

RECEIVED

Rev. 07/13

FEB 12 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

79034

DEPT. OF WATER RESOURCES
SOUTHERN REGION**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) John D McGonigal & Rosemary McGonigalCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

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DEPARTMENT OF WATER RESOURCES**

Transfer No. 79034**RECEIVED**

**MINIMUM REQUIREMENTS CHECKLIST
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DEC 31 2013

DEPT. OF WATER RESOURCES

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STATE OF IDAHO
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DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) John D McGonigal & Rosemary McGonigal Phone (208) 731-8830

Mailing address PO BOX 102 JEROME, ID. 83338 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☒ No Representative

Name of Representative Brockway Engineering, Charles E. Brockway Phone (208) 736-8543

Mailing address 2016 North Washington St. Suite 4, Twin Falls, Idaho 83301 Email charles.e.brockway@brockwaye.

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Charles E. Brockway Charles E. Brockway 2/12/2014
Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use

☐ Change nature of use ☐ Change period of use ☒ Other Split water rights
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

Propose to split the two water right per parcels. Leaving the portion which lies on parcel owned by Andrus in the water supply bank, 57.92%, for future sale/transfer. Splitting 42.08% to McGonigal's parcel RP01S1803072C. Also adding a new point of diversion from Willow Creek to the McGonigal's parcel/water rights.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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SOUTHERN REGION

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

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Signature of Applicant or Authorized Representative *Charles E. Brockway*Print Name and Title if applicable Charles E. BrockwayDate Dec 31, 2013

Signature of Applicant or Authorized Representative _____

Print Name and Title if applicable _____

Date _____

A. PURPOSE OF TRANSFER

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 ☒ Add diversion point(s)
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☐ ☒	37-655A	0.45/-	Irrigation	05/01 to 09/15	unnamed stream, Willow Crk
☐ ☒	37-655A	0.01/-	Stockwater	01/01 to 12/31	unnamed stream, Willow Crk
☐ ☒	37-21477	0.48/-	Irrigation	05/01 to 09/15	unnamed stream, Willow Crk
☐ ☒	37-21477	0.01/-	Stockwater	01/01 to 12/31	unnamed stream, Willow Crk
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.93 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.93 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
x		SE	SE	SE	14	01S	18E	BLAINE	WILLOW CREEK	
		NW	NE	SW	13	01S	18E	BLAINE	UNNAMED STREAM	
		SW	SW	SW	13	01S	18E	BLAINE	WILLOW CREEK	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	18E	14																2.95	2.95
01S	18E	23	26																26
Total Acres (for irrigation use)																			28.95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

A diversion structure and pump with appropriate flow meter will be installed at the new point of diversion.

- b. Who owns the property at the point(s) of diversion? McGonigal @new POD, Fredrickson Edith & Hayward Jerry

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
From Hayward diversion a ditch flow on to this parcel & Fredrickson Diversion ditch is currently unusable in its current condition.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
No change or effects will occur on the lands.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☒ ☐ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

Water rights are currently active in the water supply bank, date received 6/25/2007, lease began 9/24/2010, lease expiration date 12/31/2015.

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 37-655A

- | | | | | | | | | |
|----|--------|--------|-----------------|------------|---------------|-------|----|-------|
| 1. | amount | 1.06/- | (cfs/ac-ft) for | IRRIGATION | purposes from | 05/01 | to | 09/15 |
| | amount | 0.02 | (cfs/ac-ft) for | STOCKWATER | purposes from | 01/01 | to | 12/31 |
| | amount | | (cfs/ac-ft) for | | purposes from | | to | |
| | amount | | (cfs/ac-ft) for | | purposes from | | to | |
| | amount | | (cfs/ac-ft) for | | purposes from | | to | |
| | amount | | (cfs/ac-ft) for | | purposes from | | to | |
| | amount | | (cfs/ac-ft) for | | purposes from | | to | |
| | amount | | (cfs/ac-ft) for | | purposes from | | to | |
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

Total Acres (for irrigation use)	68.8
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DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, leaving small margins at the top and bottom. There is no handwriting or other markings on the paper.

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and 4 attachments.

Received by _____ Date 12/31/2013 Preliminary check by _____ Date _____
 Fee paid \$500- Date 1/3/2014 Received by JA Receipt # 5033738
 Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

LIMITED POWER OF ATTORNEY

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DEC 31 2013

DEPT. OF WATER RESOURCES
SOUTHERN REGION

KNOWN ALL MEN BY THESE PRESENT:

I, John D. McGonigal and Rosemary McGonigal, hereby nominate and appoint Charles 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, 2005 ²⁰⁰¹ *JDM*

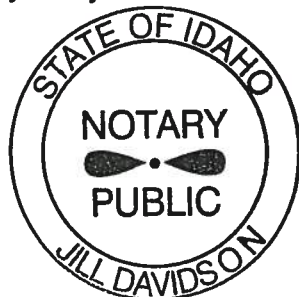
John D. McGonigal Signature
Rosemary McGonigal Signature

State of Idaho)
County of Twin Falls) ss.

On this 17th Day of June, 2005, 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

TRANSFER 79034

ATTACHMENT # 3

WARRANTY DEED

FOR VALUE RECEIVED, JOHN D. MCGONIGAL and ROSEMARY MCGONIGAL, husband and wife, hereinafter referred to as the Grantors, do hereby grant, bargain, sell, and convey unto and DAVIS INVESTMENT COMPANY, a California Corporation, hereinafter referred to as the Grantee, the following described premises in Blaine County, Idaho:

A parcel of land located within Sections 14 and 23, Township 1 South, Range 18 E.B.M., more particularly described as follows:

COMMENCING at a brass cap marking the north quarter corner of said Section 23, said point being THE TRUE POINT OF BEGINNING.

THENCE South $0^{\circ}14'35''$ West 32.00 feet;

THENCE South $82^{\circ}29'26''$ West 1318.75 feet;

THENCE North $0^{\circ}05'45''$ East 329.82 feet to a point on the south boundary of State Highway 20;

THENCE along said highway South $82^{\circ}31'28''$ East 25.89 feet;

THENCE South $0^{\circ}18'06''$ West 140.30 feet;

THENCE South $0^{\circ}18'42''$ West 1319.33 feet;

THENCE North $89^{\circ}30'04''$ East 1333.06 feet;

THENCE North $89^{\circ}49'13''$ East 1413.33 feet to a point on the westerly boundary of State Highway 75;

THENCE along said highway North $11^{\circ}00'32''$ East 537.37 feet;

THENCE continuing along said highway North $11^{\circ}16'26''$ East 551.28 feet;

THENCE North $44^{\circ}57'42''$ West 952.64 feet to a point on the southerly boundary of State Highway 20;

THENCE along said highway, South $82^{\circ}31'28''$ West 949.72 feet;

THENCE South $0^{\circ}14'35''$ West 297.16 feet to THE TRUE POINT OF BEGINNING.

TOGETHER WITH the following water rights appurtenant thereto:

- Transfer #37-0653 ^{0.5 cfs} 25.0 inches of water
May 15, 1881 decreed
- Transfer #37-0654 ^{0.6 cfs} 32.5 inches of water
May 15, 1881 decreed
- Transfer #37-0655 ^{0.431} 26.6 inches of water
July 1, 1888 decreed

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the Grantee, its successors and assigns forever. Grantors do hereby covenant to and with the Grantees

0001].72/Warranty Deed - 1 -

TRANSFER 79034

The Escrow Agent's costs, expenses, charges and attorney's fees in connection with this escrow are hereby made a first and paramount lien upon all moneys, papers and things deposited in connection with this escrow, and may be deducted from funds held in trust. If at any time during the life of this escrow, the Escrow Agent should make any changes in its regular schedule of charges for similar escrow accounts, it may adjust the fee provided herein to conform with said schedule.

that they are the owners of said premises; that they will warrant and defend the same from all lawful claims whatsoever, except as hereinabove specifically provided.

DATED this 14 day of August, 1992.

GRANTORS:

John McGonigal
JOHN MCGONIGAL

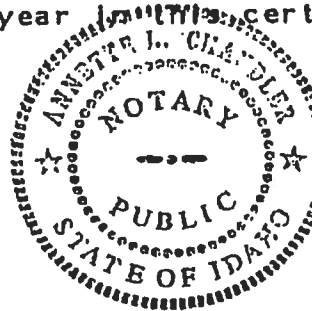
Rosemary McGonigal
ROSEMARY MCGONIGAL

ACKNOWLEDGMENT

STATE OF IDAHO)
) ss.
County of ~~XXXXXX~~)

On this 14th day of August, 1992, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOHN MCGONIGAL and ROSEMARY MCGONIGAL, known to me to be the persons whose names are subscribed to the within and foregoing Instrument, and who acknowledged to me that they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year ~~1992~~ 1992 certificate first above written.



Annette L. Chandler
NOTARY PUBLIC for Idaho
Residing at ~~XXXXXX~~, Idaho
Commission expires 10-18-97

GRANTEE'S ADDRESS:
DAVIS INVESTMENT COMPANY
A California Corporation
2750 Cherry Avenue
P. O. Box 92978
Long Beach, CA 90809

0001J.72/Warranty Deed - 2 -

WARRANTY DEED

FOR VALUE RECEIVED

JOHN D. MC GONIGAL AND ROSEMARY MC GONIGAL, HUSBAND AND WIFE

the grantors, do hereby grant, bargain, sell and convey unto

LGD VENTURES, LLC, A IDAHO LIMITED LIABILITY COMPANY

the grantees, whose current address is **P.O. Box 6256**
Sun Valley, ID 83354

the following described premises, in **BLAINE COUNTY, IDAHO**, to wit:

See Exhibit 'A'

SUBJECT TO: Taxes, easements, restrictions, reservations, assessments and encumbrances as shown of record, if any.

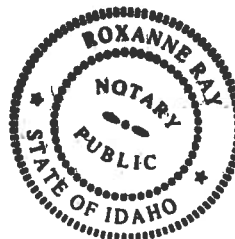
Grantors reserve unto themselves any and all water rights that are or may be appurtenant to this property. There are no water rights included in the sale of this property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: September 14, 2004

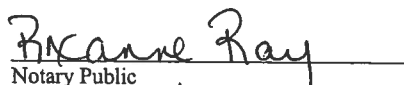

JOHN D. MC GONIGAL


ROSEMARY MC GONIGAL



State of: Idaho
County of: Blaine

On this 14th day of September, 2004, Before me a Notary Public in and for said State, personally appeared **JOHN D. MC GONIGAL and ROSEMARY MC GONIGAL** known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at Ketchum
Comm. Expires 11-27-08

TRANSFER 79034

EXHIBIT 'A'

TOWNSHIP 1 SOUTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO

SECTION 14: A parcel of land located within the SE¼, more particularly described as follows:

Commencing at a 5/8 inch rebar by P.L.S. 792, marking the northwest corner of said SE¼, SECTION 14, which point is also known as the Center ¼, SECTION 14, and is also the TRUE POINT OF BEGINNING; thence

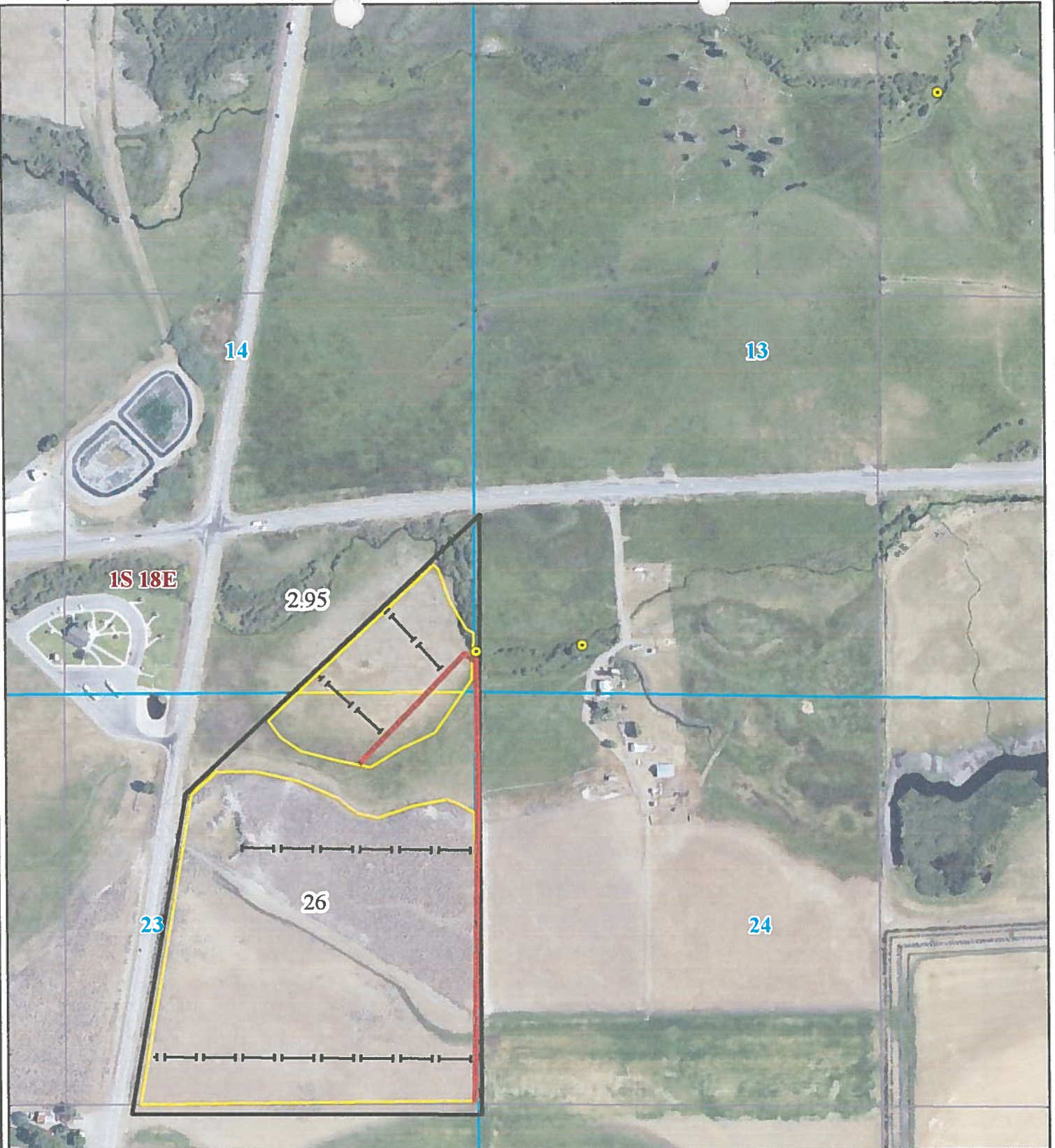
North 89°38'44" East 2,095.60 feet along the North boundary of said SE¼, SECTION 14 to a 5/8 inch rebar by P.L.S. 792 on the westerly boundary of Idaho State Highway No. 75; thence

South 09°37'09" West 1,186.25 feet along said West boundary Highway No. 75 to a 5/8 inch rebar by P.L.S. 792; thence

South 46°27'46" West 1,353.52 feet along the northwest boundary of the sewer lagoon parcel owned by I.T.D. for the Timmerman Rest Stop to a highway right-of-way monument on the northerly boundary of Idaho State Highway No. 20; thence

South 82°31'28" West 933.45 feet along the northerly boundary of said Highway No. 20 to a found ½ inch rebar on the West boundary, said SE¼, SECTION 14; thence

North 00°14'35" East 2,210.41 feet along the West boundary of said SE¼, SECTION 14, to the TRUE POINT OF BEGINNING.



**JOHN MCGONIGAL-
TRANSFER APP. MAP 2013
NAIP 2013 AERIAL**

0 160 320 640 Feet

BROCKWAY ENGINEERING, PLLC.
ALR Date: 12/16/2013

ATTACHMENT #7A



TRANSFER 79034

Maline, Denise

From: Maline, Denise
Sent: Friday, February 14, 2014 3:50 PM
To: Kevin Lakey
Subject: Comment Letters
Attachments: Comment Letter to WM37 for 79034, 37-22851, 37-22852.docx; 37-22851.pdf; 37-22852.pdf; Transfer 79034.pdf

Dear Kevin,

Attached please find a cover letter, recommendation forms, and a copy of Transfer 79034, and Application for Permit 37-22851 & 37-22852. Please review the attached information and provide any necessary comments within 21 days. Feel free to contact our office if you have any questions.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 14, 2014

KEVIN LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

Via E-mail

RE: Transfer No. 79034
Water Right No(s): 37-21477, 37-655A

RE: Application For Permit No.(s): 37-22851, 37-22852

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5851
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 13, 2014

JOHN D MC GONIGAL
ROSEMARY MC GONIGAL
PO BOX 102
JEROME, ID 83338

RE: Transfer No. 79034
Water Right No(s). 37-21477, 37-655A

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **2/19/2014 and 2/26/2014**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**March 10, 2014**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc:

BROCKWAY ENGINEERING PLLC
C/O CHARLES E BROCKWAY
2016 WASHINGTON ST N, STE 4
TWIN FALLS, ID 83301

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 13, 2014 2:20 PM
To: Idaho Mountain Express
Subject: LEGAL NOTICES
Attachments: Idaho Mtn Express Cover Letter.docx; Idaho Mtn Express Ad.docx; IGWA Mitigation Ad.docx

Attached please find **(2)** legal notices being submitted for publication on February 19th & 26th, 2014. There are 2 separate legal notices this time around.

Please feel free to contact me if you have any questions, or if you are not able to run these ads on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5851

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 13, 2014

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

RE: Transfer No. 79034
Water Right No(s): 37-21477, 37-655A

RE: Application For Permit No.(s): 37-22851, 37-22852

RE: Notice of Mitigation Plan submitted by Idaho Ground Water Appropriators Inc. (IGWA)

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before March 10, 2014. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-22851

INNOVATIVE MITIGATION SOLUTIONS LLC

2918 N EL RANCHO PL

BOISE, ID 83704

Point of Diversion L7(SESE) S2 T04N R17E BLAINE County Source ADAMS GULCH CREEK Tributary BIG WOOD RIVER

Use: GROUND WATER RECHARGE 01/01 to 12/31 3 CFS

Total Diversion: 3 CFS

Date Filed: 10/23/2013

Place Of Use: GROUND WATER RECHARGE

T04N R17E S1 NESW SESW

Application for permit proposes diverting up to 3.0 cfs for ground water recharge from an existing point of diversion on Adams Gulch Creek located approximately 1.5 mi. north and 1.1 mi. west of the city of Ketchum. The ground water recharge will occur at two sites located along Adams Gulch Creek approximately 1.5 mi. north and 0.6 mi. west of the city of Ketchum.

37-22852

INNOVATIVE MITIGATION SOLUTIONS LLC

2918 N EL RANCHO PL

BOISE, ID 83704

Point of Diversion SENE S30 T04N R18E BLAINE County Source BIG WOOD RIVER Tributary SNAKE RIVER

Use: GROUND WATER RECHARGE 01/01 to 12/31 10 CFS

Total Diversion: 10 CFS

Date Filed: 10/21/2013

Place Of Use: GROUND WATER RECHARGE

T04N R18E S29 NWSW SWSW

T04N R18E S30 SESE

Application for permit proposes diverting up to 10.0 cfs for ground water recharge from an existing point of diversion on the Comstock Ditch located approximately 2.0 mi. south and 0.9 mi. east of the city of Ketchum. The ground water recharge will occur at sites located along the Comstock Ditch in the Cliffside Subdivision located approximately 2.3 mi.- 2.7 mi. south and 0.8 mi. - 1.1 mi. east of the city of Ketchum.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79034

JOHN D MC GONIGAL and ROSEMARY MC GONIGAL, PO BOX 102, JEROME, ID 83338; has filed Application No. 79034 for changes to the following water rights within BLAINE County(s): Right No(s). 37-21477, 37-655A. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes splitting two Willow Creek water rights, 37-655A (1.06 cfs) and 37-21477 (1.15 cfs) and adding a new point of diversion to a 0.45 cfs portion of water right 37-655A and to a 0.48 portion of water right 37-21477. New point of diversion is located approximately 0.2 miles southeast of the intersection of Hwy 20 and Hwy 75 south of Bellevue. Place of use is located approximately 0.01 to 0.36 miles south and 0.0 to 0.16 miles east of the intersection of Hwy 20 and Hwy 75 south of Bellevue.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please visit our website at www.idwr.idaho.gov and search under New Water Right Applications. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before March 10, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on February 19th & 26th, 2014

Mills, William

From: Charles Brockway [charles.e.brockway@brockwayeng.com]
Sent: Wednesday, February 12, 2014 11:11 AM
To: Mills, William
Subject: McGonigal Transfer 79034
Attachments: Transfer application Page 1 & 2 Rev.pdf

RECEIVED
FEB 12 2014
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Bill A revised cover page (page 1) of the transfer and a revised signature page (page 2) listing both John D. and Rosemary McGonigal as the applicants and not just John D. McGonigal as the applicant is attached. Note that a copy of the signed Page 2 as power of attorney for both John D. and Rosemary McGonigal was submitted with the original transfer.

The applicant desires the stockwater portions of the stockwater use on rights 37-655A and 37-21477 to be split using the same proportions as the irrigation portions with 42.08 % (5470 gpd) going with the split portions.

Thanks for your persistence on this application. I assume that it can be sent for advertising today, February 12, 2014.

Chuck.

Charles E. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington St. North, Suite 4
Twin Falls, ID 83301

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

Mills, William

From: Mills, William
Sent: Thursday, February 06, 2014 10:41 AM
To: 'charles.e.brockway@brockwayeng.com'
Subject: McGonigal Transfer 79034

Dr. Brockway,

Per our conversation last week there are minor issues with this transfer that need to be resolved. Before it can be advertised, the transfer requires a revised cover page (page 1) and a revised signature page (page 2) listing both John D. and Rosemary McGonigal as the applicants and not just John D. McGonigal as the applicant. This is required as Transfer Memo No. 24 states on page 8, section 2, that for an application for transfer to be acceptable the "applicant's name must match the department's current record of ownership for the water rights (or parts thereof) being transferred." Both John D. and Rosemary McGonigal are listed as current owners of the water rights which also reflects the ownership as stated by the warranty deed provided with the application.

Additionally, you had indicated that the applicant desires the stockwater portions of these rights to be split using the same proportions as the irrigation portions. Some form of written communication from you (an email would suffice) or the applicant to provide written direction as there was no actual direction provided with the application in regards to how to split the gallons per day allowed on the stockwater portions of the rights.

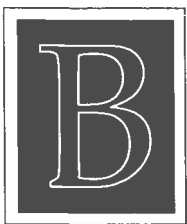
Your assistance in these matters is greatly appreciated,
Bill Mills

From: Mills, William
Sent: Friday, January 24, 2014 9:11 AM
To: 'charles.e.brockway@brockwayeng.com'
Subject: McGonigal Transfer 79034

Dr. Brockway,

I have a question in regards to splitting the stockwater use on rights 37-655A and 37-21477 in the McGonigal transfer. Since the rights are currently limited to 13,000 gpd for stockwater use, how would you prefer I split the gpd amounts between the changed and unchanged portions? I can do it proportionally with 42.08 % (5470 gpd) going with the split portions, split it 50/50, or I can place a combined limit to both the changed and unchanged portions of the rights stating that when the rights are used in combination stockwater use is limited to 13,000 gpd. Another option might be to not to split the stockwater uses and assign them to either the split portions or the unchanged portions of the rights.

Let me know what you and your clients preferences are,
Thanks,
Bill Mills



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 29 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

January 28, 2014

Mr. William Mills
Southern District
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

RE: WSB Lease & Water rights transfer #79034, for John McGonigal

Dear Bill:

Enclosed are the water supply bank release forms as well as applications to lease water rights. To be processed in conjunction with transfer #79034 as requested in your January 14, 2014 email.

I have also enclosed a limited power of attorney regarding these water rights, a check for \$500.00 and the required W9 form. If you have any questions regarding these forms do not hesitate to contact our office.

Sincerely

Amy Runser for Charles E Brockway, Ph.D., P. E.

CHARLES E.
BROCKWAY,
Ph.D., P.E.

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

Attachments: Aerial Map
W9
Application to Lease WR
Application to Release WR from bank
Brockway Engineering Check

cc: John McGonigal

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

JAN 29 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
WATER RESOURCE BOARD

COPY

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.

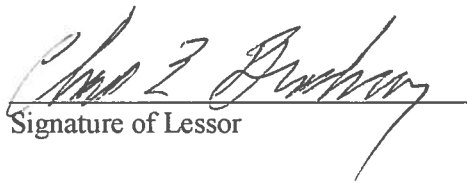
Water Right No: 37-655A Telephone No: (208) 731-8830

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


Signature of Lessor

Charles E Brockway P.O.A
Printed Name and Title*

1/28/14
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

JAN 29 2014

STATE OF IDAHO
WATER RESOURCE BOARD

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

ONE FORM PER WATER RIGHT

COPY

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

RECEIVED

JAN 29 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
WATER RESOURCE BOARD

COPY

Receipt No. _____

Fee Amount \$ _____

Date/by _____

(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) 731-8830Mailing 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>37-655A</u>	<u>0.61/-</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>0.61</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:

COPY

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:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. 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.
3. 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.
"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:

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


Signature of Applicant

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

1/28/14
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

COPY



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

- Legend**
- WSB LEASE 2014
 - ANDRUS_LESLEY_PARCEL
 - WaterRight
 - 37-655A
 - township
 - Sections
 - QQ Lines



RECEIVED

JAN 29 2014

DEPT. OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
WATER RESOURCE BOARD

COPY

Receipt No. _____

Fee Amount \$ _____

Date/by _____

(For Department Use Only)

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

Name 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

- 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.
- 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:

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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:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. 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.
3. 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.

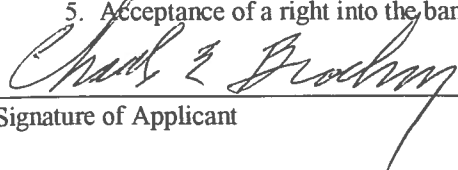
E. SALE/LEASE AGREEMENT

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.
"current rental rate"

