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RECEIVED

MAR 16 2004

Department of Water Resources

March 12, 2004

Cynthia Bridge-Clark
Idaho Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706

RE: Mark McDonough Water Bank Application – 02-10209

Dear Cynthia:

Enclosed, please find an application for the water supply bank in the name of Mark McDonough. This application seeks to place water recently acquired from the Cottonwood Mutual Canal Company into the water supply bank.

A copy of the approved transfer is attached, along with other supporting documents to aid the application process.

Also, I have enclosed a Change in Ownership form to reflect the Mark McDonough as the new/current owner of water right no. 02-10209. The ownership documents included here support this change.

If you have any questions, please call.

Regards,

A handwritten signature in black ink that reads "Steven R. Hannula". The signature is fluid and cursive, with the first name "Steven" being the most prominent.

Steven R. Hannula

cc: Mark McDonough, Bruce Smith

WATER RIGHT NO. 2-10209
As Modified by Transfer No. 69980

In accordance with the approval of Transfer No. 69980, Water Right No. 2-10209 is now described as follows.

Right Holder: COTTONWOOD MUTUAL CANAL CO
 C/O RINGERT CLARK CHARTERED
 PO BOX 2773
 BOISE ID 83701

Priority Date: February 25, 1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.22 CFS	36.8 AF
			0.22 CFS	36.8 AF

LOCATION OF POINT(S) OF DIVERSION:

SNAKE RIVER	L4 (SESWSW)	Sec. 31 Twp 01N	Rge 02W CANYON County
SNAKE RIVER	L2 (NWSE)	Sec. 6 Twp 01S	Rge 02W CANYON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	02W	31																	5.0
																			L 5
01S	02W	5									2.0								2.0
											L 4								L 4
01S	02W	6	4.0																4.0
			L 4																L 4

Total Acres: 11

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
2. The total instantaneous diversion of water from all points of diversion under Right 2-10209 shall not exceed 0.22 cfs, nor total combined annual volume of 36.8 af.
3. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of the originating approval.
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. After specific notification by the Department, the right holder shall measure the diversion or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

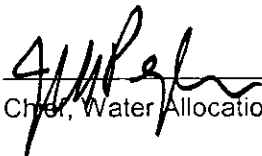
WATER RIGHT NO. 2-10209
As Modified by Transfer No. 69980

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 8 day of July, 20 03

for 
Chief, Water Allocation Bureau

BEFORE THE IDAHO WATER RESOURCE BOARD
OF THE
STATE OF IDAHO

RECEIVED

MAR 27 1991

RINGERT CLARK ET AL

IN THE MATTER OF APPLICATION)
02-2209 TO LEASE WATER TO THE)
WATER SUPPLY BANK)

RESOLUTION

WHEREAS, the Cottonwood Canal Company (applicant) has submitted an application to place 58.1 cfs of water represented by License No. 02-2209 into the Water Supply Bank (bank) which is administered by the Idaho Water Resource Board (Board); and

WHEREAS, the Director of the Department of Water Resources (Director) has investigated the water right and the application to lease the right to the bank as required by Water Supply Bank Rule 3.3 and there is a question as to the validity of this water right which will be determined at a later time by the Director; and

WHEREAS, the Director and the Board find that other requirements for leasing water to the bank have been met by the applicant,

NOW, THEREFORE, BE IT RESOLVED:

1. That rental of water from the bank under License No. 02-2209 be contingent upon the future review of the license and finding of the validity of the right and that this resolution shall not be considered an approval of any type or nature of the validity of the said water right.

2. That the Board accept License No. 02-2209 into the bank on a contingency basis with payment to be made to the lessor only upon rental of the right or portion thereof from the bank; and

3. That the rental price of the water be consistent with the rental amount charged in Water District 1.

Adopted this 22 day of March, 1991.

F. Doug Gydolch
Chairman

Attest:

[Signature]
Secretary