



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 5, 2010

GLENN WARD
WARD LAND & LIVESTOCK LLC
227 E 400 S
BURLEY ID 83318

**RE: APPLICATIONS TO LEASE WATER RIGHT NO(S). 43-13595 AND 43-13597
TO THE WATER SUPPLY BANK**

Dear Applicant:

On November 2, 2009, the Department of Water Resources (Department) received your applications to lease water right nos. 43-13595 and 43-13597 to the Water Supply Bank (Bank). In the applications, you indicated that no portion of the offered water rights have undergone a period of five or more consecutive years of nonuse (application item C.4). However, satellite imagery of the authorized place of use shows no beneficial use of water between the years 2004 through 2009. Please refer to the enclosed maps.

The Water Supply Bank Rules (IDAPA 37.02.03) provide criteria to be considered when determining whether to accept a water right into the Bank. One of the criteria for consideration is whether available information indicates that an offered water right has already been forfeited due to nonuse as described in Idaho Code § 42-222(2).

Based on the evidence of nonuse depicted by the enclosed maps, your applications to lease portions of water right nos. 43-13595 and 43-13597 cannot be accepted at this time. If you have information to show that no portion of the offered water rights has undergone a period of five or more consecutive years of nonuse or that a defense to forfeiture applies as described in Idaho Code § 42-223, you may resubmit your applications with the additional information for reconsideration.

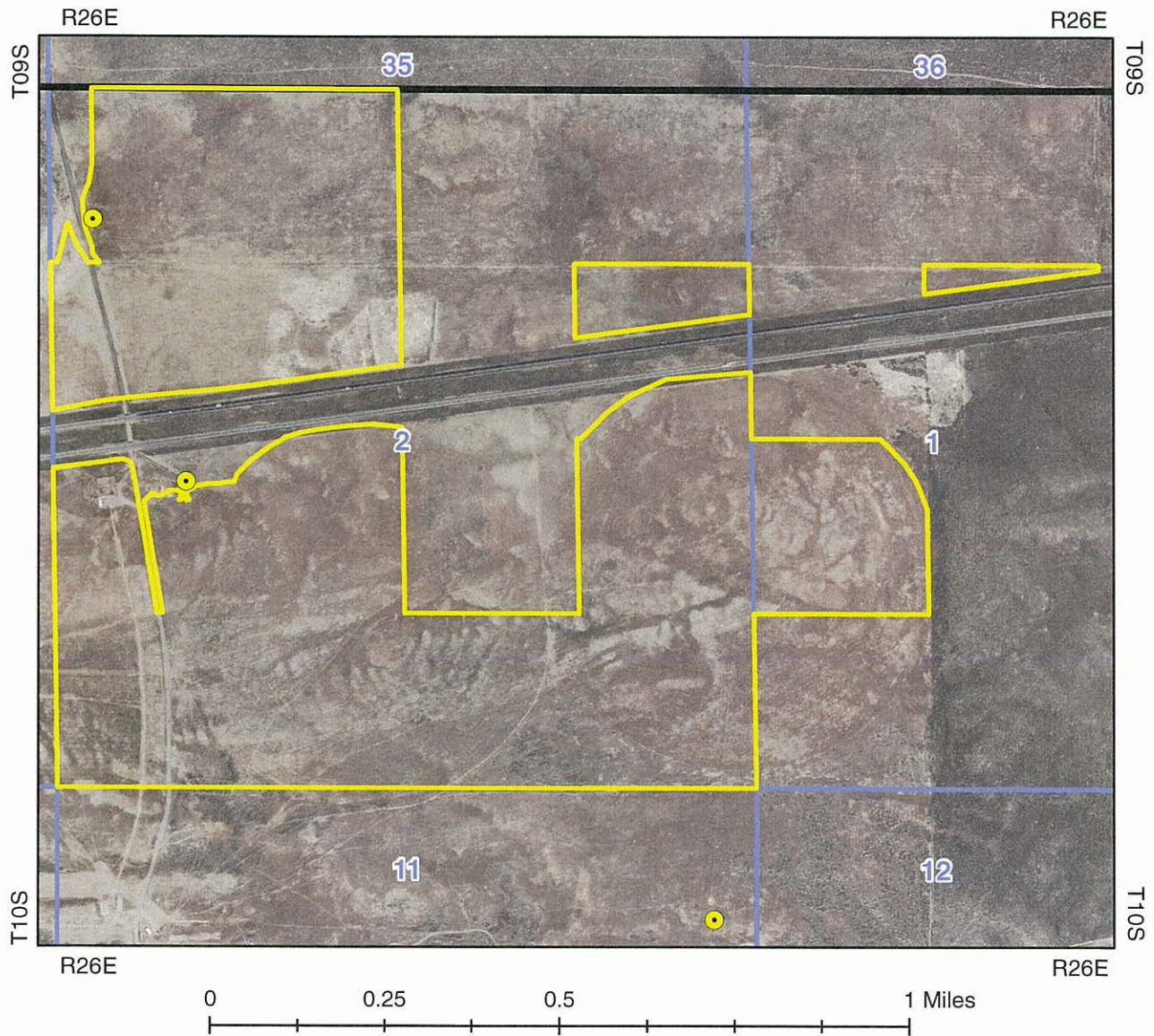
If you have any questions, please contact me at (208) 287-4943.

