

RECEIVED
JUN 10 2006

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

ORIGINAL IN RED

Name of Seller/Lessor BLAINE COUNTY RECREATION DISTRICT Phone (208) 726-4421

Post office address c/o James P. Speck, Post Office Box 987, Ketchum, ID 83340

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. 37-21569 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: _____ ¼ of _____ ¼ 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.

Water right was acquired by gift and transferred by Transfer No. 72232.

A copy of the recorded Gift 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).

Use of this right was examined in the process of approval of

Transfer No. 72232

- 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

N/A

- 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.

None

- 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:

5 SALE/LEASE AGREEMENT

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

_____ For sale;

_____ 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.

BLAINE COUNTY RECREATION DISTRICT

6/27/06
Date

By: [Signature]
Signature WALLACE E. MORGUS
EXECUTIVE DIRECTOR

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

James P. Speck, Esq.
SPECK & AANESTAD
P. O. Box 987
Ketchum, Idaho 83340

Instrument # 534472

HAILEY, BLAINE, IDAHO
2006-04-20 01:14:00 No. of Pages: 2
Recorded for : SPECK & AANESTAD
MARSHA RIEMANN Fee: 6.00
Ex-Officio Recorder Deputy
Index to: MISC DEEDS

ORIGINAL IN RED

(Space above line for Recorder's use)

GIFT DEED

VERNILE J. BYINGTON and MARY E. BYINGTON, husband and wife (the "Donors"), do hereby give, transfer and convey unto BLAINE COUNTY RECREATION DISTRICT, an Idaho recreational district (the "Donee"), any and all interest they may now have or hereafter acquire in the following described water right: .02 cfs of Water Right No. 37-21458.

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

TO HAVE AND TO HOLD, all and singular the said water right, together with the appurtenances, unto the Donee, and to Donee's successors and assigns forever.

Dated this 25 day of Oct, 2005.

DONORS:

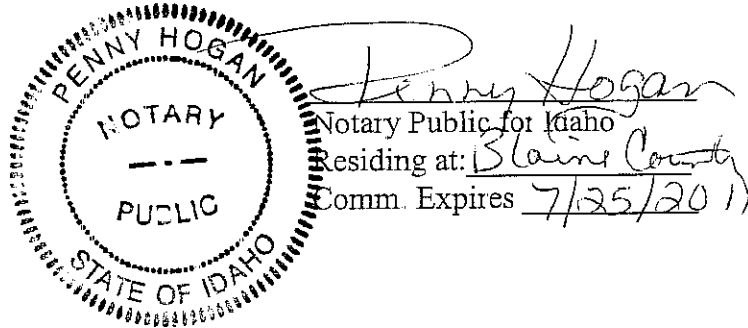
Vernile J. Byington
VERNILE J. BYINGTON

Mary E. Byington
MARY E. BYINGTON

STATE OF IDAHO)
) ss.
County of Blaine)

On this 25 day of Oct, 2005, before me, the undersigned notary public in and for said state, personally appeared VERNILE J. BYINGTON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

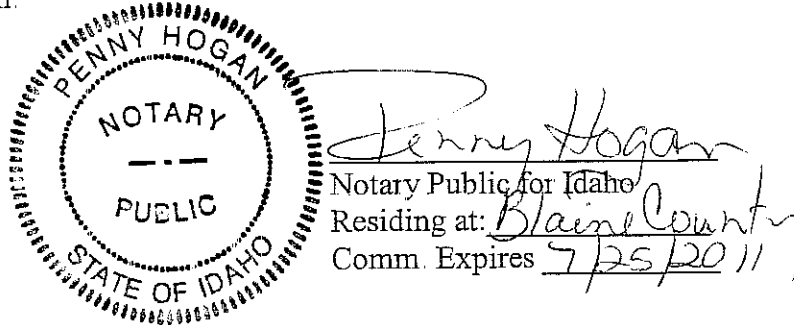
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



STATE OF IDAHO)
) ss.
County of Blaine)

On this 25 day of Oct, 2005, before me, the undersigned notary public in and for said state, personally appeared MARY E. BYINGTON, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

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



RECEIVED

JUL 10 2006

DEPARTMENT OF
WATER RESOURCES

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

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KEICHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

July 5, 2006

Ms. Cynthia Bridge Clark
Idaho Department of Water Resources
322 E. Front St.
Boise, Idaho 83720-0098

**Re: Application to Sell or Lease A Water Right to the Water Supply Bank;
 Water Right No. 37-21569;
 Blaine County Recreation District
 Our File Number: 24/010080**

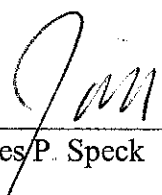
Dear Cynthia:

Enclosed you will find the original and one copy of the above-referenced application. The water right in question was gifted to the Blaine County Recreation District to be used to irrigate a park site yet to be developed in the southern part of Blaine County. Approved Transfer No. 72232 recently changed the point of diversion and place of use to this future park site. When the site is ready to be developed, the District will request that the water right be withdrawn from the bank.

Please call me if you have any questions about this Application. In the meantime, have your secretary receipt date-stamp the copy of the Application and return it to me in the postage prepaid, self-addressed envelope included for that purpose. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS/jef

Enclosures

cc: (Wally Morgus w/encl.)