

Water Supply Bank No. _____

Water Right No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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JAN 21 2009

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

DEPARTMENT OF
WATER RESOURCES

Name of Seller/Lessor Breckenridge Family Limited Partnership

Phone: 208.788.4424

Post office address: P.O. Box 685 Picabo, Idaho 83348

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

a. Decree No. a portion of 71-64A Decreed to Breckenridge Family Limited Partnership

(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: 5.5 cubic feet per second &/or
_____ acre-feet per annum

b. Point of diversion: SW 1/4 of NE 1/4 of Section 5 Township 07N Range
14E, B.M. in Blaine County.

Additional points NWNE Sec 5, TWP 07N, Rge 14E Blaine County

c. Place of use:

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	
07N	14E	4						10.5	13.3										23.8
07N	14E	5	29.5	4.2	5.9	36.6													76.2

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 100

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.

Water right was acquired through purchase of land. Attached is a copy of the IDWR Water Right Proof Report, which shows ownership.

- 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).

This right has not been used in the past five years, but a 5-year extension of time to avoid forfeiture was filed. The extension was approved until 9/1/2006. The water right was in the Water Supply Bank for the 2006 and 2007 irrigation season. An application was filed to place the right into the Bank for the 2008 irrigation season, but IDWR did not have time to process the application before the end of the season. The intent was to protect the right from forfeiture by placing it in the bank.

- 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.

05/01 through 09/30

- 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.

71-69 will also be placed in the Water bank. It has the same purpose and place of use as 71-64A.

- 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.

4. REMARKS:

5. SALE/LEASE AGREEMENT

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

X For lease for a period from 05/01/2009 to indefinite
 (Day, month, year) (Day, month, year)

_____ As a gift to the state of Idaho.

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- current rental rate

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.

Date 1/15/09

Signature _____

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____