

RECEIVED
DEC 12 2011
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Water Supply Bank No. _____
(For Department Use Only)

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

Name of Renter Ley H. Sutton Phone 208-356-6392
Mailing address 1577 E 10,000 S. Rexburg ID 83440 Email LHSUTT@IDA.NET

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. Maximum Flow Rate (cfs) 2 cfs. Maximum Volume (ac-ft) 300 A.F. Nature of Use irrigation Period of Use April 1 to Nov 1

_____ to _____
_____ to _____

Total: _____

2. Source of water Groundwater tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	County
<u>4N</u>	<u>40E</u>	<u>02</u>		<u>NW</u>	<u>SE</u>	<u>Madison</u>

4. Lands to be irrigated or 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	
<u>4N</u>	<u>40E</u>	<u>03</u>	<u>32</u>	<u>36</u>	<u>28</u>	<u>7</u>										<u>10</u>			<u>87</u>

If the use is for irrigation, show total number of acres proposed through rental. Total Acres 87

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion? Yes ☒ No ☐

If no, list owner, contact information, and provide documentation of the authority to use the proposed point of diversion. _____

2. Do you own the land at the proposed place of use? Yes ☐ No ☒

If no, list owner, contact information, and provide documentation of the authority to use the proposed place of use. Robert or Sally Smith / AFTON HANSEN FAMILY TRUST | Joyce Byrke

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

Doc. Attached

Document Attached

Document Attached

SCANNED
FEB 29 2012

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system. Existing ground water well to a Pivot
2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above. WR 22-2242 A WR 22-2242 B WR 22-10897 SAME P.O.D. AS the 87 ACRES requested in this APPLICATION
3. Will the proposed place of use receive water from any other source? FOR NEW PLACE OF USE Yes ☐ No ☒
If yes, describe. _____
4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. N/A
5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental? Yes ☐ No ☒
If yes, describe. _____
6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒
If yes, describe. _____

E. RENTAL TERM

1. Do you wish to rent water from the Board's bank for more than one (1) year? Yes ☒ No ☐
If yes, please specify the number of years desired through proposed rental. 5 years would ACCEPT 4 years
PREFER 5 YEARS
I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. The Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

Lee H. Sutton
Signature of Applicant

Lee H. Sutton (owner) 12-9-11
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

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12/12/2011
SR7

Lee H. Sutton 12-9-11
1577 E. 10,000 South
Rexburg, Idaho 83440
208-356-6392
LHsutt@Ida.Net

Monica:

Please find enclosed a completed application to Rent water from the Water Supply Bank.

I have attached 3 maps, 2 maps are of where the circle will be placed and the acres it will water in each $\frac{1}{4}$ of $\frac{1}{4}$ of Section 3. The third ~~map~~ is a highlighted map showing the 3 different land owners.

I have also sent 3 documentation letters of land owners consent to allow me to obtain a temporary water permit to water their ground.

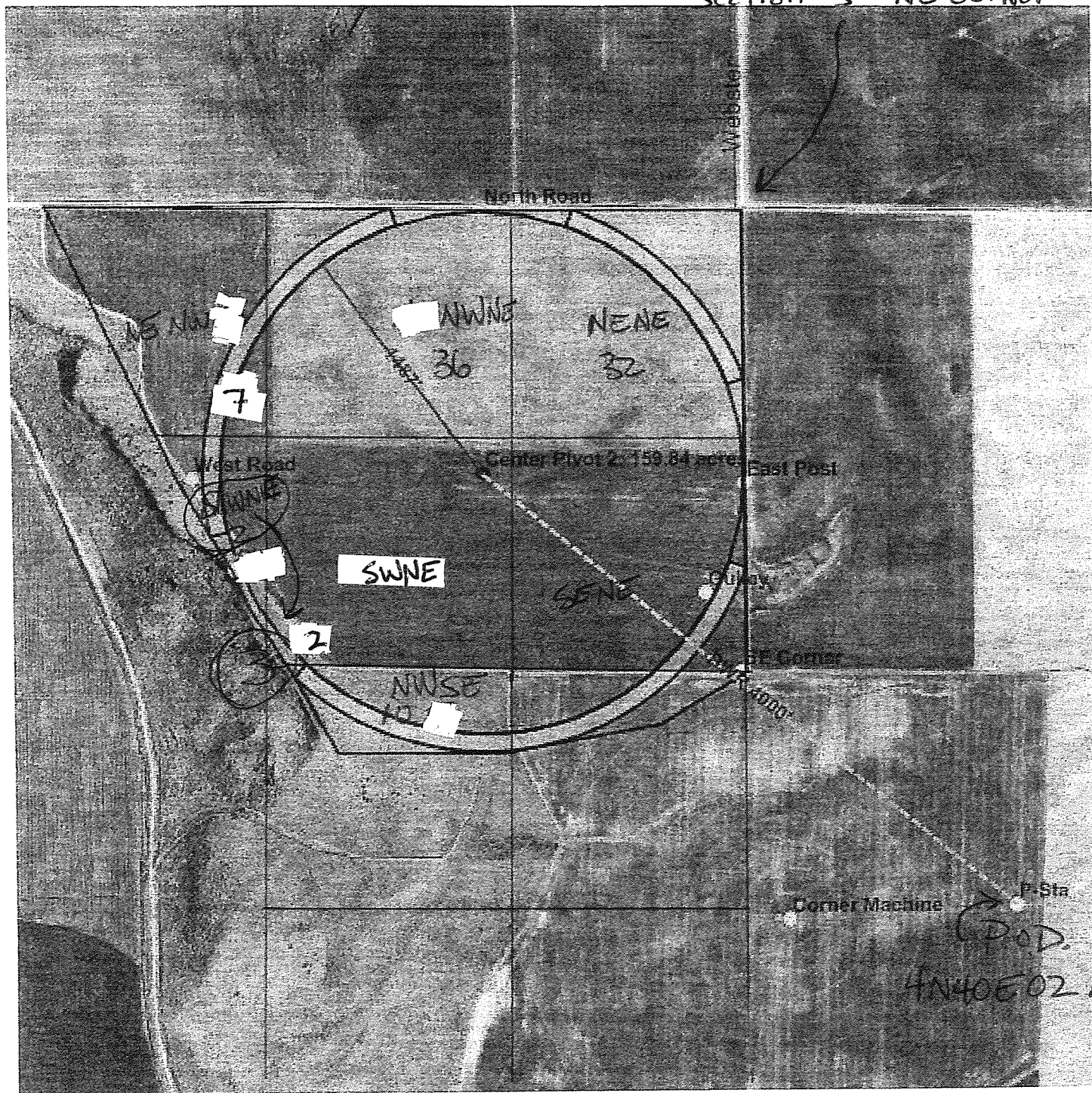
If you encounter any problems or questions with this application please contact me at one or more of the above locations.

