

**STATE OF IDAHO  
WATER RESOURCE BOARD**

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

Name of Seller/Lessor The Boyd Charles Smith & Jill Johnson Smith Trust c/o Phone 208-523-0620

Mailing 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. <u>Water Right Number</u> | <u>Amount (cfs/ac-ft)</u> | <u>Nature of Use</u> | <u>Period of Use</u>        |
|------------------------------|---------------------------|----------------------|-----------------------------|
| <u>22-616</u>                | <u>3.27</u>               | <u>Irrigation</u>    | <u>4/15</u> to <u>10/31</u> |
| _____                        | _____                     | _____                | _____ to _____              |
| _____                        | _____                     | _____                | _____ to _____              |
| Total Amount: <u>3.27</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 | 32  | 1   | NE | NW | NE | 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 | 45E | 36  |      |     | 5    | 4.6 |      |     | 1.1 | 9.8 | 40   |    |    |    |      | 39  |     |    | 99.5   |
| 06N | 46E | 31  | 9.4  | 1.3 |      | 2   | 7.2  | 2.5 | 2.7 | 7.9 |      |    |    |    |      |     |     |    | 33     |
| 06N | 46E | 32  |      |     | 11.2 |     | 5.3  | 3.4 |     |     |      |    |    |    |      | 9.6 | 1.3 |    | 30.8   |
|     |     |     |      |     |      |     |      |     |     |     |      |    |    |    |      |     |     |    |        |
|     |     |     |      |     |      |     |      |     |     |     |      |    |    |    |      |     |     |    |        |
|     |     |     |      |     |      |     |      |     |     |     |      |    |    |    |      |     |     |    |        |

If the right is for irrigation, show total number of acres offered to the bank. **Total Acres** 163.3

**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.

Right 22-616 limited to 400 acres. Combined with 22-42, 22-160, 22-545, 22-13160 for 688.9 acres, not stacked WR.

Note- T06N R46E Sec32 : Lot 2 is entered above in section A4 'place of use' on page 1, as SWNE and Lot 3 as NWSE

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)

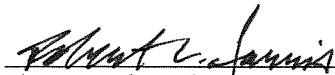
2. Show the minimum payment acceptable to the Seller/Lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.

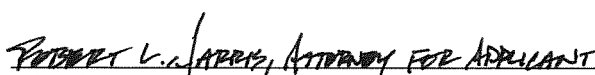
Current rental rate.

**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.

  
 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 with power of attorney

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