

WATER SUPPLY BANK LEASE CONTRACT

This Lease Contract ("**Lease**") is effective February 18, 2014, between the Idaho Water Resource Board ("**Board**"), and

Lessor: MARY J HORGAN
14180 NE CROSS WATER LN
MOUNTAIN HOME ID 83647
(208)796-2184

RECEIVED

APR 16 2014

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.
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

<u>Water Right</u>	<u>Lease Rate</u>	<u>Lease Volume</u>	<u>Acre Limit</u>	<u>Total Leased Acres</u>
61-12226	0.20 CFS*	27.2 AF	6.8 AC	6.8 AC
Combined Lease Totals: 0.20 CFS* 27.2 AF 6.8 AC 6.8 AC				

*Limited to diversion rate of 0.19 cfs

The water rights described herein shall be available for rental from the Bank as follows:

Authorized Period of Use under Lease: 04/01 to 10/31

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

3. **TERM OF LEASE:** This Lease shall take effect when both parties have signed it and shall continue in effect until December 31, 2018.
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. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

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

MARY J HORGAN

14180 NE CROSS WATER LN
MOUNTAIN HOME ID 83647

By Mary J. Horgan

Date April 16, 2014

Printed Name Mary J Horgan

Title owner

IDAHO WATER RESOURCE BOARD

322 East Front Street
P.O. Box 83720
Boise, ID 83720-9098

By Brian Patton

Date 04-17-2014

Brian Patton, Acting Administrator
Idaho Water Resource Board

Lease approved by IDWR Camille S. Skaggs

Date 04-17-2014

ATTACHMENT A
WATER RIGHT NO. 61-12226
WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE

The water right or portion thereof leased to the bank is described as follows:

Lessor: MARY J HORGAN
14180 NE CROSS WATER LN
MOUNTAIN HOME ID 83647
(208)796-2184

Priority Date: 10/1/1874

Source: CANYON CREEK

Tributary to: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
04/01	10/31	0.20 CFS*	27.2 AF
Total:		0.20 CFS*	27.2 AF

*Limited to diversion rate of 0.19 cfs

LOCATION OF POINT(S) OF DIVERSION:

CANYON CREEK
CANYON CREEK

NESE
NWNW

Sec. 11, Twp 02S, Rge 06E, ELMORE County
Sec. 12, Twp 02S, Rge 06E, ELMORE County

PLACE OF USE TO BE IDLED UNDER THIS LEASE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02S	06E	11				0.5									24.3			30.5	55.3

Total Acres: 55.3

Limited to acres within the place of use described above: 6.8

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, the lease term expires, or upon request from the lessor to change the term of the lease, 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.
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.
 - b. If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - c. New lessor(s) of record will receive payment after the following rental season.
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. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2000.
13. Use of water under this right will 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. 61A.
14. Rights 61-12223 thru 61-12226 when combined shall not exceed a total diversion rate of 0.03 cfs and a total annual maximum diversion volume of 1.0 af for stockwater purposes and a total diversion rate of 1.19 cfs for irrigation purposes.
15. The leased portion of this right shall not exceed a total diversion rate of 0.19 cfs for irrigation of 6.8 acres within the place of use described above in a single irrigation season.
16. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 18 2014

Department of Water Resources

WATER SUPPLY BANK LEASE OR SALE APPLICATION CHECKLIST

An application to lease or sell a water right into the Water Supply Bank must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. 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. **Incomplete applications will be returned to applicants for completion.**

Designated Applicant _____

Water Right No. 61-12226

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

YES

- ☒ Completed *Water Supply Bank Lease or Sale Application Checklist* (this form).
- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank* (pages 2-3).
- ☒ Application filing fee of \$250.00. If you are submitting more than one lease application and the water rights have a common place of use, or common diversion rate, or common diversion volume, the combined maximum fee is \$500.00.

Attachment N/A YES

- | | | | |
|----|-------------------------------------|-------------------------------------|---|
| 1A | ☐ | ☒ | Contact information for <i>all owners</i> of the water right that is being leased or sold on this application. |
| 1B | ☒ | ☐ | An <u>Internal Revenue Service (IRS) Form W-9</u> for the Designated Applicant. |
| 1C | ☒ | ☐ | <i>Notice of Change in Water Right Ownership</i> form (accessible from www.idwr.idaho.gov). |
| 1D | ☒ | ☐ | Written consent from irrigation district or water delivery company. |
| 1E | ☒ | ☐ | 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 | ☐ | ☒ | Description of a water right portion offered to the Water Supply Bank. |
| 3D | ☐ | ☒ | Evidence demonstrating that a water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. |
| 4 | ☒ | ☐ | 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. If you don't already have a detailed map, you can create one using IDWR's online General Mapping Tool (http://maps.idwr.idaho.gov/mapall/) to locate a water right place of use or point of diversion. |

