

RECEIVED

JUN 08 2007

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Supply Bank No. _____

Water Right No. _____

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

Name of Seller/Lessor Clark R. Magstadt Phone 208-362-3030

Post office address 6953 W. Hollilynn Drive, Boise, Idaho 83709

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. * See Below Decreed to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 63-3569 issued by the Idaho Department of Water
Resources.
- c. Permit No. _____ issued by the Idaho Department of Water
Resources.

*** Entry of a partial decree is pending in the Snake River Basin Adjudication.**

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
_____ acre-feet per annum
- b. Point of diversion: _____ 1/4 of _____ 1/4 of Section _____ Township _____ Range
_____, B.M. in _____ 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	

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 _____

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.

Copy of Warranty Deed is attached.

Copy of change of ownership and Notice of Completed Administrative Proceeding dated 1/23/07

are attached.

- 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 actively used in the past 5 years and is also protected from forfeiture

by the claim pending in the SRBA.

- 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.

N/A

- 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.

No other rights are being offered for use from this operation and use of water for industrial purposes at the present place of use has been discontinued.

- 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.

4. REMARKS:

5. SALE/LEASE AGREEMENT

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

X For sale;

X For lease for a period from March 15, 2007 to December 31, 2008
(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".

Lease - Current rental rate for the Boise area.

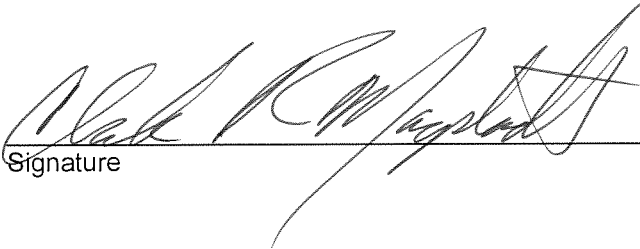
Sale - Subject to approval of Seller in his sole discretion.

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.

3-6-07
Date


Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 12/07/05 04:08 PM
DEPUTY Neava Haney
RECORDED - REQUEST OF
Thornton Byron LLP

AMOUNT 6.00 2



RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

THORNTON BYRON LLP
3101 W. MAIN STREET, SUITE 200
POST OFFICE BOX 7156
BOISE, ID 83707-1156
208/344-8600

(SPACE ABOVE LINE FOR RECORDER'S USE)

WARRANTY DEED
Cover Page

* * * * *

Grantor: Idaho Laundry and Dry Cleaners, Inc. (aka Idaho Linen Supply, Inc.)

Grantee: Clark R. Magstadt

WARRANTY DEED

For Value Received IDAHO LAUNDRY AND DRY CLEANERS, INC.
aka IDAHO LINEN SUPPLY, INC.,

the grantor , does hereby grant, bargain, sell and convey unto

CLARK R. MAGSTADT, a single man, whose address is
516 So. 8th Street, Boise, Idaho 83702,
the grantee , the following described premises, to-wit:

Lots 11, 12, 13, and the South 20 feet of
Lot 14 in Block 9 of DAVIS ADDITION,
Boise City, Ada County, Idaho, according
to the official plat thereof filed in Book 2
of Plats at page 93, Records of Ada County,
Idaho,

Together with all wells, water and water rights
in anywise appertaining thereto.

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

and that ~~he~~ it will warrant and defend the same from all lawful claims whatsoever.

Dated: April 28, 1978.

Clark R. Magstadt
Donna Lee Williams

STATE OF IDAHO, COUNTY OF Ada

On this 28th day of April, 1978,
before me, a notary public in and for said state, personally
appeared Clark R. Magstadt and Donna
Lee Williams, known to me to be the
President and Secretary, respectively,
of Idaho Laundry and Dry Cleaners, Inc.,
aka Idaho Linen Supply, Inc.,

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that ~~they~~ they executed the same.

Notary Public

Boise

, Idaho

Residing at
Comm. Expires

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____

Fees \$
Mail to:

Deputy.

INSTRUMENT No.



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

January 23, 2007

CLARK R MAGSTADT
6953 W HOLLILYNN DR
BOISE ID 83709

Re: Water Right No. 63-3569

Dear Mr. Magstadt:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist 1
Adjudication Section
Western Region Office

LH:l
Enclosures

cc: Gayle Root-Thornton Byron LLP

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

RIGHT NUMBER: 63-3569

NAME AND ADDRESS: CLARK R MAGSTADT
6953 W HOLLYLYNN DR
BOISE ID 83709

~~IDAHO LINEN SUPPLY INC~~
~~516 S 8TH~~
~~BOISE ID 83702~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.540 CFS
394.000 AFY

PRIORITY DATE: 11/29/1966

POINT OF DIVERSION:

T03N R02E S10 SENW Lot 5 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	01/01 12/31	0.540 CFS 394.00 AFY

PLACE OF USE: INDUSTRIAL in ADA County

T03N R02E S10 Lot 5 SENW

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License
INDUSTRIAL USE IS LAUNDRY

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

Water Rights: 63-3569

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

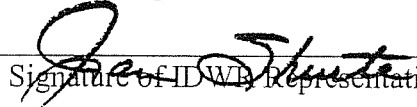
☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: January 23, 2007


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 23, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

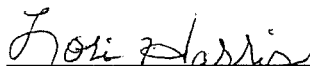
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Clark R. Magstadt	☐	overnight mail
6953 W. Hollilynn Dr.	☒	regular mail
Boise, ID 83709	☐	hand-delivered
	☐	facsimile

☐	overnight mail
☐	regular mail
☐	hand-delivered
☐	facsimile



Signature of person mailing this document