



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

September 14, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

NOTCH BUTTE RANCH LLC
PO BOX 389
TWIN FALLS ID 83303-0389

RE: WATER SUPPLY BANK LEASE APPLICATION

Dear Applicant:

On November 18, 2009, the Idaho Department of Water Resources (Department) received your application to lease a portion of water right nos. 36-16138 and 36-16140 to the Water Supply Bank (Bank) for an indefinite period. These lease applications were filed in anticipation of filing applications for transfer 76159 and 76160. Those transfer applications were signed September 13, 2010. Since the transfers accomplished what the Bank applications would have, there does not appear to be any need for the Bank applications to be processed. Therefore, we are returning them to you.

If you would still like to offer these rights for lease to the Bank, please submit a new lease application. Application forms and information about the Water Supply Bank are available from the Department's web site at: www.idwr.idaho.gov. Please contact me if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s): Lease Application

RECEIVED

NOV 18 2009

Water Supply Bank No. _____

Water Right No. _____

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 17 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

Name of Seller/Lessor Notch Butte Ranch LLC.

Phone 734-7510 Post office address PO Box 389 Twin Falls, Id 83303-0389

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. 36-16140 Decreed to Last Ranch LLC
(Name)

in case of SRBA vs _____

dated 5/31/2002 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: ALL cubic feet per second

& / or

ALL acre-feet per annum

b. Point of diversion SE ¼ of NE ¼ of Section 4 Township 7S Range 17E

B.M. in JEROME County

Additional points NONE

c. Place of use: 12.9 PPU/ 2.6 AC LIMIT.

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	
7S	17E	4				5.3									4.8			2.8	12.9

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 12.9

NOTE: Water right limited to 2.6 acres.

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.

Water right transferred from Last Ranch (old Bragg property)

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 has been used consecutively for the past 5 years.

- 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.

n/a

- 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 right 36-16138 also covered appurtenant lands

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

- 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:



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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 2, 2010

Notch Butte Ranch LLC
PO Box 389
Twin Falls, ID 83303-0389

**RE: APPLICATION(S) TO LEASE WATER RIGHT NO(S). 36-16138 and 36-16140 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,

Christina Field for

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