

RECEIVED

MAY 01 2013

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
WATER RESOURCE BOARD

WSB No. \_\_\_\_\_

Receipt No. \_\_\_\_\_

Date/by \_\_\_\_\_

(For Department Use Only)

**APPLICATION TO SELL OR LEASE A WATER RIGHT  
TO THE WATER SUPPLY BANK**Name of Seller/Lessor Dusty Farms, LLC 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, check here ☐, list the water right number, and skip to Part B.

1. Water Right Number see attachment A Amount (cfs/ac-ft) \_\_\_\_\_ Nature of Use \_\_\_\_\_ Period of Use \_\_\_\_\_  
43-13685 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_

Total Amount: \_\_\_\_\_

2. Source of water Groundwater tributary to \_\_\_\_\_3. Point(s) of Diversion: See attachment A

| Twp | Rge | Sec | Lot | 1/4 | 1/4 | 1/4 | County |
|-----|-----|-----|-----|-----|-----|-----|--------|
|     |     |     |     |     |     |     |        |
|     |     |     |     |     |     |     |        |
|     |     |     |     |     |     |     |        |
|     |     |     |     |     |     |     |        |

4. Lands irrigated or place of use: \*See Part D for additional information regarding 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 |        |
| 11S | 27E | 20  | 6.9    | 7.9 |    | 2.5 |        |    |    |    |        |    |    |    | 1.9    |    | 4.0 |    | 23.2   |
|     |     |     |        |     |    |     |        |    |    |    |        |    |    |    |        |    |     |    |        |
|     |     |     |        |     |    |     |        |    |    |    |        |    |    |    |        |    |     |    |        |
|     |     |     |        |     |    |     |        |    |    |    |        |    |    |    |        |    |     |    |        |
|     |     |     |        |     |    |     |        |    |    |    |        |    |    |    |        |    |     |    |        |

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 23.2**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 diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒  
 If yes, provide written consent from the company, corporation or irrigation district to the proposed sale or lease and list name of entity:

SUPPORT DATA

IN FILE # 43-13681

**C. GENERAL INFORMATION**

1. Please provide a description of the current diversion system.

Five inter-connected wells to sprinkler system.

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

None

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. See attached CRP contract.

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. REQUIRED ITEMS**

This form must be signed and submitted with the following REQUIRED items:

1. Plat map, survey map or aerial photograph clearly showing the specific acres proposed to be idled by this lease application.
2. Filing fee of \$250.00. If you are submitting more than one lease application and the rights have a common place of use or common diversion rate or common diversion volume, the combined maximum fee is \$500.00.
3. A completed Internal Revenue Service (IRS) Form W-9 (attached). If your water right is rented, we will be unable to issue payment to you without a current W-9 form.

**E. SALE/LEASE AGREEMENT**

1. Is the water right, or portion thereof, described above offered to the Idaho Water Resource Board (IWRB) 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 IWRB. 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:

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.

Dusty Farms by Ryan Mess  
Signature of ApplicantRyan Mess Owner  
Printed Name and Title\*4-26-13  
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



**Dusty Farms, LLC      Application to lease water to the Water Supply Bank**

**Water Rights, Points of Diversion - Attachment A**

**Water Rights**

| <u>WR Number</u> | <u>Amount(cfs/AF)</u> | <u>Nature of Use</u> | <u>Period of Use</u> |
|------------------|-----------------------|----------------------|----------------------|
| 43-13681         | 2.64 cfs/990 AFA      | Irrigation           | 04/01 – 11/01        |
| 43-13682         | 1.76 cfs/990 AFA      | Irrigation           | 04/01 – 11/01        |
| 43-13683         | 0.19 cfs/44.8 AFA     | Irrigation           | 04/01 – 11/01        |
| 43-13684         | 0.32 cfs/218 AFA      | Irrigation           | 04/01 – 11/01        |
| 43-13685         | 0.43 cfs/218 AFA      | Irrigation           | 04/01 – 11/01        |

**Points of Diversion**

SESESE    Sec. 20 Township 11S Range 27E CASSIA County  
SESWSW    Sec. 21 Township 11S Range 27E CASSIA County  
SWSESW    Sec. 21 Township 11S Range 27E CASSIA County  
SESWSE    Sec. 21 Township 11S Range 27E CASSIA County  
SESESW    Sec. 22 Township 11S Range 27E CASSIA County

## Water Supply Bank Acres

This form is available electronically.

