

FEB 02 2007
DEPARTMENT OF
WATER RESOURCES

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

Name of Seller/Lessor Mark McDonough

Phone (208) 495-9801

Post office address P.O. Box 74, Melba, Idaho 83641

1. DESCRIPTION OF RIGHT:

Right evidenced by:

- a. Decree No. _____ Decreed to _____
(Name)
in case of _____ vs. _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 63-7156D 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: ___ ¼ of ___ ¼ of Section ___ Township ___ Range ___, B.M. in _____ County.
Additional points _____

c. Place of use:

TWP	RGE	SEC	NE				NW				SW				SE				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.

The 80-acre parcel was conveyed to Roxy McDonough through execution of the last Will and Testament of Rex S. Jensen. This land was then set into a trust and upon her death her son, Mark McDonough, became the sole trustee.

The 20-acre parcel was deeded to Mark in 1980 from his grandfather. Both parcels are included in the POU under water right 63-3597F and 63-7156D.

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 80-acre parcel has been in a federal set aside program (CRP) through 1998. From 1999 through 2002 the 80-acre was in the PFC program. The 80-acre parcel is currently in the DCP federal set aside program. The 20-acre parcel is in a CRP program through 2007.

- 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.

No curtailment of water rights due to lack of availability has ever occurred in this area.

Observations wells indicate the aquifers penetrated by these wells are a part of the overall Treasure Valley aquifer system.

- 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.

63-3597F

- 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:

See attached map.

5. SALE/LEASE AGREEMENT

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

_____ For sale;

XX For lease for period from 1/25/2007 to Indefinite
(Day, month, year) (Day, month, year)

(This 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.

1-28-07
Date

Mark McDonough
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

**Mark McDonough -
Place of Use and Point of Diversion
T2N R3W Sec. 11
Water Rights 63-3597F and 63-7156D**