Sincerely,

Aaron Marshall
Sr. Water Resource Agent

Enclosure(s): Application to Lease Water Right No. 43-13595
Application to Lease Water Right No. 43-13597
Map of Authorized Place of Use – 2009 Satellite Imagery
Map of Authorized Place of Use – 2004 Satellite Imagery

Water Right No(s). 43-13595 and 43-13597
Authorized Place of Use Map - 2009 Satellite Imagery

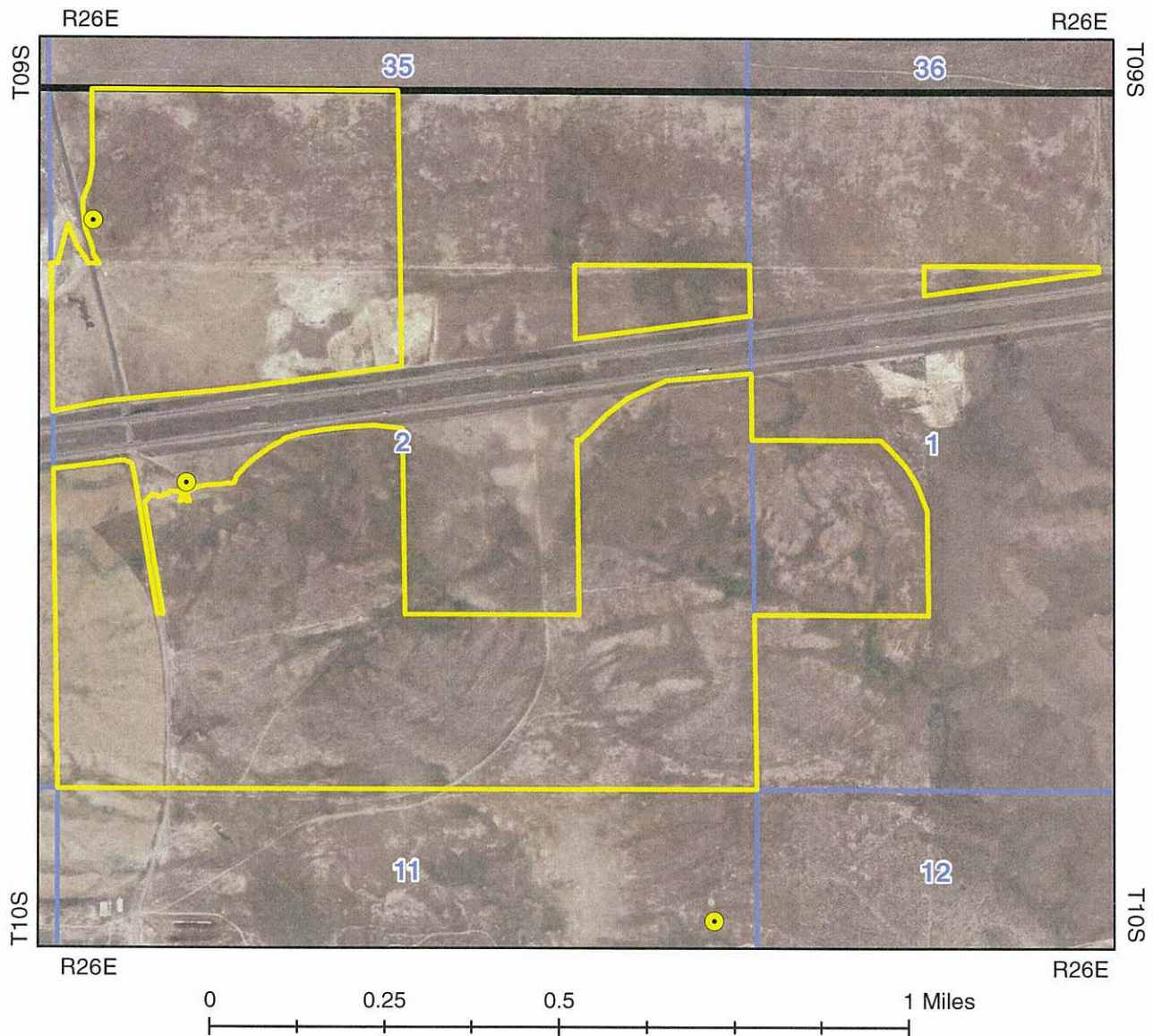


Legend

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections



Water Right No(s). 43-13595 and 43-13597
Authorized Place of Use Map - 2004 Satellite Imagery



Legend

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections



RECEIVED

NOV 02 2009

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARDWater Supply Bank No. _____
(For Department Use Only)APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKName of Seller/Lessor Wand Land Limestone LLC Glenn Wand Phone 208 678-1699Mailing address 227E 400S Bunley Id 83318 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. Water Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use
43-13597	.89 CFS	Irrigation	3/15 to 11/15
			to
			to

Total Amount: .89 CFS2. Source of water Ground tributary to N/A

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County
10S	26E	2	L4	SW	NW	NW	Cassia
10S	26E	2		NE	NW	SW	Cassia
10S	26E	3		NW	SW	SE	Cassia
10S	26E	11		SE	NE	NE	Cassia

4. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	1								1.9		26.6							28.5
10S	26E	2				20.0	40.0	31.0	31.0	28.0	39.0	30.0	40.0	40.0	40.0		40.0	40.0	419.0

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 447.5

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.

well

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

43-13595

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. modified Transfer No. 74093

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 3-15-2010 to 11-15-2015 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.