|                                                                                                         |  |                                                                |  |                                                                                                                      |                                                                                    |
|---------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <b>CRP-1</b><br>(03-26-04)                                                                              |  | U.S. DEPARTMENT OF AGRICULTURE<br>Commodity Credit Corporation |  | 1. ST. & CO. CODE & ADMIN. LOCATION<br>16 031 8                                                                      | 2. SIGN-UP NUMBER<br>18                                                            |
| <b>CONSERVATION RESERVE PROGRAM CONTRACT</b>                                                            |  |                                                                |  | 3. CONTRACT NUMBER<br>3510                                                                                           | 4. ACRES FOR ENROLLMENT<br>23.1                                                    |
| 7. COUNTY OFFICE ADDRESS (Include Zip Code):<br>CASSIA COUNTY FSA<br>1351 E 16TH ST<br>BURLEY, ID 83318 |  |                                                                |  | 5. FARM NUMBER<br>5176                                                                                               | 6. TRACT NUMBER(S)<br>9800                                                         |
| TELEPHONE NUMBER (Include Area Code): (208) 678-1157                                                    |  |                                                                |  | 8. OFFER (Select one)<br>GENERAL <input type="checkbox"/> ENVIRONMENTAL PRIORITY <input checked="" type="checkbox"/> | 9. CONTRACT PERIOD<br>FROM: (MM-DD-YYYY) TO: (MM-DD-YYYY)<br>10-01-1999 09-30-2013 |

THIS CONTRACT is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (who may be referred to as "the Participant"). The Participant agrees to place the designated acreage into the Conservation Reserve Program ("CRP") or other use set by CCC for the stipulated contract period from the date the Contract is executed by the CCC. The Participant also agrees to implement on such designated acreage the Conservation Plan developed for such acreage and approved by the CCC and the Participant. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract, including the Appendix to this Contract, entitled Appendix to CRP-1, Conservation Reserve Program Contract (referred to as "Appendix"). By signing below, the Participant acknowledges that a copy of the Appendix for the applicable sign-up period has been provided to such person. Such person also agrees to pay such liquidated damages in an amount specified in the Appendix if the Participant withdraws prior to CCC acceptance or rejection. The terms and conditions of this contract are contained in this Form CRP-1 and in the CRP-1 Appendix and any addendum thereto. BY SIGNING THIS CONTRACT PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS: CRP-1; CRP-1 Appendix and any addendum thereto; CRP-2 or CRP-2C, if applicable; and, if applicable, CRP-15.

|                                                                                          |                                                                  |              |                 |          |                               |
|------------------------------------------------------------------------------------------|------------------------------------------------------------------|--------------|-----------------|----------|-------------------------------|
| 10A. Rental Rate Per Acre \$ 32.21                                                       | 11. Identification of CRP Land (See Page 2 for additional space) |              |                 |          |                               |
| B. Annual Contract Payment \$ 744                                                        | A. Tract No.                                                     | B. Field No. | C. Practice No. | D. Acres | E. Total Estimated Cost-Share |
| C. First Year Payment \$                                                                 | SEE                                                              |              |                 |          |                               |
| (Item 10C applicable only to continuous signup when the first year payment is prorated.) | ATTACHED                                                         |              |                 |          |                               |
|                                                                                          | SHEET                                                            |              |                 |          |                               |

## 12. PARTICIPANTS

|                                                                                                                     |                    |                                                                                                                                                                                                 |                   |
|---------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| A(1). PARTICIPANT'S NAME AND ADDRESS (Zip Code):<br>DUSTY FARMS LLC<br>301 SCOTT AVE., SUITE #2<br>RUPERT, ID 83350 | (2) SHARE<br>100 % | (3) SOCIAL SECURITY NUMBER: XX XXX4866<br>(4) SIGNATURE <i>Dusty Farms</i> <i>by Dan POA</i> <i>Muz</i> <i>6/28/12</i><br>(If more than three individuals are signing, continue on attachment.) | DATE (MM-DD-YYYY) |
| B(1). PARTICIPANT'S NAME AND ADDRESS (Zip Code):                                                                    | (2) SHARE<br>%     | (3) SOCIAL SECURITY NUMBER:<br>(4) SIGNATURE<br>(If more than three individuals are signing, continue on attachment.)                                                                           | DATE (MM-DD-YYYY) |
| C(1). PARTICIPANT'S NAME AND ADDRESS (Zip Code):                                                                    | (2) SHARE<br>%     | (3) SOCIAL SECURITY NUMBER:<br>(4) SIGNATURE<br>(If more than three individuals are signing, continue on attachment.)                                                                           | DATE (MM-DD-YYYY) |

(If more than three individuals are signing, continue on attachment.)

