



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 2, 2010

STARWEATHER SUBDIVISION PROPERTY OWNERS ASSN
PO BOX 254
KETCHUM ID 83340

RE: APPLICATION TO LEASE WATER RIGHTS 37-496D AND 37-497A TO THE WATER SUPPLY BANK (BANK)

Dear Applicant:

On March 19, 2010, the Department received your application to lease all of water rights 37-496D and 37-497A into the Water Supply Bank. I have been reviewing the application and it appears we must return it to you unprocessed.

37-496D and 37-497A appear to overlap in place of use (POU) with water right 37-496C. I have been unable to confirm the POU for 37-496C because it is still pending in the SRBA. However, until some confirmation of the extent of overlap for 37-496C can be determined, we must return the application to you.

If you have any questions, please call me at (208) 287-4907.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Monica Van Bussum". The signature is fluid and cursive, with a long horizontal stroke at the end.

Monica Van Bussum
Sr. Water Resource Agent

C: Jim Speck – Speck & Aanestad

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 Starweather Subd. Property Owners Assoc. Inc. Phone (208) 726-5657
Mailing address P.O. Box 254, Ketchum, ID 83340 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>37-496D</u>	<u>all</u>	_____	_____ to _____
and	_____	_____	_____ to _____
<u>37-497A</u>	<u>all</u>	_____	_____ to _____

Total Amount: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County

4. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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

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.

Mizer Ditch - flood irrigation

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. 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 _____ 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]
Signature of Applicant

Fritz Schafer, President
Printed Name and Title*

3/17/10
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

RECEIVED

JAN 25 2010

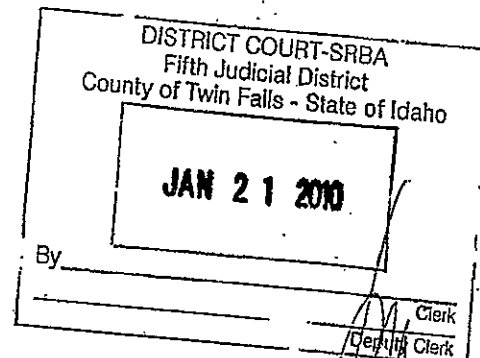
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DEPARTMENT OF
WATER RESOURCES

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-00497A



NAME AND ADDRESS: STARWEATHER SUBD PROPERTY
OWNERS ASSN INC
PO BOX 254
KETCHUM, ID 83340

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.937 CFS

PRIORITY DATE: 07/01/1892

POINT OF DIVERSION: T03N R18E S18 NENE Within Blaine County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-31 0.937 CFS

PLACE OF USE: Irrigation Within Blaine County
T03N R18E S20 NENW 2.0 NWNW 4.0
SWNW 1.0 SENW 8.0
NBSW 15.0
30.0 Acres Total

Right Nos. 37-496C and 37-497A are limited to the irrigation of
a combined total of 30.0 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Eric J. Wildman
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS

MAR 19 2010

DEPARTMENT OF
WATER RESOURCES

JAMES P. SPECK
jim@speckandaanestad.com
DOUGLAS J. AANESTAD
doug@speckandaanestad.com

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

March 18, 2010

Mr. Aaron Marshall
Idaho Department of Water Resources
Post Office Box 83720
322 E. Front St.
Boise, ID 83720-0098

***Re: Application to Lease Water Rights Nos. 37-496D and 37-497A
to Water Supply Bank***

Dear Aaron:

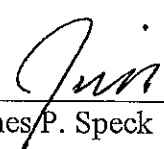
Enclosed you will find the original and one copy of the above-referenced Application which I am filing on behalf of Starweather Subdivision Property Owners' Association, Inc. Please receipt date-stamp the copy and return it to me in the postage-prepaid self-addressed envelope included for that purpose. Kindly contact me right away if you have any questions or concerns about the Application.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____


James P. Speck

Enclsoures

CC w/ Enclosure: Client



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 25, 2010

Starweather Subdivision Property Owners Assoc
Attn: Fritz Schafer
PO Box 254
Ketchum, ID 83340

**RE: APPLICATION(S) TO LEASE WATER RIGHT NO(S). 37-496D AND 37-497A TO THE
WATER SUPPLY BANK**

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of your application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow. If the application(s) is not processed prior to the end of the proposed lease period, it will be returned to the applicant. The Department regrets any inconvenience caused by the delay.

Please note that a water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may also consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right. This and other water right forms are available from the Department's web site at:

<http://www.idwr.idaho.gov/>

Sincerely,

Aaron Marshall
Sr. Water Resource Agent
(208) 287-4943
aaron.marshall@idwr.idaho.gov

CC: Speck & Aanestad

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-00496D

RECEIVED
DEC 23 2009
DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS: STARWEATHER SUBD PROPERTY
OWNERS ASSN INC.
PO BOX 254
KETCHUM, ID 83340

SOURCE: BIG WOOD RIVER. TRIBUTARY: MALAD RIVER

QUANTITY: 1.82 CFS

PRIORITY DATE: 07/01/1983

POINT OF DIVERSION: T03N R18E S18 SENENE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	1.82 CFS

PLACE OF USE:	Irrigation:	Within Blaine County
	T03N R18E S20	NENW 2.0 SWNW 1.0 NENW 4.0 SENW 8.0 NESW 15.0
	30.0 Acres Total	

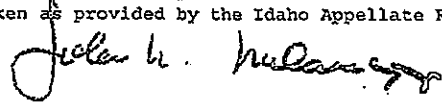
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THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication