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APR 18 2013

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

Water Supply Bank No. _____
(For Department Use Only)

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

Name of Seller/Lessor Myrna Winburg and Richard Winburg Phone 208-397-4416

Mailing address 1027 South 2600 West Aberdeen, Idaho 83210 Email _____

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

If the entire right is for sale or lease, show "ALL" below and skip the remainder of part A. Attach a copy of the water right report.

1. Water Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>35-13578</u>	<u>ALL</u>	_____	_____ to _____
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

Total Amount: _____

2. Source of water _____ tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County

4. Lands irrigated or 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	

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

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 water right appurtenant to land subject to any liens, deeds of trust, mortgages, or contracts? Yes ☐ No ☒
If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes and list name of entity: _____

C. GENERAL INFORMATION

1. Please provide a description of the current diversion system.
Existing wells, mainlines and irrigation systems
2. Describe any other water rights used for the same purpose or at the same place of use as described above.
3513578 and 35-13588
3. Will the present place of use continue to receive water from any source? Yes ☒ No ☐
If yes, describe. Aberdeen Springfield Canal Shares
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. _____

D. SALE/LEASE AGREEMENT

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board for sale ☐ or lease ☒?
If Lease, for a period from 1/1/2013 to 12/31/2015 (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 Idaho Water Resource Board. 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.