13. CCC USE ONLY - Payments according to the shares are approved.

A. SIGNATURE OF CCC REPRESENTATIVE

*Cam Curti*

B. DATE (MM-DD-YYYY)

*7/10/2012*

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is the Food Security Act of 1985, (Pub. L. 99-198), as amended and the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) and regulations promulgated at 7 CFR Part 1410 and the Internal Revenue Code (26 USC 6109). The information requested is necessary for CCC to consider and process the offer to enter into a Conservation Reserve Program Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in determination of ineligibility for certain program benefits and other financial assistance administered by USDA agency. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

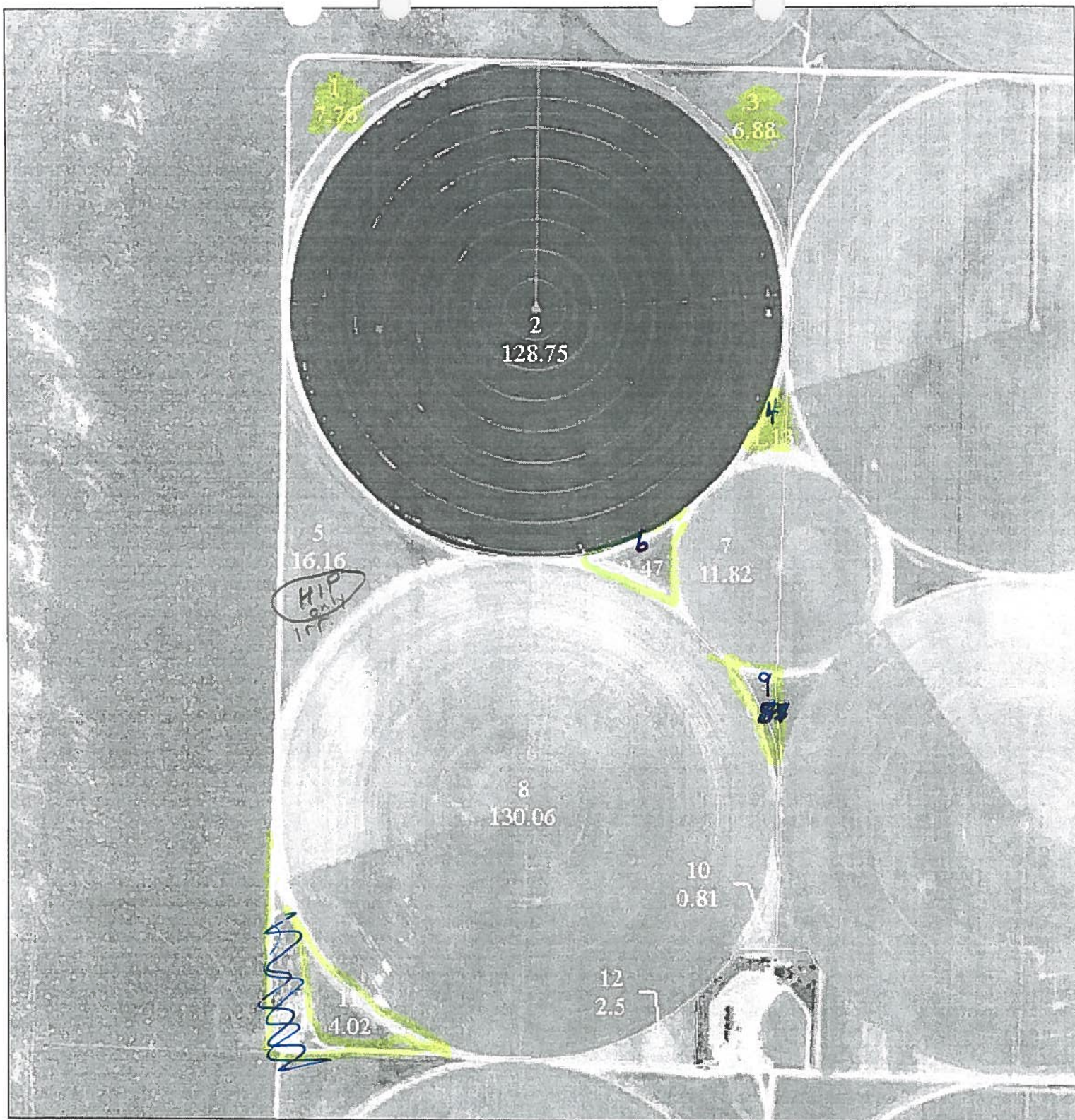
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☐ Original - County Office Copy

☐ Owner's Copy

☐ Operator's Copy





**USDA** United States Department of Agriculture  
Farm Service Agency

June 20, 2012



**Farm # 5176**  
**Tract # 9800**

Digital Orthophotography  
Not to Scale

This map is for FSA purposes only

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.