Glenn A Ward

Signature of Applicant

owner

Printed Name and Title*

10-30-09

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

ORIGINAL SAGEWOOD RIGHTS									
43-7126	43-4037								
5/4/1978	5/23/1962								
18.77 cfs	3.30 cfs								
18.77 cfs									
1122.0 Ac.	538.3 Ac.								
1660.3 Ac.									
4488.0 afa	2153.0 afa								
6641.0 afa									
Error in original decree authorized volume 43-4037 could not produce during period from 3/15-11/15									
CORRECTED SAGEWOOD RIGHTS		Ward Ownership		Searle Ownership		Stoker Ownership			
43-7126	43-4037	43-13366	43-13369	43-13364	43-13367	43-13365	43-13368		
5/4/1978	5/23/1962	5/4/1978	5/23/1962	5/4/1978	5/23/1962	5/4/1978	5/23/1962		
18.77 cfs	3.30 cfs	6.20 cfs	1.10 cfs	6.26 cfs	1.10 cfs	6.26 cfs	1.10 cfs		
18.77 cfs		6.20 cfs		6.26 cfs		6.26 cfs			
1122.0 Ac.	538.3 Ac.	374.0 Ac.	179.4 Ac.	374.0 Ac.	179.4 Ac.	374.0 Ac.	179.4 Ac.		
1660.3 Ac.		553.4 Ac.		553.4 Ac.		553.4 Ac.			
4488.0 afa	1610.2 afa	1496.0 afa	536.7 afa	1496.0 afa	536.7 afa	1496.0 afa	536.7 afa		
6098.2 afa		2032.7 afa		2032.7 afa		2032.7 afa			
Appears bailey split of 7126 diversion (15ac/1660.3ac*18.77cfs=0.17cfs) was subtracted from original limits and deleted from Ward Ownership likely since it occurred prior to recognition of error in volume development potential									
Purchase by Idaho Water Co.		Retained by Ward							
43-13366	43-13369	43-13366	43-13369						
5/4/1978	5/23/1962	5/4/1978	5/23/1962						
1.20 cfs	0.21 cfs	5.00 cfs	0.89 cfs						
1.20 cfs		5.00 cfs							
71.6 Ac.	34.4 Ac.	302.4 Ac.	145.1 Ac.						
106.0 Ac.		447.4 Ac.							
286.5 afa	102.8 afa	1209.5 afa	433.9 afa						
389.3 afa		1643.4 afa							
Sold to Povey		Mitigation for Povey Permit							
43-13366	43-13369	36-16210	36-16211						
5/4/1978	5/23/1962	5/4/1978	5/23/1962						
0.84 cfs	0.15 cfs	0.84 cfs	0.15 cfs						
0.84 cfs		0.84 cfs							
50.0 Ac.	24.0 Ac.	50.0 Ac.	24.0 Ac.						
74.0 Ac.		74.0 Ac.							
200.0 afa	96.0 afa	200.0 afa	96.0 afa						
296.0 afa		296.0 afa							
Sold to Bailey		Transfer 70925 to Bailey							
43-13366	43-13369	36-16210	36-16211						
5/4/1978	5/23/1962	5/4/1978	5/23/1962						
0.17 cfs	0.03 cfs	0.11 cfs	0.03 cfs						
0.17 cfs		0.11 cfs							
10.1 Ac.	4.9 Ac.	10.1 Ac.	4.9 Ac.						
15.0 Ac.		15.0 Ac.							
40.5 afa	14.5 afa	15.8 afa	14.6 afa						
55.1 afa		30.4 afa							
Sold to KBC		Transfer 74093 to KBC							
43-13366	43-13369	35-13915	35-13916						
5/4/1978	5/23/1962	5/4/1978	5/23/1962						
0.19 cfs	0.03 cfs	0.25 cfs	0.03 cfs						
0.19 cfs		0.25 cfs							
11.5 Ac.	5.5 Ac.	11.5 Ac.	5.5 Ac.						
17.0 Ac.		17.0 Ac.							
46.0 afa	16.5 afa	46.0 afa	16.5 afa						
62.4 afa		62.4 afa							
Ward Current Active Listed									