Department Use Only

Fee Amount \$ <u>250.00</u>	Received By: _____	Date Received: <u>2-18-14</u>	Receipt # <u>1098328</u>
W-9 received? Yes ☒ No ☐ (Route W-9 to Fiscal)		Name on W-9: _____	

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 18 2014

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

Department of Water Resources

1. CONTACT INFORMATION

- A. An application to sell or lease a water right to the Water Supply Bank must be completed by a Designated Applicant who is a recognized owner of the water right being sold or leased to the Water Supply Bank. If there are additional owners recorded for the property to which the water right is appurtenant, 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 Mary Horgan Email Address m_breezy@msn.comMailing Address 14180 NE Crosswater Ln, Mt. Home, ID 83647 Phone Number 208-796-2184☒ 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 completed an IRS Form W-9 (Attachment 1B)? Yes ☒ No ☐

- 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 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 1D).

- E. 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 1E).

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ 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

Water Right Number 61-12226 ☐ 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 a water right is being offered, complete Attachment 2)

3. GENERAL INFORMATION

- A. Please provide a description of the current water diversion system.

1) Electric 2 Hsp pump piped to gated PVC pipe outflow to corrugated land and by sprinkler. 2) Diversion dam located in Canyon Creek to ditch.

- B. 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.

None

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

Yes ☐ No ☒

If yes, describe. _____

D. 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 water right has not been lost through abandonment or forfeiture pursuant to Section 42-222(2), Idaho Code. _____

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

If yes, describe. _____

4. 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, for a period from April 1, 2014 to Oct 31, 2019 (maximum lease period 5 years).
(Month / Day / Year) (Month / Day / 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 as established by the IWRB

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 provisions are stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any elements of the water right.

Mary Horgan
Signature of Designated Applicant

Mary Horgan
Printed Name

Feb 15, 2014
Date

Signature of Authorized Representative

Printed Name

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

List all individuals or business entities that are owners of the property to which the water right on this application is appurtenant. All water right holders must be signatories to 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.

Water Right No. 61-12226

	Designated Applicant	Applicant #2	Applicant #3
Name	Mary Horgan		
Mailing Address	14180 NE Crosswater Ln. Mtn. Home, ID 83647		
Phone Number	208 796 2184		
Email Address	m_breezy@msn.com		
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	Mary Horgan		

	Applicant #4	Applicant #5	Applicant #6
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**

ATTACHMENT 2

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

1. Water Right Number 61-12226 Amount (cfs/ac-ft) 0.23 cfs Nature of Use Frog hay / pasture Period of Use April 1 to Oct 31 yearly
30.8 ac-ft _____ to _____
 _____ to _____
 _____ to _____
 _____ to _____

Total Amount: 0.23 (30.8)

