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WA

FEB 17 2011

Water Supply Bank No. _____
(For Department Use Only)

STATE OF IDAHO DEPARTMENT OF
WATER RESOURCE BOARD WATER RESOURCES

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

Name of Seller/Lessor RAINY CREEK DEVLEOPMENT

Phone 208-250-9132

Mailing address 4198 EDGEWOOD CIRCLE IDAHO FALLS ID 83406

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>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>2-10369</u>	<u>.271</u>	<u>IRRIGATION</u>	<u>3/01</u> to <u>11/15</u>
			to _____
			to _____

Total Amount: .271

2. Source of water SNAKE RIVER tributary to COLUMBIA RIVER

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
1N	3W	36	7	SW	SW	NE	CANYON

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	
1N	3W	2				19													19

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 19

B. OWNERSHIP

- 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.
- 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.

HATTE BUTTE CANAL COMPANY

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?

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. 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 2/16/2011 to 2/16/2016 (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 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

Printed Name and Title*

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

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

POWER OF ATTORNEY

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DEPARTMENT OF
WATER RESOURCES

Rainy Creek Development ("Grantor") hereby appoints Michael R. Whipple of Nampa, Idaho, acting in his capacity as a director of Sky Ranch Water Users Association, its true and lawful attorney-in-fact, with full power to act for and represent it in placing the water rights associated with the below described parcel (**water right number 2-10369**) (the "**Water Rights**") into the Water Supply Bank administered by the Idaho Department of Water Resources (the "**Water Bank**") for a period indicated below and any and all transactions connected therewith. The attorney shall have full power and authority to negotiate all details of any lease of the Water Rights with any interested leasee and to establish the conditions of such lease in accordance with the terms hereof.

Acceptable Period Of Lease (please initial ALL that apply)

LM 3 years LM 4 years LM 5 years

Property:

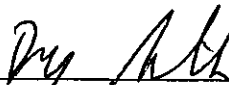
Parcel: R28751027C0

Legal Description: 02-1N-3W NE TX 06480 IN SENE1

The attorney shall have the power to sign, execute, acknowledge and deliver, in Grantor's name and as Grantor's act and deed, such applications, contracts, amendments to contracts and such other documents as the attorney shall deem necessary to carry out the purposes of this power of attorney. The power of attorney granted herein is strictly limited to placing the Water Rights into the Water Bank and related transactions. The attorney shall have no other powers relating to the above described property or to any other matter or thing.

Grantor hereby allows, ratifies and confirms whatsoever the attorney shall do or cause to be done pursuant to this power of attorney, including in such confirmation whatsoever shall be done between the time of the revocation of this power of attorney and the time such revocation becomes known to the attorney.

Executed this 12 day of January, 2011.

Signature: 
Name: RAINY CREEK DEVELOPMENT LLC
Address: 1012 MARQUEZ PL NO 106B
SANTA FE, NM 87505

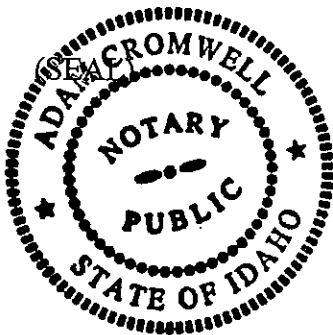
STATE OF [Idaho])
)ss.

CITY AND COUNTY OF [Bonneville])

On this 12 day of January, in the year of 2011,
before me Adam Cromwell - Notary Public (here insert the
name and quality of the officer), personally appeared Roy Miller, known or identified to
me (or proved to me on the oath of acknowledgment
), to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they executed the same.

Witness my hand and official seal.

My commission expires: 8/2/2014



Adam Cromwell
Notary Public

Initials of Signors _____