

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

RECEIVED
FEB 25 2009
DEPARTMENT OF
WATER RESOURCES

Name of Seller/Lessor Timothy and Joan Mylnar Phone (208) 7883108

Post office address 22 Buttercup Rd., Hailey, Idaho 83333

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. 37-20808 Decreed to Timothy and Joan Mylnar
in case of SRBA (unobjected to rec.) vs (Name)
dated _____ in _____ county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water
Resources.
- c. Permit No. _____ issued by the Idaho Department of Water
Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line a. below and skip the remainder of part 2.)

- a. Amount of water under right: all cubic feet per second &/or
all acre-feet per annum
- b. Point of diversion: SW 1/4 of NW 1/4 of Section 20 Township 03N Range 18E
_____, B.M. in Blaine County.
- Additional points _____

c. Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	4													1				1

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 1

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

See, Exhibit A.

- b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years).

The water right has been recommended in the SRBA, without
objection. See, Exhibit B. Otherwise, a copy of the delivery
record from the Hiawatha Canal is attached as Exhibit C.

- c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

The right is generally available from May 1 to mid-August or mid-September. See, Exhibit C.

- d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

n/a

- e. If the water right is a permit, describe the work accomplished toward developing the right.

n/a

- f. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

n/a

4. REMARKS:

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

X For lease for a period from indefinite to indefinite
(Day, month, year) (Day, month, year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho.

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as 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 of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water 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.

9/8/08
Date
2/22/09

Teri Mylner
Signature
Joan Mylner

FOR DEPARTMENT USE ONLY

Received by W Date 2/25/09 Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

EXHIBIT A

WARRANTY DEED

For Value Received

PATRICK DINGMAN and SUSAN DINGMAN, husband and wife

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

TIMOTHY JOSEPH MYLNAR and JOAN SUSAN MYLNAR, husband and wife
the grantees, whose current address is Box 1865, Hailey, Idaho 83333

the following described premises, in Blaine

County Idaho, to-wit:

TOWNSHIP 2 NORTH, RANGE 18 EAST OF THE BOISE MERIDIAN, BLAINE
COUNTY, IDAHO,

SECTION 4: A parcel of land located in the SE $\frac{1}{4}$, described as
follows:
Commencing at the NE corner of Block 74 of City of
Hailey,
THENCE N 61°0' West 132.0 feet;
THENCE N 18°43' West 780.0 feet to the True Point of
Beginning;
THENCE N 18°43' West 120.0 feet;
THENCE N 61°0' East 200.0 feet;
THENCE S 18°43' East 120.0 feet;
THENCE S 16°0' West 200.0 feet to the Point of
Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor s do hereby covenant to and
with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free
from all incumbrances

and that t he y will warrant and defend the same from all lawful claims whatsoever.

Dated: August 13, 1986

Patrick Dingman
X Patrick Dingman

Susan Dingman
X Susan Dingman

STATE OF IDAHO, COUNTY OF

STATE OF New Mexico
COUNTY OF Bernalillo
On this 13th day of August in the
year 19 86, before me, a Notary Public, personally appeared
Patrick Dingman and Susan Dingman
known or identified to me to be the person whose name s are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Nancy K. Riley
Notary Public
Residing at Albuquerque, NM
My commission expires 8-18-90

Mail to:

BLAINE CO.
REC'D
AUG 14 PM 4 '86
MARIE W. CLERK
CLERK-DEPUTY
FEES \$ 9.00

INSTRUMENT No.

275682

808-7-86

22-8154

QUITCLAIM DEED

For Value Received

TIMOTHY JOSEPH MYLNAR and JOAN SUSAN MYLNAR, husband and wife

do hereby convey, release, remise and forever quitclaim unto

TIMOTHY JOSEPH MYLNAR and JOAN LIGHTBODY MYLNAR, husband and wife
whose current address is Box 1865, Hailey, Idaho 83333

the following described premises, to-wit:

TOWNSHIP 2 NORTH, RANGE 18 EAST OF THE BOISE MERIDIAN, BLAINE
COUNTY, IDAHO,

SECTION 4: A parcel of land located in the SE $\frac{1}{4}$, described as
follows:
Commencing at the NE corner of Block 74 of City of
Hailey,
THENCE N 61°0' West 132.0 feet;
THENCE N 18°43' West 780.0 feet to the True Point of
Beginning;
THENCE N 18°43' West 120.0 feet;
THENCE N 61°0' East 200.0 feet;
THENCE S 18°43' East 120.0 feet;
THENCE S 16°0' West 200.0 feet to the Point of
Beginning.

This Quitclaim Deed is being given to correct the names of
the grantors herein.

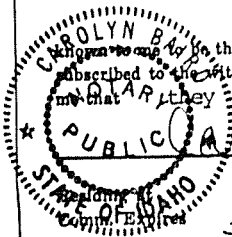
together with their appurtenances.

Dated: August 14, 1986

Timothy Joseph Mylnar
X Timothy Joseph Mylnar

Joan Susan Mylnar
X Joan Susan Mylnar

STATE OF IDAHO, COUNTY OF Blaine
On this 14th day of August, 1986,
before me, a notary public in and for the said State, per-
sonally appeared Timothy Joseph Mylnar and
Joan Susan Mylnar



to the person s whose name are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Carolyn Baird
Notary Public
Idaho

STATE OF IDAHO, COUNTY OF

NAME OF CLERK
Carolyn Baird DEPUTY
FEE \$ 9.00

'86 AUG 14 PM 4 43

BLAINE CO.
REQUEST OF

Joan Susan Mylnar

275683

INSTRUMENT No.

EXHIBIT B

SRBA

DIRECTORS REPORT 37-20808

[Return to SRBA Home Page](#)

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 37-20808

Name and Address: TIMOTHY MYLNAR
JOAN MYLNAR
22 BUTTERCUP RD
HAILEY, ID 83333

Source: BIG WOOD RIVER Tributary: MALAD RIVER

Quantity: .03 CFS

Priority Date: 03-24-1883

Diversion Point: T03N R18E S20 SWNW Within Blaine County

Water diverted from Headgate 22 delivered through Hiawatha Canal

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-15 TO 10-31	.03 CFS
Place of Use:	Irrigation	Within Blaine County	
	T02N R18E S04	NWSE 1	
	1 Acres Total		

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - Decreed

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 37-13396.

[Return to SRBA Home Page](#)

EXHIBIT C

HIAWATHA CANAL

P.O. Box 1604 • Hailey, ID 83333

September 5, 2008

IDWR Central Office
Attn: Water Bank, Aaron Marshall

Re: Water Right 37-20808 (Timothy and Joan Mylnar)

Dear Mr. Marshall:

My name is David L. Cropper, President of the "Hiawatha Canal Water Users' Association of Lateral or Laterals," better known as the Hiawatha Canal Company ("Canal").

In the normal course of business, I am in charge of collating delivery records for the Canal. Please find attached the delivery records for the year 2007. I know that we have delivered water to Timothy and Joan Mylnar listed as customer 401.

If you require any further information, please advise.

Sincerely,



David L. Cropper,
President

FXH: fxb

HIAWATHA CANAL CO

MARK WITH (X) FOR USE

HIAWATHA # 22

2007

FIRST NAME	LAST NAME	CUST	APR	MAY	JUN	JUL	AUG	SEP	FEE\$37&37M	FEE\$/CANAL
JACKSON	ALLERD III	403	ALL WATER USERS WERE DELIVERED THEIR WATER UP TO THE POINT THEIR PRIORITY DATES WERE GOOD.							
JANET LEE	ARGYLE (NOT SURE ON THIS)									
THOMAS	BAILEY	053								
JOHN	BAZOVSKY	021								
HANS	BEEKWILDER	049								
ALAN	BILLER	387								
N	BLACKBURN	245								
	CAT TRACK SELECT LLC	038								
JEAN-PIERRE	CHESNELL	090								
	CITY OF HAILEY	065								
JOHN H	CLARK	007								
WILLIAM P	CLIFFORD	063								
	COTTONWOOD INVESTMENT	133								
	COYOTE BLUFF INC	136								
DAVID L	CROPPER	072								
	CROSS CREEK TRUST	390								
ST. OF ID.	DEPT. OF LANDS	249								
RANNEY	DRAPER	394								
MC MUND E	DUMKE	199								
	ECCLES	088								
	EMB-HAILEY L P	104								
MELVIN	EVANS	400								
ELMAR	GRABHER	334								
THOMAS	HANSON	111								
DAVID B	HENNESSY	110								
	HIAWATHA CANAL CO	125								
THOMAS	HICKEY	341								
CHARLES M	JOHNSON	340								
ROD	KEGLEY	271								
TOM	KENNEDY / D KIRBY	134								
HOWARD	KNIGHT	234								

MARK WITH (X) FOR USE

HIAWATHA # 22

2007

FIRST NAME	LAST NAME	CUST	APR	MAY	JUN	JUL	AUG	SEP	FEES/37&37M	FEES/CANAL
JIM	KUKURIN	011								
KARIN	MARTIN	161								
MARY	MIZER	182								
TIMOTHY	MYLNAR	401								
RICHARD	NELSON	189								
	OLD CUTTERS LLC % IDAHO TOWER INC	315								
SUSAN	PASSOVY	145								
...IES W	PHILLIPS	342								
STINE	PIGEON	382								
ROBERT	PULLEN	207								
ERIC	RASOR	402								
	RED DEVIL MT HOMEOWNERS	375								
JEFFERY K	RICE	214								
TOM	RICHMOND	215								
HARRY S	RINKER	219								
KATHLEEN	ROSECRANS	055								
HELEN	SAMSON	242								
PATRICK	SAVARIA	225								
MICHAEL	SHEFFER	235								
	SPRING CREEK IDAHO RANCH	075								
LEEN	SULLIVAN	391								
% DONNA KELSEY	SUN VALLEY LAND & MINERALS	186								
	THE VALLEY CLUB	126								
	THOMAS-STEWART FAMILY TRUST	360								
LESLIE	TIDWELL	305								
DAVID	VERST	217								
RONALD G	WILCOX	323								
MICHAEL E	WILLARD	353								

59

2005 PRIORITY CUTS

BIG WOOD RIVER ABOVE MAGIC RESERVOIR WATER DISTRICT 37

Date of Priority	Date Priority Cut Made	Remarks
May 31, 1887	July 15, 2005	
June 06, 1886	July 18, 2005	
Sept. 18, 1885	July 22, 2005	
Oct. 15, 1884	July 29, 2005	
May 1, 1883	August 12, 2005	
March 24, 1883	August 22, 2005	50% CUT

BIG WOOD RIVER BELOW MAGIC RESERVOIR WATER DISTRICT 37M

Date of Priority	Date Priority Cut Made	Remarks
April 1, 1905	July 14, 2005	
July 1, 1889	August 8, 2005	
All Priorities	September 11, 2005	

SILVER CREEK & LITTLE WOOD RIVER WATER DISTRICT 37M

Date of Priority	Date Priority Cut Made	Remarks
October 25, 1892	July 7, 2005	
Cottonwood rights	July 20, 2005	
April 1, 1889	August 16, 2005	

2004 PRIORITY CUTS

BIG WOOD RIVER ABOVE MAGIC RESERVOIR WATER DISTRICT 37

Date of Priority	Date Priority Cut Made	Remarks
May 1, 1886	July 7, 2004	
June 03, 1884	July 12, 2004	
April 12, 1883	July 31, 2004	
March 24, 1883	August 13, 2004	50%
December 19, 1882	September 10, 2004	

BIG WOOD RIVER BELOW MAGIC RESERVOIR WATER DISTRICT 37M

Date of Priority	Date Priority Cut Made	Remarks
October 20, 1902	May 10, 2004	
May 1, 1893	May 24, 2004	
All Priorities	July 6, 2004	

SILVER CREEK & LITTLE WOOD RIVER WATER DISTRICT 37M

Date of Priority	Date Priority Cut Made	Remarks
Cottonwood Rights	May 24, 2004	
October 25, 1892	June 18, 2004	
June 1, 1889	July 6, 2004	
April 1, 1886	July 12, 2004	
June 3, 1884	July 19, 2004	
April 1, 1884	September 4, 2004	

2004 PRIORITY CUTS

BIG WOOD RIVER ABOVE MAGIC RESERVOIR WATER DISTRICT 37

Date of Priority	Date Priority Cut Made	Remarks
May 1, 1886	July 7, 2004	
June 03, 1884	July 12, 2004	
April 12, 1883	July 31, 2004	
March 24, 1883	August 13, 2004	50%
December 19, 1882	September 10, 2004	

BIG WOOD RIVER BELOW MAGIC RESERVOIR WATER DISTRICT 37M

Date of Priority	Date Priority Cut Made	Remarks
October 20, 1902	May 10, 2004	
May 1, 1893	May 24, 2004	
All Priorities	July 6, 2004	

SILVER CREEK & LITTLE WOOD RIVER WATER DISTRICT 37M

Date of Priority	Date Priority Cut Made	Remarks
Cottonwood Rights	May 24, 2004	
October 25, 1892	June 18, 2004	
June 1, 1889	July 6, 2004	
April 1, 1886	July 12, 2004	
June 3, 1884	July 19, 2004	
April 1, 1884	September 4, 2004	

BIG WOOD RIVER	SESWNW	Sec. 20	Township 03N	Range 18E	BLAINE County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION BLAINE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02N	18E	4		NWSE	1.1									

Total Acres: 1.1

Conditions of Approval:

1.		This right is a split from former right 37-14275 .
2.	J01	Property is also known as Lot 2, Savaria Subdivision.

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

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