2. Source of water Canyon Creek tributary to Snake River

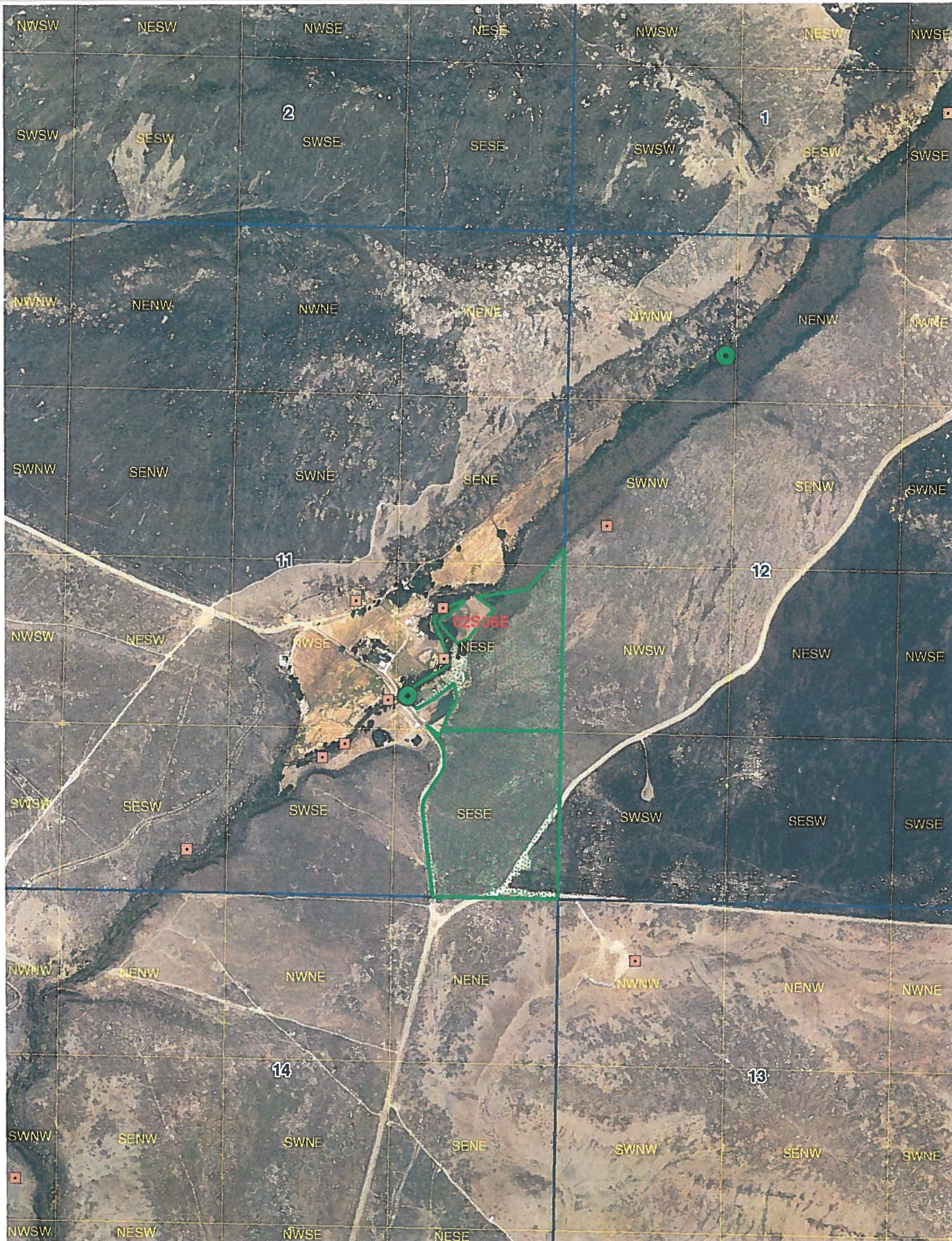
3. Point(s) of Diversion:

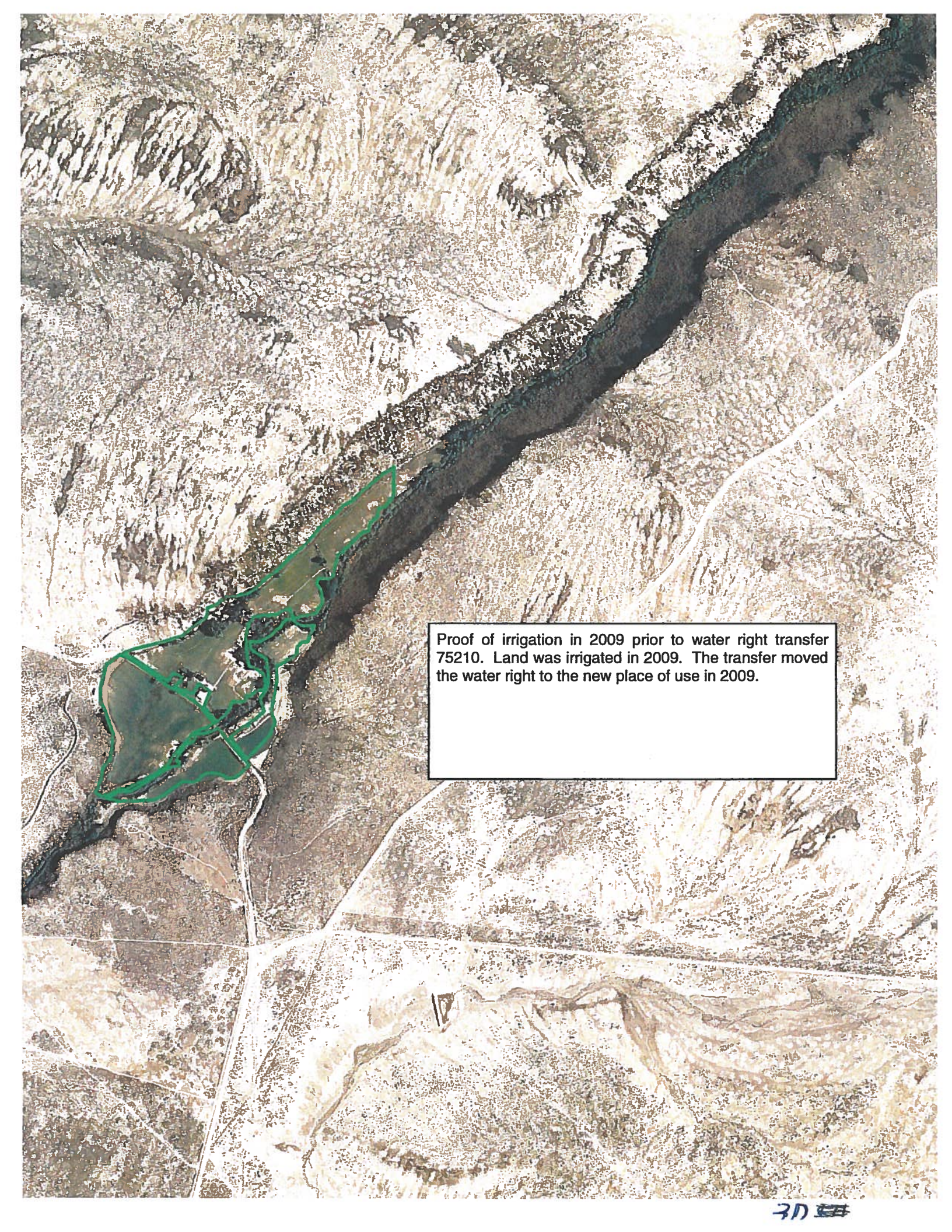
Twp	Rge	Sec	Lot	1/4	1/4	1/4	County
<u>D2S</u>	<u>D6E</u>	<u>11</u>					<u>Elmore</u>
<u>D2S</u>	<u>D6E</u>	<u>12</u>					<u>Elmore</u>

4. Lands irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>D2S</u>	<u>D6E</u>	<u>11</u>				<u>27</u>												<u>31</u>	<u>58.5</u>

If the water right is for irrigation, show total number of acres offered to the Bank. Total Acres 7.7
x Within the place of use shown above.



An aerial photograph showing a wide river valley. A dark, winding river flows from the top right towards the bottom left. On the left bank of the river, there is a large, irregularly shaped area outlined in green, indicating irrigated land. The surrounding landscape is arid and hilly, with light brown and tan soil. A white line, possibly a road or boundary, runs parallel to the river on the right side. In the bottom right corner, there is a small, dark, stylized mark that appears to be a signature or logo.

Proof of irrigation in 2009 prior to water right transfer 75210. Land was irrigated in 2009. The transfer moved the water right to the new place of use in 2009.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 17, 2014

MARY J HORGAN
14180 NE CROSS WATER LN
MOUNTAIN HOME ID 83647

RE: WATER SUPPLY BANK LEASE CONTRACT FOR RIGHTS 61-12226

Dear Lessor:

Water Rights 61-12226 were leased into the Water Supply Bank on February 18, 2014 in accordance with the executed original Lease Contract enclosed. **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.**

The rights will automatically be released from the Bank on **December 31, 2018**, unless the rights are released earlier by the Board, or upon your request. **Please note your rights may not be available for immediate release if they have been rented.** 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. This form is available from our public website at www.idwr.idaho.gov.

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."

We will not be processing an extension to complete transfer at this time. The extension would only have been good for five years from the approval date of the transfer. Condition five on Attachment A of your lease contract protects your water right from forfeiture actions while the right is in the water supply bank. **Upon release of this right from the water supply bank the owner needs to be ready to begin utilizing the full water right to avoid the possibility of partial forfeiture.**

If you have questions regarding this matter, please contact me at 287-4910.

Sincerely,

Clay Webster
Technical Records Specialist

Enclosure: Executed Lease Contract

c: John Westra – IDWR Western Regional Manager
Terry Seegrist – Watermaster District 61A



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 10, 2014

MARY J HORGAN
14180 NE CROSS WATER LN
MOUNTAIN HOME ID 83647

RE: APPLICATION(S) TO LEASE WATER RIGHT(S) 61-12226 TO THE WATER SUPPLY BANK

****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 BOTH 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 rights will automatically be released from the Bank on **December 31, 2018**, unless the rights are 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 rights may not be available for immediate release if they have been rented. **Upon release of this right from the water supply bank the owner needs to be ready to begin utilizing the full water right to avoid the possibility of partial forfeiture.**

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 me at 287-4910.

Sincerely,

Clay Webster
Technical Records Specialist

Enclosure: Proposed Lease Contracts

Webster, Clay

From: Lester, Steve
Sent: Friday, April 04, 2014 4:05 PM
To: Webster, Clay
Subject: RE: WSB Lease for Mary Horgan 61-12226

Clay:

This looks ok to me, no red flags.

Steve

From: Webster, Clay
Sent: Thursday, March 27, 2014 9:36 AM
To: Lester, Steve
Subject: WSB Lease for Mary Horgan 61-12226

Steve,

I am processing this lease request. I'm still working on my memo, but I thought I'd give you what I have. Any concerns?
Thanks.

