

RECEIVED

JAN 29 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
WATER RESOURCE BOARDReceipt No. 5033780
Fee Amount \$ 500-
Date/by 1-29-2014
(For Department Use Only)APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKName of Seller/Lessor John D McGonigal Phone (208) 731-8830
Mailing address PO Box 102 Jerome Idaho 83338 Email _____

A. DESCRIPTION OF WATER RIGHT, OR PORTION THEREOF, OFFERED TO THE BANK

If the entire right is for sale or lease, check here ☐, list the water right number, and skip to Part B.

1. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	
<u>37-21477</u>	<u>0.67</u>	<u>Irrigation</u>	<u>05/01</u>	to <u>09/15</u>
	<u>0.01</u>	<u>Stockwater</u>	<u>01/01</u>	to <u>12/31</u>
				to _____
Total Amount: <u>0.67</u>				

2. Source of water Unnamed Stream/ Willow Creek tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
01S	18E	13		NW	NE	SW	BLAINE
01S	18E	13		SW	SW	SW	BLAINE

4. Lands irrigated or place of use: *See Part D for additional information regarding place of use.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	14													2.3	22	14	1.55	39.85

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 39.85

B. OWNERSHIP

1. Are you currently listed in IDWR's records as the owner of the water right being offered to the bank? Yes ☒ No ☐
If no, provide documentation of your authority to sign on behalf of the right holder OR attach a Notice of Change in Water Right Ownership form along with the required documentation and fee.
2. 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 to the proposed sale or lease and list name of entity:

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.

2. Describe any other water rights used for the same purpose or at the same place of use as described above.

N/A

3. Will the present place of use continue to receive water from any source?

Yes ☐ No ☒

If yes, describe.

4. Has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes ☐ No ☒

If yes, describe and attach watermaster records or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code.

5. Is this water right involved in any other Department process such as an application for transfer or a mitigation plan? Yes ☒ No ☐

If yes, describe. SE portion of this water right will be split off, the NW portion will remain in the water supply bank.

D. REQUIRED ITEMS

This form must be signed and submitted with the following REQUIRED items:

- Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
- Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.
- A completed [Internal Revenue Service \(IRS\) Form W-9](#). If your water right is rented, we will be unable to issue payment to you without a current W-9 form.

E. SALE/LEASE AGREEMENT

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

If lease, for a period from 1/15/2014 to 1/15/2019 (not to exceed 5 years).
(Month / Day / Year) (Month / Day / Year)

2. 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.

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:

- Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank.
- While a right is in the bank, the owner/lessor of the right may not use the right even if the right is not rented from the bank.
- A right accepted into the bank stays in the bank until the Board releases it or the lease term expires.
- While a right is in the bank, forfeiture provisions are stayed.
- Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right.

