

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

# WATER SUPPLY BANK LEASE CONTRACT No. 1452

This Lease Contract ("**Lease**") is between the Idaho Water Resource Board ("**Board**"), and

**LESSOR:** ROSEMARY MC GONIGAL  
PO BOX 102  
JEROME, ID 83338

**SUPPORT DATA**  
**IN FILE #** 37-655A

**RECEIVED**

**NOV 12 2021**

**DEPARTMENT OF  
WATER RESOURCES**

## RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on October 12, 2021.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

### Summary of Water Rights or Portions Leased to the Bank

| Water Right No.              | Priority Date | Source                                    | Diversion Rate (CFS) | Diversion Volume (AF) | Acres (AC)  |
|------------------------------|---------------|-------------------------------------------|----------------------|-----------------------|-------------|
| 37-21477                     | 5/15/1881     | UNNAMED STREAM, tributary to WILLOW CREEK | 0.67                 | Not Stated            | 39.8        |
| 37-655A                      | 7/1/1888      | UNNAMED STREAM, tributary to WILLOW CREEK | 0.61                 | Not Stated            | 39.8        |
| <b>Combined Lease Totals</b> |               |                                           | <b>1.28</b>          |                       | <b>39.8</b> |

### Summary of Water Rights Elements Rentable From the Bank

| Water Right                  | Diversion Rate (CFS) | Diversion Volume (AF) | Acres (Limited) (AC) | Rate Per Acre (CFS/AC) | Volume Per Acre (AF/AC) |
|------------------------------|----------------------|-----------------------|----------------------|------------------------|-------------------------|
| 37-21477                     | 0.67                 | 139                   | 39.8                 | 0.02                   | 3.5                     |
| 37-655A                      | 0.61                 | 139                   | 39.8                 | 0.02                   | 3.5                     |
| <b>Combined Limit Totals</b> | <b>1.28</b>          | <b>139</b>            | <b>39.8</b>          | <b>0.02</b>            | <b>3.5</b>              |

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

**Minimum Payment Acceptable:** Current Rental Rate

## WATER SUPPLY BANK LEASE CONTRACT No. 1452

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2022 to December 31, 2024. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

## WATER SUPPLY BANK LEASE CONTRACT No. 1452

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

**LESSOR:** ROSEMARY MC GONIGAL

PO BOX 102

JEROME, ID 83338

By

Title

Date

*Maurice Angela Patterson attorney in fact for*  
*Power of Attorney* *Rosemary McGonigal*  
*11/9/21*

**IDAHO WATER RESOURCE BOARD**

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By

Brian Patton, Acting Administrator  
Idaho Water Resource Board

Date

Lease approved by IDWR

Date

*Brian Patton* *11/17/21*  
*Patton* *11/17/21*

## WATER SUPPLY BANK LEASE CONTRACT No. 1452

### ATTACHMENT A WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water rights or portions thereof leased to the bank are described as follows:

**Source and Location of Point(s) of Diversion for Water Right No(s): 37-655A, 37-21477**

|                |        |         |         |         |               |
|----------------|--------|---------|---------|---------|---------------|
| UNNAMED STREAM | NWNESW | Sec. 13 | Twp 01S | Rge 18E | BLAINE County |
| WILLOW CREEK   | SWSWSW | Sec. 13 | Twp 01S | Rge 18E | BLAINE County |

| Water Right    | Beneficial Use | Season of Use |    |       | Diversion Rate (CFS) | Volume (AF) |
|----------------|----------------|---------------|----|-------|----------------------|-------------|
|                |                | From          |    | To    |                      |             |
| 37-655A        | IRRIGATION     | 05/01         | to | 09/15 | 0.61 cfs             | 139 AF      |
| 37-21477       | IRRIGATION     | 05/01         | to | 09/15 | 0.67 cfs             | 139 AF      |
| 37-655A        | STOCKWATER     | 01/01         | to | 12/31 | 0.61 cfs             | Not Stated  |
| 37-21477       | STOCKWATER     | 01/01         | to | 12/31 | 0.67 cfs             | Not Stated  |
| <b>Totals:</b> |                |               |    |       | 1.28 cfs             | 139 AF      |

**PLACES OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE  |    |    |     | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|-----|----|----|-----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE  | NW | SW | SE  |        |
| 01S | 18E | 14  |    |    |    |    |    |    |    |    |    |    |    |    | 2.3 | 22 | 14 | 1.5 | 39.8   |

**PLACES OF USE TO BE IDLED UNDER THIS LEASE: STOCKWATER**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 01S | 18E | 14  |    |    |    |    |    |    |    |    |    |    |    |    | X  | X  | X  | X  | 0.0    |

Total Acres: 39.8

#### ADDITIONAL CONDITIONS OF ACCEPTANCE

1. The water rights referenced above will be rented from the bank at the current rental rate.
2. 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.
3. While a right is in the bank, the lessor may not use the right without approval of the Department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B.
4. A right accepted into the bank stays in the bank until the Board releases it, or the lease term expires. A right may be released from the bank upon request, provided the Board approves the release. Unless approved by the Department, leased rights may not be immediately available for release.
5. While a water right is in the bank, forfeiture provisions are stayed pursuant to Idaho Code § 42-223(5).

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

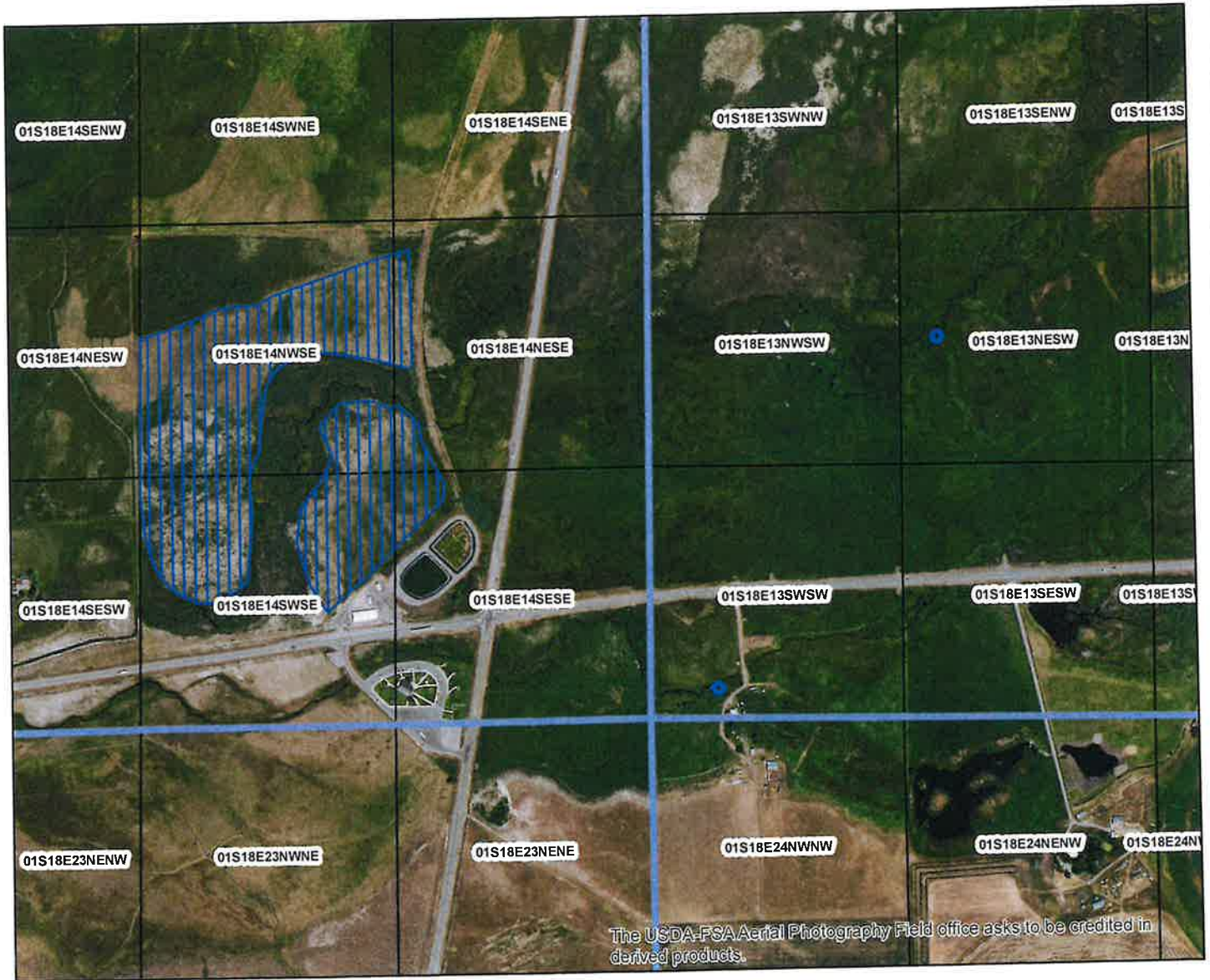
## WATER SUPPLY BANK LEASE CONTRACT No. 1452

