

Water Supply Bank No _____

Water Right No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

APR 25 2006

Department of Water Resources

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

Name of Seller/Lessor Heather Horton Flynn Phone (208) 788-5809

Post office address P.O. Box 72, Hailey, Idaho 83333

1 DESCRIPTION OF WATER RIGHT: 34-13860

Right evidenced by: Transfer No. 72108

a Decree No _____ 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: 11 cubic feet per second &/or
_____ acre-feet per annum

b Point of diversion: _____ 1/4 of _____ 1/4 of Section _____ Township _____ Range
_____, B.M. in _____ County

Additional points _____

SCANNED
APR 11 2007

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.

Water Right was purchased with the land from Robert E. Pittman. A copy of the deed 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).

N/A

- 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.

~~This water right, with its April 1, 1884 priority date, is,~~
~~according to the Watermaster, available 100% of the irrigation season.~~

- 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

34-13862

- 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:

_____ For sale;

~~XX~~ For lease for a period from ~~Indefinite~~ to ~~Indefinite~~
(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

4/17/06
Date

Neelker Northern Flyer
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Cynthia
Clark

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KEITCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

April 19, 2006


Mr. L. Glen Saxton
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise ID 83720-0098

**Re: Applications to Sell or Lease a Water Right to the Water Supply Bank -
Water Right Nos. 34-13860 and 34-13862
Heather Horton Flynn
Our File No.: 260/060017**

Dear Glen:

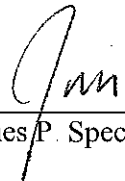
I represent Ms. Heather Horton Flynn who recently purchased property south of Mackay Reservoir. Two irrigation water rights from the Big Lost River came with the property: 34-13860 and 34-13862. However, since the property was split from a larger parcel, it is now necessary to construct separate diversion works in order to bring the water rights to my client's property. Since she is not certain how soon she will get that accomplished and she will definitely not have any need to use the water rights for this coming irrigation season, she has decided to lease them to the Water Supply Bank for an indefinite period understanding they will be able to take those back out with proper notice prior to the commencement of a future irrigation season.

Please have your secretary receipt date stamp the enclosed copies of the two applications and return them to me in the self-addressed, postage prepaid envelope included for that purpose.

Please call me if you have any questions about these applications. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:jal
Enclosures
cc: Client (w/encls.)