Signature of Applicant

CHARLES E. BROCKWAY P.O.A.
Printed Name and Title*

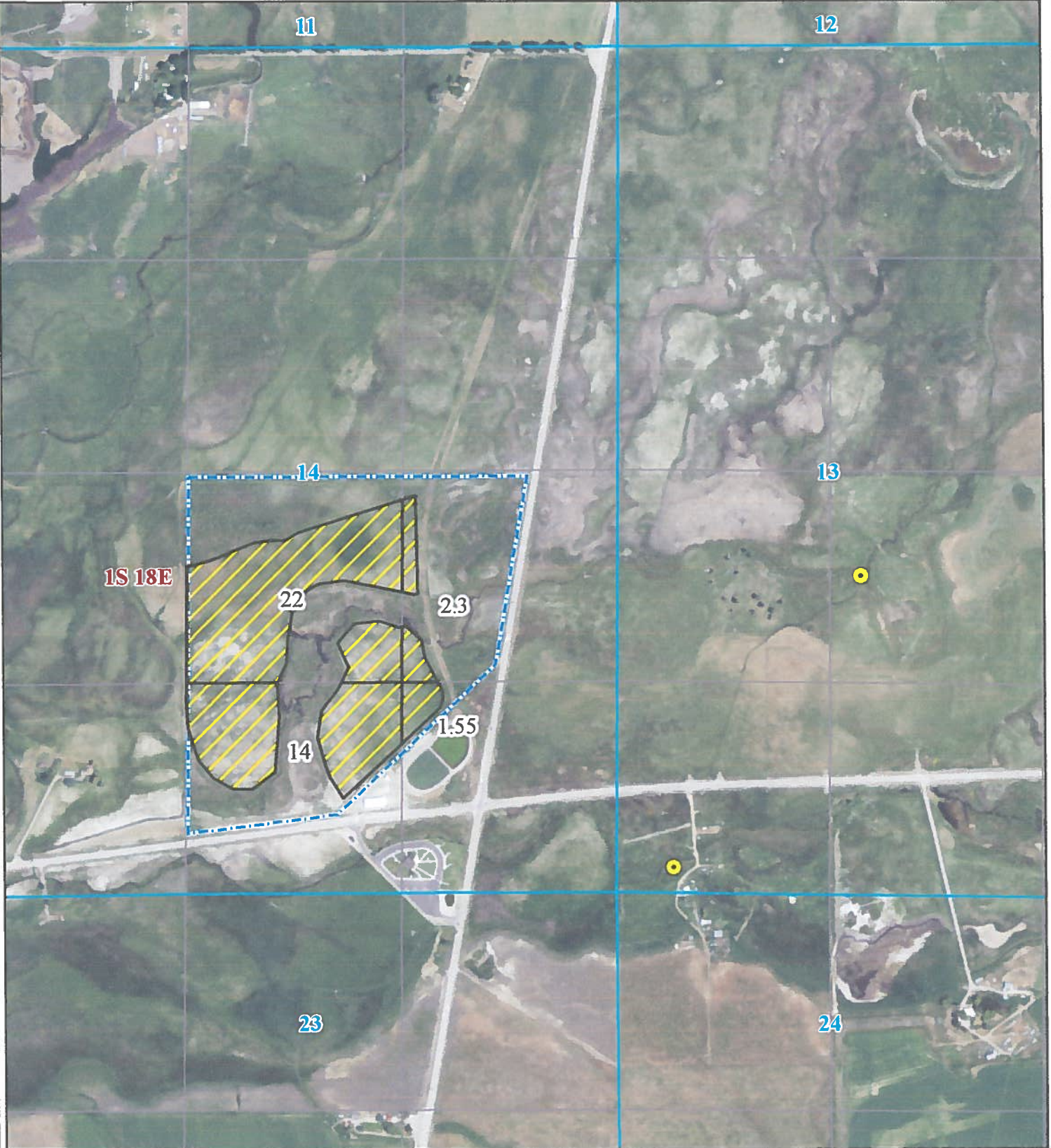
Date

Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney



0 280 560 1,120 Feet

**JOHN MCGONIGAL
WATER BANK LEASE 2014, 37-655A & 37-21477
NAIP 2011 AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR Date: 1/15/2014



LIMITED POWER OF ATTORNEY

KNOWN ALL MEN BY THESE PRESENT:

I, John D. McGonigal and Rosemary McGonigal, hereby nominate and appoint Chales E. Brockway (Brockway Engineering) as my attorney-in-fact with full authority to act for and on my behalf to undertake any and all acts or matters pertaining to water right transfers before the Idaho Department of Water Resources for the following water right transactions:

All water rights associated with the Spring of Gladness Ranch (37-104, 37-105A, 37-8407, 37-11387, 37-11390, 37-11392, 37-11393, & 37-11394)

All water rights pertaining to land in Twp 01S, Rge 18E, Sec's 13, 14, 23, & 24 (37-653, 37-654, 37-655, etc...)

in Blaine County, Idaho. Additionally, I hereby ratify and confirm any and all such acts on matters as contemplated herein.

My agent is hereby authorized to sign, seal and deliver, as my act in deed, those said instruments of writing that may be necessary or proper to carry into execution and effect the applications, and transfers above-mentioned. Further, I hereby declare that each and every application, transfer, agreement, receipt, or payment which shall be by my said agent given, made or done for the aforesaid purposes shall be as good, valid, and effectual as if they had been signed, sealed, and delivered by me in my own proper person; and I hereby undertake at all times to ratify whatsoever my said agent shall lawfully do or cause to be done in or concerning the said premises by virtue of these present. This Limited Power of Attorney will become void upon approval, denial or withdrawal of the above referenced applications.

Dated this 17 day of June, 200~~4~~⁵ *JDM*

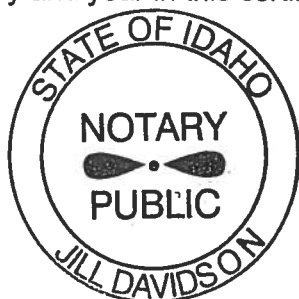
John D. McGonigal Signature
Rosemary McGonigal Signature

State of Idaho)
County of Twin Falls) ss.

On this 17th Day of June, 200~~4~~⁵, before me, a Notary Public in and for said County and State, personally appeared John & Rosemary McGonigal, known or identified to me to be the individual whose name and subscription to the within instrument, and acknowledged to me that he executed the same.

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

S
E
A
L



Jill Davidson
Notary Public
In and for said State and County

November 18, 2010
My Commission Expires

JAN 29 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
WATER RESOURCE BOARD

WATER SUPPLY BANK
REQUEST TO RELEASE A WATER RIGHT FROM THE BANK

ONE FORM PER WATER RIGHT

This form is a statement that the lessor requests the termination of a Water Supply Bank ("Bank") lease for the water right identified below. A water right remains in the Bank for the accepted lease period unless released earlier by the Water Resource Board or until the lessor submits a request in writing to the Department of Water Resources to release the right from the Bank. However, if a water right is currently rented, the portion of the right being rented must remain in the Bank for the duration of the rental agreement.

If requesting a change in lease amounts (reducing acreage, etc.), you must file an Application to Sell or Lease a Water Right to the Water Supply Bank. This form can be found on IDWR's website at: www.idwr.idaho.gov.

Water Right No: 37-21477 Telephone No: (208) 731-8830

Name(s) of Lessor(s): John D McGonigal

Mailing Address: PO Box 102

City: Jerome State: ID Zip: 83338

Requested Release Date: 1/15/2014

Charles E Brockway Charles E. BROCKWAY P.O.A. 1/28/14
Signature of Lessor Printed Name and Title* Date

Signature of Lessor Printed Name and Title* Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney.

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