6. Rental of water under this right is subject to the limitations and conditions of approval of the water right.
7. Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
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 any other Department application process.
9. In accordance with Idaho Code § 42-248 and § 42-1409(6), all owners of water rights are required to notify the Department of any changes in mailing address or change in ownership of all or part of a water right. Notice must be provided within 120 days of the change.
10. If a water right leased into the Water Supply Bank is sold or conveyed during the lease term, and if the leased right was rented, the rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
  - a. Rental payments will go to the lessor(s) of record at the beginning of the rental season, even if the Department processes a Notice of Change in Water Right Ownership during the rental season.
  - b. New lessor(s) of record will receive payment for any subsequent rental seasons.
11. The water right(s) is leased to the bank subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.
12. Right Nos. 37-21477 and 37-655A are limited to the irrigation of a combined total of 39.8 acres in a single irrigation season.
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
14. The quantity of water under this right for stockwater use shall not exceed 7530 gallons per day.
15. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.

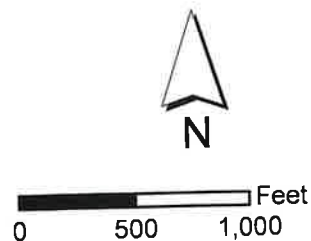
Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1452

37-655A & 37-21477  
Effective until December 31, 2024

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.

