



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

March 21, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

BMS FARMS
C/O NORMAN L BAGNALL
571 N MERIDIAN
RUPERT ID 83350

**RE: APPLICATION TO LEASE WATER RIGHT NO(S). 36-2065A
TO THE WATER SUPPLY BANK**

Dear Applicant:

The Department of Water Resources ("Department") has completed its review of your application(s) to lease water right(s) to the Water Supply Bank ("Bank"). Based on that review, the Department cannot accept water right(s) 36-2065A into the Bank. The reasons are described below.

The Water Supply Bank Rules provide criteria to be considered when determining whether to accept a water right into the Bank. One of the criteria for consideration is that use under water right 36-2065A has been minimal or nonexistent within the Place of Use for many years.

Please note that a water right is not protected from forfeiture unless it is accepted into the Bank or unless an exception or defense to forfeiture applies as described under Idaho Code § 42-223. If forfeiture is a concern, you may also consider filing an Application for Extension of Time to Avoid Forfeiture of a Water Right. This and other water right forms are available from the Department's web site at:

<http://www.idwr.idaho.gov/>

If you have any questions, please contact me at (208) 287-4920.

Sincerely,

Sandy Hemenway
Sr. Water Resource Agent

Cc: IDWR Southern Regional Office

RECEIVED

JAN 14 2010

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 BMS Farms Phone 208-532-4305Mailing address 571 N. Meridian Email bpbag@pmt.org

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
<u>36-2065A</u>	<u>.42 cfs</u>	<u>Irrigation</u>	<u>3-15</u> to <u>11-15</u>
			to _____
			to _____

Total Amount: .42 cfs2. Source of water Deep Well tributary to _____

3. Point(s) of Diversion:

Twp	Rge	Sec	Lot	1/4	1/4	1/4	
7S	24E	30		SE	SE	NW	

1/14/00
Cover letter shows
address as (town,
state, zip):
Rupert, Id 83350
SK

4. Lands irrigated or 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	
7S	24E	30						8.3	3.69	3.2	4.1			4.6					23.8

If the right is for irrigation, show total number of acres offered to the bank. Total Acres 23.8

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.
Deep well supplies pivots, wheel lines and some handline.
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. attached is letter from Magic Valley Ground Water District showing these acres were previously under that water bank.
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. 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 _____ to _____ 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.

Norman L. Bagnall
Signature of Applicant

Norman L. Bagnall - General Partner
Printed Name and Title*

13 Jan. 2010
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

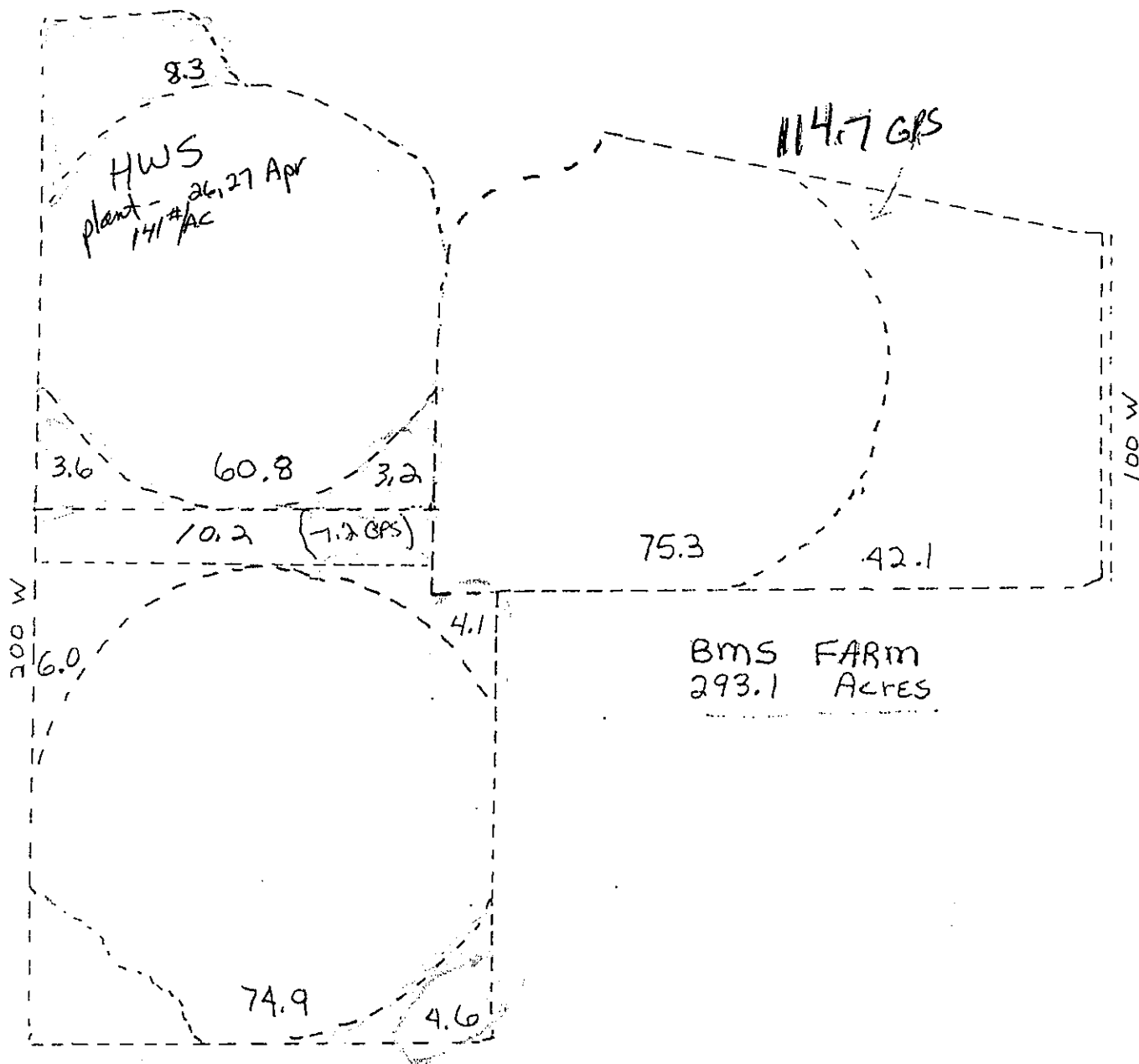
Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098

OWNER: BMS Farms

The following list describes acres within the Magic Valley Groundwater District that were at one time voluntarily placed into the Magic Valley Groundwater District Water Bank. Please be aware that the acres listed on this sheet are no longer saved from forfeiture.

Twp	Rng	Sect	NE 1/4				NW 1/4				SW 1/4				NE 1/4				Total
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	24E	30						8.3	3.6	3.2	4.1			4.6					23.8
TOTAL																			23.8

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Section 30
T7S R24E

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