

RECEIVED

APR 18 2013

Form 42-1/01-1
08/10

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>35-2084</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.
35-7699 and 35-2084
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 Kimber
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



0 250 500 1,000 Feet

**FUNK, LANCE
WATER BANK LEASE 35-2084 & 35-7699
BING AERIAL PHOTOGRAPH**

Legend

- | | | |
|----------------|----------------|----------|
| Winberg_WR_POD | Winberg_Wr_POU | twshp |
| 35, 2084 | 35, 2084 | ladesc |
| 35, 7699 | 35, 7699 | Sections |
| Model Grid | | |

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/19/2013

WATER RIGHT NO. 35-2084

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

Priority Date: 02/18/1948

Basis: Decreed

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	4/01	10/31	1.5 CFS	
Total Diversion			1.5 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWSWNW|Sec. 24|Township 04S|Range 31E|BINGHAM County

IRRIGATION Use:
Acre Limit: 100

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>

04S | 31E | 24 | | NENW|39 | | NWNW|38 | | SWNW|39 | | SENW|39

Total Acres: 155

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-07699 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.10 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 620 AF.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-07699 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 155 ACRES IN A SINGLE IRRIGATION SEASON.
4. E02 USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.
5. RIGHT NO. 35-07699 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 03/04/2002

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration 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: S

Owner Name Connector: OR

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 155

Combined Volume Limit: 620

Combined Rate Limit: 3.1

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

Close

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/19/2013

WATER RIGHT NO. 35-7699

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

Priority Date: 04/27/1977

Basis: Decreed

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	4/01	11/01	1.62 CFS	
Total Diversion			1.62 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWSWNW|Sec. 24|Township 04S|Range 31E|BINGHAM County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04S	31E	24		NENW	39		NWNW	38		SWNW	39		SENW	39

Total Acres: 155

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | C18 | THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. |
| 2. | | USE OF THIS RIGHT WITH RIGHT NO. 35-02084 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.10 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 620 AF. |
| 3. | | USE OF THIS RIGHT WITH RIGHT NO. 35-02084 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 155 ACRES IN A SINGLE IRRIGATION SEASON. |
| 4. | E02 | USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO. |
| 5. | | RIGHT NO. 35-02084 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. |

Dates:

Licensed Date:

Decreed Date: 03/08/2002

Permit Proof Due Date: 7/1/1982

Permit Proof Made Date: 1/1/1900

Permit Approved Date: 7/15/1977

Permit Moratorium Expiration 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: S

Owner Name Connector: OR

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 155

Combined Volume Limit: 620

Combined Rate Limit: 3.1

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



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