Form 42-1761-1
08/10

RECEIVED
JUN 15 2011
DEPARTMENT OF WATER RESOURCES

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

STATE OF IDAHO
WATER RESOURCE BOARD

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

Name of Seller/Lessor Eccles Flying Hat Ranch LLC Phone _____

Mailing address PO Box 3028 Salt Lake City, Utah 84110 Email _____

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

If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

1. Water Right Number | Amount (cfs/ac-ft) | Nature of Use | Period of Use

Water Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use
37-917	0.10/	Irrigation	4/15 to 10/31
			to
			to

Total Amount: 0.10/

2. Source of water Big Wood River tributary to Malad River

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
02N	18E	16		SE	SW	NE	Blaine County
02N	18E	22		SE	NE	SE	Blaine County

4. Lands 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	
02N	18E	22												3.6			0.8		4.4
02N	18E	25						1.8											1.8
02N	18E	26		1.2	7.1	4.5	0.5			3.5									16.8

If the right is for irrigation, show total number of acres offered to the bank. **Total Acres** 23.0*

* 23.0 Acres will no longer be irrigated within 675 acre PPU.

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 water right appurtenant to land subject to any liens, deeds of trust, mortgages, or contracts? Yes ☐ No ☑
If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes and list name of entity: _____

Form 42-1761-1
08/10

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.
   Existing wells, pumps and piping

2. Describe any other water rights used for the same purpose or at the same place of use as described above.
   37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713 and 37-7356

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. SRBA Court

D. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale ☐ or lease ☑?
   If Lease, for a period from 10/31/2011 (Month / Day / Year) to 10/31/2016 (Month / Day / Year) (not to exceed 5 years).

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 Idaho Water Resource Board. 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
Charles E. Brockway	Charles E. Brockway	6/13/2011

*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