Sincerely,

Clay Webster

Technical Records Specialist
clay.webster@idwr.idaho.gov
208-287-4910

Idaho Department of Water Resources (IDWR)
208-287-4800
www.idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 28, 2014

TERRY SEEGRIST
140 S 3RD E
MOUNTAIN HOME ID 83647

RE: Water Supply Bank Lease Applications Water Right No(s). 61-12226

Dear Watermaster:

The Idaho Department of Water Resources received an Application to Sell or Lease Water Rights to the Water Supply Bank from Mary Horgan. She has requested the right in its entirety to be leased to the Bank until October 31, 2019.

Please let us know if you have any objections or concerns regarding this application within 15 days. Review can be completed as soon as your response is received. Prompt response to this request is appreciated so your recommendation can be considered during the review process. I have enclosed a recommendation form for your convenience.

If after 14 days from the date of this letter the department has not received your written recommendation, IDWR will presume you do not oppose approval of the application and you have no comments for the department to consider.

If you have any questions about this application, please contact this office or the applicant.

Sincerely,

Clay Webster
Technical Records Specialist

Enclosure

MEMORANDUM

To: Water Right No. 61-12226

From: Clay Webster through Pam Skaggs

Date: March 27, 2014

Re: Review of Applications to Lease Water Rights to the State Water Supply Bank

PURPOSE/NARRATIVE: The department received the application on 02-18-2014 proposing to lease 7.7 acres of the 10 acre water right into the WSB. However, after review and correspondence with the applicant, she plans to continue to irrigate 3.2 acres of land under her water right. The remaining 6.8 acres are available for lease.

This right was the result of Transfer 75120 approved in 2009 and has only been partially accomplished. Ms. Horgan's cover letter asked for an extension to complete her transfer. The maximum extension is five years from the transfer approval date and she is not prepared to irrigate the full 10 acres this year. The right holder is leasing the right to the bank for protection from partial forfeiture. The applicant was notified that she needs to be ready to utilize the full water right upon release from the bank to avoid the possibility of partial forfeiture in the proposed contract cover letter.

AUTHORITY TO FILE: This application was signed by Mary Horgan as the current water right owner per department records.

WATER RIGHT VALIDITY: Transfer 75120 split this right from 61-250 which was decreed in October 2000. This right was irrigated in 2009 in the old place of use per transfer review. Forfeiture is not an issue at this time. However, the applicant must be ready to irrigate the full 10 acres the next irrigation season when her lease expires to avoid any forfeiture concerns.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the lease alone. The map provided by the applicant shows the 3.2 acres she will continue irrigating. The other 6.8 acres authorized irrigation will remain idled within the remaining 55.3 acre permissible place of use. Proper rental review should protect against 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 leased right is subject to Water District # 61A. Watermaster is OK with lease being approved per telephone call received 4/1/2014.

Horgan 61-12226 WSB Lease
Combined Right Limits Evaluation
03-28-2014 Pam Skaggs

Basin Sequence	Process	Basin	Status	Priority Date	Diversion Rate	Acre Limit	Total Acres	Volume	Source List	Water Use List	Current Owner	Water District
61 12223	Water Right	Decreed	Active	10/1/1874	0.310	10.0	48.0	40.3	CANYON CREEK	IRR, STOCK	NORSTEBON, JOY A & ROBERT A	61A - Canyon Creek
61 12224	Water Right	Decreed	Active	10/1/1874	0.310	10.0	42.0	40.3	CANYON CREEK	IRR, STOCK	NORSTEBON, JAMES S	61A - Canyon Creek
61 12225	Water Right	Decreed	Active	10/1/1874	0.310	10.0	48.0	40.3	CANYON CREEK	IRR, STOCK	FICKLE, ANITA L	61A - Canyon Creek
61 12226	Water Right	Decreed	Active	10/1/1874	0.310	10.0	58.5	40.3	CANYON CREEK	IRR, STOCK	HORGAN, MARY J	61A - Canyon Creek
Sum of all =					1.240							
Limited to:					1.190	for Irr						

All 4 rights are exactly the same uses, rates, acre limits & volumes with same combined right limits (4 equal splits of original right by ownership prior to transfers)

0.30 cfs for 10 acres of Irr under each of the 4 rights = 1.20 cfs Limited to 1.19 cfs

Irr portion of 3 unleased rights (0.90 cfs) & unleased irrigation portion of 61-12226 (0.10 cfs) = 1.00 cfs combined irrigation use.

The leased Irr portion of Right 61-12226 (0.20 cfs) is limited to diversion of 0.19 cfs to maintain combined right limits.

