

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

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

**JUN 30 2008
DEPARTMENT OF
WATER RESOURCES**

Name of Seller/Lessor North Henry's Lake Homeowners Association Phone 605-212-3777

Post office address 3911 Teton Road, Island Park, ID 83429

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

a. Decree No. 21-10015 Decreed to North Henry's Lake Home Owners Association
(Name)

In case of SRBA PARTIAL DECREE vs _____

dated April 29, 2008 in 5th Judicial District county of Twin Falls
(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: 1 cfs. cubic feet per second &/or
_____ acre-feet per annum

b. Point of diversion: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, Township T16N Range 43E,
SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34, Township T16N Range 43E,
_____ B.M. in Fremont County.

Additional points _____

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	
15N	43E	04	X																
16N		33											X	X				X	
		34											X						

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.

A copy of a Judgment and Decree, dated July 30, 1979, with a priority date of Sept. 15, 1904 is 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).

- 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.

01/01 to 12/31

- 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.

The .5 cfs portion of this water right, Howe Springs, furnishes municipal use for the owners of lots in The North Henry's Lake Homeowners' Association. However, since most of the lot owners visit their cabins on a part time basis during the summer, most of the .5 cfs Howe Springs water flows into Pittsburg Creek during the months of October through May.

- 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** This right combines the two water rights in the Decree of Henry's Lake Lodge vs all unknown claimants. The two water rights, with a priority right of September 15, 1904, were deeded to North Henry's Lake Homeowners Assoc. by Henry's Lake Lodge with Grant Deed #360658 Fremont County, Dated July 30, 1979. Point of Diversion: Howe Springs, Sec 34, T.16N. R.43E, (21-00168), and Unnamed Stream (i.e. Pittsburg Creek), (21-00169), Sec 33, T.16N, R43E. The individual lot owners are members of the North Henry's Lake Homeowners Association.

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".

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 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.

April 26, 2008
Date

Spencer Power, Treasurer
Signature North Henry Spence Homeowner's Assoc

FOR DEPARTMENT USE ONLY

Received by Ch Date 10/30/08 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Microfilm No. 360658 July 30, 1979
Darlene M. Calonge Fremont Co. Recorder
Fee \$4:00 Belva Hill Deputy
Recorded at Request of
Harry Landreth

GRANT DEED

THIS INDENTURE, Made this 5th day of June, 1979 by and between HENRY'S LAKE LODGE, INC., an Idaho corporation, with its principal office at Macks Inn, Idaho 83433, the party of the first part, and NORTH HENRY'S LAKE HOMEOWNERS ASSOCIATION, INC., an Idaho corporation, with its principal office at Macks Inn, Idaho 83433, the party of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten Dollars and other valuable consideration to it in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns, forever, the following described water rights located in Fremont County, State of Idaho, to-wit:

One-half c.f.s. of the waters of Howe Springs located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 16 North, Range 43 East, Boise Meridian, with a priority date of September 15, 1904, at a point of diversion within said SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 16 North, Range 43 East, Boise Meridian, and this right includes within it State of Idaho water License no. 844, now renumbered on the records of the Idaho Department of Water Resources as License No. 21-2006, and one c.f.s. of the waters of an unnamed creek flowing from Pittsburg Canyon in Fremont County, Idaho, with a priority date of September 15, 1904, with points of diversion at various places within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said 34, Township 16 North, Range 43 East, Boise Meridian to use for domestic purposes, including the watering of livestock, fishponds, and in the irrigation of the following described property located in Fremont County Idaho, to wit:

Beginning at a point 349 feet East of the Northwest corner of the South Half of the Southeast Quarter of Section , 33, Township 16 North, Range 43 East, Boise Meridian, and running thence south 48 degrees 15' East 334 feet; thence South 32 degrees 50' West 404 feet thence Southeasterly along the highwater line of Henry's Lake to a point that is South 89 degrees 50; West 1106 feet from the Southeast corner of Section 33, Township 16 North, Range 43 East, Boise Meridian; thence South 63 degrees 38' East 788.5 feet; thence North 89 degrees 50' East 1320 feet; thence North 1320 feet; thence West 3611 feet to the point of beginning, less the highway right of way.