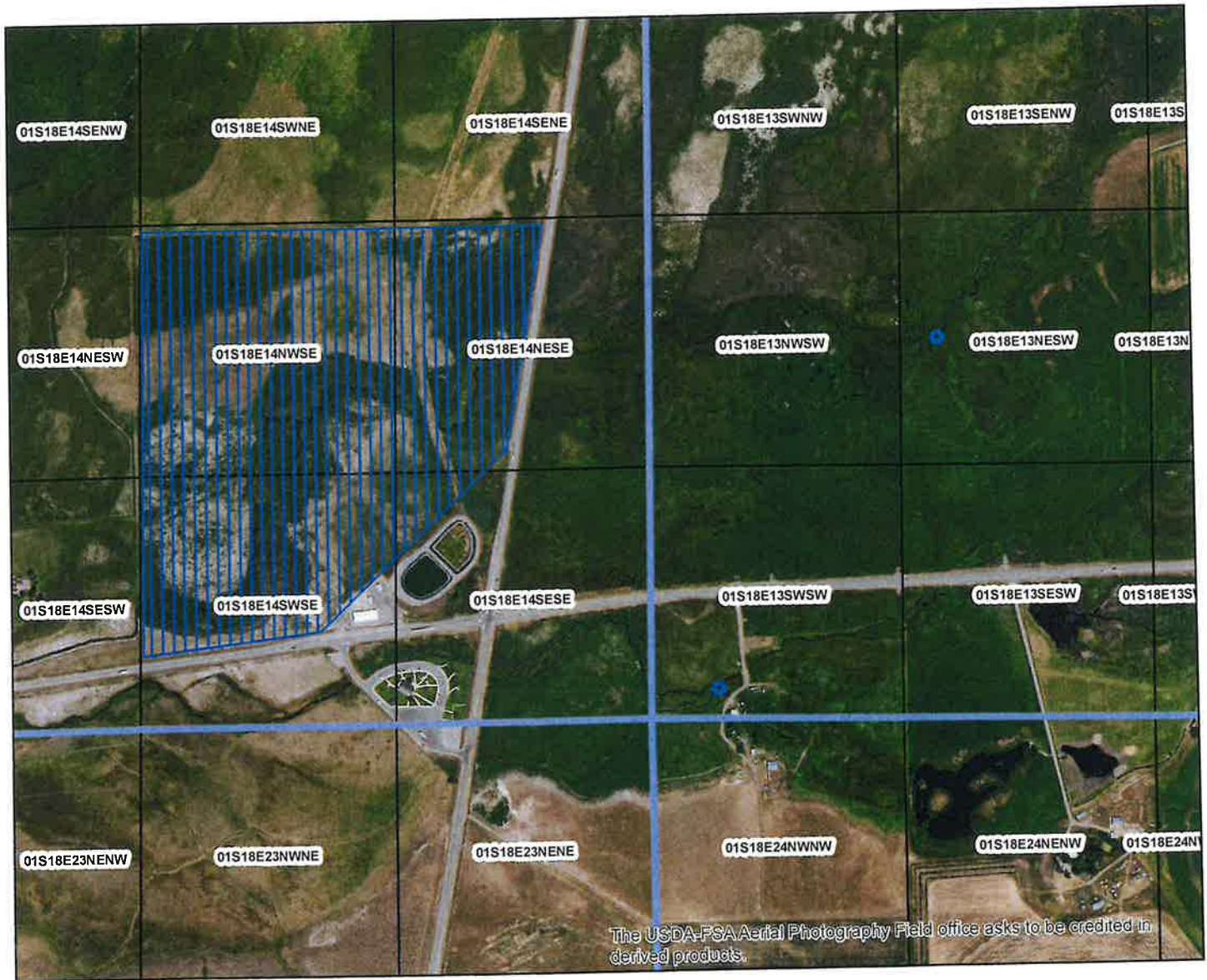


- Water Supply Bank Lease POD
- ▨ Water Supply Bank Lease POU
- ▭ Township/Range
- ▭ Sections
- ▭ QQ

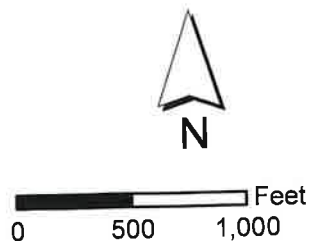


Idaho Water Resource Board  
Water Supply Bank Lease Contract No. 1452  
37-655A & 37-21477  
Effective until December 31, 2024

This map depicts the **place of use to be idled** pursuant to the lease contract and is attached to the contract solely for illustrative purposes.



- Water Supply Bank Lease POD
- ▨ Water Supply Bank Lease POU
- ▭ Township/Range
- ▭ Sections
- ▭ QQ



AFTER RECORDING MAIL TO:

Maureen A Patterson

P. O. Box 127

Hailey, ID 83333

## IDAHO STATUTORY FORM POWER OF ATTORNEY

### IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent can make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the uniform power of attorney act, chapter 12, title 15, Idaho Code. This power of attorney does not authorize the agent to make health care decisions for you. You should select someone you trust to serve as your agent. The agent's authority will continue until your death unless you revoke the power of attorney or the agent resigns. Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form provides for designation of one (1) agent. If you wish to name more than one (1) agent, you may name a co-agent in the Special Instructions. Co-agents are not required to act together unless you include that requirement in the Special Instructions. If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent. This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

### DESIGNATION OF AGENT

I, Rosemary McGonigal, name the following person as my agent:

Name of Agent Maureen Angela Patterson

Agent's Address: PO Box 127 Hailey ID 83333

Agent's Phone Number: (208) 720-5662

### DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: David McGonigal

Successor Agent's Address: 5876 W. Becky Ln, Meridian, ID 83646

Successor Agent's Phone Number: (208) 324-4828

AFTER RECORDING MAIL TO:

Maureen A Patterson

P. O. Box 127

Hailey, ID 83333

TWIN FALLS COUNTY  
RECORDED FOR:  
FIRST AMERICAN TITLE - JEROME  
03:44:49 PM 08-01-2017  
**2017012227**  
NO. PAGES 4 FEE: \$25.00  
KRISTINA GLASCOCK  
COUNTY CLERK  
DEPUTY: BH  
Electronically Recorded by Simplifile

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I, Rosemary McGonigal, name the following person as my agent:

Name of Agent Maureen Angela Patterson

Agent's Address: PO Box 127 Hailey ID 83333

Agent's Phone Number: (208) 720-5662

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Successor Agent's Address: 5876 W. Beckv Ln, Meridian, ID 83646

Successor Agent's Phone Number: (208) 324-4828

AFTER RECORDING MAIL TO:

Maureen A Patterson

P. O. Box 127

Hailey, ID 83333

Instrument # 645414  
IDAHO, BLAINE, IDAHO  
08-01-2017 3:51:39 PM No. of Pages: 4  
Recorded for: FIRST AMERICAN TITLE - JEROME  
JOLYNN DRAGE Fee: \$25.00  
Ex-Officio Recorder Deputy: GWB  
Electronically Recorded by Simplifile

## IDAHO STATUTORY FORM POWER OF ATTORNEY

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### DESIGNATION OF AGENT

I, Rosemary McGonigal, name the following person as my agent:

Name of Agent Maureen Angela Patterson

Agent's Address: PO Box 127 Hailey ID 83333

Agent's Phone Number: (208) 720-5662

### DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: David McGonigal

Successor Agent's Address: 5876 W. Beckv Ln, Meridian, ID 83646

Successor Agent's Phone Number: (208) 324-4828

AFTER RECORDING MAIL TO:

Maureen A Patterson

P. O. Box 127

Hailey, ID 83333

ELECTRONICALLY RECORDED  
DO NOT REMOVE  
THE COUNTY STAMPED  
FIRST PAGE AS IT IS NOW  
INCORPORATED AS PART OF  
THE ORIGINAL DOCUMENT

## IDAHO STATUTORY FORM POWER OF ATTORNEY

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### DESIGNATION OF AGENT

I, Rosemary McGonigal, name the following person as my agent:

Name of Agent Maureen Angela Patterson

Agent's Address: PO Box 127 Hailey ID 83333

Agent's Phone Number: (208) 720-5662

### DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: David McGonigal

Successor Agent's Address: 5876 W. Becky Ln, Meridian, ID 83646

Successor Agent's Phone Number: (208) 324-4828

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: Dennis McGonigal  
Second Successor Agent's Address: 408 S 4th Ave Hailey, ID83333  
Second Successor Agent's Phone Number: (208) 788-6215

### GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the uniform power of attorney act, chapter 12, title 15, Idaho Code:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

- ( ) Real Property
- ( ) Tangible Personal Property
- ( ) Stocks and Bonds
- ( ) Commodities and Options
- ( ) Banks and Other Financial Institutions
- ( ) Operation of an Entity or Business
- ( ) Insurance and Annuities
- ( ) Estates, Trusts, and Other Beneficial Interests
- ( ) Claims and Litigation
- ( ) Personal and Family Maintenance
- ( ) Benefits from Governmental Programs or Civil or Military Service
- ( ) Retirement Plans
- ( ) Taxes
- ( RM ) All Preceding Subjects

### GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

#### (CAUTION):

Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- ( RM ) Create, amend, revoke, or terminate an inter vivos trust
- ( RM ) Make a gift, subject to the limitations of the uniform power of attorney act, chapter 12, title 15, Idaho Code, and any special instructions in this power of attorney
- ( RM ) Make a gift without limitations except any special instructions in this power of attorney
- ( RM ) Create or change rights of survivorship
- ( RM ) Create or change a beneficiary designation
- ( RM ) Authorize another person to exercise the authority granted under this power of attorney
- ( RM ) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

### LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

On the following lines you may give special instructions:

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EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

NOMINATION OF CONSERVATOR (OPTIONAL)

If it becomes necessary for a court to appoint a conservator of my estate, I nominate the following person(s) for appointment:

Name of Nominee for conservator of my estate:

Maureen Angela Patterson

Nominee's Address:

PO Box 127 Hailey, ID 83333

Nominee's Phone Number: (208) 720-5662

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it is terminated or invalid

Date: 9-1-17

Principal's Name Printed:

Rosemary McGonigal

Principal's Address:

PO Box 102, 100 North Road, Jerome, ID 83338

Principal's Phone Number: (208) 324-4828

**SIGNATURE AND ACKNOWLEDGMENT**

(OPTION ONE - IF YOU ARE ABLE TO SIGN ON YOUR OWN)

Principal's Signature:

Rosemary McGonigal

Date:

8-1-17

Principal's Name Printed:

Rosemary McGonigal

Principal's Address:

PO Box 102, 100 North Road, Jerome, ID 83338

Principal's Phone Number:

(208) 324-4828

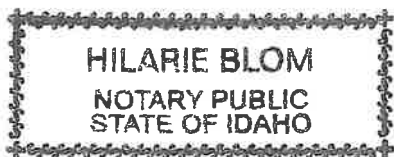
**NOTARY - REQUIRED FOR RECORDING AND FOR REAL PROPERTY**

STATE OF Idaho )  
ss.

COUNTY OF Jerome )

On this 1<sup>st</sup> day of August, 2017, before me, a Notary Public in and for said State, personally appeared Rosemary McGonigal known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they 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.



Hilarie Blom  
Notary Public of  
Residing at: Jerome, ID  
My Commission Expires 1/27/2020

STATE OF IDAHO  
WATER RESOURCE BOARD

RECEIVED

OCT 12 2021

DEPARTMENT OF  
WATER RESOURCES

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

Designated Applicant Rosemary McGonigal

(Select one owner – see item 1A on the application)

Water Right No. 37-21477

(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

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

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ 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.
- ☒ Confirmation this form has been printed **single sided**, per requirement of the Water Supply Bank.

Attachment N/A Yes

- |    |                                     |                                     |                                                                                                                                                                                                                                                                                                                                                        |
|----|-------------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1A | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Signatures and contact information for <b>all owners</b> of the water right to be leased or sold on this application.                                                                                                                                                                                                                                  |
| 1B | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | An <a href="#">Internal Revenue Service (IRS) Form W-9</a> for the Designated Applicant.                                                                                                                                                                                                                                                               |
| 1C | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <i>Notice of Change in Water Right Ownership</i> form (accessible from <a href="http://www.idwr.idaho.gov">www.idwr.idaho.gov</a> ).                                                                                                                                                                                                                   |
| 1D | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity. |
| 2  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Description of a water right portion offered to the Water Supply Bank.                                                                                                                                                                                                                                                                                 |
| 3  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 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> .                                                            |
| 4A | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Written consent from irrigation district or water delivery company.                                                                                                                                                                                                                                                                                    |
| 4G | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Evidence demonstrating the water right has not been forfeited pursuant to <a href="#">Section 42-222(2), Idaho Code</a> .                                                                                                                                                                                                                              |

#### Department Use Only

Fee Amount \$ 1,000Received By: KuDate Received: 10.12.21Receipt # C111125W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: Rosemary McGonigal

2144

STATE OF IDAHO  
WATER RESOURCE BOARD

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

**1. CONTACT INFORMATION**

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant Rosemary McGonigal

Mailing Address P.O. Box 102 Jerome ID 83338

Street

City

State

Zip Code

Email Address \_\_\_\_\_

Phone Number 208-324-4828

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

OR

- ☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? 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 Designated Applicant? Yes ☒ No ☐  
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative Zach Latham

Organization Brockway Engineering PLLC

Professional Title Hydrologist

Email Address zach.latham@brockwayeng.com

Mailing Address 2016 Washington St. North 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 Applicant.

OR

- ☒ Send original correspondence to the Designated 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.

OR

- ☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

**3. MAP**

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. 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. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒  
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).  
*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](#).*
- B. Please provide a description of the current water diversion and delivery system.  
Water is diverted from source and delivered to place of use through existing ditch system.  
\_\_\_\_\_  
\_\_\_\_\_
- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. All of 37-655A and 37-21477 are being offered to the Water Supply Bank from 2022 through 2024.  
\_\_\_\_\_  
\_\_\_\_\_
- 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. 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? 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. N/A, see 4.C. above.  
\_\_\_\_\_  
\_\_\_\_\_
- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. 37-655A and 37-21477 are currently leased to the WSB through the end of 2021.  
\_\_\_\_\_  
\_\_\_\_\_
- G. 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 (Attachment 4G). See [Section 42-223, Idaho Code](#) for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. N/A.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 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 AGREEMENT**

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?

If lease, specify the years when the use of water will be suspended: 2022 to 2024 (maximum lease period 5 calendar years).  
(Year) (Year)

- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than 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 water right for sale or lease to the Idaho Water Resource Board.**

The Designated Applicant acknowledges the following:

1. Payment to the Designated 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 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.

|                                                                 |                                           |                        |
|-----------------------------------------------------------------|-------------------------------------------|------------------------|
| <u>Rosemary M. Donigal</u><br>Signature of Designated Applicant | <u>Rosemary M Donigal</u><br>Printed Name | <u>10/2/21</u><br>Date |
|-----------------------------------------------------------------|-------------------------------------------|------------------------|

|                                            |                  |          |
|--------------------------------------------|------------------|----------|
| <br>Signature of Authorized Representative | <br>Printed Name | <br>Date |
|--------------------------------------------|------------------|----------|

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

**STATE OF IDAHO  
WATER RESOURCE BOARD**

**ATTACHMENT 1A**

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

For the water right on this application, 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 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 Applicant.** 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). \_\_\_\_\_

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

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

STATE OF IDAHO  
WATER RESOURCE BOARD

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

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><br>(cfs) | <u>Leased Volume</u><br>(af) | <u>Leased Acres</u><br>(ac) |
|----|---------------------------|----------------------|-----------------------------|------------------------------|-----------------------------|
|    |                           |                      |                             |                              |                             |
|    |                           |                      |                             |                              |                             |
|    |                           |                      |                             |                              |                             |
|    |                           |                      |                             |                              |                             |
|    |                           |                      |                             |                              |                             |
|    |                           | Total Amounts:       |                             |                              |                             |

2. Source of water \_\_\_\_\_ tributary to \_\_\_\_\_

3. Point(s) of diversion:

| Twp | Rge | Sec | Lot | ¼ | ¼ | ¼ | County |
|-----|-----|-----|-----|---|---|---|--------|
|     |     |     |     |   |   |   |        |
|     |     |     |     |   |   |   |        |
|     |     |     |     |   |   |   |        |
|     |     |     |     |   |   |   |        |
|     |     |     |     |   |   |   |        |
|     |     |     |     |   |   |   |        |
|     |     |     |     |   |   |   |        |



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098

Phone: 208-287-4800 • Fax: 208-287-6700 • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

November 18, 2021

ROSEMARY MC GONIGAL  
PO BOX 102  
JEROME, ID 83338

**RE: WATER SUPPLY BANK LEASE CONTRACTS 1450 & 1452  
FOR WATER RIGHTS 37-22856, 37-22587, 37-655A & 37-21477**

Dear Lessor:

Water right **37-22856, 37-22587, 37-655A & 37-21477** was leased into the Water Supply Bank (Bank) as of January 1, 2021, in accordance with the enclosed executed lease contract. **Your water rights, as described on the lease contract, are considered leased into the Bank and should remain unused until they are formally released from the Bank.** More information and further restrictions placed on your water rights while leased can be found in conditions of acceptance of the lease contract. Read the conditions of acceptance carefully.

The rights will automatically be released from the Bank on **December 31, 2024**, unless the rights are released earlier by the Water Resource Board (Board). On behalf of the Board, the Department of Water Resources (Department) can evaluate an early release of the lease contract upon your request. To release the water rights from the Bank prior to the release date, submit a written request on the *Request to Release a Water Right from the Bank* form. This form is available on our public website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). **Please note your water rights may not be available for immediate release if they have been rented or are being considered for a future rental. Furthermore, it is at the discretion of the Department whether or not a water right can be released early from a lease contract.**

If you have questions regarding this matter, please contact this office at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosure: Executed Lease Contract

c: IDWR- Southern Region  
Water District No. 37  
Zach Latham



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098  
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

RECEIVED

NOV 12 2021

DEPARTMENT OF  
WATER RESOURCES

Governor Brad Little

Director Gary Spackman

November 1, 2021

ROSEMARY MC GONIGAL  
PO BOX 102  
JEROME, ID 83338

*My aunt's health has taken a turn for the worse so I signed these & included the Recorded Power of attorney (one for each set) Please reach out to me if you need me to sign applications as attorney in fact as well -*

RE: APPLICATION TO LEASE WATER RIGHTS 37-22856, 37-22587, 37-655A & 37-21477 TO  
THE WATER SUPPLY BANK CONTRACT 1450 & 1452

\*\*\*\*TIME SENSITIVE RESPONSE REQUIRED\*\*\*\*

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2024**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:

"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Zach Latham

*Maureen works 4u @ gmail.com*

*thank you - Maureen Patten  
PO Box 127  
Jerome, ID 83333  
(208) 720-5662*



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098  
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

November 1, 2021

ROSEMARY MC GONIGAL  
PO BOX 102  
JEROME, ID 83338

**RE: APPLICATION TO LEASE WATER RIGHTS 37-22856, 37-22587, 37-655A & 37-21477 TO  
THE WATER SUPPLY BANK CONTRACT 1450 & 1452**

**\*\*\*\*TIME SENSITIVE RESPONSE REQUIRED\*\*\*\***

Dear Applicant:

The Department of Water Resources has completed its review of your application to lease the above-mentioned water right to the Water Supply Bank. **I have enclosed two original Water Supply Bank Lease Contracts for your review and signature. Please sign and return ALL Lease Contracts within 14 days.** Upon signature and return of the contracts, the Department will also sign the original contracts and return an executed copy to you. The Lease Contract is not considered final until you and the Department have both signed.

The right will automatically be released from the Bank on **December 31, 2024**, unless the right is released earlier by the Board, or upon your request. To release the right from the Bank prior to the release date, submit a written request on the Request to Release a Water Right from the Bank form. To propose a new lease period, submit a new Application to Sell or Lease a Water Right to the Water Supply Bank form along with applicable fees to the Department. These forms are available from any IDWR office or from our public website at <http://www.idwr.idaho.gov>. Please note your right may not be available for immediate release if it has been rented.

Please review the conditions of acceptance listed on the Lease Contract, including #3 which says:  
"While a right is in the bank, **the lessor may not use the right** without approval of the department even if the right is not rented from the bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Idaho Code § 42-351 for illegal diversion and use of water and may include civil penalties pursuant to Idaho Code § 42-1701B."

If you have questions regarding this matter, please contact this office at [bank@idwr.idaho.gov](mailto:bank@idwr.idaho.gov) or 208-287-4800.

Sincerely,

*Amanda Johnson-Veibell*

for  
Water Supply Bank

Enclosures: Proposed Lease Contracts

C: Zach Latham

## MEMORANDUM FOR APPLICATION # 2163

**To:** Water Right(s) 37-21477 & 37-655A  
**From:** Cody Parker  
**Date:** October 29, 2021  
**Re:** Review & Analysis of Application to Lease Water to the State Water Supply Bank

---

### **PURPOSE/NARRATIVE:**

The purpose of application 2166 is to lease the full extent of water rights 37-21477 and 37-655A into the Bank for a period of three years (2022-2024). The water rights share the same points of diversion and both have stockwater and irrigation uses.

### **AUTHORITY TO FILE:**

The owner of record for these water rights is Rosemary McGonigal. Ms. McGonigal signed both applications. The owner of the land is the Wood River Land Trust Company. Per a lease review checklist by Jean Hersley dated January 10, 2019, the McGonigals sold the land in 2004 but retained the water rights.

### **WATER RIGHT VALIDITY:**

Water rights were decreed in 2010 and have been in the Bank since 2014.

No concerns with validity of the water right and portion offered to the bank.

### **INJURY TO OTHER WATER RIGHTS:**

Lease of this water right would not cause injury to other water rights. Proper review to prevent injury if rented.

### **ENLARGEMENT OF USE:**

There are no other overlapping water rights which should be included in this lease. No concerns about enlargement.

### **LOCAL PUBLIC INTEREST:**

Review staff has no information to suggest this application is inconsistent with the local public interest.

### **BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:**

The lease appears consistent with the conservation of water resources in Idaho.

### **DEPARTMENT STAFF OR WATERMASTER COMMENTS:**

The points of diversion for the lease are located within WD 37. Comments were requested from IDWR southern region and the WD 37 watermaster on October 26, 2021.

## **Parker, Cody**

---

**From:** Parker, Cody  
**Sent:** Tuesday, October 26, 2021 8:44 AM  
**To:** Skinner, Corey; watermanager@cableone.net  
**Subject:** WSB Lease Application 2163  
**Attachments:** \_ProofReport.rtf; Approval Map.pdf; Lease Contract.docx; Review Memo.docx

Good morning,

Attached are the documents for a WSB lease approval. Please let me know if you have any comments or concerns.

Thanks

Cody Parker



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

OCT 12 2021

DEPARTMENT OF  
WATER RESOURCES

October 7<sup>th</sup>, 2021

Mr. Remington Buyer  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83720-0098

Re: Water Supply Bank Lease Applications; 37-655A, 37-21477, 37-22856  
and 37-22857.

Dear Remington,

On behalf of Rosemary McGonigal, Brockway Engineering is submitting Water Supply Bank (WSB) lease applications for all portions of water rights 37-655A, 37-21477, 37-22856 and 37-22857 starting in 2022 and ending at the end of 2024. All four of these water rights are currently leased to the WSB through the end of 2021. A signed W-9 has also been included with this submission.

Also attached is a check in the amount of \$1,000.00 dollars to cover the cost of the lease fees for all four water rights. Please copy our office on all correspondence regarding these water supply bank lease applications. Thank you for your assistance on this matter.

Regards,

*Nichol Ciserelle on behalf of Zach Latham*

Zach Latham, M.S., Hydrologist

Enclosures: (1) WSB Lease Application and Map; 37-655A  
(1) WSB Lease Application and Map; 37-21477  
(1) WSB Lease Application and Map; 37-22856  
(1) WSB Lease Application and Map; 37-22857  
(1) Brockway Engineering Check # 16626

Cc: Rosemary McGonigal  
Maureen Patterson

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
STREET • SUITE 4

TWIN FALLS,  
IDAHO 83301

208•736•8543

FAX: 736•8506

2164