



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 17, 2009

ECCLES FLYING HAT RANCH LLC
PO BOX 3028
SALT LAKE CITY UT 84110

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) TO THE WATER SUPPLY BANK
WATER RIGHT NO(S). 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-2713, 37-7356,
37-11975, 37-11976, 37-11977, AND 37-11978

Dear Applicant:

The Department of Water Resources ("Department") received your applications to lease the above described water right(s) to the Water Supply Bank ("Bank") on August 6, 2009. However, the Department is returning your applications since your applications were not processed prior to the end of the proposed lease period, October 31, 2009. The Department regrets any inconvenience caused by the delay in processing your applications. Please submit new applications if you would like to lease water right(s) to the Water Supply Bank. To obtain the necessary application forms, please contact any Department office or visit the Department's web site at:

http://www.idwr.idaho.gov/water/rights/water_rights_forms.htm

Please note that applications to lease a water right to the Bank must be reviewed in accordance with Idaho Code § 42-1762(2) and the Department's Water Supply Bank Rule 25 (IDAPA 37.02.03.025). This includes consideration of whether the applicant is the current owner of the water right, whether the water right has been abandoned or forfeited, whether the requested rental rate is reasonable, whether acquisition of the water right will be contrary to the State Water Plan, whether the application is in the local public interest, the probability of renting the right from the Bank, and such other factors as determined to be appropriate by the Idaho Water Resource Board.

If you have any questions, please contact me at (208) 287-4943.

Sincerely,

Aaron Marshall
Sr. Water Resource Agent

Enclosure(s)

RECEIVED

AUG 06 2009

DEPARTMENT OF
WATER RESOURCES

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Name of Seller/Lessor Eccles Flying Hat Ranch LLC

Phone 801-246-5329 Post office address P.O. Box 3028 Salt Lake City, UT 84110

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. (see table) Decreed to _____
(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: 1.22 cubic feet per second

& / or

189.7 acre-feet per annum

b. Point of diversion SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16 Township 02N Range 18E

B.M. in BLAINE County

Additional points NESW SEC.23 T.02N R.18E, NWSW SEC.23 T.02N R.18E, SWSE SEC.23 T.02N

R.18E, SWSE SEC.15 T.02N. R.18E, 02N 18E SEC 22 SENE, 02N 18E SEC 20 SWNW.

c. Place of use: Irrigation

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	
02N	18E	22													16.0				16.0
02N	18E	26						11.1											11.1

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 27.1

NOTE: _____

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.

see partial decree

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.)

in SRBA court

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.

4/15 to 10/31

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.

Water Rights 37-481D, 37-482J, 37-483D, 37-577BP, 37-917, 37-11975, 37-11976, 37-11977, 37-11978, 37-2713, 37-7356 All have the same place of use and acre limits of 596 Acres Eccles would like to place 27.1 of the 596 Acres in the water bank.

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

N/A

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: none

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 period from 8/10/2009 to 10/31/2009
(Month, Day, Year) (Month, Day, 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".

 standard 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 the sale or lease of this right 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.

 7-29-09
Date

 [Signature]
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Eccles Flying Hat Ranch LLC				
Water Bank List				
Brockway Engineering, PLLC.				
ALR - April 30, 2008				
WATER RIGHTS	PPU	LIMIT	CURRENT IRRIGATION	AC. FOR WATER BANK
	acres			
37-481D	675 AC	596 AC.	568.9 AC	27.1 AC
37-482J				
37-483D				
37-577BP				
37-917				
37-11975				
37-11976				
37-11977				
37-11978				
37-2713				
37-7356				