

Water Supply Bank No. _____

Water Right No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

RECEIVED

JUN 25 2007

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

Department of Water Resources

Name of Seller/Lessor John D. and Rosemary McGonigal

Phone 208-731-8830 Post office address P.O. Box 102 Jerome ID 83338

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. 37-21477 Decreed to _____
(Name)

in case of _____ vs _____

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

_____ acre-feet per annum

b. Point of diversion NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 13 Township 01S Range 18E

B.M. in BLAINE County

Additional points SW1/4 SW1/4 SEC.13 T.01S R.18E

c. Place of use: Irrigation is listed below, stockwater is same as irrigation.

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	
01S	18E	14													2.3	22	14	4.5	42.8
01S	18E	23	26																26

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 68.8

NOTE: Irrigation and stockwater uses share the same 68.8 acre place of use.

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEROF, 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 attached IDWR recommendation.

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.)

See attached IDWR recommendation.

- 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.

Water is typically available to satisfy this right from 5/01 - 9/15.

- 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.

37-655A is also offered for lease, acres covered by 37-655A and 37-21477 will be dried up under these two water rights upon approval of this and the 37-655A Water Supply Bank applications.

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

N/A

- f. If the right to use 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: 37-655A and 37-21477 are limited to the irrigation of 68.8 acres

5. SALE/LEASE AGREEMENT

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

_____ For Sale;

XXXX For Lease for period from 7/1/07 to 12/31/07
(Month, Day, Year) (Month, Day, 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 the sale or lease of this right 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.

6-20-07
Date

John D. McLaughlin
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

01/12/2007

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

RIGHT NUMBER: 37-21477

NAME AND ADDRESS: JOHN D MC GONIGAL
PO BOX 102
JEROME ID 83338

ROSEMARY MC GONIGAL
PO BOX 102
JEROME ID 83338

SOURCE: UNNAMED STREAM TRIBUTARY: WILLOW CREEK
WILLOW CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.150 CFS

The quantity of water under this right for stockwater use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 05/15/1881

POINT OF DIVERSION:
T01S R18E S13 NWSEW Within BLAINE County
T01S R18E S13 SWSWS Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	05/01 09/15	1.150 CFS
	STOCKWATER	01/01 12/31	0.020 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T01S R18E S14 NESE 2.30	T01S R18E S14 NWSE	22.00
	T01S R18E S14 SWSE 14.00	T01S R18E S14 SESE	4.50
	T01S R18E S23 NENE 26.00		
	<u>STOCKWATER in BLAINE County</u>		
	T01S R18E S14 NESE	T01S R18E S14 NWSE	
	T01S R18E S14 SWSE	T01S R18E S14 SESE	
	T01S R18E S23 NENE		
	68.8 ACRES TOTAL		

Right Nos. 37-21477 and 37-655A are limited to the irrigation of a combined
total of 68.8 acres in a single irrigation season.

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

The quantity of water decreed for this water right for stockwater use is
not a determination of historical beneficial use.

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 - Decreed

This right is a split from former right 37-654 .