

Water Supply Bank No. _____

Water Right No. 37-20932

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 24 2008

DEPARTMENT OF
WATER RESOURCES

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

Name of Seller/Lessor State of Idaho Dept. of Lands Phone 208-324-2561

Post office address 319 South 417 East PO Box 83720
Jerome, ID 83338 Boise, ID
83720-0050

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

a. Decree No. _____ Decreed to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)

b. License No. 37-20932 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
_____ acre-feet per annum

b. Point of diversion: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range
_____, B.M. in _____ 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	

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.

The State of Idaho acquired this land through foreclosure.

- 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).

Property was leased for grazing/crop(hay) use thru 2004. The state's lessee irrigated the property during that time period. A small parcel has been continuously irrigated (thru 2007) (approx. 1.5 acres) because of its location adjacent to neighboring private land irrigation system.

- 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.

May - August (water right lists period of use
as 4/15 - 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.

The entire right for this property is being offered to the water bank. The present place of use will not be irrigated from any source if this water is accepted to 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 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 property is being transitioned from grazing/crop use to development by Idaho Dept. of Lands. Once the development begins, the water right will be used on this property again. In the meantime, we would like to offer it to the water bank.

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 April 1, 2008 to April 1, 2009
(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.

3-21-08
Date

Timothy C. Daffner
Signature
Timothy C. Daffner
Idaho Dept of Lands
Area supervisor

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

104 Instrument # 2666 **SHERIFF'S DEED ON FORECLOSURE**

THIS INDENTURE, made this 21st day of November A. D. 19 29,
 between Geo. D. Campbell Sheriff of the County of
Blaine, State of Idaho, party of the first part, and The State of Idaho.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

the part of the second part, WITNESSETH:

WHEREAS, in and by a certain decree rendered by the District Court of the Fourth
 Judicial District of the State of Idaho, in and for the County of Blaine on
 the 5th day of October 1929, ~~XXXXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
 The State of Idaho was
 pending in said Court, wherein plaintiff, and Evelena E. Smith
Harry D. Smith, Mary George Gray, S. L. George and Hazel George were
defendants, it was, among other things,

ORDERED, ADJUDGED and DECREED, that all and singular the mortgaged premises
 described in the complaint in said action, and specifically described in said decree, be sold
 at public auction, by the Sheriff of the said County of Blaine in the manner required by
 law, and according to the course and practice of said Court, and that said Sheriff execute
 the usual certificate and deeds to the purchaser, as required by law;

AND WHEREAS, a writ, reciting the material parts of said decree, and directing
 the said party of the first part, as such Sheriff, to execute the said decree, by making the
 sale and applying the proceeds in conformity therewith, having been to said Sheriff directed
 and delivered, the said Sheriff did, at the hour of Two o'clock P. M., on the
10th day of November 19 29, after due public

notice had been given, as required by the laws of this State and the course and practice of
 said Court, duly sell at public auction, in front of the Front Door of the Blaine
County Court House, at Hailey

in the State of Idaho and County of Blaine agree-
 ably to the said decree, and the provisions of law, the premises in said decree mentioned; at
 which sale the premises in said decree, and hereinafter described, were fairly struck off to
The State of Idaho

for the sum of Three thousand seven hundred nine and 30/100 DOLLARS.
 (\$3709.30) of the United States, he being the highest bidder, and that being
 the highest sum bid for the same;

AND WHEREAS, the said Party of the Second Part thereupon
 paid to the said Sheriff the said sum of money so bidden by ~~him~~ it

AND WHEREAS, the said Sheriff thereupon made and issued the usual certificate,
 in duplicate, of the said sale, in due form of law, and delivered one thereof to the said pur-
 chaser, and caused the other to be filed and recorded in the County Recorder's office of the
 County of Blaine, State of Idaho;

AND WHEREAS, more than one year has elapsed since the date of said sale, and
 no redemption has been made of the premises so sold, as aforesaid, by or on behalf of the
 said judgment debtor, the said defendant S, or by or on behalf of any other person;

AND WHEREAS said Second Party has tendered said Sheriff's Certificate of Sale to undersigned, who conducted the sale aforesaid and said Second Party has demanded a Sheriff's Deed under said Certificate of Sale

NOW, THIS INDENTURE WITNESSETH, That the said party of the first part, the said Sheriff, in order to carry into effect the sale so made by him, as aforesaid, in pursuance of said decree, and in conformity to the statute in such case made and provided, and, also, in consideration of the premises, and of the said sum of Three thousand seven hundred nine and 30/100 (\$3709.30) --- DOLLARS, ~~X XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ so bidden and paid to him by the said purchaser,

the said Party of the Second Part the receipt whereof is hereby acknowledged, hath GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents doth GRANT, BARGAIN, SELL and CONVEY, unto the said party of the second part, and to its heirs and assigns, FOREVER, all the certain lots piece or parcel of land situate, lying and being in the said County of Blaine, State of Idaho, and bounded and particularly described as follows, to wit:

The Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-eight (28), the West half of the Northwest quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Thirty-three (33), also all that part of the South half of the Southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twenty-nine (29) lying easterly of the right of way of the Wood River Branch of the Oregon Short Line Railway, all in Township Three (3) North of Range Eighteen (18) East of Boise Meridian, containing one hundred and twenty-five (125) acres, more or less, together with any and all water and water rights, ditches and canals appertaining thereto.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof;

TO HAVE AND TO HOLD, ALL AND SINGULAR, the premises above mentioned and described and hereby conveyed, or intended so to be, together with the appurtenances, unto the said party of the second part, his heirs and assigns, FOREVER.

IN WITNESS WHEREOF, the said party of the first part to these presents, Sheriff as aforesaid, hath hereunto set his hand and seal, the day and year first above written.

SEALED AND DELIVERED IN THE PRESENCE OF

Geo. D. Campbell
Sheriff of Blaine County,
State of Idaho.

STATE OF IDAHO,

County of Blaine

ss.

On this 21st day of

November A.D. 19 29, before me B. P. Thamm, Clerk of the

District Court in and for said County and State, personally ap-

peared Geo. D. Campbell Sheriff of the County of

Blaine State of Idaho, personally known to me to be the same person whose

name is subscribed to the foregoing instrument, and acknowledged to me that he, as such Sheriff aforesaid, executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

B. P. Thamm Clerk of District Court
by Frances Cunningham Deputy

9 Jan 2666

Amid am 2608

No. 65600.

Sheriff's Deed on Foreclosure

Paulina J. Smith et al vs

Geo. D. Campbell

Sheriff.

of the County of *Blaine*

to *State of Idaho*

Dated *Nov 21* 192*9*

STATE OF IDAHO,

ss.

County of *Blaine*

I hereby certify that this instru-

ment was filed for record at the re-

quest of *Bert Stinton*

at *4:40* minutes past

o'clock *P. M.*, this *21st* day

of *November* A. D. 192*9*

in my office, and duly recorded in

Book *137* of Deeds - at

page *19*

P. L. Haas

Deputy Recorder.

By *Frances Campbell* Deputy.

Fees, \$ *XX*

Entered ☒ Indexed ☒

Recorded ☒ Indexed 1st Party ☒

**SOUTH CENTRAL
SUPERVISORY AREA**
319 South 417 East
Jerome, ID 83338
Phone (208) 324-2561
FAX (208) 324-2917



STATE BOARD OF LAND COMMISSIONERS
C.L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

March 21, 2008

Hiawatha Canal Company
PO Box 1604
Hailey, ID 83333-1604

Dear Hiawatha Canal Company,

Idaho Department of Lands (IDL) is in the process of submitting an application to Idaho Department of Water Resources (IDWR) to lease the water right (37-20932) appurtenant to our Buttercup parcel to the Water Supply Bank.

Currently, IDL is planning for a different future property and water use on the Buttercup parcel of State Endowment Land. The Buttercup parcel is no longer leased for grazing/crop production, and therefore, we do not currently have a lessee to irrigate the property and put the water to beneficial use on the property. IDL's typical method of utilizing the State's water rights is that our lessees manage the irrigation in the course of their permitted activities on the land. The State of Idaho has, and will continue to, pay the canal company assessments, because we recognize that the delivery system the canal company provides is critical to the Department's future use of the water. We anticipate that we will once again be applying the water under this right to the Buttercup parcel within the next few years. However, in the interim, we wish to apply to submit this right to the Water Supply Bank for lease in one year increments.

As part of the Water Supply Bank application, the written consent of the canal company to place water right 37-20932 in to the Water Supply Bank must accompany the application. For your information, we have included a copy of the Water Supply Bank application that we have completed. The canal company consent is required by question #3.f. on the application. We ask that the Hiawatha Canal Company consider our request to place water into the Water Supply Bank and provide us with a written response so that we may submit it to IDWR with our application. If it would be appropriate for this item to be presented to the Hiawatha Canal Users at their upcoming annual meeting, IDL would appreciate the addition of this item to the meeting agenda. I will be representing the Department at the meeting and would be happy to present this request at that time.

If you have any questions, please contact me at 208-324-2561.

Sincerely,

MERIBETH LOMKIN,
Sr. Resource Specialist

Cc: Aaron Marshall, IDWR
David Stanish, Deputy Attorney General