

Hersley, Jean

From: Lester, Steve
Sent: Wednesday, June 12, 2013 10:45 AM
To: Hersley, Jean
Subject: WSB appl for 2-10395 & 2-10398, Murphy Land Co.
Attachments: 2-10395 deed.pdf

Hi Jean:

John asked me to look into your 6/11 email regarding landowner Roberts and these rights. We don't need any more confirmation about ownership of the rights:

1) Attached copy from approved Transfer 78404 for Murphy Land Co.

- 2005 deed covers POU, all rights were withheld from land
- summary of chain of landowners but all w/o these rights

2) Rights are in name of Murphy Land Co. in our records. As in transfer processing, rights in name of applicant are assumed to be owned by applicant, no questions asked.

So should be ok to go ahead with WSB appl.

Steve

Hersley, Jean

From: Curtis, Sharla
Sent: Wednesday, June 12, 2013 9:05 AM
To: Hersley, Jean
Subject: RE: Application of Sell or Lease Water Rights to the Water Supply Bank

Jean,

The two rights were already in the name of Murphy Land Co. via an ownership change processed in 2012 so we didn't do anything regarding ownership in the transfer process. That transfer was very unique because it only changed some conditions of approval, nothing else.

Hope that helps.

Sharla

From: Hersley, Jean
Sent: Tuesday, June 11, 2013 11:20 AM
To: Curtis, Sharla
Subject: FW: Application of Sell or Lease Water Rights to the Water Supply Bank

I thought I would ask you since you are the one who reviewed the transfer. I'm trying to lease 2-10395 and 2-10398 into the water supply bank and had some questions for Greg Sullivan from Brockway. Did you talk to him regarding the Roberts affidavit? Or was it an issue when you completed the transfer? Let me know if you have any questions.

Jean Hersley

From: Greg Sullivan [<mailto:greg.sullivan@brockwayeng.com>]
Sent: Monday, June 10, 2013 3:29 PM
To: Hersley, Jean
Subject: RE: Application of Sell or Lease Water Rights to the Water Supply Bank

Jean,

It is not the intent of these lease applications to change the address of the water right owner.

I submitted a form for Murphy Land Company that stated that Lance Funk was able to sign on behalf of the Company previously to the Water Supply Bank and Western IDWR office for transfer applications. I believe the document that you are looking for are in those files. If not, I am sure the current Annual Report Form for the State of Idaho will show that Lance Funk is able to sign for Murphy Land Company.

The "No" box was marked incorrectly.

You are correct that there is not a property affidavit from Robert and Nancy Robert. I have talked with Nancy twice, Mike Ihli tried for two months to contact Nancy Roberts and IDWR staff have talked to Nancy Roberts about the land ownership issue. I have had extensive telephone and email correspondence with John Westra from the Western IDWR and Monica Van Bussum formally of IDWR about this issue. John Westra agreed that the Roberts have had adequate contact with IDWR staff and consultants regarding the intent of Murphy Land Company to Lease 2-10395 and 2-10398 to the Water Supply Bank. In fact the Western IDWR office approved Transfer 78404 on February 11, 2013 without the consent of the Roberts. The Roberts are fully aware of the issue and frankly don't know why we keep contacting them

about it because they bought the property dry without any water rights and without any POD for a water right on their property. Please contact John Westra concerning this issue.

Thank you,

Greg Sullivan
Brockway Engineering
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543

From: Hersley, Jean [<mailto:Jean.Hersley@idwr.idaho.gov>]
Sent: Monday, June 10, 2013 2:45 PM
To: Greg Sullivan
Subject: Application of Sell or Lease Water Rights to the Water Supply Bank

The Idaho Department of Water Resources(IDWR) received your request on behalf of Murphy Land Co LLC to lease water rights 2-10395 and 2-10398 to the Water Supply Bank. I need clarification on a few points before we can proceed with this request.

The address IDWR has on file for Murphy Land Co. LLC is PO Box 3110, Pasco, WA 99302-3110. This is also the address that is registered with the IDOS web page. However, the registered agent is listed as Richard Goodson here in Boise. Is the Water Supply Bank Application a formal notice of an address change? If not, I will send all correspondence to the mailing address we have on file and copy you and Lance Funk. We are assuming since Lance Funk signed the applications, as a member of the Murphy Land Co, LLC, he has the authority to do so. There is no paperwork attached that states that fact.

Item # B-1 under Ownership asks, "Are you currently listed in IDWR's records as the owner of the water right being offered to the bank?" You marked the "NO" box on both applications. According to our records, an ownership change was done in May, 2012 changing ownership from HFM Castlevue LLC to Murphy Land Co, LLC. Was this box marked incorrectly?

There is not a property ownership affidavit from Robert C and Nancy Roberts. According to our maps, they are the land owners appurtenant to the water rights so an affidavit is needed.

If you have any questions, please contact me at the number below.

Thank you.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942



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Version: 2012.0.2242 / Virus Database: 3199/5898 - Release Date: 06/10/13

No. W 98607		Due no later than Dec 31, 2012 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. MURPHY LAND COMPANY, LLC TIM TIPPETT PO BOX 3110 PASCO WA 99302-3110		RICHARD F GOODSON 877 MAN STREET STE 1000 BOISE ID 83702			
				3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.							
Office Held	Name	Street or PO Address	City	State	Country	Postal Code	
MEMBER	FRANK TIEGS	PO BOX 3110	PASCO	WA	USA	99302	
MEMBER	LANCE FUNK	PO BOX 310	AMERICAN FALLS	ID	USA	83211	
5. Organized Under the Laws of: ID W 98607		6. Annual Report must be signed.* Signature: Tim Tippett Name (type or print): Tim Tippett					
		Date: 12/10/2012 Title: Authorized Agent					
Processed 12/10/2012		* Electronically provided signatures are accepted as original signatures.					