

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

RECEIVED

OCT 09 2009

DEPARTMENT OF
WATER RESOURCES

Name of Seller/Lessor Warm Springs Creek Ranch LLC Phone 208-588-2447

Mailing address 5306 Zollinger Rd. Mackay ID 83251 Email Fishchief@yahoo.com

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. Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>34-467</u>	<u>2.4</u>	<u>Irrigation</u>	<u>5/01</u> to <u>10/15</u>
	<u>0.02</u>	<u>Stockwater</u>	<u>1/01</u> to <u>12/31</u>
			to _____
Total: <u>3.2</u>			

2. Source of water Warm Springs Creek tributary to Big Lost River

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
8 N	22 E	34		SW	NE	SE	Custer

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	
7 N	22E	1	40	40															80
							40			40									80

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 160

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank?

Yes X 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?

No X Yes _____ 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.

Lockable headgate at the Fish Hatchery pond.

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

34-467, 34-468

3. Will the present place of use continue to receive water from any source?

No ☒ Yes ☐ If yes, describe. _____

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

No ☒ Yes ☐ 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?

No ☒ Yes ☐ If yes, describe. _____

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:

Sale ☐ Lease ☒

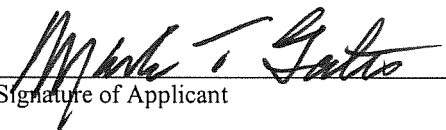
If Lease, for a period from _____ to _____ OR ☒ Indefinite
(Month / Day / Year) (Month / Day / Year)

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 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

MANAGING MEMBER
WARM SPRINGS CREEK LLC
Printed Name and Title*

9/14/09
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