

RECEIVED

JUL 18 2012

 DEPARTMENT OF
 WATER RESOURCES
 STATE OF IDAHO
 WATER RESOURCE BOARD

 WSB No. _____
 Receipt No. 0095741
 Date/by 7-18-12
 (For Department Use Only)

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

 Name of Seller/Lessor MPH FARMS Phone (208)221-4352
 Mailing address 2935 W 2050 S ABERDEEN, ID 83210 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>35-8197</u>	<u>1.4/192</u>	<u>Irrigation</u>	<u>4/01</u> to <u>10/31</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
Total Amount: <u>1.4/192</u>			

2. Source of water _____ Ground Water _____ tributary to _____

3. Point(s) of Diversion:

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	

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

B. OWNERSHIP

- 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.
- Is the point of diversion for the water right owned or managed by an irrigation district? 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.

Existing well, motor, piping

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

N/A

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

Yes ☒ No ☐

If yes, describe. This POU will be irrigated utilizing water from the Aberdeen-Springfield Canal Co.

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.

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 4/01/2012 to 4/01/2013 (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

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.

MPH Farms
Signature of Applicant

Daryl Klassen Partner
Printed Name and Title*

7-17-12
Date

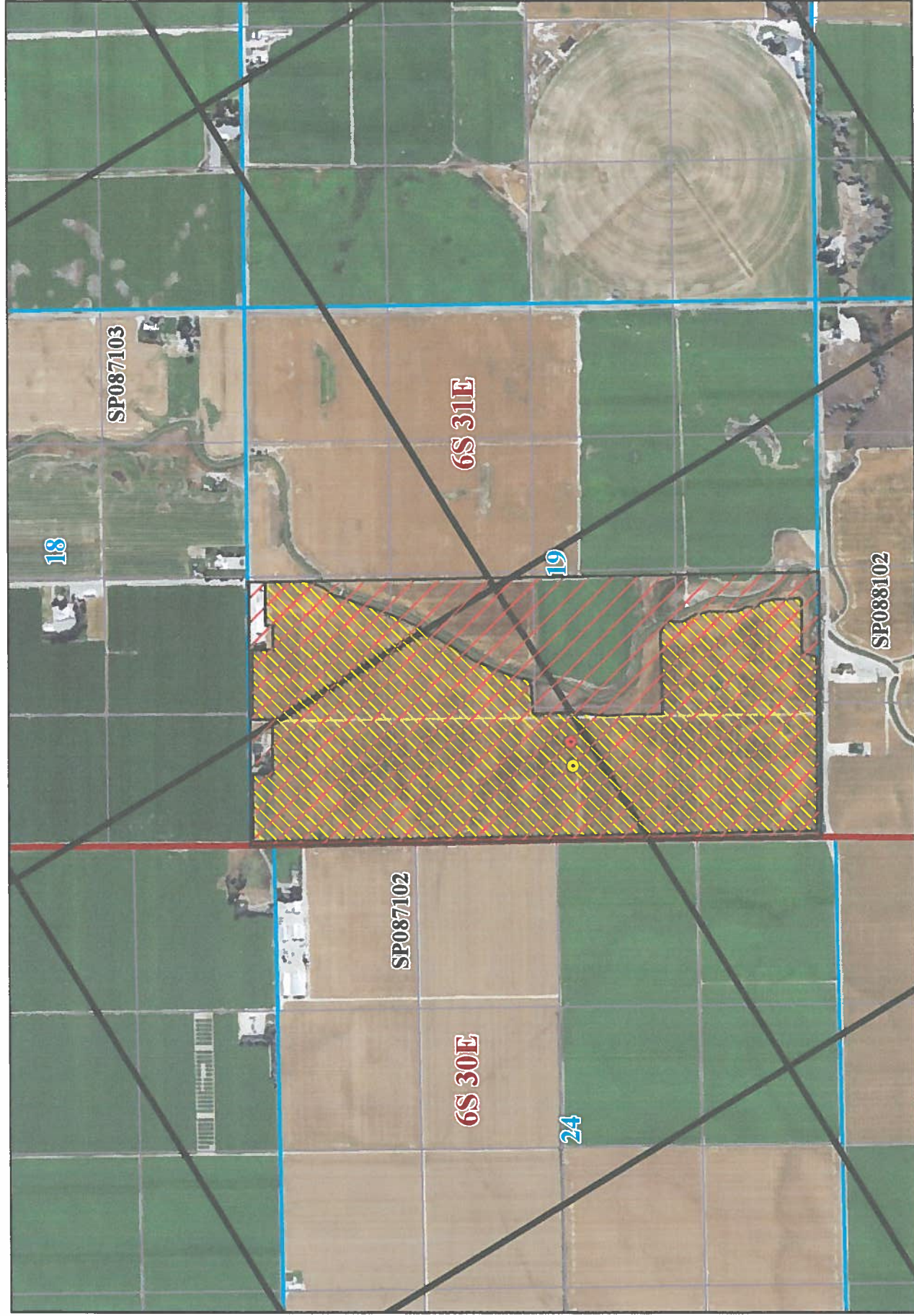
Signature of Applicant

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



Legend

- 35-8197_POD
- 35, 2306
- 35-8197_POU
- 35, 2306
- Model Grid
- township
- Sections
- ladesc

0 600 1,200 2,400 Feet

FUNK, LANCE MPH FARM
WATER RIGHT 35-2306, 35-8197
NAIP 2011 AERIAL

BROCKWAY ENGINEERING, PLLC.
ALR - JULY 16, 2012

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF WATER RIGHT	)	COMMENTS AND
NO. 35-2306, 35-2072, 35-8791, 35-7760,	)	EVIDENCE
35-8197	)	
FOR IRRIGATION	)	

COMES NOW, _____, and provides the following comments and evidence in this matter:

1. I am familiar with the water rights 35-2306, 35-2072, 35-8791, 35-7760 and 35-8197 located in Section 17 and 19 of Township 06 South, Range 31 East, B.M., as shown in Aerial Maps attached to this affidavit, hereafter known as the "Property."

2. I owned and/or managed (circle one or both) the said Property from the years 2008 to the year 2011 and have knowledge of the irrigation system, and crops that were irrigated during that time.

3. The crops grown, year and location of the fields on the Property have consisted of:

1 Field in the NWSE and SWSE of Section 17 T 6 S R 31 E

Year: 2011 Crop: potatoes

Year: 2010 Crop: wheat

Year: 2009 Crop: Sugarbeets

Year: 2008 Crop: potatoes

Year: 2007 Crop: wheat

2 Field in the SWNW, SENW, NWSW, SWSW of Section 17 T 6 S R 31 E

Year: 2011 Crop: Sugarbeets

Year: 2010 Crop: potatoes

Year: 2009 Crop: wheat

Year: 2008 Crop: Sugarbeets

Year: 2007 Crop: potatoes

3 Field in the NW1/4 and SW1/4 of Section 19 T 6 S R 31 E

Year: 2011 Crop: ~~potatoes~~ wheat

Year: 2010 Crop: ~~wheat~~ sugarbeets

Year: 2009 Crop: potatoes

Year: 2008 Crop: wheat

Year: 2007 Crop: sugarbeets

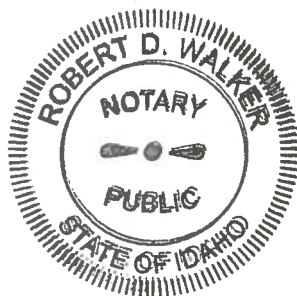
4. During the fore mention years that I owned and/or managaed the Property, ground water from the well has been used to the fullest extent of irrigation water right 35-2306, 35-2072, 35-8791, 35-7760 and 35-8197.

DATED this 17 day of July, 2012.

MPH Farms P₁
(sign name)

SUBSCRIBED and SWORN to before me

this 17th day of JULY, 2012.



R. D. Walker

NOTARY PUBLIC

Residing at : IDAHO FALL

My Commission Expires: 11-7-2017