

STATE OF IDAHO  
WATER RESOURCE BOARD

Print Form

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

Applicant / Designated Lessor Flying Squirrel Productions LLC  
(Select one owner – see item 1A on the application)

Water Right No. 37-685D  
(One water right per application)

Is this application being submitted with a rental application as a lease/rental package? Yes  No

If yes, include renter and rental fee payment information as attachment 5B.

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. **Applications that do not meet the minimum requirements will not be processed and may be returned or denied.**

**MINIMUM REQUIREMENT CHECKLIST**  
Check All Items as Either Attached (Yes) or Not Applicable (N/A)

Yes			Completed <i>Application to Sell or Lease a Water Right to the Water Supply Bank</i> , printed <b>single sided</b> , per requirement of the Water Supply Bank.
<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>			Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
N/A	Yes	Attachments	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1A	Signatures and contact information for <i>all owners</i> of the water right to be leased or sold on this application.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1B	An <a href="#">Internal Revenue Service (IRS) Form W-9</a> for the Applicant / Designated Lessor.
<input type="checkbox"/>	<input type="checkbox"/>	1C	<i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1D	Contact information for an authorized representative and documentary proof they are authorized to represent the Applicant on this application. If the Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2	Description of a water right portion offered to the Water Supply Bank.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3	A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> .
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4A	Written consent from irrigation district or water delivery company.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4G	Evidence demonstrating the water right has not been forfeited pursuant to <a href="#">Section 42-222(2), Idaho Code</a> .
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5B	Rental rate and owner payment agreement between lessor and renter for lease/rental packages.

Department Use Only			
Fee Amount \$	Received By:	Date Received:	Receipt #
W-9 received? Yes <input type="checkbox"/> No <input type="checkbox"/>	(Route W-9 to Fiscal)	Name on W-9:	

STATE OF IDAHO  
WATER RESOURCE BOARD

**APPLICATION TO SELL OR LEASE A WATER RIGHT**  
(Continued)

**1. CONTACT INFORMATION**

- A. The applicant or designated lessor must be listed as a current owner of the water right offered for sale or lease to the Water Supply Bank. If there are multiple current owners, choose one owner as the Designated Lessor. Complete and attach the Designated Lessor - Attachment 1A of this application package with the signatures of all current owners.

Applicant / Designated Lessor Flying Squirrel Productions LLC  
Mailing Address P.O. Box 4938 Ketchum, ID 83340  
Street City State Zip Code  
Email Address jneeley@briodest.com Phone Number 208-720-6913

The Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

The Designated Lessor is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Lessor / Applicant submitted an [IRS Form W-9](#) to this Department within 6 months? Yes  No   
If no, complete the form and attach to this application (Attachment 1B).
- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes  No   
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).
- D. Is this application being completed by an authorized representative of the Water Right Holder? Yes  No   
If yes, representatives (includes employees of Water Right Holder companies) must complete this section and submit documentary proof of their authority to represent the Water Right Holder (Attachment 1D).

Name of Representative Zach Latham Organization Brockway Engineering PLLC  
Professional Title Consultant- Hydrologist Email Address zach.latham@brockwayeng.com  
Mailing Address 2016 Washington Ave. N Suite #4 Twin Falls, ID 83301 Phone Number 208-736-8543

Send all correspondence for this application to the representative and not to the Designated Lessor / Applicant.

OR

Send original correspondence to the Designated Lessor / Applicant and copies to the representative.

**2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK**

The full water right is being offered to the Bank and none will still be used.

OR

A portion of the water right is being offered to the Bank and a portion will still be used.  
If a portion of the water right is being offered, **complete Attachment 2.**

**3. MAP**

[Attach a map.](#) The map must locate the point of diversion from the source of water and the location of the lands to be idled or the place where the water will no longer be used. The map must also show townships, ranges, sections, and government lots. **For irrigation purposes**, mark the number of acres for lease **per** 40-acre tract (1/4-1/4). If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map **Attachment 3.**

STATE OF IDAHO  
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT  
(Continued)

4. GENERAL INFORMATION

- A. Identify the owner of the water delivery system or well Wood River Valley Irrigation District #45.  
*If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to [Section 42-108, Idaho Code](#) and [IDAPA WSB Rule 37.02.03.25.02e](#). (Label Attachment 4A)*
- B. Please provide a description of the current water diversion and delivery system, including source, pump, pipeline or diversion.  
WRVID45 provides water under 37-510A and 37-685D for irrigation use on the property. Buried pressurized irrigation system will provide irrigation to property under portion of WR's not leased.
- C. Describe any other water sources, including municipal, irrigation company shares, or water rights with combined limits to the water right offered to the bank, which are used for the same purpose at the same place of use as the water right being offered to the Bank. 37-510A and 37-685D are authorized to provide 57.4 acres of irrigation at the rights' POU.
- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes  No   
*Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands, and usually have combined limits in the conditions of the water rights. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.*
- E. Will the present place of use continue to receive water from any other source, including those listed in 4C? Yes  No   
**If yes**, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. 13.1 acres will be irrigated under 37-510A and 37-685D.
- F. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes  No   
**If yes**, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Label Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture, including lease into the Bank. Your application may be denied if forfeiture concerns are not addressed. See previously approved IDWR WSB lease contract no. 836.
- G. Identify annual volumes and/or rates of water diverted (used) in the last 5 years to accomplish the beneficial use authorized by this water right. See previously approved IDWR WSB lease contract no. 836.
- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?    
**If yes**, describe. Yes No  
N/A.

STATE OF IDAHO  
WATER RESOURCE BOARD

**APPLICATION TO SELL OR LEASE A WATER RIGHT**  
(Continued)

**5. SALE/LEASE CONTRACT**

A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale  or lease  ?  
**If lease**, specify the first calendar year when the use of water will be suspended: 2024

All lease contracts are for a calendar year from January 1<sup>st</sup> to December 31<sup>st</sup> (year)

*Mark Desired Lease Duration (Calendar Years)					
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Other Term Length (# of years):</u> <i>*Prior IWRB approval required</i>
1	2	3	4	5	

B. Show the minimum payment acceptable to the seller/lessor. **If lease**, the minimum payment may be shown as the “current rental rate” as established by the IWRB, or a negotiated rental rate with submittal of an agreement between the lessor and the renter. *The owner payment is 90% of the rental fee. The administrative fee retained by the IWRB is 10% of either the current rental rate or the negotiated rental fee, whichever is higher. Include the method of determining the minimum payment if submitted as a companion lease rental package, and whether the owner payment will be paid directly to the lessor from the renter or if owner payment should be collected by the Department from the renter for payment to the lessor. (Label attachment 5B).*  
 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 water right for sale or lease to the Idaho Water Resource Board.**

The Designated Lessor / Applicant acknowledges the following:

1. Payment to the Designated Lessor / Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Lessor / Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

\_\_\_\_\_  
Signature of Designated Lessor or Applicant      Printed Name      Date

\_\_\_\_\_  
Signature of Co-Applicant      Printed Name      Date

\_\_\_\_\_  
Signature of Authorized Representative      Printed Name      Date

**Mail to:**  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Print Form

**STATE OF IDAHO  
WATER RESOURCE BOARD**

Complete Attachment 1A if more than one water right owner

**ATTACHMENT 1A**

**Multiple Water Right Holders Party to the Lease Application**

For the water right offered for sale or lease, list all owners (individuals or business entities) of the right or the property to which it is appurtenant. All water right holders must sign a Water Supply Bank Lease Application. However, only the Designated Lessor or Applicant needs to provide a completed IRS Form W-9 (Attachment 1B). **All correspondence and any financial payment associated with the rental of this water right will be directed to the Designated Lessor.** If additional space is needed to list any other water right holders, attach a second copy of Attachment 1A.

If submitting multiple applications, it is only necessary to complete one Attachment 1A for the group of applications. List each water right below.

Water Right No(s). \_\_\_\_\_

	Designated Lessor	Applicant #2	Applicant #3
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	As Designated Lessor, I submit this lease application on behalf of all other water right holders.	I authorize the Designated Lessor to submit this application on my behalf.	I authorize the Designated Lessor to submit this application on my behalf.
<b>Signatures</b>			

	Applicant #4	Applicant #5	Applicant #6
Name			
Mailing Address			
Phone Number			
Email Address			
Applicant Declaration	I authorize the Designated Lessor to submit this application on my behalf.	I authorize the Designated Lessor to submit this application on my behalf.	I authorize the Designated Lessor to submit this application on my behalf.
<b>Signatures</b>			

**STATE OF IDAHO  
WATER RESOURCE BOARD**

Complete Attachment 2 if only a portion of the water right is offered to the Bank.  
Only one water right per form.

**ATTACHMENT 2**

**DESCRIPTION OF A WATER RIGHT PORTION OFFERED TO THE WATER SUPPLY BANK**

1. <u>Water Right Number</u>	<u>Nature of Use</u>	<u>Leased Rate</u> <small>(cfs)</small>	<u>Leased Volume</u> <small>(af)</small>	<u>Leased Acres</u> <small>(ac)</small>
<u>37-685D</u>	Irrigation	0.99		44.3
	Diversion to Storage	1.23		
	Total Amounts:	1.23 cfs		44.3

2. Source of water Big Wood River tributary to Malad River

3. **Point(s) of diversion.** Locate the point of diversion within each 40-acre tract and/or the U.S. Government Lot of the Public Land Survey System. Spring sources should be described to the nearest 10-acre tract. Identify the county where the point of diversion is located.

TWP	RGE	SEC	GOVT LOT	¼	¼	¼	County	Source	Local name or tag #
02N	18E	36	3	NE	SW	NW	BLAINE	BIG WOOD RIVER	D45 CANAL DIVERSION

4. Place of Use to be idled. Mark the idled place of use within each 40-acre tract in the appropriate box using the number of acres for irrigation, or the symbol listed below for other uses.

**D - domestic, S - stockwater, M - municipal, C - commercial, I - industrial, X - other.**

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	18E	13	22			22.3													44.3