43-13595	43-13597			43-13595	43-13597				
5/4/1978	5/23/1962			5/4/1978	5/23/1962				
Irrigation	Mitigation	Irrigation	Mitigation						
5.00 cfs	0.84 cfs	0.89 cfs	0.15 cfs						
5.84 cfs		1.04 cfs							
5.84 cfs									
302.4 Ac.		145.1 Ac.							
447.5 Ac.									
1209.6 afa	200.0 afa	580.4 afa	96.0 afa						
2086.0 afa									
Ward Remaining @ Sagewood		Povey Mitigation		Idaho Water Co. Remaining					
43-13595	43-13597	43-13595	43-13597	43-13366	43-13369				
5/4/1978	5/23/1962	5/4/1978	5/23/1962	5/4/1978	5/23/1962				
5.00 cfs	0.89 cfs	0.84 cfs	0.15 cfs	0.00 cfs	0.00 cfs				
5.00 cfs		0.84 cfs		0.00 cfs					
302.4 Ac.	145.1 Ac.	50.0 Ac.	24.0 Ac.	0.0 Ac.	0.0 Ac.				
447.5 Ac.		74.0 Ac.		0.0 Ac.					
1209.6 afa	580.4 afa	200.0 afa	96.0 afa	0.0 afa	0.0 afa				
1790.0 afa		296.0 afa		0.0 afa					

Please Send a Letter to

227 East 400 South Burley Id.

83318 ATTN Ward Dainy / Glenn Ward

Confirming that you received this
application to put water in the Bank

Thanks

RECEIVED

NOV 02 2009

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
WATER RESOURCE BOARD

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

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

Name of Seller/Lessor Wandhand livestock LLC Glenn Wand. Phone 208 678 1699
Mailing address 227E 400 S Burley Id 83318 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. Water Right Number 43-13595 Amount (cfs/ac-ft) 5.00 CFS Nature of Use Irrigation Period of Use 3/15 to 11/15
_____ to _____
_____ to _____

Total Amount: 5.00 CFS

2. Source of water Ground Water tributary to N/A

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	County
10S	26E	2	L4	SW	NW	NW	Cassia
10S	26E	2		NE	NW	SW	Cassia
10S	26E	3		NW	SW	SE	Cassia
10S	26E	11		SE	NE	NE	Cassia

4. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	26E	1								1.9		26.6							28.5
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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

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well

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

43-13597

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. Modified Transfer No. 74093

D. SALE/LEASE AGREEMENT

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(Month / Day / Year) (Month / Day / Year)

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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.

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4. While a right is in the bank, forfeiture provisions are stayed.
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Glenn A Ward
Signature of Applicant

owner
Printed Name and Title*

10-30-09
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