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JUN 09 2011

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

WSB No. _____

Receipt No. C093291

(For Department Use Only)

P250- SR7
6/9/2011

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

Name of Seller/Lessor Rainbow Trout Ranch, LLC Phone 415-364-0300

Mailing address 451 Jackson Street San Francisco, CA 94111 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 34-7034 Amount (cfs/ac-ft) 23.0 cfs Nature of Use Fish Propagation Period of Use 01/01 to 12/31

_____ to _____
_____ to _____

Total Amount: 23.0 cfs

2. Source of water Hamilton Springs tributary to Warm Springs Creek

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
08N	22E	28		NW	NW	NW	Custer

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	
08N	22E	28						F											

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

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 _____

C. GENERAL INFORMATION

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

Concrete collector into pipes, diverted to fish facility (2 pictures included)

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

none

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 for sale ☐ or lease ☒.

If Lease, for a period from 06-01-2011 to 05-31-2016 (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 Idaho Water Resource Board. Include the method of determining the minimum payment if other than the current rental rate. current 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.

MJMM
Signature of Applicant

Michael John, Manager
Printed Name and Title*

6/2/11
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

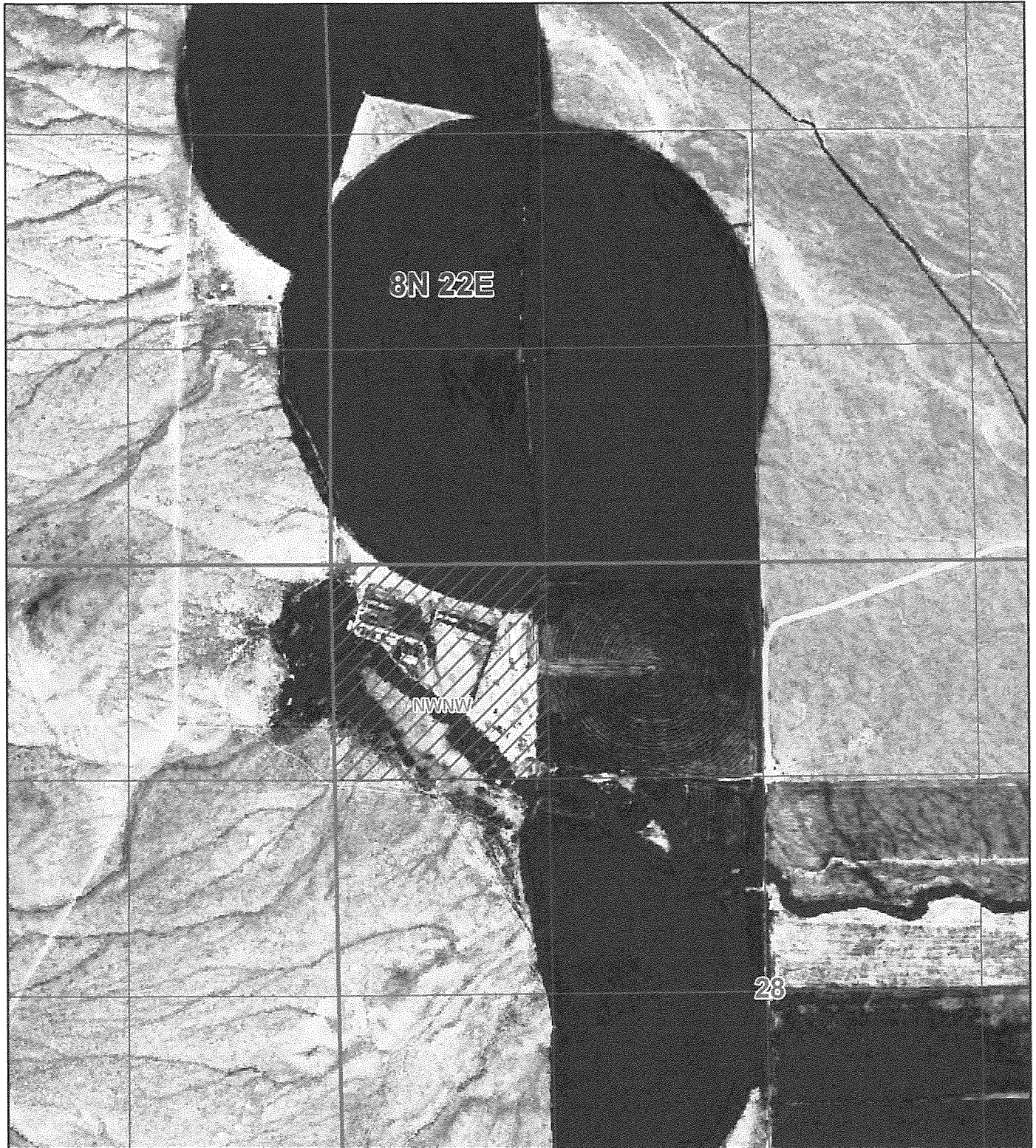
Rainbow Trout Ranch, LLC - Michael John
Include with Water Supply Bank application for Water Right 34-7034

Concrete collector from spring.



From concrete collector to pipes diverted to fish facility.





**JOHN, MICHAEL -RAINBOW TROUT RANCH LLC
W.R. 34-7034 WATER SUPPLY BANK RENTAL
NAIP 2009 AERIAL PHOTOGRAPH**

Legend

WR_POD_FOR_COO	twshp	first
34, 7034,	ladesc	WR_POU_for_COO
		34, 7034,



[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/7/2011

WATER RIGHT NO. 34-7034

Owner Type	Name and Address
Current Owner	RAINBOW TROUT RANCH LLC 451 JACKSON ST SAN FRANCISCO, CA 94111
Original Owner	RICHARD A SMITH 5787 W 5000 N MACKAY, ID 83251 (208)588-2866
Original Owner	PATRICIA A SMITH STAR RT MACKAY, ID 83251 (208)588-8266

Priority Date: 04/02/1973

Basis: Decreed

Status: Active

Source	Tributary
HAMILTON SPRINGS	WARM SPRINGS CREEK

Beneficial Use	From	To	Diversion Rate	Volume
FISH PROPAGATION	1/01	12/31	23 CFS	16651.5 AFA
Total Diversion			23 CFS	

Location of Point(s) of Diversion:

HAMILTON SPRINGS	NWNWNW	Sec. 28	Township 08N	Range 22E	CUSTER County
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Place(s) of use:

Place of Use Legal Description: FISH PROPAGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
08N	22E	28		NWNW										

Conditions of Approval:

1.	TWO POINTS OF DIVERSION IN T08N, R22E, S28, NWNWNW.
2.	SOURCE IS ALSO KNOWN AS WARM SPRINGS SPRING.

Dates:

Licensed Date:

Decreed Date: 12/16/1997

Permit Proof Due Date: 5/1/1983

Permit Proof Made Date: 5/2/1983

Permit Approved Date: 5/11/1973

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 04/02/1973

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 34

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number: