

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 208-324-9721

Mailing address P.O. Box 3028 Salt Lake City, UT 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. <u>Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-11978</u>	<u>0.16/8.7</u>	<u>Irrigation</u>	<u>4/15</u> to <u>10/31</u>
			to _____
			to _____

Total: 0.16/8.7

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

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
Exhibit A							

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													16.0				16.0
02N	18E	26						11.1											11.1

If the right is for irrigation, show total number of acres offered to the bank. **Total Acres** 27.1*

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

B. OWNERSHIP

- 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.
- 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.
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.
N/A
3. Will the present place of use continue to receive water from any source?
No ☒ Yes ☐ If yes, describe. Current 596 acre limit within 675
acre PPU will be reduced 27.1 acres.
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. SRBA Court

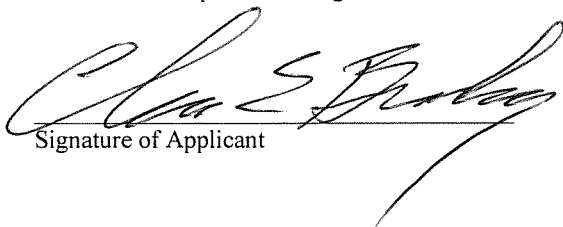
D. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale or lease:
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

Charles E. Brockway
Printed Name and Title*

3/19/2010
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