

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

STATE OF IDAHO
WATER RESOURCE BOARD

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

Name of Seller/Lessor Gulch Trust Phone (208) 726-8882

Mailing address c/o T. Mason COM Investments, LLC Email tmason@cominv.com

2300 Carillon Pt., Kirkland, WA 98033

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. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>37-20866</u>	_____	_____	_____ to _____
	_____	_____	_____ to _____
	_____	_____	_____ to _____

Total Amount: All

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.

Diversion from the creek was shut down by the USFS and no alternative has been approved.

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

37-8400

3. Will the present place of use continue to receive water from any source? Yes ☒ No ☐

If yes, describe. 37-8400 will continue to irrigate the three (3) acres.

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 ☒?

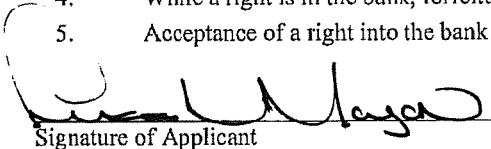
If Lease, for a period from 8/15/10 to 10/31/13 OR Indefinite
(Month / Day / Year) (Month / Day / Year)

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.


Signature of Applicant

GULCH TRUST
By: Teresa Mason, Trustee
Printed Name and Title*

7/29/2010
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

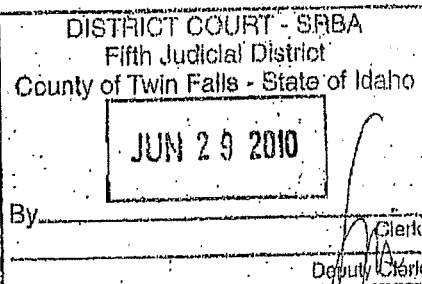
Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 37-20866



NAME AND ADDRESS: THE GULCH TRUST
ARTHUR HARRIGAN TRUSTEE
C/O T MASON COM INVEST LCC
2300 CARILLON PT
KIRKLAND, WA 98033

SOURCE: ADAMS GULCH CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.07 CFS
11.50 AFY

Rights 37-20866 and 37-08400 when combined shall not exceed a
total diversion rate of 0.09 cfs and a total annual diversion
volume of 10.5 af at the field headgate.
This right when combined with all other rights shall provide no
more than 0.03 cfs per acre nor more than 3.5 afa per acre at
the field headgate for irrigation of the lands above.

PRIORITY DATE: 11/26/1909

POINT OF DIVERSION: T04N R17E S02 SESE Within Blaine County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-15 TO 10-31	0.07 CFS 10.50 AFY
Irrigation Storage	01-01 TO 12-31	1.00 AFY
Irrigation from Storage	04-15 TO 10-31	1.00 AFY
Aesthetic Storage	01-01 TO 12-31	1.00 AFY
Diversion to Storage	04-15 TO 10-15	0.07 CFS

PLACE OF USE: Irrigation Within Blaine County
T04N R17E S01 SESW 3.0
3.0 Acres Total

Irrigation Storage Within Blaine County
T04N R17E S01 SESW

Irrigation from Storage Within Blaine County
T04N R17E S01 SESW

Aesthetic Storage Within Blaine County
T04N R17E S01 SESW

Diversion to Storage Within Blaine County
T04N R17E S01 SESW

Right Nos. 37-8400 and 37-20866 are limited to the irrigation of
a combined total of 3.0 acres in a single irrigation season.

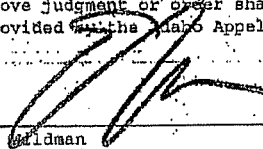
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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, I.C. SECTION 42-1412(6).

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided in the Idaho Appellate Rules.


Eric J. Goldman
Presiding Judge of the
Snake River Basin Adjudication