Richard Winkler
Signature of Applicant

Printed Name and Title*

4-1-13
Date

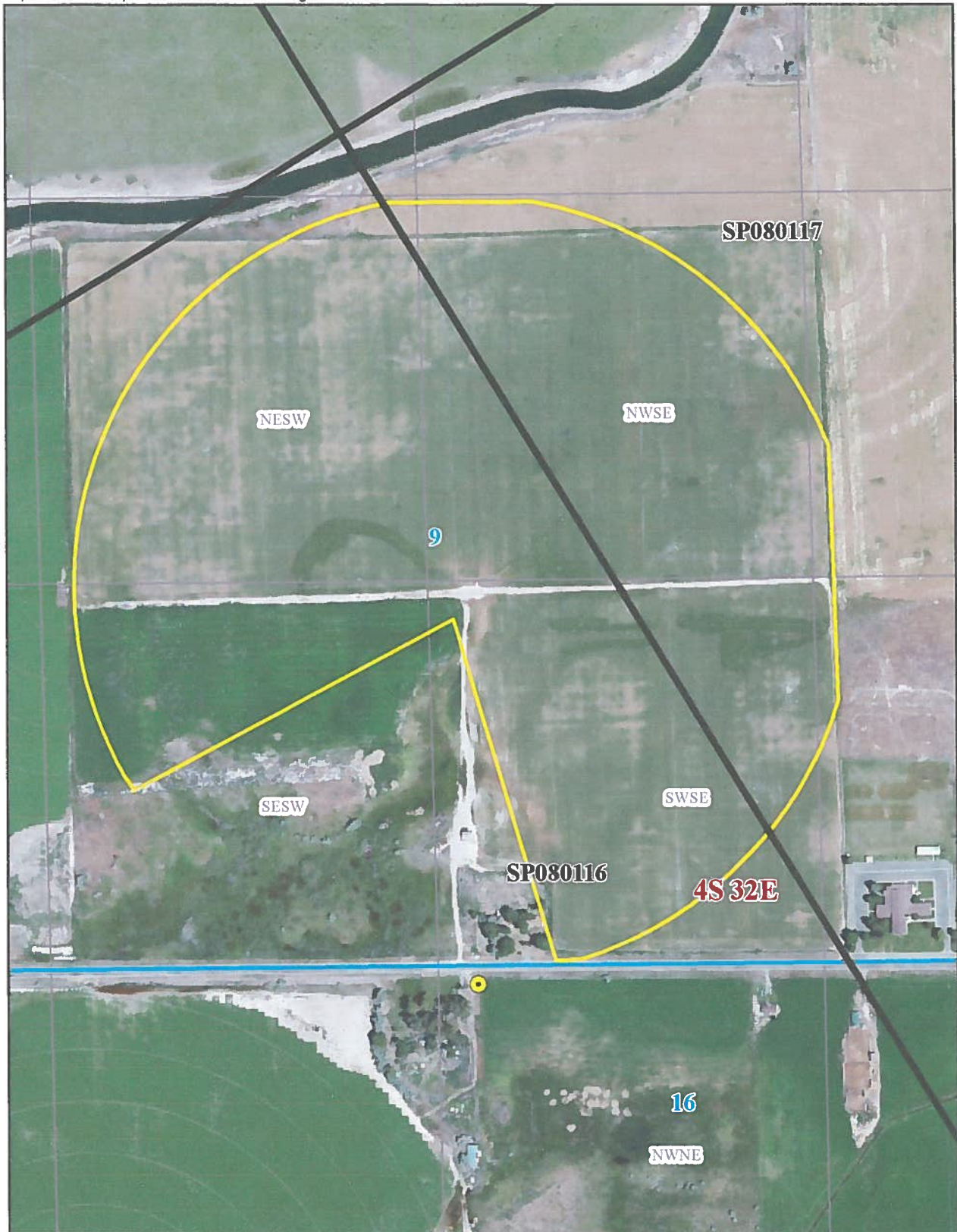
Signature of Applicant

Printed Name and Title*

Date

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

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



0 400 800 Feet

**FUNK, LANCE
WATER BANK LEASE 35-13578
BING AERIAL PHOTOGRAPH**

BROCKWAY ENGINEERING, PLLC.
ALR - APRIL 4, 2013

Legend

- 35-13578_POD_Winberg
- Model Grid
- 35-13578_POU_Winberg
- townshp
- Sections
- ladesec

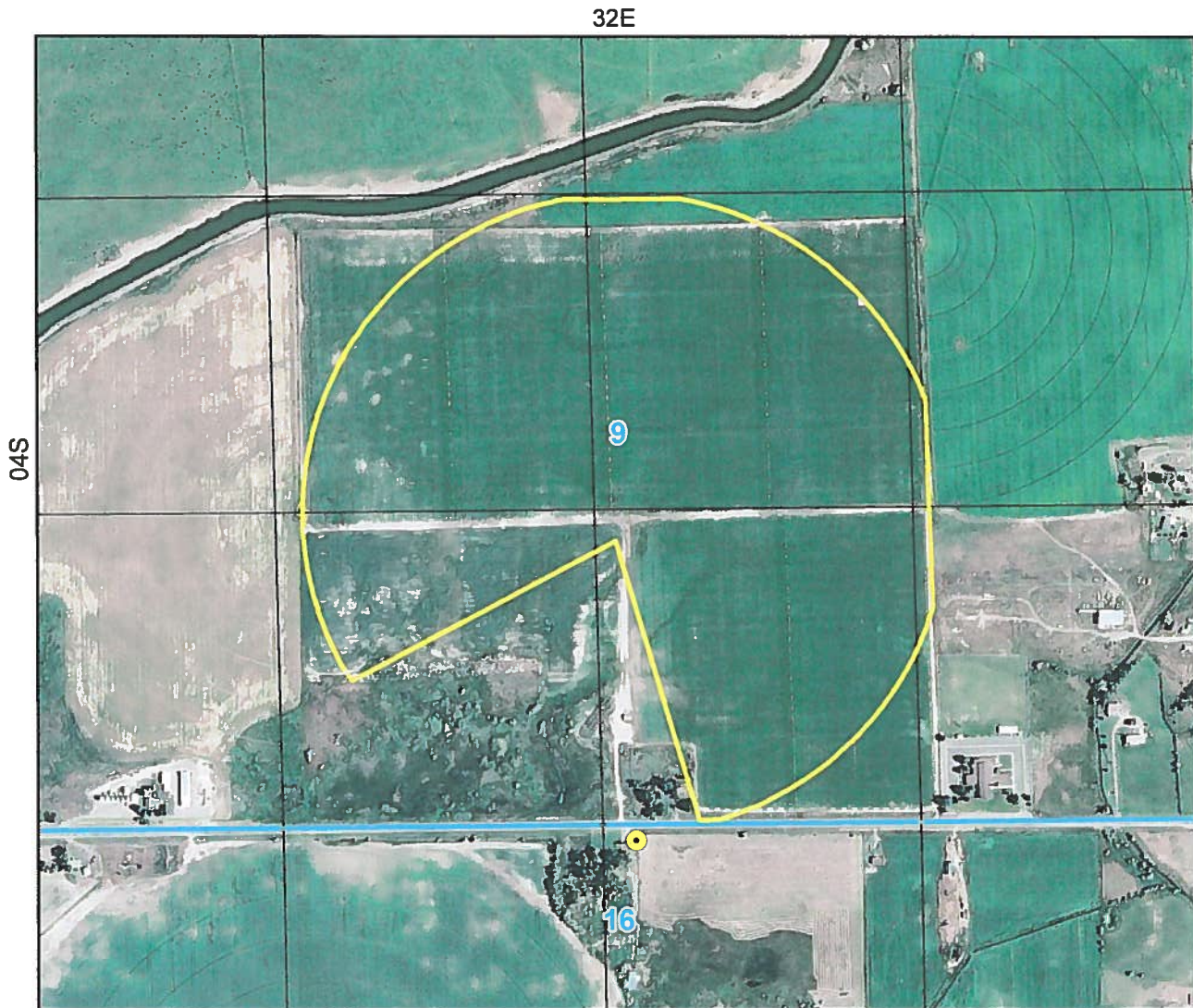


State of Idaho
Department of Water Resources

Water Right
35-13578

IRRIGATION

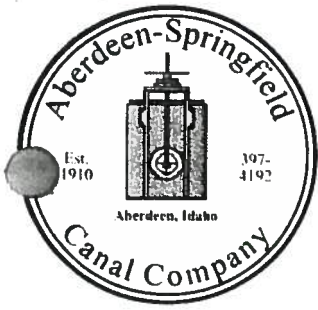
The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Taxlots

0 0.075 0.15 0.3 Miles





Aberdeen-Springfield Canal Company

144 South Main

PO BOX 857

Aberdeen, ID 83210

www.ascanal.org

Tel (208) 397-4192 Fax (208) 397-4510

March 20, 2013

Richard Winberg
1027 South 2600 West
Aberdeen, Idaho 83210-1564

Re: Request for delivery of ASCC water

Mr. Winberg,

Your request to receive delivery of ASCC water from the Company's 'E' Lateral for ASCC Parcels #200, #202, and #275 has been received and pending Board approval you may anticipate delivery of your ASCC water to this parcel for the 2013 irrigation season. As you may be aware, Aberdeen-Springfield Canal Company Policy has changed with respect to adding new points of delivery has changed with respect to lands that have been irrigated from wells. Specifically, a request for delivery to lands which are currently being irrigated from a well require that the existing well(s) be used as a 'Recovery Head Gate' for delivery of ASCC water. Your Application to Change or Add Point of Delivery will be reviewed by the Board at their first regular meeting following submission of your completed Application and payment of a \$50.00 application fee.

Please be aware that in order to receive water from the Company system, you must surrender control of the well(s) to the Company and install an approved measuring device on each well prior to taking delivery. I will provide you with a list of acceptable measuring devices following inspection of the well(s) to determine their suitability as Recovery Head Gates. Maintenance of the well and its pumping system will be solely the responsibility of the shareholder and if at any time the well becomes unsuitable for delivery, the Company reserves the right to require you take delivery out of a new or existing head gate on the system.

If you have any questions please do not hesitate to contact me.

Sincerely,

Steven T. Howser,
General Manager

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/29/2013

WATER RIGHT NO. 35-13578

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD WINBERG 1027 S 2600 W ABERDEEN, ID 83210 (208)397-4416

Priority Date: 02/09/1990

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2.12 CFS	424 AFA
Total Diversion			2.12 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNE|Sec. 16|Township 04S|Range 32E|BINGHAM County

Licensed Diversion Capacity: 6.15

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
04S	32E	9		NESW	31		SESW	14						
				NWSE	33		SWSE	28						

Total Acres: 106

Conditions of Approval:

1. T20 Approval of this transfer does not confirm the validity of this water right.
2. X35 Rights 35-13578 and 35-13588 when combined shall not exceed a total diversion rate of 4.33 cfs
3. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
4. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. F05 Right No. 35-13588 is also diverted through point of diversion described above.
6. 049 The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. 050 Diversion and use of water under this right is subject to rules that may subsequently be promulgated for existing rights used for supplemental purposes.

Dates:

Licensed Date: 04/04/1997

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 4.33

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

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