

BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

June 10, 2011

Monica Van Bussum
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RECEIVED
JUN 15 2011
DEPARTMENT OF
WATER RESOURCES

Re: Flying Hat Ranch Water Rights

Dear Mrs. Van Bussum:

On behalf of Flying Hat Ranch, Brockway Engineering is submitting lease applications for water right 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 for a total of 23.0 acres to the Idaho Water Supply Bank. The water rights are stacked in a PPU of 675 acres, in which 596 acres can be irrigated. The lease applications are for a period of five years. The diversion amount is based on the allowed diversion required for surface irrigation of 0.92/161 cfs/afa as defined in the conditions of the surface water rights at a total diversion limit of 23.84 cfs at 7172.0 afa. Water right 37-20625 has the same POU described under the above water rights but 37-20625 is utilized as transmission losses in the Hiawatha Canal.

Please copy our office on all correspondence regarding these applications.

Sincerely,

Greg Sullivan, E.I.T., M.S.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

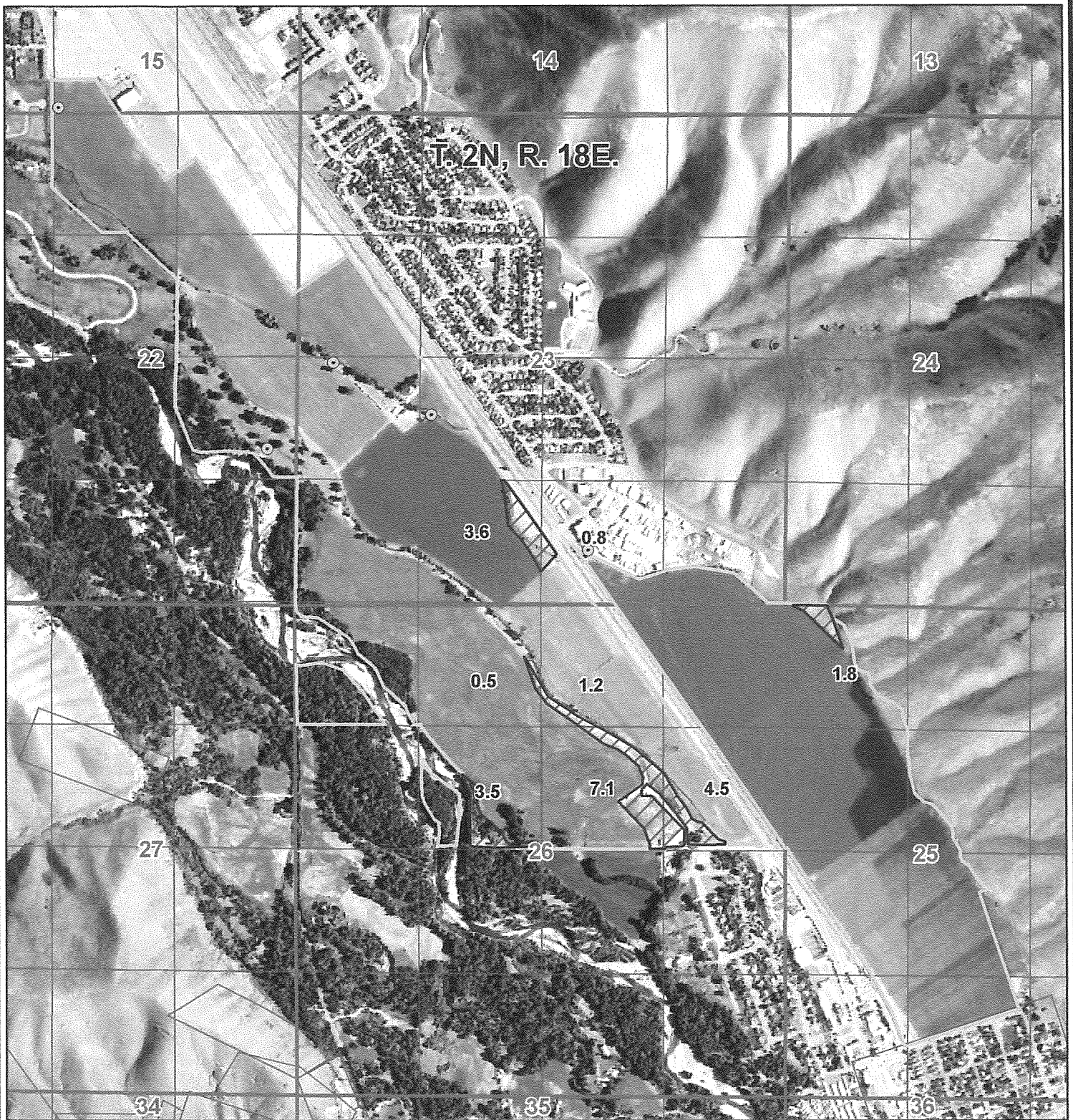
Cc: Flying Hat Ranch, Marc Reinemann
Enc: Idaho Water Supply Bank Lease Applications, Water Right Calculation Page, Aerial
Map, Brockway Engineering Check 10125 for \$500.00