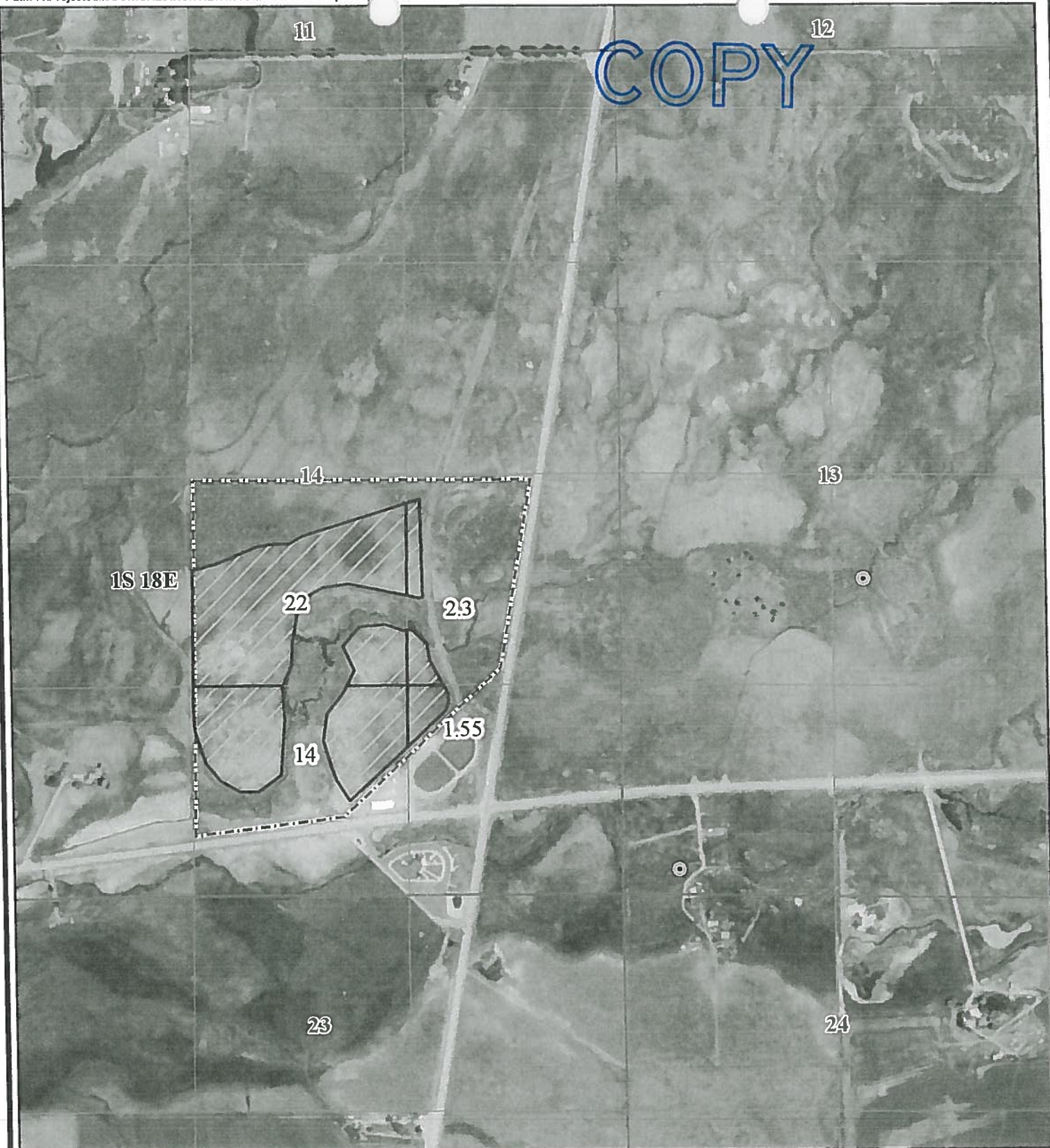
I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

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

 Signature of Applicant	CHARLES E. BROCKWAY P.O.A. Printed Name and Title*	1/28/14 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

- Legend**
- WSB LEASE 2014
 - ANDRUS_LESLEY_PARCEL
 - Water Right
 - 37-655A
 - township
 - Sections
 - QQ Lines



LIMITED POWER OF ATTORNEY

COPY

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, ~~2004~~ ²⁰⁰⁵ JDM

John D. McGonigal Signature
Rosemary McGonigal Signature

State of Idaho)

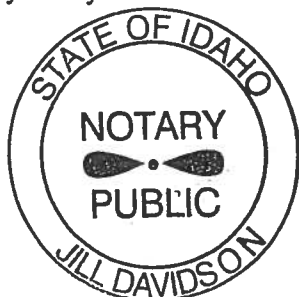
County of Twin Falls)

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

Mills, William

From: Mills, William
Sent: Friday, January 24, 2014 9:11 AM
To: 'charles.e.brockway@brockwayeng.com'
Subject: McGonigal Transfer 79034

Dr. Brockway,

I have a question in regards to splitting the stockwater use on rights 37-655A and 37-21477 in the McGonigal transfer. Since the rights are currently limited to 13,000 gpd for stockwater use, how would you prefer I split the gpd amounts between the changed and unchanged portions? I can do it proportionally with 42.08 % (5470 gpd) going with the split portions, split it 50/50, or I can place a combined limit to both the changed and unchanged portions of the rights stating that when the rights are used in combination stockwater use is limited to 13,000 gpd. Another option might be to not to split the stockwater uses and assign them to either the split portions or the unchanged portions of the rights.

Let me know what you and your clients preferences are,

Thanks,
Bill Mills

MEMORANDUM

Date: January 22, 2014
To: Transfer 79034 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes splitting two surface water rights, 37-655A (1.06 cfs) and 37-21477 (1.15 cfs), and adding a new point of diversion to the split portions. New point of diversion is located approximately 0.2 miles southeast of the intersection of Hwy 20 and Hwy 75 south of Bellevue. Applicant has sold 39.85 acres of a 68.8 acre place of use, but has retained the portion of the water rights appurtenant to those acres. The water rights are currently leased to the Water Supply Bank (WSB) and the applicant intends to continue leasing the 39.85 acre portions to the WSB.

The split portions of the rights (0.45 cfs from 37-655A; 0.48 cfs from 37-21477) will remain on the 28.95 acres the applicant has retained and are to be released from the WSB in coordination with approval/denial of the transfer. The new point of diversion has been added to the split portions of the water rights and will provide a diversion from Willow Creek adjacent to the place of use. Stockwater use was also split between the rights. The applicant asked to split the stockwater using the same proportions as the irrigation portions. Prior to the split, both rights had conditions limiting stockwater use to 13,000 gpd per right. The split rights will limit stockwater use to 5470 gpd per right, with the unchanged portions stockwater use limited to 7530 gpd per right.