Thanks For Your Help.

12-9-11 Lee H. Sutton

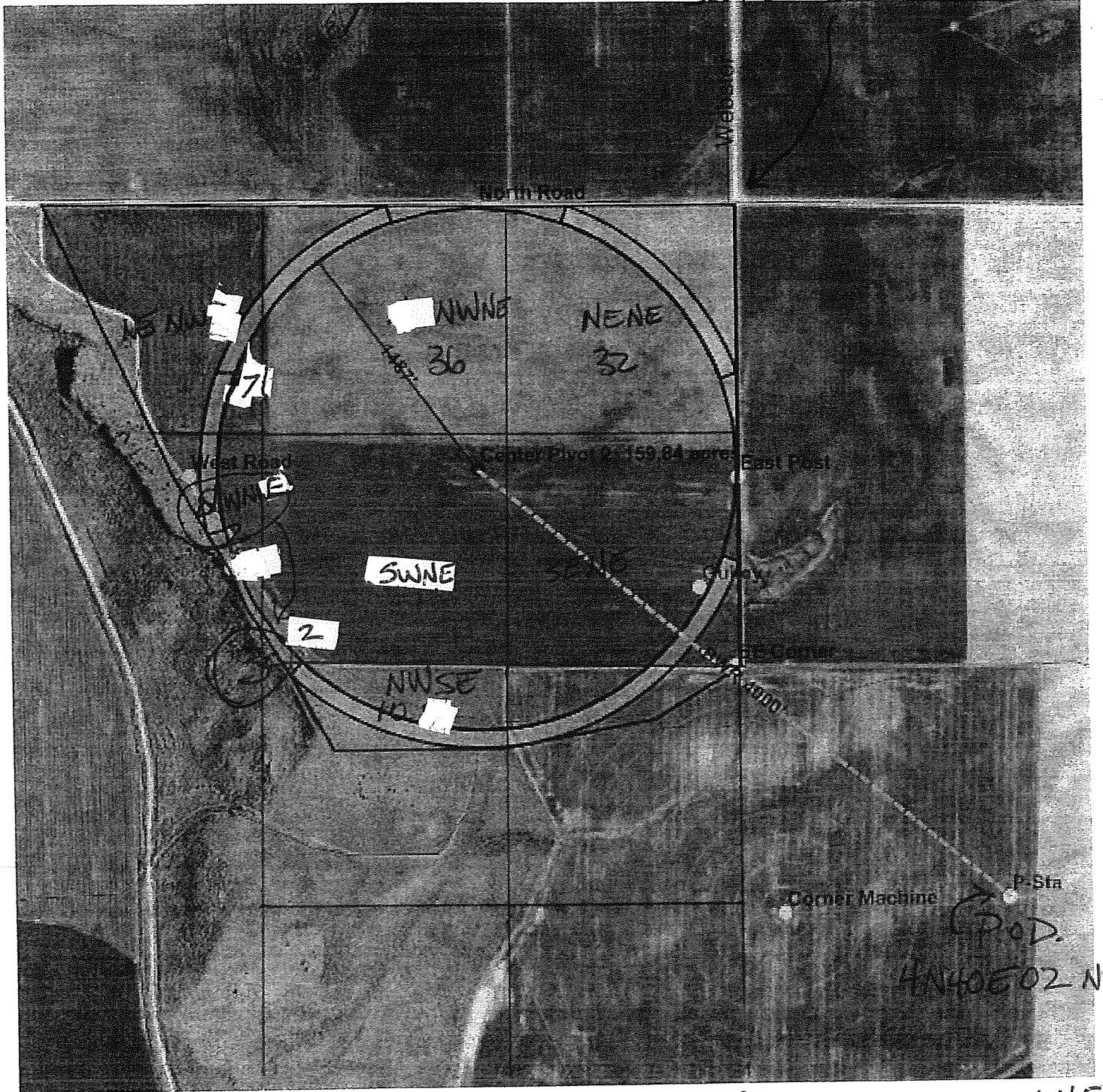
Grower: Lee Sifton

4N 40E B.M. MADISON CO.
Section 3 - NE corner



NOTE I Need 2 Additional Acres in The SWNE
In the SE NW I Presently Have 5.1 Acres ON WR 22-10897

4N 40 E. B.M. MADISON CO.
Section 3 - NE corner



Note I Need 2 Additional Acres in the SWNE

In the SENW I Presently Have 5.1 Acres ON WR 22-10897
(37ac) SWNE ! SENE (38ac) in Section 3 Covered under WR 22-10897

Aerial Map



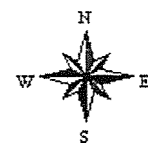
map center: 43° 42' 22.01, 111° 44' 6.73
scale: 9979

3-4N-40E
Madison County
Idaho

Maps provided by:



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www.AgriDataInc.com



11/18/2011

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

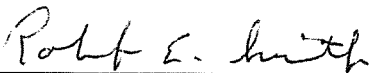
Rob Smith
512 South MillHollow Road
Rexburg, ID 83440
(208) 356-7552

December 8, 2011

Idaho Department of Water Resources
To Whom It May Concern:

We, Robert and Sally Smith, have rented 80 acres of land located in Madison County, Idaho, to Lee and Heddy Sutton for 5 years. The location of the 80 acres is in Madison County, Idaho, Section 3, Township 4, North Range, 40 East of the Boise Meridian.

The term of the lease is a cash lease paid in April of each year for 5 years beginning with the 2012 crop year. We would have no objection to Lee and Heddy Sutton obtaining a temporary water right to our property for 5 years with the understanding that we would not acquire a permanent water right to this 80 acres of property.



Robert E. Smith

Dated: 12-8-2011

AFTON HANSEN FAMILY TRUST
% J'Lee H. Bennett (co-trustee)
270 South 500 West
Richfield, UT 84701
435-896-8049 (Home)
435-896-4488 (Work)
jbennett@sevierofficesupply.com

December 8, 2011

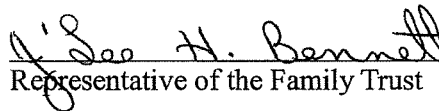
Idaho Department of Water Resources
To Whom It May Concern:

Afton Hansen and the Afton Hansen Family Trust has rented approximately 155 acres of ground to Lee and Heddy Sutton for approximately 30 years. The ground is located in Madison County, Idaho, Section 3, Township 4 North, Range 40 East in the Boise Meridian.

Lee has a water right which is his private property. This water right is identified by the number 22-10897. This water waters two fields. One is for approximately 83 acres and the other for approximately 36 acres.

The Afton Hansen Family Trust has another 30 acres that Lee has dry farmed for a number of years. The Sutton's are putting in a new circle to water 8 more acres of our property and some additional ground from other property owners. The Afton Hansen Family Trust would have no objection to Lee Sutton obtaining a water right to water more of our property and that of our neighbors.

We do realize that the water right would belong to Lee and Heddy Sutton, since the water would come out of their well and that we would not obtain a permanent water right to our property.



Representative of the Family Trust

12 - 8 - 11

Dated

JOYCE BYRNE
8633 SOUTH 1600 EAST
REXBURG, ID 83440
(208) 356-6176

Idaho Department of Water Resources

To Whom It May Concern:

Lee and Heddy Sutton have agreed to purchase approximately 12 acres of ground from Joyce Byrne and family. The ground is located in Madison County, Idaho, Section 3, Township 4 North, Range 40 East of the Boise Meridian.

We have agreed to a price and are to have a transaction closing date on or before January 15, 2012. We would not have any objection to Lee and Heddy Sutton obtaining a water right to this property whether temporary or permanent.

Lee Sutton has notified me that he is putting in a new circle and he must have a water right for the ground they will water. He plans to water approximately 10 acres of the ground that they are purchasing.

Joyce Byrne
Joyce Byrne

12-8-11
Dated