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



0 550 1,100 2,200 Feet

ECCLES FLYING HAT RANCH WATER BANK RENTAL MAP 2011 NAIP 2009 AERIAL

BROCKWAY ENGINEERING, PLLC
ALR - June 9, 2011

NOTE: ALL POD'S NOT SHOWN

Legend

- ⊙ Points_Of_Diversion
water b per qq
-  Water Bank Rental Acres=23 acres
-  Proposed_PPU
-  Sections_2n18e
-  QQ_2N_18E_NEW



**Eccles Flying Hat Ranch LLC
Water Bank Calculations**

Surface Application

Total Acres **596**
CFS **23.84**
AFA **4172** 7.00 AFA/acre
Acres sold/ Transferring **23**
0.038591 %

Water Right	Amount		Acres	Acre Limit	Transfer Amount		Remaining Amount	
	cfs	AFA			cfs	AFA	cfs	AFA
37-481D	3.0		387	596.0	0.12	0.0	2.88	0.0
37-482J	3.0		387		0.12	0.0	2.88	0.0
37-483D	3.0		523		0.12	0.0	2.88	0.0
37-577BP	5.6		523		0.22	0.0	5.38	0.0
37-917	2.54		246		0.10	0.0	2.44	0.0
37-11975	3.2		79		0.12	0.0	3.08	0.0
37-11976	0.7		79		0.03	0.0	0.67	0.0
37-11977	0.8		20		0.03	0.0	0.77	0.0
37-11978	3.5		79		0.14	0.0	3.36	0.0
37-2713	10.0	2086	596		0.39	80.5	9.61	2005.5
37-7356	2.68	1057.8	596		0.10	40.8	2.58	1017.0
Total	38.02	3143.8			0.92	161.0	22.92	4011.0
	596.0	acres			23	acres	573.0	acres

Sprinkler Application

Total Acres **596**
CFS **11.92**
AFA **2086** 3.50 AFA/acre
Acres sold/ Transferring **23**
0.038591 %

Water Right	Amount		Acres	Acre Limit	Transfer Amount		Remaining Amount	
	cfs	AFA			cfs	AFA	cfs	AFA
37-481D	3.0	0	387	596.0	0.12	0.0	2.88	0.0
37-482J	3.0	0	387		0.12	0.0	2.88	0.0
37-483D	3.0	0	523		0.12	0.0	2.88	0.0
37-577BP	5.6	0	523		0.22	0.0	5.38	0.0
37-917	2.54	0	246		0.10	0.0	2.44	0.0
37-11975	3.2	0	79		0.12	0.0	3.08	0.0
37-11976	0.7	0	79		0.03	0.0	0.67	0.0
37-11977	0.8	0	20		0.03	0.0	0.77	0.0
37-11978	3.5	0	79		0.14	0.0	3.36	0.0
37-2713	10.0	2086	596		0.39	80.5	9.61	2005.5
37-7356	2.68	1057.8	596		0.10	40.8	2.58	1017.0
Total	38.02	3143.8			0.46	80.5	11.46	2005.5
	596.0	acres			23	acres	573.0	acres

LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, Spencer Eccles of Eccles Flying Hat Ranch, hereby nominate and appoint
Charles E. Brockway as my attorney-in-fact with full authority to
act for and on my behalf to undertake any and all acts or matters pertaining to water right
transfers before the Idaho Department of Water Resources for the following water right
transactions:

All water rights relating to Eccles Flying Hat Ranch.

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any
and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said
instruments of writing that may be necessary or proper to carry into execution and effect the
applications, and transfers above-mentioned. Further, I hereby declare that each and every
application, transfer, agreement, receipt, or payment which shall be by my said agent given,
made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had
been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at
all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or
concerning the said premises by virtue of these present. This Limited Power of Attorney will
become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 4th day of March 2010.

Spencer Eccles

Signature

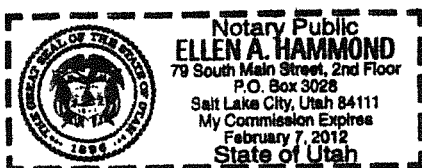
Signature

State of ~~Idaho~~ Utah)
County of Salt Lake) ss.

On this 4th Day of March, 2010, before me, a Notary Public
in and for said County and State, personally appeared SPENCER F. ECCLES,
known or identified to me to be the individual whose name and subscription to the within
instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year in this certificate first above written.