RECEIVED
FEB 18 2014
DEPARTMENT OF
WATER RESOURCES

February 15, 2014

Department of Water Resource
322 East Front Street
Boise, ID 83720-0098

Regarding Water Right Number 61-12226

Greetings to Department of Water Resource,

I, Mary Horgan am requesting an extension to complete transfer number 75120. I am submitting Water Supply Bank Lease or Sale Application form 42-1761-1 1/14 which will complete the above identified transfer. I am including a map with this letter. February 14, I met with Daniel Nelson of the Department of Water Resources at which time I became acutely aware of my neglect with regard to timely filing of this paperwork. I was under the erroneous impression the completion of transfer occurred when the irrigation right name was changed from my parents to my name. I had thought I had five years from that transaction date forward to decide what to place in the 'bank' for lease. I do ask for consideration with regard to granting the amount of water right designated within the content of the included form 42-1761-1 1/14 as a lease condition. I also apologize for any inconvenience or additional work this request may require.

Thank you for your consideration with this matter.

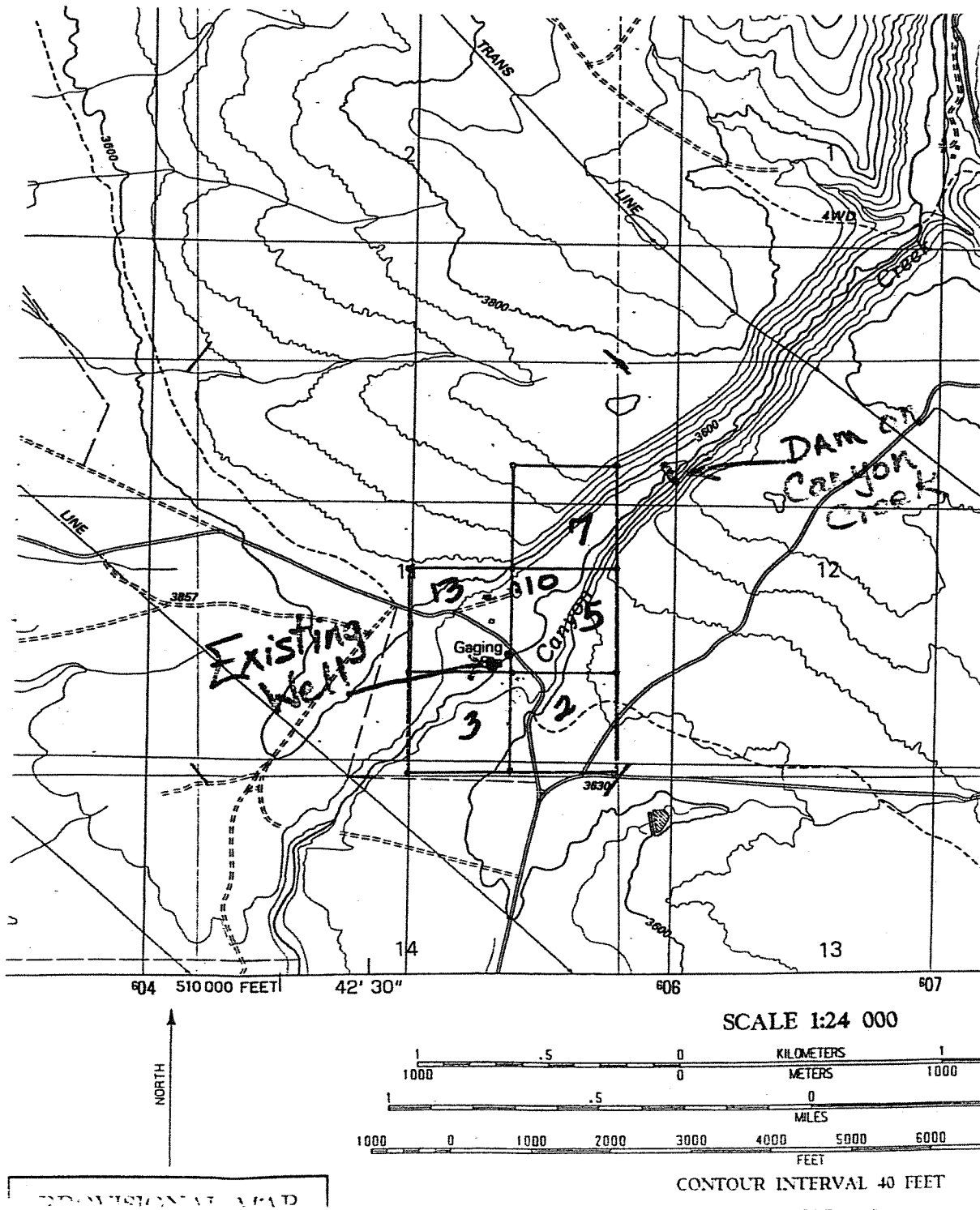
Mary Horgan

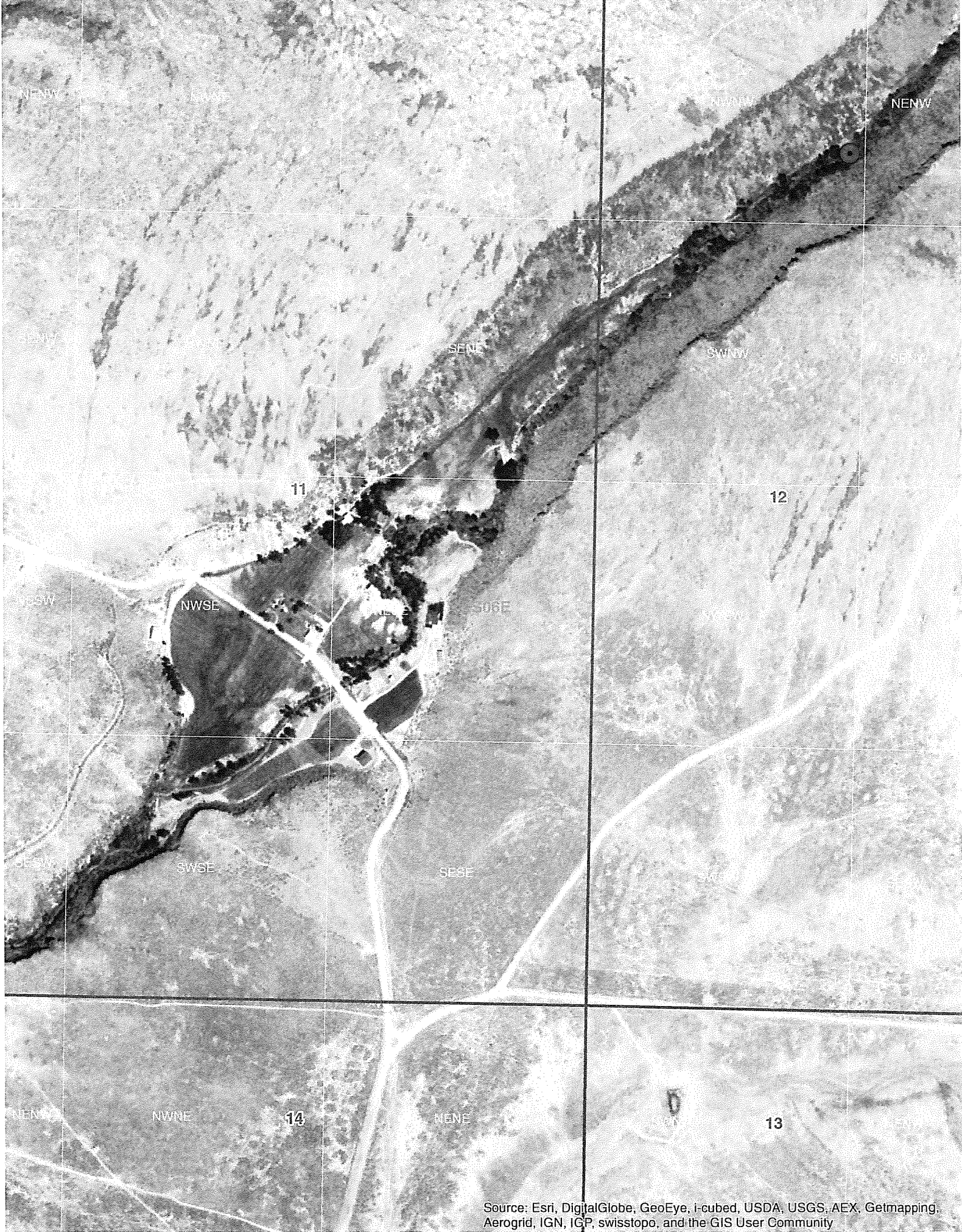


14180 NE Cross Water Ln
Mtn Home, ID 83647
(208) 796-2184 hm
(208) 388-5076 wk

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.





Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



State of Idaho
DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN

BOB W. OTTER
Governor

C. L.

Executive

March 20, 2014

MARY J HORGAN
14180 NE CROSS WATER LN
MOUNTAIN HOME 10 83647

RECEIVED
MAR 24 2014
DEPARTMENT OF
WATER RESOURCES

RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION(S) TO
LEASE WATER RIGHT NO(S). 61-12226 TO THE WATER SUPPLY BANK

TIME SENSITIVE RESPONSE REQUIRED

Dear Applicant:

The Idaho Department of Water Resources (Department) acknowledges receipt of the application(s) to lease the above referenced water right(s) to the Idaho Water Resource Board's Water Supply Bank (Bank). The Department will review your application as resources allow.

