applicant

Ella Beard
Printed Name and Title*

10-1-12
Date

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

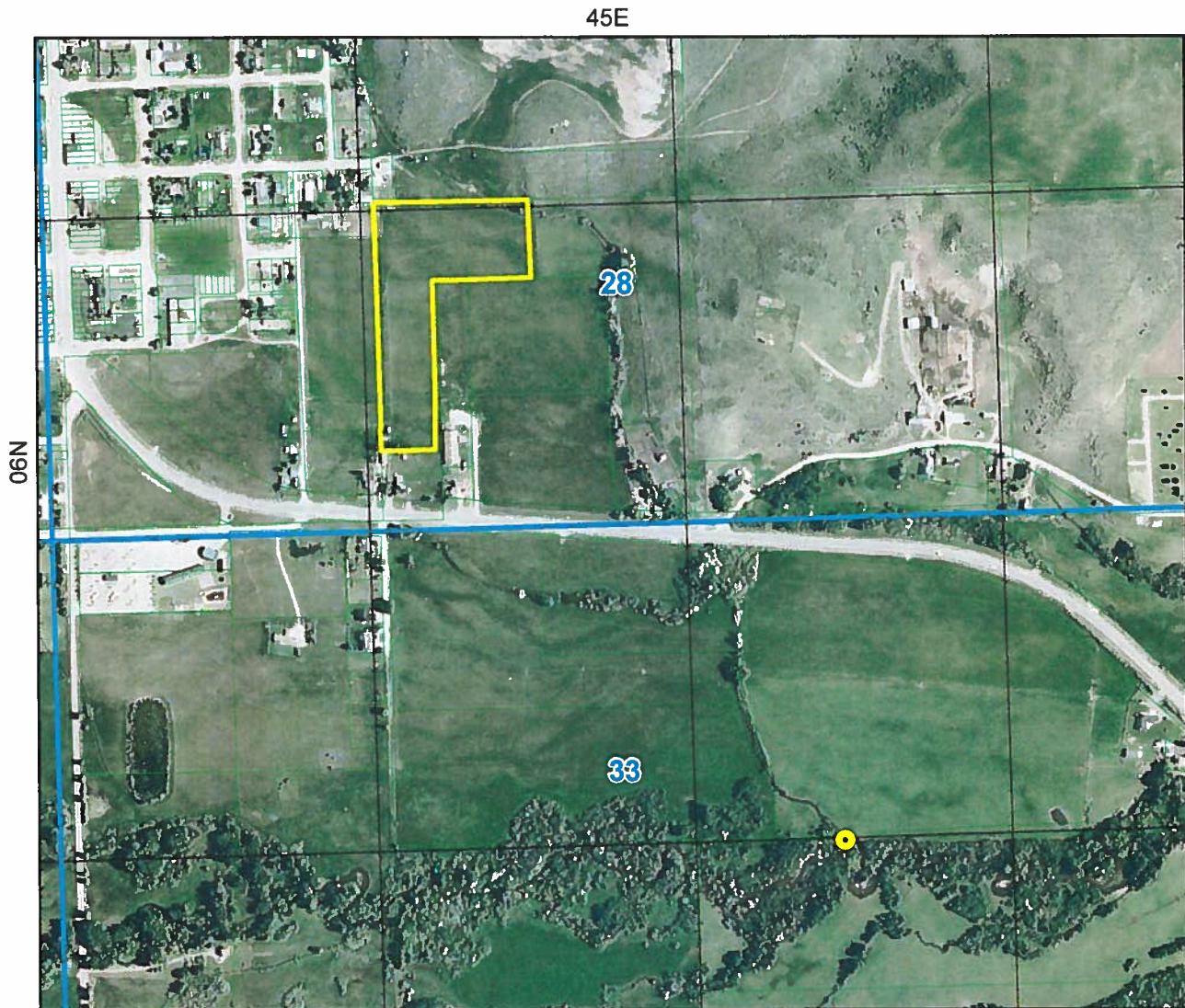
Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

State of Idaho
Department of Water Resources

Water Right 22-11993

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.



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

0 0.075 0.15 0.3 Miles



Tetonia Canal Company, Limited
PO Box 11
Tetonia, Idaho 83452

October 3, 2012

Idaho Water Resource Board
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

Letter of Consent

To Whom It May Concern:

The Tetonia Canal Company, Limited is a registered entity within the State of Idaho.

The City of Tetonia, Mitchell Smaellie, Richard Lavere Beard, and Richard & Ella Beard own certain water rights, more particularly described below, which have historically been delivered by the Tetonia Canal Company, Limited, through a common ditch system. The aforementioned water users wish to lease the water rights owned by them into the Water Supply Bank for a term of five (5) years.

The delivery of other water rights historically delivered by the Tetonia Canal Company, Limited, specifically those water rights owned by Delvan & Julia Hibbert, R.K. & Ardell Smellie, and the Lorna Fullmer Family Trust, will continue as set forth in their respective water rights and in accordance with applicable law.

The Tetonia Canal Company, Limited hereby authorizes and provides written consent for the aforementioned water users to lease those water rights described below into the Idaho Water Supply Bank.

Description of Water Rights to be Leased in to the Water Supply Bank

Water Right Number: 22-11579

- Owner: City of Tetonia
- Quantity: 1.50 cfs
- Priority: 06/01/1896

Water Right Number: 22-13536

- Owner: City of Tetonia
- Quantity: 2.50 cfs
- Priority: 01/22/1916

Water Right Number: 22-00380B

- Owner: Mitchell Smaellie
- Quantity: 0.07 cfs
- Priority: 06/01/1896

Water Right Number: 22-00380C

- Owner: Richard Laverre Beard
- Quantity: 0.11 cfs
- Priority: 06/01/1896

Water Right Number: 22-11993

- Owner: Richard & Ella Beard
- Quantity: 0.17 cfs
- Priority: 01/22/1916

Sincerely,

A handwritten signature in cursive script that reads "Laverre Beard". The signature is written in dark ink and is positioned above the printed name and title.

Laverre Beard

Director/Secretary, Tetonia Canal Company, Limited