Overlap review indicated potential overlap with claim 37-10176, a commercial beneficial use claim in the NENE1/4 of Sec. 23, but this claim was recommended as a domestic right in the SWNE1/4 and SENE1/4 of Sec. 23 on lands adjacent to, but not associated with this transfer application. Place of use is located in Water District 37 and Watermaster comments will be solicited.

Workflow Transfer application software rounded the acre amounts from 28.95 to 29 acres for the split portions and from 39.85 to 39.8 acres for the unchanged portions of the water rights. However, conditions relating to acre limits on the rights reflect acre amounts as listed in the transfer application.

- **Authority to File:** Applicants are listed as the current owners of the water rights involved in the application for transfer. A warranty deed was provided indicating the applicants have sold lands in the SE1/4 of Sec. 14 but have retained the water rights appurtenant to the property.
- **Water Right Validity:** Water right 37-655A was decreed in the SRBA on 1/26/2010 and water right 37-21477 was decreed on 9/24/2010. Both rights are currently active in the WSB with a lease expiration date of 12/31/2015.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.

- **Local Public Interest:**
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing

Application for transfer proposes splitting two Willow Creek water rights 37-655A (1.06 cfs) and 37-21477 (1.15 cfs) and adding a new point of diversion to a 0.45 cfs portion of water right 37-655A and to a 0.48 portion of water right 37-21477. New point of diversion is located approximately 0.2 miles southeast of the intersection of Hwy 20 and Hwy 75 south of Bellevue. Place of use is located approximately 0.01 to 0.36 miles south and 0.0 to 0.16 miles east of the intersection of Hwy 20 and Hwy 75 south of Bellevue.

Mills, William

From: Mills, William
Sent: Tuesday, January 14, 2014 2:02 PM
To: 'charles.e.brockway@brockwayeng.com'
Subject: John D. McGonigal Transfer #79034

Mr. Brockway:

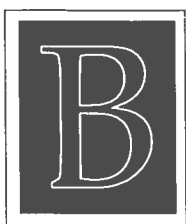
I spoke with John McGonigal last week concerning the application for transfer (#79034) that you submitted to the Department in his name and he indicated that he would like to release the 42.08% portions of water rights 37-21477 (0.48 cfs; 29 acres) and 37-655A (0.45 cfs; 29 acres) currently leased to the Water Supply Bank (WSB) that are appurtenant to the parcel he has retained. Mr. McGonigal stated that he has rented the property and that the tenant might like to use those portions for irrigation starting this upcoming irrigation season. He also indicated that since he has assigned you power of attorney to manage his water rights, he would like you to submit the release requests for the portions to be released from the WSB.

Under current Department guidelines the transfer processing will be coordinated with the WSB Release Request processing so that the Department staff can coordinate the decision process for both the release request and transfer application at the same time.

If you have any questions or concerns regarding this matter please let me know,

Sincerely,

Bill Mills



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

December 31, 2013

Mr. Allen Merritt
Southern District
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED
DEC 31 2013
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: Water rights transfer/split for John McGonigal (Spring of Gladness)

Dear Allen:

Enclosed are a transfer application form and necessary document, describing a water right split and added point of diversion for Mr. John McGonigal.

Water rights number 37-655A & 37-21477 have a combined irrigation limit of 68.8 acres. Currently these water rights are active in the water supply bank. The lease expiration is 12/31/2015. John sold the North West parcel but retained ownership of the water right appurtenant. The desire of Mr. McGonigal is to split these water rights by place of use. Parcel number RP01S1803072C contains 2.95 Ac in the SESE, SEC 14 1S18E & 26 Ac. in the NENE, Sec. 23 1S18E. or 42.08% of the allowed irrigation limit.

Water Right	IRR. CFS	STOCK CFS	AC. LIMIT	Water Right	IRR. CFS	STOCK CFS	AC. LIMIT
37-655A (ORIGINAL)	1.06	0.02	68.8	37-21477 (ORIGINAL)	1.15	0.02	68.8
37-655A SPLIT TO PARCEL	0.45	0.01	28.95	37-21477 SPLIT TO PARCEL	0.48	0.01	28.95
37-655A SPLIT IN BANK	0.61	0.01	39.85	37-21477 SPLIT IN BANK	0.67	0.01	39.85

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

I have also enclosing a limited power of attorney regarding these water rights, a check for \$500.00 for the water right transfer of 0.93 cfs, and the deed appurtenant to 37-655A and 37-21477. If you have any questions regarding these splits do not hesitate to contact our office.

Sincerely


Charles E Brockway, Ph.D., P. E.

Attachments: Aerial Map
Warranty & Quitclaim Deed
Transfer application
Brockway Engineering Check # 000

Enc.

cc: John McGonigal