

Water Supply Bank No. _____

Water Right No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

RECEIVED

APR 23 2010

Department of Water Resources

Name of Seller/Lessor Spring Creek Idaho Ranch LLC

Phone 208-726-6560 Post office address P.O. Box 4380 Ketchum, ID 83340

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. 37-233 Decreed to _____
(Name)

in case of _____ vs _____

dated _____ in _____ county of _____

(Name of Court)

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line

a. below and skip the remainder of part 2.)

a. Amount of water under right: 0.53* cubic feet per second *0.53cfs = 33.1% (48.0ac. / 145.0ac.) of 37-233

& / or

_____ acre-feet per annum

b. Point of diversion SW ¼ of NW ¼ of Section 22 Township 1S Range 18E

B.M. in BLAINE County

Additional points SWNESW SEC. 15 T.01S R.18E, SWSESW SEC.15 T.01S R.18E, NWSWNW SEC.22

T.01S R.18E,

c. Place of use: Portion of water right 37-233 to be offered to the WSB:

TWP	RGE	SEC	N.E.				N.W.				S.W.				S.E.				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1S	18E	27			23	12										13			48.0

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 48.0*

NOTE: *25.0 of 48.0 acres proposed to be dried up are to be rented back out under 37-233 for irrigation at different place of use on the same property. See applicant's concurrent rental application.

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEROF, FOR SALE OR LEASE

a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

N/A, partial decree for 37-231A is in applicant's name.

b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years.)

Water right 37-233 has been used within the past 5 years for irrigation, see attached SRBA partial decree.

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

Water is available for water right 37-233 from 4/15 - 10/31.

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

Water rights 37-231A and 37-233 share the same place of use.

48.0 acres in T.01S R.18E SEC.27 will no longer continue to receive water after this WSB application is approved.

- e. If the water right is a permit, describe the work accomplished toward developing the right.

N/A

- f. If the right to use the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. Remarks: Water right transfer 75840 on file with IDWR seeks to create PPU within which 332.0 acres may be irrigated at portion of place of use for 37-233.
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5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For Sale;
_____ XXX _____ For Lease for period from _____ Indefinite _____ to _____ Indefinite _____
(Month, Day, Year) (Month, Day, Year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the State of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as 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 the sale or lease of this right 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 of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water 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.

4/22/2010
Date

George Kirk Power of Attorney
Signature- George Kirk, Managing Member of Spring Creek Idaho Ranch LLC.

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____