



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

October 4, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

LEIGH WARD
JAN WARD
126 WARM SPRINGS RD
GARDEN VALLEY ID 83622

RE: APPLICATION TO LEASE WATER RIGHT NO. 65-4002X

Dear Applicants:

The Department of Water Resources (Department) received your application to lease part of Right No. 65-4002X on July 11, 2007. Please accept my sincere apologies for the long-delayed response.

I have a few questions concerning your application for lease. First, do you want the Department to move forward with processing it? If so, we need some additional information before the application is sufficient.

Your application seeks to place 0.145 cfs of water from springs into the Bank. 65-4002X was decreed for a total of 0.45 cfs and 1.20 acre feet per year (AFY) for irrigation (0.02 cfs), domestic use for 1 home (0.04 cfs/1.2 AFY) and heating (0.45 cfs/1.2 AFY). Your application does not specify which uses the 0.145 cfs would come from. The Department needs this information, as well as an estimate on the volume that was previously used in conjunction with those uses.

The Department can not accept any portion of the right into the Bank until we have the information requested. I am returning the application to you so you can fill in the needed information and resubmit it when you have the requested information. I am also including a copy of our new lease application, which may assist you.

Please contact me at (208) 287-4907 if you have any questions.

Sincerely,

Monica Van Bussum
Sr. Water Resource Agent

Enclosure(s): Lease Application (original)
Blank Lease Application

c: John Westra – IDWR Western Regional Office

WA
RECEIVED

Form 42-1761
01/03

JUL 11 2000

**DEPARTMENT OF
WATER RESOURCES**

Water Supply Bank No. _____

Water Right No. 65-4002X

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

Name of Seller/Lessor Leigh Ward, Jan Ward Phone 208-462-3135
Post office address 126 Warm Springs Road, Garden Valley, Id. 83622

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by:

- a. Decree No. _____ Decreed to _____
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 65-4002X 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: .145 cubic feet per second &/or
_____ acre-feet per annum
- b. Point of diversion: SE 1/4 NW 1/4 of SW 1/4 of Section 33 Township 10N Range
04E B.M. in Boise 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	
10N	04E	33									X								

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 0

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 water Right Report 65-4002X

- 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).

Not Required

- 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.

Year Round

- 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.

There are no other Water Rights.

The present Place of use will continue to

receive water from water right #65-4002X

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

NA

- 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:

_____ For sale;

☒ For lease for a period from indefinite to _____
(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.

7-9-07
Date

Leigh Ward
Signature
Jan Ward

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

RECEIVED

JUL 11 2007

06/11/2007

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DEPARTMENT OF WATER RESOURCES
WATER RESOURCES

Water Right Report 65-4002X

WATER RIGHT NUMBER: 65-4002X

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WARM SPRINGS GREENHOUSE CO C/O EARL L WARD HC 76 BOX 2541 GARDEN VALLEY, ID 83622 (208)462-3225
Original Owner	WARM SPRINGS GREENHOUSE INC C/O EARL L WARD HC 76 BOX 2541 GARDEN VALLEY, ID 83622 (208)462-3225
Previous Owner	EARLE L WARD 126 WARM SPRINGS RD GARDEN VALLEY, ID 83622 (208)462-3225
Current Owners	LEIGH WARD JAN WARD WARM SPRINGS GREENHOUSE 126 WARM SPRINGS RD GARDEN VALLEY, ID 83622

Priority Date: 06/01/1965

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	WARM SPRINGS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	1/01	12/31	0.020 CFS	
DOMESTIC	1/01	12/31	0.040 CFS	1.20 AF
HEATING	1/01	12/31	0.450 CFS	1.20 AF
	<u>Total Diversion:</u>		0.450 CFS	1.20 AF

Location of Point(s) of Diversion

SPRINGS

SE1/4NW1/4SW1/4

Sec. 33, Twp 10N, Rge 04E, B.M.

BOISE County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
10N	04E	33	1.0				1.0

Total Acres: 1

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-4002X

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	33									X								

HEATING

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	04E	33									X								

Conditions of Approval:

1. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. RIGHT NO. 65-04002A IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
3. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
4. 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.
5. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
6. HEATING IS FOR HOME AND GREENHOUSE

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-4002X

Dates and Other Information:

Licensed Date:
Decreed Date: 2/13/2003
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 65
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 65-4002X
Class: 2
SF5 Filed Date: 9/20/2002
Special Master Recom Signed Date: 10/17/2002
Attorney Assigned: SUSAN E HAMLIN-NYGARD
Adjudication Agent:
Basis of Claim: Decreed
Date Filed: 6/16/2000 Objection Status: Active

Water Supply Bank:

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 _____ Phone _____

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

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

3. Will the present place of use continue to receive water from any source?

Yes ☐ No ☐

If yes, describe. _____

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 _____ to _____ (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. _____

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:

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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

Printed Name and Title*

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