

RECEIVED

MAY 06 2013

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
WATER RESOURCE BOARD
 Receipt No. 2097106
 Fee Amount \$ 250.00
 Date/by 5-6-13 HP
 (For Department Use Only)

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

 Name of Seller/Lessor TMCO INC Phone 208-466-8907
 Mailing address P O Box 1366, Nampa, Idaho 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. <u>Water Right Number</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>63-7019</u>	<u>1.09 cfs</u>	<u>Irrigation</u>	<u>March 1</u> to <u>November 15</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____

 Total Amount: 1.09 cfs

 2. Source of water Ground Water tributary to NA

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	¼	¼	¼	County
6N	5W	01			NW	SW	PAYETTE
6N	5W	01			SW	SW	PAYETTE
6N	5W	02			SE	NE	PAYETTE

4. Lands irrigated or place of use: *See Part D for additional information regarding 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	
6N	5W	01							18.2	9.0	10.2	11.9	5.5	4.9					59.7
6N	5W	12					6.1	6.8											12.9

 If the right is for irrigation, show total number of acres offered to the bank. Total Acres 72.6

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:

C. GENERAL INFORMATION

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

Wells, electrically-powered turbine pumps, mainlines, and pivots with end guns

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

63-7956 (A corresponding part is also offered for lease to the Water Bank)

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

Yes ☐ No ☒**If yes, describe.** The place of use described, i.e., "corners associated with pivots, will not be irrigated while rights are leased.

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. 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 5/1/2013 to 11/15/2017 (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.

Current rental rate. Lessor intends to rent the right from the Water Bank for use on other land owned by the Lessor.**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.

Tom Malson
Signature of ApplicantTom Malson, President, TMCO INC
Printed Name and Title*5/2/13
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

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-07019

FEB - 6 2009

By _____
Deputy Clerk

NAME AND ADDRESS: TMCO INC
PO BOX 1366
NAMPA, ID 83653

SOURCE: GROUND WATER

QUANTITY: 4.80 CFS
1440.00 AFY

The rights listed below are limited to a total combined diversion rate of 6.4 cfs and to a total combined annual diversion volume of 1440 AF. Combined Right Nos.: 63-7019 and 63-7956. The rights listed below are limited to a total combined diversion rate of 16.73 cfs: 63-7019, 63-7956 and 63-11282.

PRIORITY DATE: 08/21/1967

POINT OF DIVERSION: T06N R05W S01 NWSW Within Payette County
S02 SWSW
SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-15	4.80 CFS 1440.00 AFY

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:	Irrigation	Within Payette County
	T06N R05W S01	SWNW 40.0 SENW 40.0 NWSW 40.0 SESW 40.0 NWNW 40.0
	S12	
	320.0 Acres Total	

Right Nos. 63-7019 and 63-7956 are limited to the irrigation of a combined total of 320 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

TMCo Lease Application



Based on NAIP 2011 Photography

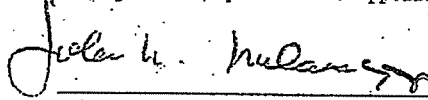
Prepared for TMCo by ERO April 30, 2013

Legend

 Non_Irrigated

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication