

Parcel 8:

7N 14E 22 SWSW

That portion of Fr. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

Parcel 9:

7N 14E 21 W $\frac{1}{2}$ E $\frac{1}{2}$ NWNE
SWNE
NWSE
SWSE

All that part of the W $\frac{1}{2}$ E $\frac{1}{2}$ Section 21, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

Parcel 10:

7N 14E 21 SESE

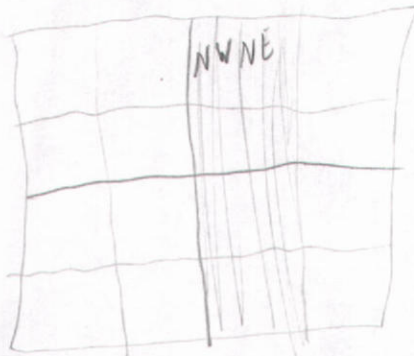
All that part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

Parcel 11:

7N 14E 22 SESW

All that part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

CORRECTION DEED - 5



Before the Idaho Water Resource Board

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: Water Resource Board
2. Address: 1301 N Orchard, Boise Id 83706-2237
3. Source of water: Beaver Creek and Salmon River
4. Volume of water rented: 560.4 AF (Based on consumptive use volume)
Max rate: 9.45 cfs
5. Diversion period: 2004 Irrigation season as authorized under each water right.
6. Use of water: Instream Flow
7. a) Renter's point of diversion:

Legal description: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T24N, R21E, B.M., Lemhi County
(Beginning of Reach)
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T25N, R25E, B.M., Lemhi County (Ending of
Reach)

- b) Renter's place of use:

Legal description: Instream flow in Beaver Creek and the Salmon River

8. The rights from which water will be rented are:

Right No	Acres (ac)	Diversion Rate (cubic ft per sec, cfs)	Consumptive Diversion Vol. (acre-feet per acre, afa)	Source
71-2091C	35.2 ac	0.7 cfs	70.4 afa	Beaver Creek
71-2091D	18.1 ac	0.36 cfs	36.2 afa	Beaver Creek
71-7008	146 ac	2.92 cfs	292 afa	Beaver Creek
71-7083	200 ac	3.48 cfs	400 afa	Ground water
71-10665A	30.8 ac	3.48 cfs	61.6 af	Beaver Creek
71-10665B	10.8 ac	1.31 cfs	21.6 afa	Beaver Creek
<u>71-7009</u>	<u>37.3 ac</u>	<u>0.82 cfs</u>	<u>78.6 afa</u>	Salmon River
Combined Totals:	278.2 ac	9.45 cfs	560.4 afa	

The undersigned renter agrees to pay \$ 5,353.34 for rental of the above described water and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

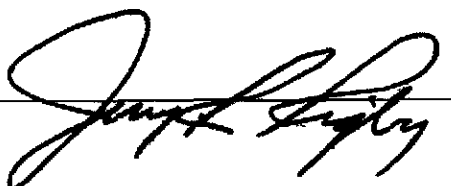
Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 9 day of AUGUST, 2004.

For 
KARL J. DREHER, Director
Department of Water Resources

Conditions of water use under this agreement

1. Rental of rights 71-2091C, 71-2091D, 71-7008, 71-7083, 71-10665A, and 71 10665B is limited to a total combined diversion rate of 8.63 cfs and a combined diversion volume of 481.8 afa for use during the 2004 irrigation season authorized under each water right.
2. Rental of right 71-7009 is limited to a diversion rate of 0.82 cfs and diversion volume of 78.6 afa for use during the 2004 irrigation season.
3. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
4. Upon Department request, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director and shall report the amount of water diverted at the end of the irrigation season.
5. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to the licensed points of diversion and place of use and/or again be available to rent from the bank.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
10. This rental does not authorize the construction of a well.

Dated this 9th day of August, 2004.

by 
for



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

August 9, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DOT LLP
581 EAST PROVIDENT DRIVE
BOISE ID 83706

DONALD K JUSTUS
KARAN JUSTUS
KEVIN JUSTUS
STEVEN JUSTUS
1024 RANCH RD
BOISE ID 83702

**RE: APPLICATION TO LEASE PART OF WATER RIGHT NO(S). 71-2091C,
71-2091D, 71-7008, 71-7009, 71-7083, 71-10665A, AND 71-10665B TO
THE WATER SUPPLY BANK**

Dear Lessor:

The department has completed its review of the Application to Sell or Lease Water Right(s) to the Water Supply Bank ("bank") that you submitted to this office. Please consider that as of the offered water right(s) are accepted into the bank in the portions listed below.

Several items to keep in mind in connection with the lease of a water right to the bank are as follows:

1. Portion(s) of the above referenced water right(s) are leased to the bank as follows:

Right No	Acres (ac)	Diversion Rate (cubic ft per sec, cfs)	Diversion Volume (acre-feet per acre, afa)	Source
71-2091C	35.2 ac	0.7 cfs	105.6 afa	Beaver Creek
71-2091D	18.1 ac	0.36 cfs	54.3 afa	Beaver Creek
71-7008	146 ac	2.92 cfs	438 afa	Beaver Creek
71-7083	200 ac	3.48 cfs	600 afa	Ground water
71-10665A	30.8 ac	3.48 cfs	92.4 af	Beaver Creek
71-10665B	10.8 ac	1.31 cfs	32.4 afa	Beaver Creek
71-7009	37.3 ac	0.82 cfs	115.9 afa	Salmon River
Combined Totals:	278.2 ac	9.45 cfs	838.6 afa	

SUPPORT DATA

IN FILE # 71-02091C

2. Rental of rights 71-2091C, 71-2091D, 71-7008, 71-7083, 71-10665A, and 71-10665B is limited to a total combined diversion rate of 8.63 cfs and a combined diversion volume of 722.7 afa for use during the irrigation season authorized under each water right.
3. There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank.
4. While a right is in the bank, the owner of the right may not use the right even if the right is not rented from the bank.
5. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease.
6. While a water right is in the bank, forfeiture provisions are stayed.
7. Prior to rental of the right from the bank, additional review may be required to confirm the validity of the right and availability of the surface water source.
8. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication or any other department application process.
9. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
10. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance.

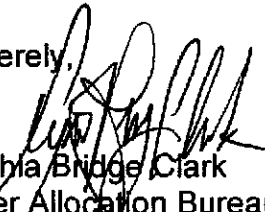
The right(s) will automatically be released from the bank on **December 31, 2004**, unless the right(s) are released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department prior to the release date.

Enclosed is a copy of the Internal Revenue Service Request for Taxpayer Identification and Certification, Form W-9. The department is required to file an information return with the Internal Revenue Service ("IRS") for all payments issued to for water rented from the bank. Payments for the rental of a water right or a part thereof cannot be issued to the lessor unless the department has received a completed IRS W-9 form.

Additionally, documentation of authority to receive payment must be submitted if the name provided on the W-9 form does not match the name of the lessor. The address associated with the water right leased to the bank will be updated in the department database to the address provided on the W-9 form unless otherwise requested by the lessor. If you no longer have an interest in the water right, please contact the department. Return this form and any additional documentation to my attention.

If you have questions, please feel free to contact me.

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

Encl: 1

c: IDWR Regional Office
Bill Graham – IDWR State Office

Before the Idaho Water Resource Board

**APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**

Applicant **Idaho Water Resources Board** Phone (208) **327-7900**

Address **1301 N. Orchard** City **Boise** State **ID**

Zip Code **83706**

A. DESCRIPTION OF WATER SOUGHT TO RENT

1. Source of water **Beaver Creek**
tributary to **Salmon River.**
2. Maximum volume of water. **722.7 AF**
3. Maximum rate of diversion : **8.77 cfs**

B. DESCRIPTION OF USE PROPOSED

1. Nature of intended use **Instream flow**
2. Location of point of diversion **SW ¼ SW ¼, Section 16,**
Township T24N, Range R21E, B.M., Lemhi County (Beginning of
Reach).
SE ¼ SE ¼, Section 31, Township T25N, Range R25E, B.M., Lemhi
County (End of Reach)
3. Season of use: From **May 1 through October 31**
4. Description of diverting works:
Pump HP _____ Lift _____ Pump type _____
Canal name, if appropriate _____
5. Place of use:
 - a. If water is for irrigation, describe the number of acres to be irrigated by
40-acre tract, section, township and range.

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

**Instream flow for Wild and Scenic River Claim for Salmon River
(SRBA CLAIM NO. 75-13316)**

Describe any other water rights used for the same purposes as rental water sought under this application.

6. Who owns the property at the point of diversion?

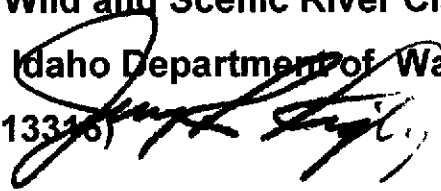
U.S. Forest Service

7. Who owns the property at the place of use?

U. S. Forest Service

8. Are you seeking a rental for more than one (1) year? **No** (yes or no)
If yes, for how many years?

9. Remarks: **No diversion. Flow for Wild and Scenic River Claim under direction of Karl Dreher, Director, Idaho Department of Water Resources (SRBA CLAIM NO. 75-13316)**



29 June 04
Date

Signature of Applicant
Chairman, Idaho Water Resource Board

FOR DEPARTMENT USE ONLY

Received by CBC Date JUNE 29, 2004 Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

Water Transaction Checklist for Specific Water Transactions to Increase Tributary Flows

Instructions: The local entity should complete the following checklist as completely as possible when proposing a specific water transaction to the Columbia Basin Water Transactions Program (Columbia Basin WTP). Upon transaction completion, the checklist should be updated to reflect any changes to the transaction and a final version should be submitted to the Columbia Basin WTP.

Name of Transaction: **Beaver Creek, Salmon River above Alturus Lake Creek**
Local Entity Proposing Transaction: **Idaho Department of Water Resources**
Entity Contact Person on Transaction: **Bill Graham, IDWR**
Date Transaction Proposal Submitted to the Columbia Basin WTP: **2004**
Total Amount of Landowner Payment: **240.9 acres X \$20/acre= \$4,818**
Amount of Landowner Payment Requested from the Columbia Basin WTP: **\$4,818**
Principal Objective of the Transaction: **Adding up to 8.77 cfs of flow to Beaver Creek by leasing water rights from DOT L.L.P. water right numbers, 71-2091C, 71-2091D, 71-7008 and 71-7083. Will add 0.8 cfs to the Salmon above Alturus Lake Creek with 71-7009.**

ACCOUNTABILITY CRITERIA

1. Have the following documents been submitted to the Columbia Basin WTP as part of the proposal? If not, when will the document(s) be submitted?
 - a. Contract with landowner detailing terms of the water right transaction:

Yes ☒ No ☐ Date Submitted: **1/20/04**
Comments:

- b. Water right certificate(s) included in the transaction.

Yes ☒ No ☐ Date Submitted: **1/20/04**
Comments:

- c. Application(s) submitted to the state water agency for transfer of the water right to instream flow (if applicable).N/A

Yes ☐ No ☐ Date Submitted:
Comments: **Water is being provided for instream flow through the IWRB Water Bank.**

- d. Approval order from the state water agency required to affect the transfer and change of use (or explanation as to how the water right will be protected instream without agency approval).

Yes ☒ No ☐ Date Submitted: **1/20/04**

Comments: **Approval is in the form of WRB water lease and rental documents.**

- e. A copy of a completed and signed National Environmental Policy Act (NEPA) checklist submitted to Bonneville Power Administration.

Yes ☒ No ☐ Date Submitted: **1/20/04**
Comments:

- f. Any other important documents to describe and record the transaction.

Yes ☐ No ☒ Date Submitted:
Comments:

2. What other information may assist the Columbia Basin WTP in evaluating this transaction or similar transactions in the future?
The lease is on an Upper Salmon Basin Watershed Project (USBWP) SHIPUSS high-priority stream for flow enhancement within an ESU.

ADMINISTRATIVE CRITERIA

3. How did the water right holder use the water before the transaction? Is there evidence that water right(s) to be acquired was put to beneficial use during the relevant time period set forth by your state's abandonment statute? **Irrigation. Yes; water rights were recognized in the Basin 71 Partial Decrees completed in 1999. Evidence of recent irrigation was observed during field inspections in 2003.**
4. When was the application for the transfer of the water right to instream flow submitted to the applicable state agency (or other authority)? If the application has not yet been filed, what is the projected application submission date? When is the state agency expected to approve the transfer and finalize the amount of water that will be allocated to instream flow? **Application was made to the Water Board's Water Bank in June 2003.**
5. Who will hold the water right once the water is secured for instream flow? **Idaho Water Resource Board**

HYDROLOGIC CRITERIA

6. What is the name of the stream(s) that will have increased instream flows as a result of the transaction? In what subbasin and watershed HUC is the stream(s) located? Please provide the NPCC Subbasin name and Watershed 5th Field HUC (10 digit) number. **Beaver Creek, Upper Salmon River Basin, HUC 1706020101**
7. What is the reach(es) of river that will benefit? (Please provide the approximate river mile of the upper and lower ends of the instream reach(es) and the Global Positioning System (GPS) coordinates of the existing point(s) of diversion.) **About one mile of**

Beaver Creek upstream from Salmon River confluence. Point of diversion coordinates

X 2435488.9100 Y 1413217.0000

Within Custer County. Note: Upper Salmon River about two miles will also benefit from Beaver Creek to Alturas Lake Creek confluence.

8. For what term will the transaction secure water for instream flow (e.g., two years, ten years, in perpetuity)? **One year with a good probability on affecting a permanent transaction following the current lease period.**
9. What is the priority date of the water right(s) secured for instream flow? What is the authorized period of use for the water right(s)? Is the water right(s) typically satisfied during this period of use each irrigation season? If not, what is the actual period of use before the water right(s) is restricted? **Water right number 71-2091C priority date 1/31/1964, 71-2091D priority date 1/31/1964, 71-7008 date is 5/4/1970 and 71-7083 (?) priority is 7/13/1982. The authorized period of use is May 1 to October 31. Any significant variation would be due to natural hydrologic conditions. These are the only water rights allowing diversion for irrigation on Beaver Creek. Salmon River water rights 71-7009 0.9 cfs.**
10. What is the proposed period of use of the instream right(s) (e.g., July 1st-September 30th)? **April 15 to October 15.** What is the period during which the benefits of the proposed use is most ecologically significant **May 1 through October 15.**
11. What is the rate in cfs that will be protectable instream? Will the established rate vary throughout the reach(es)? Will the established rate vary during the period of use? If so, describe the amount(s) by which the established rate will vary and the location and/or time of the variance. **The rate protected is 8.77 cfs, which may vary with the natural hydrograph. Instream flow rates in Beaver Creek will be gauged in the upcoming year. The Salmon River right 71-7009 will add ?? cfs to the river.**
12. What is the total quantity of water in acre-feet to be put instream during the term of the transaction? Will the established duty vary throughout the reach(es)? If so, describe the amount(s) by which the established duty will vary and the location of the variance. If the transaction is for more than one year, please give an annual quantity in acre-feet (show calculation). **IDWR standard for this area is 3.0 afa/a for a total of 240.9 acres = 722.7 acre feet per annum.**
13. What percentage increase of the historical base flow will the acquired water provide in the primary reach during the instream period of use? What percentage of the minimum biological flow target will the acquired water provide in the primary reach during the instream period of use? (A range is acceptable.) **Will add about 8.77 CFS to Beaver Creek which would be likely the full flow in the summer. Historical base flow will be estimated over the next year using the MIKE Basin model with a Rainfall/Runoff component. The biological targets of lower Beaver Creek and**

the Salmon River between Smiley and Beaver Creeks will be determined in 2004 by the USGS using PHABSIM.

BIOLOGICAL CRITERIA

14. What are the species name and ESA status (endangered, threatened) of the anadromous fish, specifically Evolutionary Significant Units (ESUs), expected to benefit by the increased flow? What life stages of the fish present will benefit from the increased flows? **Bull trout, ESA Threatened, all life stages; steelhead, ESA Threatened, all life stages; spring chinook salmon, ESA threatened, all life stages would benefit.**
15. What other fish (i.e., Distinct Population Segment) and wildlife species are expected to benefit? How? **Westslope cutthroat and redband trout, species of special concern, all life stages would benefit. Wildlife species including large mammals would benefit.**
- ~~16.~~ (?) How is water quality expected to improve as a result of the transaction **Higher flows will enhance stream habitat quality and should reduce water temperature in the summer.**
17. What is the current condition of the riparian zone and stream channel in the affected reach(es)? Are there other projects planned or in effect to address degraded riparian areas or stream habitat? Include photographs of the affected reach(es), with a listing of the approximate river mile of the site. **Riparian vegetation in the affected reach is fair. Some effects from grazing are evident through the place of use. We will work with the USBWP, the Custer SWCD and the Sawtooth SNRA to implement riparian habitat protection measures.**
18. Do the riparian zone and stream channel have the immediate potential to create additional high quality fish and wildlife habitat with the increase in stream flow? If high quality habitat is not immediately available, what are the other limiting factors (e.g. passage, stream temperature, etc.)? **Yes.**
19. Is the stream reach fenced to create a riparian buffer? If so, what are the set-back distances from the stream? **No.**

INNOVATION CRITERIA

20. Name what tool(s) and/or strategies were used in developing this transaction? **This transaction was first discussed in the 2003 as an opportunity to coordinate with the USBR under RPA 149. If this transaction can be implemented on a permanent basis, USBR will not have to design and install diversion works, thereby conserving RPA 149 funds.**
21. Explain what new information has been learned by use of these tool(s) and/or strategies? **As more of these projects are done, word of mouth and public contacts result in more landowners coming forward willing to participate. We**

have a strong possibility of collaborating with the USBR in RPA 149 priority basins.

22. What is:

- a. total cost of the water to be acquired; **\$5,353**
- b. total amount paid to the water right holder from all funding sources; **\$4,818**
- c. amount of landowner payment requested from the Columbia Basin WTP; **\$4,818**
- d. estimated transaction costs related to this transaction and the portion (in \$) of these costs paid by BPA; **\$535**
- e. total cost of the transaction (water cost and transaction costs). **\$5,353**

23. What method was used for determining the value of the water right? **Production value of land to be irrigated.**

24. What incentive(s) motivated the water right holder to enter into the transaction? **Desire to leave water instream for fish.**

MONITORING CRITERIA

25. How will the increases in flow be documented and monitored? **Stream Gauges in Beaver Creek and the Salmon River (the Salmon River gauge is approved, and will be installed this spring).**

26. How will benefits to fish and/or wildlife be documented and monitored? **Photo points will show riparian habitat impacts. Aerial photography and satellite imagery to monitor compliance.**

27. How will increases in water quality be documented and monitored? **Beaver Creek and the Salmon River in that reach are not listed as water quality impaired. However, some water quality data may be collected by the USGS through its Upper Salmon flow characterization studies.**
Please provide key contact information if another agency, program, or individual will be collecting and evaluating the flow, biological and water quality data)

28. Is the anticipated increase in streamflow sufficiently great to alter the physical shape of stream beds and floodplains? If so, have factors such as bank erosion, flooding, and other effects of streamflow change been taken into account for both their positive and negative impacts for fish and wildlife and related water uses? **The floodplains of the Salmon River and Beaver Creek should not be altered. Bank erosion will not be a problem. Natural flows may have a positive effect in reshaping the stream channel in Beaver Creek.**

WATERSHED CONTEXT *(To be provided by a QLE once annually for each subbasin in which they are completing transactions.)*

- ~~29.~~ What does the Northwest Power and Conservation Council's relevant Subbasin Plan state regarding instream flows and water transactions in the watershed? **The NWPPC Subbasin Plan for the Upper Salmon is not yet completed. However this stream is rated as high priority for flow enhancement by the USBWP.**
30. Are there other existing watershed assessments or comprehensive planning efforts under which your water transactions are being implemented? If so, please describe the assessment(s) and/or effort(s). **N/A**
31. Have regulatory instream or minimum flows been set in the watershed or are there other limitations on new appropriations (i.e., has the basin been closed to new appropriations)? **No instream or minimum flows have been established in the Stanley Basin. The IDWR Upper Salmon River Basin Plan will likely include recommendations for new instream flows.**
32. What kind of water resource planning efforts is ongoing in the basin, if any? What is the status of those efforts? Are those efforts attempting to address instream flows? **IDWR's Basin planning efforts are starting this year in the Upper Salmon River Basin.**
33. Are the benefits anticipated from water transactions part of or tied to other habitat improvement projects in the watershed? If so, please describe the relationship and briefly describe the other projects necessary to achieve the habitat goals **The USBWP is doing habitat improvement projects throughout the Upper Salmon River Basin. We will work with the land owners and the USBWP to investigate implementation of habitat protection measures.**

ORIGINAL IN RED

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 DOT, LLP Phone _____

Post office address 755 East Ridgefield Drive, Boise, ID 83706

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. 71-2091C Decreed to Donald K. Justus et al
(Name)
in case of SRBA vs _____
dated 3/16/1999 in _____ 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: ALL cubic feet per second &/or
_____ acre-feet per annum
- b. Point of diversion: _____ 3 of _____ 3 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 water right is appurtenant to the land described in the attached deed.

- 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.

April 15 to October 15

- 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.

71-7083, 71-7008, 71-10665A. No.

- 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;

☒

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

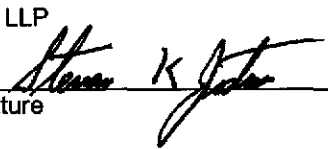
I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

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.

DOT, LLP

6-29-03
Date


Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

ORIGINAL IN RED

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>71-7009</u>	<u> </u>	☐	<u>71-2091D</u>	<u> </u>	☐
<u>71-7083</u>	<u> </u>	☐	<u>71-7008</u>	<u> </u>	☐
<u>71-10665A</u>	<u> </u>	☐	<u>71-10017</u>	<u> </u>	☐
<u>71-10665B</u>	<u> </u>	☐	<u>71-10065C</u>	<u> </u>	☐
<u>71-2091C</u>	<u> </u>	☐	<u> </u>	<u> </u>	☐

2. The following **REQUIRED** information must be submitted with this form

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Donald K. Justus, Karan Justus, Kevin Justus, Steven Justus
1024 Ranch Rd., Boise, ID 83702
4. New Owner/Claimant(s) DOT, LLP
Name Connector (Check one) ☐ and, ☐ or, ☐ and/or
- New Mailing Address 755 East Ridgefield Drive
- City, State and ZIP Code Boise, ID 83706
- New Telephone Number (208) 584-3237
5. Date you acquired the property September 19, 2002

- 6 If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) *Steven K. Janto*, a general partner of DOT, LLP
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims

For Office Use Only

Received by TF Date 7.10.03 Fee \$ 225.00
 Received by TF Date 7.10.03 Receipt No. 5025968
 Processed by _____ AJ Date _____ WR _____ Date _____

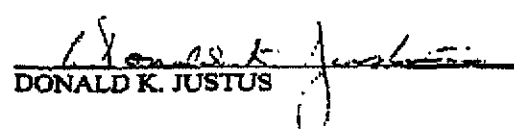
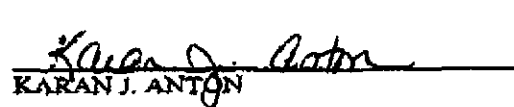
Being re-recorded to correct legal on # 483379

CORRECTION DEED

FOR VALUE RECEIVED, DONALD K. JUSTUS, a married man dealing with his sole and separate property, STEVEN K. JUSTUS, a married man dealing with his sole and separate property, KEVIN D. JUSTUS, a married man dealing with his sole and separate property, and KARAN ANTON, a married woman dealing with her sole and separate property, the Grantors, do hereby grant, bargain, sell and convey unto DOT, LLP, an Idaho limited liability partnership, the Grantee, whose address is 755 East Ridgefield Drive, Boise, Idaho, 83706, the described premises, situate in Blaine County, Idaho, and more particularly described in Exhibit "A" attached hereto together with their appurtenances.

DATED this 26 day of May, 2002.**Instrument # 484787**

HAILEY, BLAINE, IDAHO
2003-05-30 02:21:00 No. of Pages: 1
Recorded for : DAVISON, COPPLE, COPPLE & COX
MARSHA RUSSELL Fee: 15.00
Ex-Officio Recorder Deputy
Index to: CORRECTION DEED

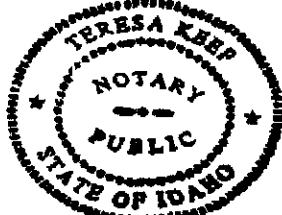

DONALD K. JUSTUS
STEVEN K. JUSTUS
KEVIN D. JUSTUS
KARAN J. ANTON

CORRECTION DEED - 1

STATE OF IDAHO)
)ss.
County of Ada)

On this 24 day of December, in the year 2002, before me,
Teresa Keep, a Notary Public in and for said State, personally appeared DONALD
K. JUSTUS, known or identified to me to be person whose name is subscribed to the above
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 in this certificate first above written.

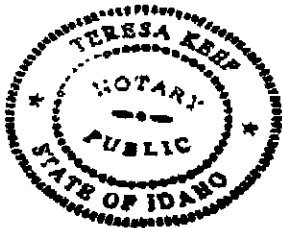


Teresa Keep
Notary Public for Idaho
Residing at: Boise
Commission Expires: 11/15/04

STATE OF IDAHO)
)ss.
County of Ada)

On this 24 day of December, in the year 2002, before me,
Teresa Keep, a Notary Public in and for said State, personally appeared STEVEN
K. JUSTUS, known or identified to me to be person whose name is subscribed to the above
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 in this certificate first above written.



Teresa Keep
Notary Public for Idaho
Residing at: Boise
Commission Expires: 11/15/04

CORRECTION DEED - 2

Notary Public for Idaho
Residing at: Boise
Commission Expires: 11/15/2014

Dick Kopp
Notary Public for Idaho
Residing at: POW
Commission Expires: 11/15/22

EXHIBIT "A"

Parcel 1:

2N 18E 21 NENE NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, Township 2 North, Range 18 East, Boise Meridian, Blaine County, Idaho.

Parcel 2:

7N 14E 22 SWSW All that part of the Fr. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

Parcel 3:

7N 14E 22 NWSW All that part of the Fr. NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

Parcel 4:

7N 14E 21 NESE All that part of the Fr. NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

Parcel 5:

7N 14E 21 NESE All that part of the Fr. NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

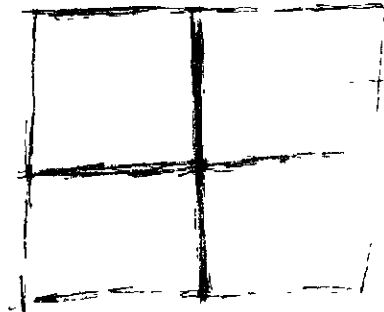
Parcel 6:

7N 14E 21 SENE All that part of the Fr. SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

Parcel 7:

7N 14E 21 SENE All that part of the Fr. SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

CORRECTION DEED - 4



Parcel 8:

7N 14E 22 SWSW

That portion of Fr. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

Parcel 9:

7N 14E 21 W $\frac{1}{2}$ E $\frac{1}{2}$ NWNE
SWNE
NWSE
SWSE

All that part of the W $\frac{1}{2}$ E $\frac{1}{2}$ Section 21, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

Parcel 10:

7N 14E 21 SESE

All that part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

Parcel 11:

7N 14E 22 SESW

All that part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Township 7 North, Range 14 East, Boise Meridian, Blaine County, Idaho.

CORRECTION DEED - 5



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 71-02091C

NAME AND ADDRESS: DONALD K JUSTUS
1024 RANCH RD
BOISE, ID 83702

KARAN JUSTUS
KEVIN JUSTUS
STEVEN JUSTUS
1024 RANCH ROAD
BOISE, ID 83702

SOURCE: BEAVER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.70 CFS
105.60 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.48 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 636 AF WHEN COMBINED THROUGH THE PUMP
WITHIN THE NWSESE S21, T07N, R14E WHICH DIVERTS WATER
FROM BEAVER CREEK AND RELIFTS GROUNDWATER FROM THE NEARBY WELL.
COMBINED RIGHT NOS.: 71-07008, 71-07083 & 71-10665A.

PRIORITY DATE: 01/31/1964

POINT OF DIVERSION: T07N R14E S21 NWSESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.70 CFS 105.60 AFY

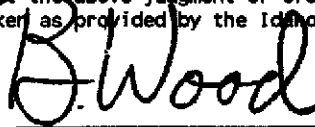
PLACE OF USE:	Irrigation	Within Blaine County	
	T07N R14E S21	NWSE 39.8 SWNE 33.4 NESE 28.2 NWNE 20.2 S22 SWSW 4.9	SWSE 38.9 SENE 18.0 SESE 27.1 NWSW 1.5
	212.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 35.2 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 212 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 71-07083, 71-07008 &
71-10665A.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

A handwritten signature in cursive script, reading "B. Wood", written in black ink. The signature is positioned above a horizontal line.

Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 71-02091C

NAME AND ADDRESS: KARAN JUSTUS
KEVIN JUSTUS
STEVEN JUSTUS
1024 RANCH ROAD
BOISE, ID 83702

DONALD K JUSTUS
1024 RANCH RD
BOISE, ID 83702

SOURCE: BEAVER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.70 CFS
105.60 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.48 CFS AND A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 636 AF WHEN COMBINED THROUGH THE PUMP
WITHIN THE NWSESE S21, T07N, R14E WHICH DIVERTS WATER
FROM BEAVER CREEK AND RELIFTS GROUNDWATER FROM THE NEARBY WELL.
COMBINED RIGHT NOS.: 71-07008, 71-07083 & 71-10665A.

PRIORITY DATE: 01/31/1964

POINT OF DIVERSION: T07N R14E S21 NWSESE Within Blaine County

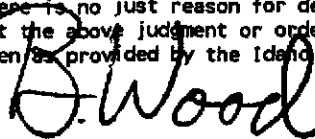
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	0.70 CFS 105.60 AFY

PLACE OF USE:	Irrigation		Within Blaine County
	T07N R14E S21	NWSE 39.8 SWNE 33.4 NESE 28.2 NWNE 20.2 S22 4.9	SWSE 38.9 SENE 18.0 SESE 27.1 NWSW 1.5
	212.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 35.2 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
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IRRIGATION SEASON. COMBINED RIGHT NOS.: 71-07083, 71-07008 &
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Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 25, 2004

DOT LLP
581 EAST PROVIDENT DRIVE
BOISE ID 83706

DONALD K JUSTUS
KARAN JUSTUS
KEVIN JUSTUS
STEVEN JUSTUS
1024 RANCH RD
BOISE ID 83702

**RE: RENTAL OF WATER RIGHTS LEASED TO THE WATER SUPPLY
BANK. WATER RIGHT NO(S). 71-2091C, 71-2091D, 71-7008, 71-7009,
71-7083, 71-10665A, AND 71-10665B**

Dear Lessor(s):

The department has requested the issuance of a state warrant in the amount of \$4,818.00 as payment to you for the rental of 560.4 acre-feet of the above referenced water right from the Water Supply Bank for the 2004 irrigation season.

In accordance with Water Supply Bank rule 35.01, *IDAPA 37.02.03*, return for the rental is ninety percent (90%) of the gross amount of \$5,353.34 received. The Controller's office will issue the warrant within the next twenty (20) days.

If you have questions, please feel free to contact me.

Sincerely,

Cynthia Bridge Clark
Water Allocation Bureau

c: Allen Merritt – IDWR Southern Regional Office
Bill Graham – IDWR State Office
Debbie Allen - Fiscal

MEMORANDUM

TO: Debbie Allen
FROM: Cynthia Bridge Clark
RE: **WATER SUPPLY BANK RENTAL FEE – 71-2091C, 71-2091D, 71-7008, 71-7009, 71-7083, 71-10665A, AND 71-10665B**
DATE: October 25, 2004

The following information is provided to document the request for a state warrant compensating the owner of the above referenced water right(s) for rental of a portion of the right(s) from the Water Supply Bank. The rental payment is \$5,353.34. The portion of the rental payment to be issued to the lessor is \$4,818.00 and was submitted by BPA in conjunction with the Water Planning Bureau's Transaction Program. The department should receive an administrative fee of \$535.34. The W-9 form submitted by the applicant is attached.

Please have a state warrant prepared in the amount of \$4,818.00 and sent to the owner of the water right at the following address:

DOT LLP
581 EAST PROVIDENT DRIVE
BOISE ID 83706

Attach: 1
c: Bill Graham – IDWR State Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

August 9, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

IDAHO WATER RESOURCE BOARD
C/O BILL GRAHAM
1301 N ORCHARD
BOISE ID 83706

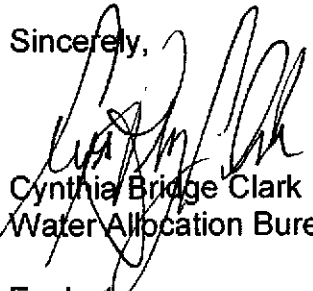
**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK. WATER
RIGHT NO(S). 71-2091C, 71-2091D, 71-7008, 71-7009, 71-7083, 71-
10665A, AND 71-10665B TO THE WATER SUPPLY BANK**

Dear Renter:

Please find enclosed a signed copy of a Water Supply Bank Rental Agreement in connection with the rental of 560.4 acre-feet of surface water from Beaver Creek and the Salmon River for in stream flow use through the 2004 irrigation season. The water rights referenced above will automatically be released from the Water Supply Bank after December 31, 2004. A rental payment of \$5,353.34 is required to validate the rental agreement.

If you have questions, please feel free to contact me.

Sincerely,


Cynthia Bridge Clark
Water Allocation Bureau

Encl: 1

c: IDWR Eastern Regional Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

August 9, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

IDAHO WATER RESOURCE BOARD
C/O BILL GRAHAM
1301 N ORCHARD
BOISE ID 83706

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK.
WATER RIGHT NO(S). 71-2091C, 71-2091D, 71-7008, 71-7009, 71-
7083, 71-10665A, AND 71-10665B TO THE WATER SUPPLY BANK**

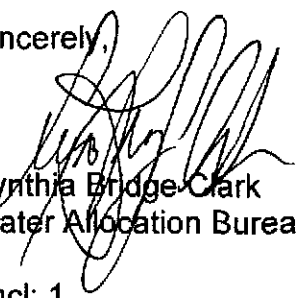
Dear Renter:

The Department of Water Resources (department) acknowledges receipt of your application to rent water from the Water Supply Bank. Please find enclosed a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the agreement, the department also will sign the agreement and will return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement. Payment of the rental fee described below is required to validate the rental agreement.

The rental fee of \$ 5,353.34 is based on documentation provided with the application. Please send a check made payable to the Idaho Department of Water Resources together with the signed rental agreement. They should be returned to my to my attention so I can complete the processing.

If you have questions, please feel free to contact me.

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

Encl: 1

c: IDWR Eastern Regional Office

WATER SUPPLY BANK RENTAL AGREEMENT

The Idaho Water Resource Board ("Board") being authorized to operate a Water Supply Bank ("bank") and to contract by and through the Director of the Idaho Department of Water Resources ("Director") for rental of water from the bank agrees to rent water as follows:

1. Renter: Water Resource Board
2. Address: 1301 N Orchard, Boise Id 83706-2237
3. Source of water: Beaver Creek and Salmon River
4. Volume of water rented: 560.4 AF (Based on consumptive use volume)
Max rate: 9.45 cfs
5. Diversion period: 2004 Irrigation season as authorized under each water right.
6. Use of water: Instream Flow
7. a) Renter's point of diversion:

Legal description: SW¼SW¼ Section 16, T24N, R21E, B.M., Lemhi County
(Beginning of Reach)
SE¼SE¼ Section 31, T25N, R25E, B.M., Lemhi County (Ending of
Reach)

- b) Renter's place of use:

Legal description: Instream flow in Beaver Creek and the Salmon River

8. The rights from which water will be rented are:

Right No	Acres (ac)	Diversion Rate (cubic ft per sec, cfs)	Consumptive Diversion Vol. (acre-feet per acre, afa)	Source
71-2091C	35.2 ac	0.7 cfs	70.4 afa	Beaver Creek
71-2091D	18.1 ac	0.36 cfs	36.2 afa	Beaver Creek
71-7008	146 ac	2.92 cfs	292 afa	Beaver Creek
71-7083	200 ac	3.48 cfs	400 afa	Ground water
71-10665A	30.8 ac	3.48 cfs	61.6 af	Beaver Creek
71-10665B	10.8 ac	1.31 cfs	21.6 afa	Beaver Creek
<u>71-7009</u>	<u>37.3 ac</u>	<u>0.82 cfs</u>	<u>78.6 afa</u>	Salmon River
Combined Totals:	278.2 ac	9.45 cfs	560.4 afa	

The undersigned renter agrees to pay \$ 5,353.34 for rental of the above described water and agrees to use the water in compliance with the Water Supply Bank rules and in compliance with the conditions of water use shown below:

Conditions of water use under this agreement

1. Rental of rights 71-2091C, 71-2091D, 71-7008, 71-7083, 71-10665A, and 71 10665B is limited to a total combined diversion rate of 8.63 cfs and a combined diversion volume of 481.8 afa for use during the 2004 irrigation season authorized under each water right.
2. Rental of right 71-7009 is limited to a diversion rate of 0.82 cfs and diversion volume of 78.6 afa for use during the 2004 irrigation season.
3. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
4. Upon Department request, the renter shall provide for the measurement of the water diverted in a manner acceptable to the Director and shall report the amount of water diverted at the end of the irrigation season.
5. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to the licensed points of diversion and place of use and/or again be available to rent from the bank.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
10. This rental does not authorize the construction of a well.

Dated this _____ day of _____, 2004.

by _____
for

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this ____ day of _____, 2004.

KARL J. DREHER, Director
Department of Water Resources

Clark, Cynthia (Bridge)

From: Clark, Cynthia (Bridge)
Sent: Wednesday, April 28, 2004 6:17 PM
To: Jim Speck (E-mail)
Cc: Graham, Bill
Subject: Donald Justus water rights

Jim,

I have some applications to lease water rights to the Water Supply Bank from Donald Justus. They were originally filed last year, but additional information was required to process the applications. You indicated during a telephone conversation that your client was unavailable, and would pursue entering the rights into the bank the following year. Donald Justus has since been in communication with our planning division about having his rights rented for instream flow use. I explained the information required to our planning staff, but we have all had difficulty reaching him. I wanted to find out whether you are still representing Mr. Justus in this matter. I know our planning staff is very interested in working with him regarding the bank rental.

Thank you,
Cynthia

*Cynthia Bridge Clark
Idaho Department of Water Resources
Water Allocation Bureau
(208) 327-7898
cclark@idwr.state.id.us*

Clark, Cynthia (Bridge)

From: Jim Speck [jimspeck@cox-internet.com]
Sent: Tuesday, August 19, 2003 3:27 PM
To: 'Clark, Cynthia (Bridge)'
Subject: RE: Water Supply Bank applications

Cynthia -

I have forwarded your information requests to my client and will have a response to you as soon as possible.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jimspeck@cox-internet.com

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-----Original Message-----

From: Clark, Cynthia (Bridge)
Sent: Thursday, August 07, 2003 5:08 PM
To: Jim Speck (E-mail)

Jim,

I received your inquiry into the status of the five water supply bank applications for DOT, LLP. I apologize for the delay. I have a couple of questions prior to acceptance into bank. Irrigated land associated with a right in the bank usually may not be irrigated with any water right while a right for irrigation of the land is in the bank. Irrigated land generally must be "dried up" for the duration of the lease period. Water right 71-10665A overlaps three of the rights offered to the bank, but has not itself been offered to the bank. Is there a reason the applicant wishes to retain use of the right?

I reviewed the ownership change forms submitted for the rights offered. The NWSE of Section 22, T07N R14E is described under right 71-7009 for the stock water use, but does not appear to be represented on the deed provided. Is this land owned by the applicant?

Incidentally, I hope to finalize the Roy Woods license for right no. 37-20809 this week.

Let me know if you have any questions.

Thank you,
Cynthia

Cynthia Bridge Clark
Idaho Department of Water Resources
Water Allocation Bureau
(208) 327-7898
cclark@idwr.state.id.us

Clark, Cynthia (Bridge)

From: Clark, Cynthia (Bridge)
Sent: Thursday, August 07, 2003 5:05 PM
To: Jim Speck (E-mail)
Subject: Water Supply Bank applications

Jim,

I received your inquiry into the status of the five water supply bank applications for DOT, LLP. I apologize for the delay. I have a couple of questions prior to acceptance into bank. Irrigated land associated with a right in the bank usually may not be irrigated with any water right while a right for irrigation of the land is in the bank. Irrigated land generally must be "dried up" for the duration of the lease period. Water right 71-10665A overlaps three of the rights offered to the bank, but has not itself been offered to the bank. Is there a reason the applicant wishes to retain use of the right?

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Let me know if you have any questions

Thank you,
Cynthia

Cynthia Bridge Clark
Idaho Department of Water Resources
Water Allocation Bureau
(208) 327-7898
cclark@idwr.state.id.us

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

RECEIVED
JUL 10 2003
Department of Water Resources
TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

July 8, 2003

L. Glen Saxton
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-0098

**Re: DOT, LLP/Applications to Sell or Lease a Water Right to the Water
Supply Bank**

Dear Glen:

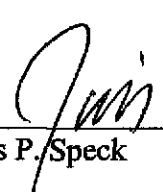
I represent DOT, LLP, an Idaho limited liability partnership. Enclosed you will find the original and one copy each of Applications to Sell or Lease a Water Right to the Water Supply Bank by my client for the following Water Rights: 71-2091C; 71-2091D; 71-7008; 71-7009; and 71-7083.

In each case, my client wishes to lease the water right for an indefinite period at the current rental rate. These water rights were all decreed in the SRBA on March 16, 1999. Please call me right away if you have any questions or comments about these Applications. Would you also kindly have your secretary receipt date-stamp the copies of each Application and return them to me in the postage prepaid self-addressed envelope I have included for that purpose. *Done*

Finally, I am including a copy of my letter of the same date to Allen Merritt regarding the Notice of Change in Water Right Ownership in case you check your records and find these water rights listed in the name of Donald K. Justus, *et al*, the previous owners.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS/jef
Enclosure
cc: Client w/ enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 16, 2004

DOT LLP
755 E RIDGEFIELD DR
BOISE ID 83706

RE: Change of Ownership for Water Right 71-2091C, 71-2091D, 71-7008, 71-7083,
71-10017, 71-10665A, 71-10665B, & 71-10665C

Dear Water Right Holders:

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

We are still waiting to receive the additional information requested for water right 71-7009. Once this information is received and is found to be in good standing, we will process the ownership change. For more details, refer to the letter mailed July 2, 2004.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

For Jeff Peppersack, Manager
Water Right Permits Section

JP:eja

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

RECEIVED

JUL 8 2003

Department of Water Resources

Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301

COPY
July 8, 2003

**Re: Donald K. Justus, et al/DOT, LLP;
Notice of Change in Water Right Ownership**

Dear Allen:

Enclosed you will find the original and a copy of the Notice of Change in Water Right Ownership for nine (9) water rights which have been partially decreed in Basin 71 to Donald K. Justus, *et al.* These water rights have been conveyed to DOT, LLP, an Idaho limited liability partnership. Also enclosed is my client's check payable to the Department for the \$225 filing fee relating to these decreed water rights. Please have your secretary receipt date-stamp the copy of the Notice of Change of Water Right Ownership and return it to me in the postage prepaid self-addressed envelope included for that purpose.

Kindly call me right away if you have any questions about this ownership change.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: _____

James P. Speck

JPS/jef

Enclosures

cc: Client w/ enclosure

G. Saxton w/ enclosure ✓