S
E
A
L



Ellen A. Hammond

Notary Public
In and for said State and County
February 7, 2012

My Commission Expires

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase No.: 37-577BP

STANDARD FORM 5

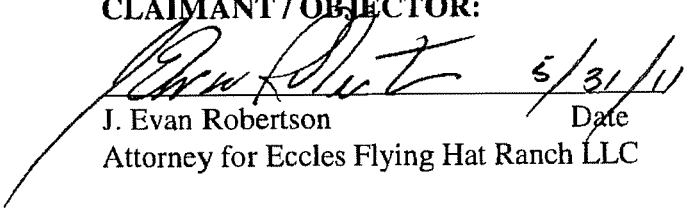
**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

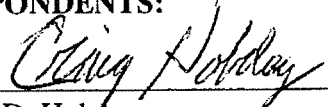
CLAIMANT / OBJECTOR:


J. Evan Robertson

Attorney for Eccles Flying Hat Ranch LLC

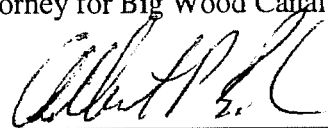
Date

RESPONDENTS:


Craig D. Hobdey

Attorney for Big Wood Canal Company

Date


Albert P. Barker

Attorney for Tom O'Gara, John F.
Stevenson, Bill Molyneux, Pete Van
Der Meulen, Grace Eakin, Gerald B
Bashaw and Pepin Corso-Harris

Date

IDWR CONCURRENCE:

Kelly K. Christensen 5-26-11
Kelly K. Christensen Date
Sr. Water Resource Agent

IDWR CONCURRENCE:

Nicholas B. Spencer 5-26-11
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

05/17/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-577BP

NAME AND ADDRESS: ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

KKC NBS [signature]

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 7.000 CFS

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when applied by sprinkler system shall not exceed a maximum diversion rate of 11.92 cfs and 2086.0 af at the field headgate, and when applied by surface application shall not exceed a maximum diversion rate of 23.84 cfs and 4172.0 af at the field headgate. Any portion of these rights in excess of the maximum applied rates of diversion and volumes at the field headgate shall be limited to use for conveyance losses and shall not be diverted from the river unless required for the delivery of the applied rate of water to the field headgate.

The total instantaneous diversion of water from all points of diversion under Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713 and 37-7356 when combined shall not exceed 26.74 cfs and a total annual maximum diversion volume of 4172.0 af at the field headgate.

A portion of Right 37-577BP, 1.40 cfs, shall continue to be diverted into the Hiawatha Canal to mitigate the removal of Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977 and 37-11978 diverted into Cove Canal and Kohler Ditch under Transfer 68526 until such time as the canal ceases operation or is otherwise no longer necessary for such mitigation. The right holder retains ownership of the 1.40 cfs portion of this right diverted into the Hiawatha Canal. ~~The Department retains jurisdiction in this matter until June 30, 2007, to modify the diverted amount should justification for a lesser amount be provided by the right holder within that period of time.~~

*OK
9/13*

This right when combined with all other rights shall provide no more than 3.5 afa per acre when applied by sprinkler system and 7.0 afa per acre when applied by surface application at the field headgate for irrigation of the lands above.

PRIORITY DATE: 03/24/1883

POINT OF
DIVERSION:

T02N R18E S16 SESWNE Within BLAINE County
T02N R18E S22 SENESE Within BLAINE County
T03N R18E S20 SWNW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/31	5.600 CFS
MITIGATION	04/15 10/31	1.400 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T02N R18E S15	SWSE	3.00	T02N R18E S22	NENE	7.00
T02N R18E S22	NWNE	33.00	T02N R18E S22	SENE	34.00
T02N R18E S22	NESE	38.00	T02N R18E S23	SWNW	18.00
T02N R18E S23	NESW	12.00	T02N R18E S23	NWSW	40.00
T02N R18E S23	SWSW	40.00	T02N R18E S23	SESW	35.00
T02N R18E S23	SWSE	9.00	T02N R18E S23	SESE	6.00
T02N R18E S25	NWNW	28.00	T02N R18E S25	SWNW	39.00

05/17/2011

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

T02N R18E S25	SENE	5.00	T02N R18E S25	NESW	23.00
T02N R18E S25	NWSW	27.00	T02N R18E S25	SWSW	5.00
T02N R18E S25	SESW	15.00	T02N R18E S26	NENE	39.00
T02N R18E S26	NWNE	36.00	T02N R18E S26	SWNE	40.00
T02N R18E S26	SENE	35.00	T02N R18E S26	NENW	40.00
T02N R18E S26	NWNW	32.00	T02N R18E S26	SENE	36.00

MITIGATION same as IRRIGATION

675 ACRES TOTAL

Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, and 37-7356 when combined shall not exceed the irrigation of 596 acres.

Rights 37-483D and 37-577BP when combined are limited to the irrigation of 523.0 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Prior to diversion of water under this approval, the right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.

Approval of Transfer 68526 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37, Big Wood River.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

CERTIFICATE OF SERVICE

I certify that on June 13, 2011, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

J. Evan Robertson
Robertson & Slette
134 Third Ave East
Twin Falls, ID 83303

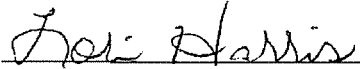
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Craig D. Hobdey
Hobdey & Hobdey
P.O. Box 176
Gooding, ID 83330

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Albert P. Barker
Barker, Rosholt & Simpson LLP
P.O. Box 2139
Boise, ID 83701-2139

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form