



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

October 11, 2010

SAMS HOLLOW WATER CO
C/O DOUG JOHNSON, PRESIDENT
206 N BEAR LAKE BLVD
GARDEN CITY UT 84028

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

RE: APPLICATION TO LEASE WATER RIGHT 11-4022 TO THE WATER SUPPLY BANK

Dear Applicant:

On September 19, 2005, the Idaho Department of Water Resources (Department) received your application to lease water right 11-4022 to the Water Supply Bank (Bank). In the application paperwork, you stated you were filing an accompanying Application for Transfer (72318) to comply with condition 7(a) of the Application for Permit for 11-7481. Condition 7(b), as an alternate to 7(a), required a lease with the Bank.

Transfer 72318 was approved November 27, 2006, and should satisfy the requirement of permit 11-7481. Thus, the Department is returning your application since your request appears to be satisfied by the water right transfer approval. If you still have a need to lease water to the Bank, please submit a new application.

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

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s)

C: Randall C. Budge – Racine Olson Nye Budge & Bailey Chartered

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 19 2005

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

Department of Water Resources

Sam;s Hollow Water Co., on behalf of

Name of Seller/Lessor Fish Haven Water Users Co.

208-232-6101

Phone 435-946-3221

Post office address %Randall C. Budge, P.O. Box 1391, Pocatello, ID 83204

%Doug Johnson, President, 206 N. Bear Lake Blvd., Garden City, Utah 84028

1. DESCRIPTION OF WATER RIGHT: **Claim No. 11-4022**

Right evidenced by:

a. Decree No. _____ Decreed to _____
in case of _____ vs _____ (Name)
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: 3.24* cubic feet per second &/or
_____ acre-feet per annum

b. Point of diversion: _____ ¼ of _____ ¼ of Section _____ Township _____ Range
_____, B.M. in _____ County.

Additional points SEE ATTACHED POINTS OF DIVERSION AND PLACE OF USE.

*Based upon Applicant's 140.5 shares (10.95%) of water available from Fish Haven Water Users Company.

c. Place of use: **SEE ATTACHED.**

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	

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 _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, 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.

See attached Permit Nos. 11-07481, 11-07491, Agreement dated 3/14/02 with Fish Haven Water Users Company and IDWR Director Dreher letter dated 8/24/04. See also Applicant's Application for Transfer of Water Right, Water Management and Operations Plan for mitigation, Revised, dated 9/9/2005, and Operations Manual dated 9/8/2005, simultaneously filed with IDWR, copies attached.

- 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).

Applicant's water available from Fish Haven Water Users Company based upon its 140.5 shares (10.95%) has historically been used annually for irrigation during the normal irrigatoin season.

- 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.

The normal irrigation season under Water Right No. 11-4022

from 4/05 to 11/02.

- 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.

See attached Water Management and Operation Plan. Water will

continue to be used for irrigation to the extent not needed for

Mitigation. Mitigation use will expand over time as the subdivision
is built out with respect to which acres irrigated will be dried up.

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

- f. If the right to the use of 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.

See attached Agreement dated 3/14/02 with Fish Haven Water Users
Company.

4. REMARKS:

This Application is filed to comply with Condition 7(B) of

Applicant's Permit Nos. 11-07481 and 11-07491.

5. SALE/LEASE AGREEMENT

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

_____ For sale;

 X For lease for a period from "INDEFINITE" to _____
(Day, month, year) (Day, month, 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".

 N/A - water used by Applicant for mitigation.

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 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.

Sam's Hollow Water Company

September 15, 2005

Date

By Randall C. Budge

Signature Randall C. Budge, Attorney for Applicant

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 11-4022

Priority Date: 05/18/1871

Origin: Water Right

Basis: Statutory Claim

Status: Active

Source: FISH HAVEN CREEK

Tributary to: BEAR LAKE

Source: SPRING

Tributary to: FISH HAVEN CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	11/02	29.60 CFS		
	Total Diversion		29.60 CFS		

Source and Point(s) of Diversion:

FISH HAVEN CREEK	NWSW	16S	43E	14	BEAR LAKE
FISH HAVEN CREEK	SWNE	16S	43E	15	BEAR LAKE
FISH HAVEN CREEK	NENWSE	16S	43E	15	BEAR LAKE
FISH HAVEN CREEK	NWSENE	16S	43E	16	BEAR LAKE
FISH HAVEN CREEK	SWNWNE	16S	43E	16	BEAR LAKE
SPRING	SWNWNE	16S	43E	16	BEAR LAKE

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S 43E 35			15.0	5.0					3.0			8.0	23.0	33.0	20.0	20.0	127.0
16S 43E 2	7.0	5.0	20.0	7.0									27.0			28.0	94.0
16S 43E 10														37.0	40.0	18.0	95.0
16S 43E 11		16.0	9.0		10.0			9.0	6.0	40.0		35.0		5.0	4.0		134.0
16S 43E 14		10.0	15.0		40.0	30.0	36.0	31.0	40.0	40.0	18.0	13.0		3.0			276.0
16S 43E 22	40.0	40.0	40.0	30.0	40.0	13.0	17.0	22.0	10.0	20.0	24.0	15.0	18.0	26.0	38.0	5.0	398.0
16S 43E 23						20.0											20.0
16S 43E 27	13.0	15.0	7.0	10.0		17.0	6.0										68.0

Total Acres: 1212