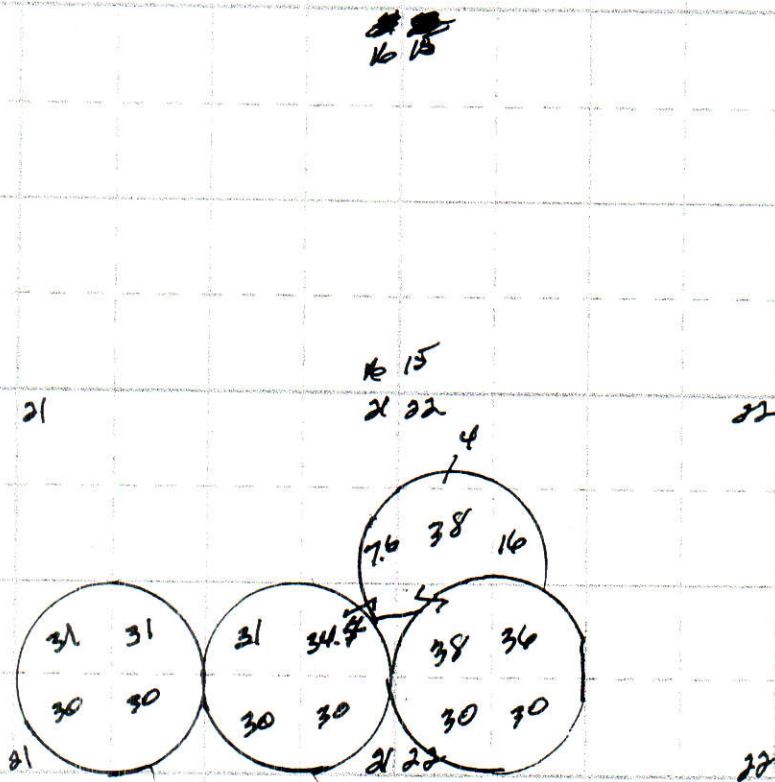


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

+ 6 S

R 23 E B 1 M



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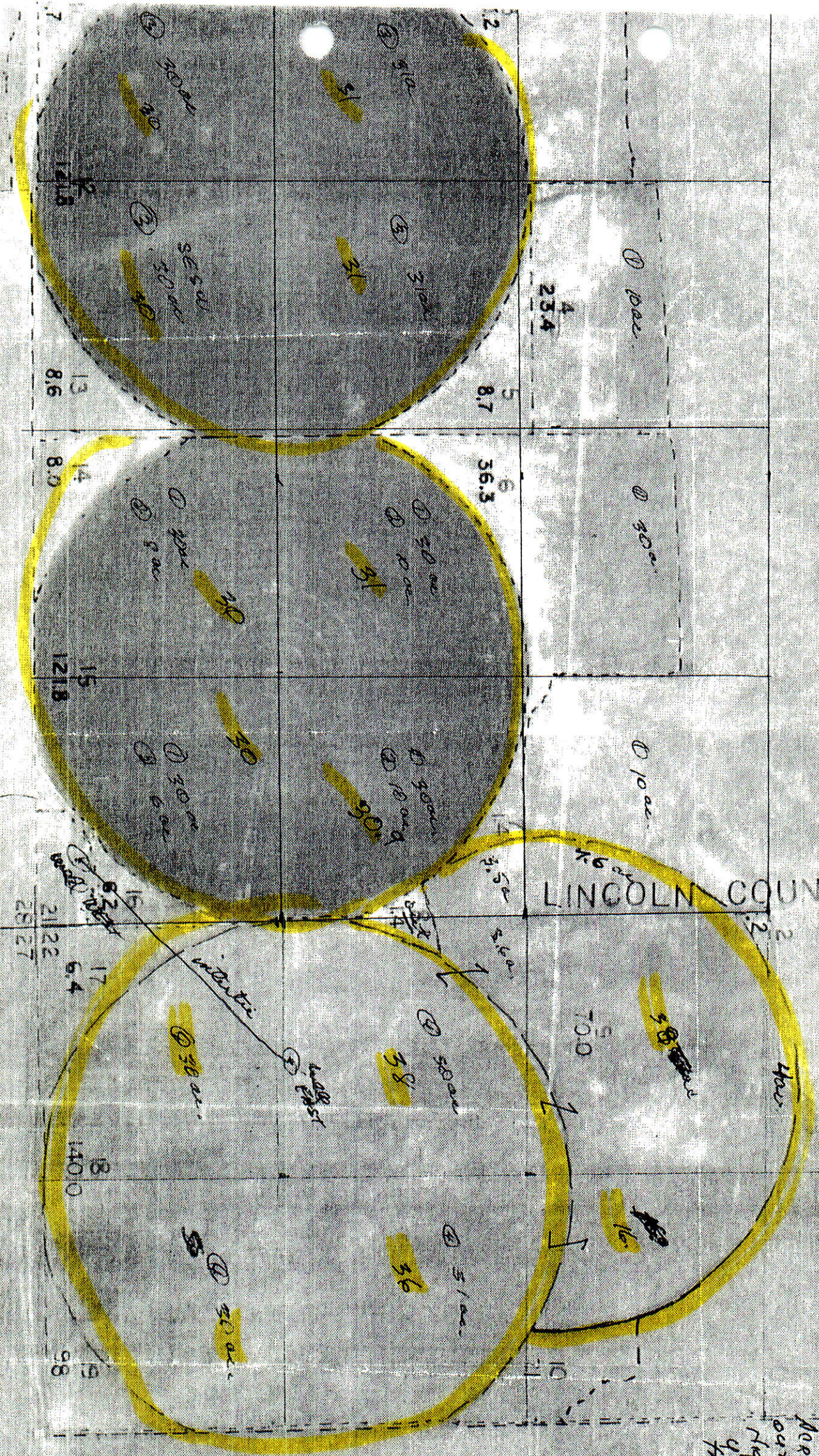
NOV 20 2003

① = 36 - 02455
② = 36 - 05073
③ = 36 - 82754
④ = 36 - 07021D

406

APRES IRRIGATED
OATLUND AND
NIGHTINGALE IN
YELLAND AFTER
FRAUDS FEE

256
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: Flat Top Sheep Company
2. Address: P.O. Box 88, Carey ID 83320
3. Source of water: Ground water
4. Volume of water rented: 284 af Max rate: 0.92 cfs
5. Diversion period: 2003 irrigation season
6. Use of water: Irrigation
7. a) Renter's point of diversion:
Legal description: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T6S, R23E, B.M., Minidoka County
b) Renter's place of use:
Legal description: 4 acres within NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T6S, R23E, B.M.
38 acres within SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T6S, R23E, B.M.
16 acres within SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T6S, R23E, B.M.
5 acres within NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T6S, R23E, B.M.
8 acres within NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T6S, R23E, B.M.
Total = 71 acres
8. The right from which water will be rented is 36-2455

The undersigned renter agrees to pay \$ 3124.00 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. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.

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NOV 20 2003

2. 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.
3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. 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.
6. 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.
7. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
8. This rental does not authorize the construction of a well.

Dated this 24 day of Oct, 2003.

by John T. Perry
pres. Flat Top Sheep Co.

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 6th day of November, 2003.

Karl J. Dreher
for KARL J. DREHER, Director
Department of Water Resources

MICROFILMED

NOV 20 2003

Form 42-1761
01/03

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKRECEIVED
JUL 3 2003
Department of Water ResourcesName of Seller/Lessor FLAT TOP SHEEP Phone 208-788 2850Post office address P.O. Box 88, CAREY, IDAHO 83320

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

a. Decree No. 36 2455 Decreed to FLAT TOP SHEEP CO
 in case of SRBA vs _____
 dated _____ in _____ county of _____
 (Name)
 (Name of court)

b. License No. 36-2455 issued by the Idaho Department of Water
 Resources.

c. Permit No. _____ issued by the Idaho Department of Water
 Resources.

also decreed Rights 36-8275A, 36-8273 and 36-1021D

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease,
show "all" on line a. below and skip the remainder of part 2.)

a. Amount of water under right: 1.924 cubic feet per second &/or
_____ acre-feet per annum

b. Point of diversion: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21 Township 6S Range
23E, B.M. in LINCOLN County.

Additional points NW 1/4, sec 22, & 6S, R23E B.M.

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	
6S	23E	21			30.0	10.0				10.0					30.0	30.0	30.0	30.0	170
6S	23E	21									31	31	30	30					122
"	"	4													10	10	8	6	34
1	"	22									31	30	30	30					121
																			447

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 71

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.

By decree and Decree

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

See partial Decree

- 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.

No, for 71 acres.

- 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:

Pending approval of a permanent change in place of use, the water for 71 acres will be leased back for use on said acres and 71 acres will be converted to dry land, all irrigation water diverted from some 2 wells.

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 May 1, 2003 to November 1, 2003
(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".

Lessor will lease back to change
POU for 2003.

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.

Date _____

Signature _____

Flat Top Sheep Co.
John T. Boreney
Pres.

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

4 MICRONIZED

MON 20 2003

01/03

Before the Idaho Water Resource Board

APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK

Applicant FLAT TOP SHEEP Co Phone 208 788 2850
 Address P.O. BOX 88
 City CAREY State IDAHO Zip Code ~~83324~~
83320

A. DESCRIPTION OF WATER SOUGHT TO RENT

1. Source of water Ground Water
tributary to _____
2. Maximum volume of water _____ AF.
3. Maximum rate of diversion .924 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of intended use Irrigation
2. Location of point of diversion SW 1/4 NW 1/4, Section 22,
Township 6S, Range 23E B.M. Minidoka County.
3. Season of use: From May 1, 2003 to Nov. 1 2003
4. Description of diverting works:
Pump HP 250 Lift 380 Pump type Turbine
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.

NW 1/4 NW 1/4 4a, SW 1/4 NW 1/4 38a, SE 1/4 NW 1/4 16a
NE 1/4 SW 1/4 5a, NW 1/4 SW 1/4 8a Sec 22
T6S R 23E B.M.

MICROFILMED

JUN 20 2003

01/03

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

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

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

FLAT TOP SHEEP CO. See tax ^{receipts} ~~notes~~

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

FLAT TOP SHEEP CO. See tax ^{receipts} ~~notes~~

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

10. Remarks: _____

June 25 2003
Date

Flat Top Sheep Co.
by John H. Sawyer
Signature of Applicant Pres.

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____

Published in _____ Pub. dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

RECEIVED
JUN 23 2003

13:17:10
6/26/2003

TAX MASTER INQUIRY - MINIDOKA CO TAX COLLECTOR

TX0040

LAURA TWISS

PO BOX 369, RUPERT, ID 83350

PHONE 208-436-7168

PHPKEY: RP 06523E220600 A YEAR 2002

BILL# 6330

TXFKEY: RP06523E220600A

BILLED TO: FLAT TOP SHEEP CO

NAME FLAT TOP SHEEP CO

CODE AREA 13-0000 ACCT TYP

BANK FLB OWNER PUP

ADDRESS PO BOX 68

MARKET VALUE 50,228

HARDSHIP

HOMEDOWNER

CAREY

ID 83320

NET MARKET

50,228

TAX AMOUNT

497.42

LEGAL WENE4 NW4

LESS: CIRCUIT

N7S4 22-6-23

PLUS: SPECIALS

115.20

NET TAX BILLED

612.62

TAX PAYMENTS

612.62

TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE

MINIDOKA CO

6/26/2003

TAX MASTER INQUIRY - MINIDOKA CO TAX COLLECTOR

13:17:15
6/26/2003

TX0040

LAURA TWISS
PO BOX 348, RUPERT, ID 83350
PHONE 208-436-7188

FMPKEY: RP 06523E226000 A YEAR 2002

BILL# 6331

TXPKY: RP06523E226000A

BILLED TO: FLAT TOP SHEEP CO

NAME FLAT TOP SHEEP CO

CODE AREA 13-0000 ACCT TYP

BANK FLB OWNER PUP

ADDRESS PO BOX 58

MARKET VALUE 41,467

HARDSHIP

HOMEDOWNER

CAREY

ID 83320

NET MARKET

41,467

TAX AMOUNT

410.66

LEGAL SEEW4 22-6-23

LESS: CIRCUIT

PLUS: SPECIALS

112.24

NET TAX BILLED

522.90

TAX PAYMENTS

372.90

TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE

MICROFILM

NOV 20 2003

13:18:02
6/26/2003

TAX MASTER INQUIRY - MINIDOKA CO TAX COLLECTOR
TXD040
LAURA TWISS
PO BOX 368, RUFERT, ID 83350
PHONE 208-436-7188

FMPKEY: RP 06S23E250000 A YEAR 2002 BILL# 6332
TXPKEY: RP06S23E250000A
NAME FLAT TOP SHEEP CO

BILLED TO: FLAT TOP SHEEP CO
CODE AREA 13-0000 ACCT TYP
BANK FLB OWNER PUF

ADDRESS BOX 58
CAREY ID 83320

MARKET VALUE 40,902
HARDSHIP
HOMEDOWNER

LEGAL - SE4 22-6-23
SW4 23-6-23
ALL OF 25-6-23
E2 26-6-23

NET MARKET 40,902
TAX AMOUNT 405.04

LESS: CIRCUIT
PLUS: SPECIALS
NET TAX BILLED 405.04
TAX PAYMENTS 405.04
TAX CANCELLED
SPEC CANCELLED
REMAINING TAX DUE

MICROSOFT

NOV 20 2003

7:32:03
6/27/2003

TAX MASTER INQUIRY - LINCOLN COUNTY TAX COLLECTOR
TXD040
CATHY QUIROGA
111 WEST B STREET, SUITE T
SHOSHONE, ID 83352

PMPKEY: RP 06S23E214800 A YEAR 2002

BILL# 3240

TXPKEY: RP06S23E214800A

BILLED TO: FLAT TOP SHEEP COMPANY

NAME FLAT TOP SHEEP COMPANY

CODE AREA 42-0000 ACCT TYP

BANK FLB OWNER FUP

ADDRESS P O BOX 88

MARKET VALUE 109,980

HARDSHIP

HOMEDOWNER

CAREY

ID 83320

NET MARKET

109,980

TAX AMOUNT

1,041.64

LEGAL 51/2

LESS: CIRCUIT

21-6-23

PLUS: SPECIALS

431.04

NET TAX BILLED

1,472.68

TAX PAYMENTS

1,472.68

TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE

MICROFILMED

NOV 20 2003

7:31:51
6/27/2003

TAX MASTER INQUIRY - LINCOLN COUNTY TAX COLLECTOR
TX0040 CATHY QUIROGA
111 WEST B STREET, SUITE T
SHOSHONE, ID 83352

RMPKEY: RP 06S23E210000 A YEAR 2002

BILL# 3239

TXPKEY: RP06S23E210000A

BILLED TO: FLAT TOP SHEEP COMPANY

NAME FLAT TOP SHEEP COMPANY

CODE AREA 31-0000 ACCT TYP

BANK FLB OWNER PUP

ADDRESS P O BOX 88

MARKET VALUE 8,640

HARDSHIP

HOMEDOWNER

CAREY

ID 83320

NET MARKET

8,640

TAX AMOUNT

90.20

LEGAL N1/2

21-6-23

LESS: CIRCUIT

PLUS: SPECIALS

NET TAX BILLED

90.20

TAX PAYMENTS

90.20

TAX CANCELLED

SPEC CANCELLED

REMAINING TAX DUE

MICROCALLED

NOV 20 2003

Page 1 of 12STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Flat Top Sheep Company Phone (208) 788-2850
Post Office address P. O. Box 88, Carey, Idaho 83320

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Irrigation system for farm has been converted to all pivot systems. This requires a change in the place of use to accomodate the pivots.
Each right has a diversion point added to obtain more efficiency when production of only one well is required at times during irrigation season.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
36-2455	12/13/1960	3.40 cfs	Irrigation	4/01 to 10/31
36-8275A	05/09/1985	2.44 cfs*	Irrigation	4/15 to 10/31
36-8273	07/04/1985	.68 cfs*	Irrigation	4/15 to 10/31
36-7021D	04/09/1968	2.42 cfs	Irrigation	4/01 to 10/31

*These rights are limited to a combined use with 36-2455 in the amount of 3.4 cfs

2. Total amount of water being transferred .924 cfs cubic feet per second and/or _____ acre-feet per annum.3. Source of water ground water tributary to ESPA

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	SE	21	6S	23E	Lincoln	West Well
	SW	NW	SW	22	6S	23E	Minidoka	East Well

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
6S	23E	21				7.6					31	31	30	30	34.4	31	30	30	255
6S	23E	22						4	38	16	36	38	30	30					192

Total acres 447

PART 1**6. General Information:**

- a. Description of diversion system Two (2) deep wells intertied to four (4) pivot systems, one of which is not a full 360° pivot.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. See Attachment B.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Approximately 71 of a total of 447 acres will be turned to dryland, but the total acres to be irrigated will not change, and will remain 447 acres.
- d. Remarks:
By converting to an intertied pivot system, more water will be conserved and the efficiency of the irrigation system for these lands will be improved.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

MICHAEL
NOV 20 2003

Page 1

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. _____

Receipt No. _____

Current Water Right No. 36-2455

Priority Date: 12/13/1960

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	3.40 CFS	680.0 AFA	
Total Diversion		3.40 CFS	680.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESESE 06S 23E 21 LINCOLN

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 23E 21			30.0	10.0				10.0					30.0	30.0	30.0	30.0	170.0

Total Acres: 170

Conditions/Remarks:

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. RIGHT NO. 36-08273 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

MICHAEL J. [illegible]

NOV 20 2003

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Transfer No. _____

Receipt No. _____

Current Water Right No. 36-2455

Documentation of Ownership of the Current Place of Use

See Attachment A.

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

See 6 b of part 1.

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

See 6 c of part 1.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

No!

MICHAEL J. LEE

NOV 2 2 2003

Page 1

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. _____

Receipt No. _____

Current Water Right No. 36-8275A

Priority Date: 05/09/1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15	10/31	2.44 CFS	488.0 AFA	
Total Diversion			2.44 CFS	488.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESE 06S 23E 21 LINCOLN

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	23E	21									31.0	31.0	30.0	30.0					122.0

Total Acres: 122

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NOS. 36-02455 AND 36-08273 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.4 CFS.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

MICHAEL J. LEE

MAY 21 2005

Page 2

Transfer No. _____

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 36-8275A

Documentation of Ownership of the Current Place of Use *

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? *

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer *

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? *

*** See comments on Part 2 for 36-2455**

ML-11-11-11

2011-11-11

Page 1

Transfer No. _____

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 36-8273

Priority Date: 07/04/1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/15 10/31	0.68 CFS	136.0 AFA	
Total Diversion		0.68 CFS	136.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER SESE 06S 23E 21 LINCOLN

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 23E 21													10.0	10.0	8.0	6.0	34.0

Total Acres: 34

Conditions/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NOS. 36-02455 AND 36-08275A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.4 CFS.
2. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

MAY 11 2003

MAY 11 2003

Page 2

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. _____

Receipt No. _____

Current Water Right No. 36-8273

Documentation of Ownership of the Current Place of Use *

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? *

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer *

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? *

***See comments on Part 2 for 36-2455**

MICHAEL J. [illegible]
JAN 10, 2003

Page 1

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. _____

Receipt No. _____

Current Water Right No. 36-7021D**Priority Date:** 04/09/1968**Origin:** Adjudication Recommendation**Basis:** Decreed**Status:** Active**Source:** GROUND WATER**Tributary to:**

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	2.42 CFS	484.0 AFA	
Total Diversion		2.42 CFS	484.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWSW 06S 23E 22 MINIDOKA

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S 23E 22									31.0	30.0	30.0	30.0					121.0

Total Acres: 121

Conditions/Remarks:

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Documentation of Ownership of the Current Place of Use *

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? *

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer *

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? *

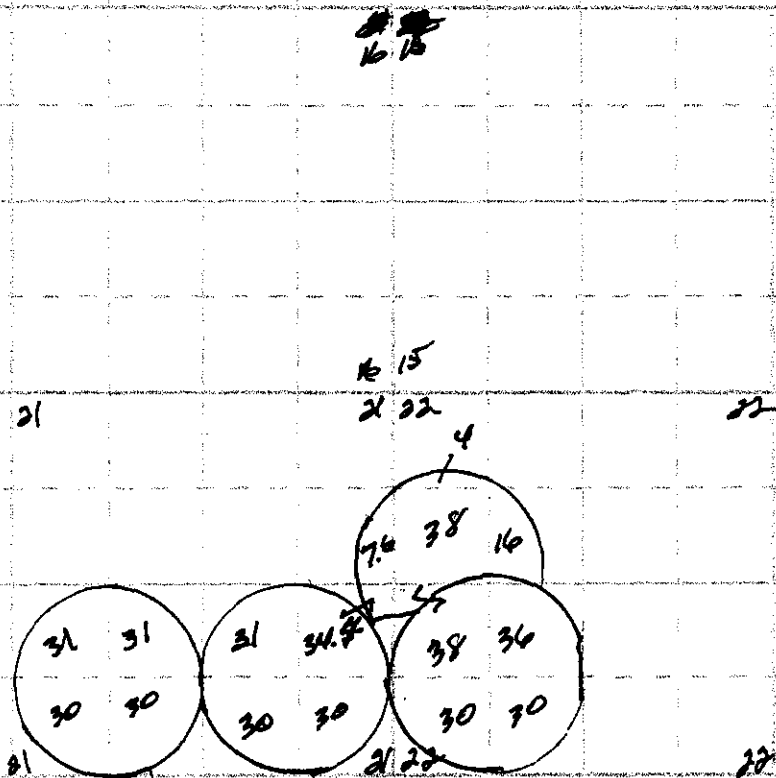
*See comments on Part 2 for 36-2455

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

+ 6 S

R 23 E B 11 N



MICHO...

NOV 1 2 2003

SCALE: 2 inches equal 1 mile. Draw plan in ink.

ALSO SEE ATTACHED MAP

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

MICHAEL J. [unclear]

[unclear] 1998

① = 36 - 02455
② = 36 - 05273
③ = 36 - 83754
④ = 36 - 07021 D

LINCOLN COUNTY

409

AGERS IRRADIATED
CONTAINED AND
NIGHTMARE IN
GREENED AFTER
REMOVAL

5613A

Important Information About Your Water Right

August 27, 2001

FLAT TOP SHEEP CO
PO BOX 88
CAREY, ID 83320

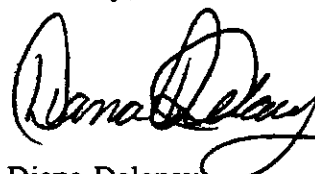
Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree and Incorporating into Partial Decree An Express Statment Regarding General Provisions, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 36-02455. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on December 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

MICROFILMED

NOV 20 2003

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)

Water Right 36-02455

Case No. 39576)

ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT
IN PARTIAL DECREE AND INCORPORATING INTO PARTIAL
DECREE AN EXPRESS STATEMENT REGARDING GENERAL
PROVISIONS, *NUNC PRO TUNC*

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this recommendation and the time period for filing objections has now expired.

THEREFORE, IT IS ORDERED that the period of use for the irrigation element of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 04-01 10-31

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT. ccc

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court at a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify any subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

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.

Dated August 27, 2001

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication
MICROFILMED
NOV 20 2003

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 36-02455

1997 DEC 29 PM 3:09

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

NAME & ADDRESS: FLAT TOP SHEEP CO
PO BOX 88
CAREY ID 83320

SOURCE: GROUNDWATER

QUANTITY: 3.4 CFS
680.0 AFY

PRIORITY DATE: 12/13/1960

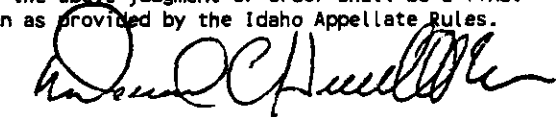
POINT OF DIVERSION: T06S R23E S21 SESESE Within LINCOLN County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		Irrigation Season	3.4 CFS 680.0 AFY

PLACE OF USE:	IRRIGATION	Within LINCOLN County			
T06S R23E S21	SWNE 30	SENE 10	SENE 10	SENE 30	NESE 30
170 ACRES TOTAL	NWSE 30	SWSE 30	SESE 30		

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.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

MICROFILMED

NOV 20 2003



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

February 24, 2004

FLAT TOP SHEEP COMPANY
C/O JOHN T PEAVEY
PO BOX 88
CAREY ID 83320

**RE: TERMINATION OF LEASE TO THE WATER SUPPLY BANK – WATER
RIGHT NO(S). 36-2455**

Dear Sir or Madam:

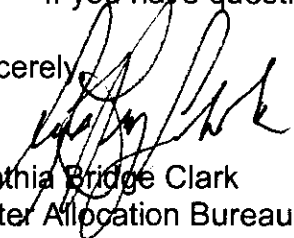
Department records show that the above referenced water right(s) has been leased through December 31, 2003 to the Water Supply Bank ("bank") operated by the Idaho Water Resource Board. This letter is notice that the right will be considered released from the bank unless you advise me, in writing, within fourteen (14) days of the date of this letter that you want to extend the period of the lease.

If you would like the right(s) to remain leased to the bank, please specify the date to which you want the lease extended. You may also request the right(s) remain leased to the bank for an "indefinite" period. In this case, the right(s) will remain in the bank indefinitely unless released earlier by the Board or until the water right owner or lease applicant contacts the department in writing to request the release of the right(s) from the bank.

Please consider that the five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the bank. If a written request is not received within fourteen (14) days, the right(s) will be considered released from the bank as of December 31, 2003.

If you have questions, feel free to contact me directly at (208) 327-7898.

Sincerely,


Cynthia Bridge Clark
Water Allocation Bureau

c: IDWR - 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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 7, 2003

FLAT TOP SHEEP COMPANY
C/O JOHN T PEAVEY
PO BOX 88
CAREY ID 83320

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK. WATER
RIGHT NO. 36-2455. ASSOCIATED RIGHTS: 36-8273, 36-8275A, and
36-7021D**

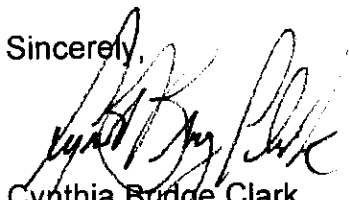
Dear Mr. Peavey:

Please find enclosed a receipt in the amount of \$3,124.00 and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 284 acre-feet of ground water irrigation during the 2003 season. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

I am also enclosing the original letter, dated October 17, 2003, accepting water right no. 36-2455 for lease into the Water Supply Bank. You returned this letter to the department with the signed copy of your rental agreement, but may wish to retain this letter for your records.

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

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

Encl: 2

c: John Freitag – IDWR Southern Regional Office
Roger Ling

MICROFILMED

NOV 20 2003



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

November 7, 2003

FLAT TOP SHEEP COMPANY
C/O JOHN T PEAVEY
PO BOX 88
CAREY ID 83320

**RE: RENTAL OF WATER RIGHTS LEASED TO THE WATER SUPPLY
BANK: WATER RIGHT NO. 36-2455. ASSOCIATED RIGHTS: 36-8273,
36-8275A, and 36-7021D**

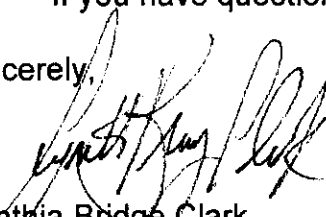
Dear Mr. Peavey:

The department has requested the issuance of a state warrant in the amount of \$2811.60 as payment to you for the rental of 284 acre-feet of water right no. 36-2455 from the Water Supply Bank ("bank") managed by the Idaho Water Resource Board.

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 received at a rental rate of \$11.00 per acre-foot of water. 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: John Freitag – IDWR Southern Regional Office
Debbie Allen – IDWR Fiscal
Roger Ling

MICROFILMED

NOV 20 2003

MEMORANDUM

TO: Debbie Allen
FROM: Cynthia Bridge Clark
RE: **WATER SUPPLY BANK RENTAL FEE - 36-2455 (ASSOCIATED RIGHTS: 36-8273, 36-8275A, and 36-7021D)**
DATE: November 6, 2003

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 36-2455 from the Water Supply Bank. A copy of the rental agreement and the receipt for the rental is attached.

Please have a state warrant prepared in the amount of \$2811.60 and sent to the owner of the water right at the following address:

FLAT TOP SHEEP COMPANY
C/O JOHN T PEAHEY
PO BOX 88
CAREY ID 83320

Attach: 2

MICROFILMED

NOV 26 2003

Idaho Department of Water Resources Receipt

Receipt ID C071416

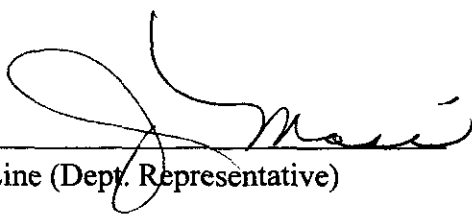
Payment Amount \$3,124.00 Date Received 10/29/2003 9:33:57 AM Region State Status
Payment Type Check Check Number 1831

Payer FLAT TOP SHEEP COMPANY

Comment JOHN T PEAVEY

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$312.40	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205
\$2,811.60	WATER BANK-OWNER SHARE	0229	21	55109	1205


Signature Line (Dept. Representative)

MICROFILMED

NOV 20 2003

MEMORANDUM

To: Files ~~36-2455~~, 36-8273, 36-8275A, and 36-7021D

From: Cynthia Bridge Clark

Date: October 16, 2003

Re: Lease and Rental of Rights to the State Water Supply Bank

<u>Water Right</u>	<u>SRBA Decree</u>	<u>Lease/Rental:</u> <u>Rate</u>	<u>Volume</u>	<u>Acres</u>
36-2455	August 2001	0.92 cfs	284 af	71 ac

John Peavey filed an application to lease a portion of right no. 36-2455 to the Water Supply Bank ("bank"), along with a companion rental application for the same right. A copy of the original transfer application filed with the department was attached, though the application has since been modified.

The applicant leased a total of 71 acres to the bank. The acres were identified using the copy of the original transfer application. The right has been decreed in the SRBA, and is limited when combined with water rights 36-8273 and 36-8275A to a diversion rate of 3.4 cubic feet per second (cfs). The applicant noted on the lease application that rights 36-2455, 36-8273, 36-8275A, and 36-7021D are associated rights.

The rights do not overlap. However, when summed together, they authorize a total diversion rate of 5.82 cfs for irrigation of a total of 447 acres. It appears that the transfer application may be modified to create a PPU and to accommodate water commingled through two common points of diversion. The rate leased to the bank is consistent with the rate per acre of the rights when summed together.

The volume of water leased to the bank was based on the portion of the annual volume authorized under right 36-2455 associated with the number of acres idled. The status of the transfer the rights discussed above should be considered if the applicant proposes to extend the lease/rental into the 2004 irrigation season.

MICROFILMED

NOV 17 2003



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

October 17, 2003

FLAT TOP SHEEP COMPANY
C/O JOHN T PEAVEY
PO BOX 88
CAREY ID 83320

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK.
WATER RIGHT NO. ~~36-2455~~ ASSOCIATED RIGHTS: 36-8273, 36-
8275A, and 36-7021D**

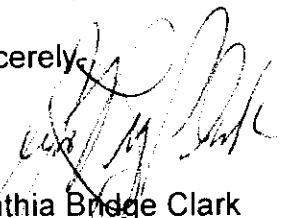
Dear Mr. Peavey:

The 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, together with the rental fee described below, 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.

The rental fee is **\$3124.00** and was calculated as \$11.00 per acre-foot times 284.0 acre-feet. Please send a check made payable to the Idaho Department of Water Resources together with the signed rental agreement. Also return the signed agreement and fee 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: John Freitag – IDWR Southern Regional Office
36-2455, 36-8273, 36-8275A, and 36-7021D

Roger Ling

MICROFILMED

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: Flat Top Sheep Company
2. Address: P.O. Box 88
3. Source of water: Ground water
4. Volume of water rented: 284 af Max rate: 0.92 cfs
5. Diversion period: 2003 irrigation season
6. Use of water: Irrigation
7. a) Renter's point of diversion:

Legal description: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T6S, R23E, B.M., Minidoka County

- b) Renter's place of use:

Legal description: 4 acres within NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T6S, R23E, B.M.
38 acres within SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T6S, R23E, B.M.
16 acres within SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T6S, R23E, B.M.
5 acres within NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T6S, R23E, B.M.
8 acres within NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, T6S, R23E, B.M.
Total = 71 acres

8. The right from which water will be rented is 36-2455

The undersigned renter agrees to pay \$ 3124.00 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. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.

2. 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.
3. Use of water under this agreement does not constitute a dedication of the water to renter's land and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
5. 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.
6. 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.
7. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
8. This rental does not authorize the construction of a well.

Dated this _____ day of _____, 2003.

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 _____, 2003.

KARL J. DREHER, Director
Department of Water Resources



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

October 17, 2003

DIRK KEMPTHORNE
Governor

KARI J. DREHER
Director

FLAT TOP SHEEP COMPANY
C/O JOHN T PEAVEY
PO BOX 88
CAREY ID 83320

**RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK.
WATER RIGHT NO. 36-2455. ASSOCIATED RIGHTS: 36-8273, 36-8275A, and 36-7021D**

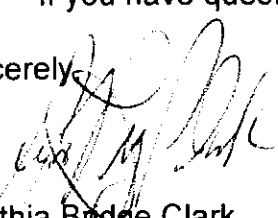
Dear Mr. Peavey:

The 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, together with the rental fee described below, 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.

The rental fee is **\$3124.00** and was calculated as \$11.00 per acre-foot times 284.0 acre-feet. Please send a check made payable to the Idaho Department of Water Resources together with the signed rental agreement. Also return the signed agreement and fee 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: John Freitag – IDWR Southern Regional Office
36-2455, 36-8273, 36-8275A, and 36-7021D

Roger Ling

MICROFILMED

OCT 26 2003



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

October 17, 2003

FLAT TOP SHEEP COMPANY
C/O JOHN T PEAVEY
PO BOX 88
CAREY ID 83320

**RE: APPLICATION TO LEASE PART OF WATER RIGHT NO. ~~36-2455~~ TO
THE WATER SUPPLY BANK. ASSOCIATED RIGHTS: 36-8273, 36-
8275A, and 36-7021D**

Dear Mr. Peavey:

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

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

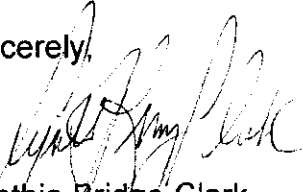
1. There is no rental payment to the owner of the water right if the right or a part thereof is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. As a result of the lease agreement, use of the remaining portion of leased right 36-2455 and associated right nos. 36-8273, 36-8275A, and 36-7021D is limited to a total combined diversion rate of 4.9 cfs.
4. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
5. While a water right is in the bank, forfeiture provisions are stayed.
6. Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

MICHAEL J. JONES

OCT 20 2003

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

Sincerely,



Cynthia Bridge Clark
Water Allocation Bureau

c: John Freitag – IDWR Southern Regional Office
36-2455, 36-8273, 36-8275A, and 36-7021D

Roger Ling

MICROFILMED

NOV 21 2009

FLAT TOP SHEEP CO.

P.O. Box 88
Carey, Idaho 83320

July 5, 2003
RECEIVED
Department of Water Resources

Dear Glen

I will be in Boise
July 14 and will stop
and answer any
questions if you are
available. I'll
try and be there by
8:30-9:00

Thanks

John Ravey

We are also submitting
a to application for a
transfer.

MICHAEL

Phone 788-2850 - Summer
726-7568 - Winter