If the right(s) is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application(s) has been completed and it has been determined that additional information is required to continue processing. We were only able to confirm 1.2 acres being irrigated since 2006.

Please provide the following information within 14 days of the date of this letter or the application will be returned:

- Proof of irrigation of land since 2006

The department will continue processing your application(s) once you have submitted the requested information. Water right forms are available from the Department's web site at www.idwr.idaho.gov. If you have any questions, please contact me at (208) 287-4910.

Sincerely,

Clay Webster
Technical Records Specialist

Enclosure: Receipt #C098328

March 24, 2014

Water Right Number: 61-12226 – Lease Application

Regarding: Proof of irrigation of land since 2006

Included with this response for the March 20, 2014 correspondence from, The Department of Water Resources includes one copy of an aerial map of irrigated property, four Idaho Power bills which span the start of the season through the end of the pumping season and eight photographs intended to support the distribution of the irrigation water.

The map identification applies the number 5 to the *front field* and the number 4 to the *back field*.

Included photos were taken March 23, 2014.

Photo 1: shows where the pump is located. The pump is not viewable in this photo as it was removed for the winter to prevent damage from freezing or loss due to possible high water.

Photo 2: shows PVC pipe – this pipe distributes the irrigation water from the pump.

Photo 3 and 4: shows gated pipe providing irrigation water to field 5.

Photo 5 and 6: mobile sprinkler gun provides irrigation to field 4.

Photo 7 and 8: shows crop grasses in field 4.

To the best of my knowledge I believe the above details and provided visuals substantiate irrigation water used.

Sincerely,



Mary Horgan
208 7962184
14180 NE Cross Water Ln
Mtn Home, ID 83647



Photo 1
Pump Station



Photo 2 - PVE pipe



Photo 3-Field 5.
Gated pipe



Photo 4: Field 5
Gated Pipe



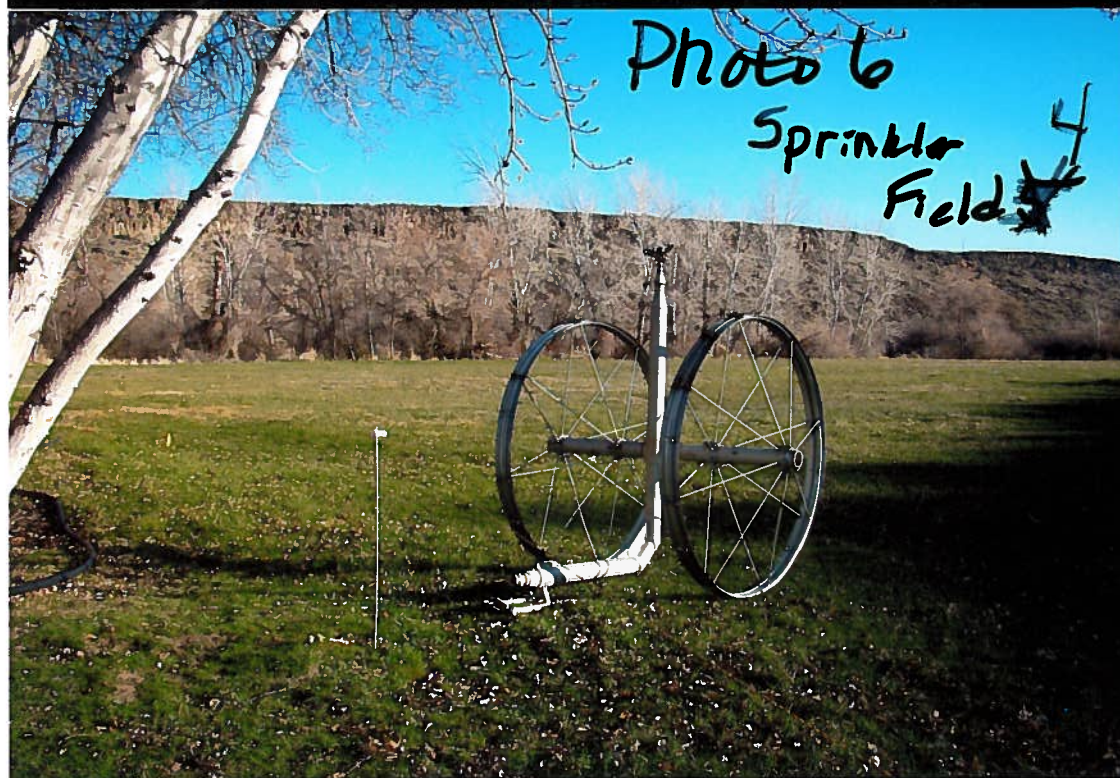


Photo 7-
Field 4



Photo 8- Field 4

