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MAY 02 2012

DEPARTMENT OF  
WATER RESOURCESSTATE OF IDAHO  
WATER RESOURCE BOARDWSB No. \_\_\_\_\_  
Receipt No. 095237  
Date/by 5-2-2012 SR 7  
(For Department Use Only)APPLICATION TO SELL OR LEASE A WATER RIGHT  
TO THE WATER SUPPLY BANKName of Seller/Lessor Murphy Land Company, LLC Phone 509-545-4545  
Mailing address PO BOX 310 AMERICAN FALLS, ID 83211 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>2-10398</u>               | _____                     | _____                | _____ to _____       |
| _____                        | _____                     | _____                | _____ to _____       |
| _____                        | _____                     | _____                | _____ to _____       |

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

2. Source of water \_\_\_\_\_ tributary to \_\_\_\_\_

3. Point(s) of Diversion:

| Twp | Rge | Sec | Lot | ¼ | ¼ | ¼ | County |
|-----|-----|-----|-----|---|---|---|--------|
|     |     |     |     |   |   |   |        |
|     |     |     |     |   |   |   |        |
|     |     |     |     |   |   |   |        |
|     |     |     |     |   |   |   |        |

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 |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

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

## 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 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 booster pumps and delivery system

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

2-10395, 2-10398 and 57-11708

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.

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 3/1/2012 to 3/1/2013 (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.

Signature of Applicant

Printed Name and Title\*

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

5/21/2012  
SR7

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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DEPARTMENT OF  
WATER RESOURCES

**Notice of Change in Water Right Ownership**

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

| Water Right/Claim No. | Split?                       | Water Right/Claim No. | Split?                       | Water Right/Claim No. | Split?                       |
|-----------------------|------------------------------|-----------------------|------------------------------|-----------------------|------------------------------|
| 2-10395               | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
| 2-10398               | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |
|                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> |

2. Previous Owner's Name: HFM Castlevew LLC  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Murphy Land Company, LLC  
Name of each new owner as listed on the conveyance document
- New owner continued \_\_\_\_\_ Name connector ☐ and ☐ or ☐ and/or \_\_\_\_\_  
PO BOX 310  
Mailing address \_\_\_\_\_  
AMERICAN FALLS ID 83211  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
509-545-4545  
Telephone \_\_\_\_\_ Email \_\_\_\_\_
4. If the water rights and/or adjudication claims were split, how did the division occur?  
☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 3/20/2012
6. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
  - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
  - Filing fee (see instructions for further explanation):
    - \$25 per *undivided* water right.
    - \$100 per *split* water right.
    - No fee is required for pending adjudication claims.
7. Signature: [Signature] \_\_\_\_\_ Title, if applicable: \_\_\_\_\_ Date: 4-23-12  
Signature of new owner/claimant
- Signature: \_\_\_\_\_ Title, if applicable: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of new owner/claimant

For IDWR Office Use Only:

Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_ Receipt Amt. \_\_\_\_\_  
Approved by \_\_\_\_\_ Processed by \_\_\_\_\_ Date \_\_\_\_\_

## QUITCLAIM DEED

Grantor, HFM CASTLEVIEW, LLC, an Idaho limited Liability Company, for a good and valuable consideration, the receipt whereof is hereby acknowledged, does REMISE, RELEASE and forever QUITCLAIM, unto MURPHY LAND COMPANY, LLC, and Idaho Limited Liability Company, as GRANTEE, and to Grantee's heirs and assigns, forever, all of its interest in the following described property, situate in the County of Owyhee, State of Idaho, to-wit:

1. Water Right Nos. 02-10395 and 02-10398

TOGETHER with all tenements, hereditaments, and appurtenances thereunto belonging.

IN WITNESS WHEREOF, the GRANTOR has hereunto set its hand this 20<sup>th</sup> day of March, 2012.

HFM CASTLEVIEW, LLC



Michael B. Ihli, Managing Member

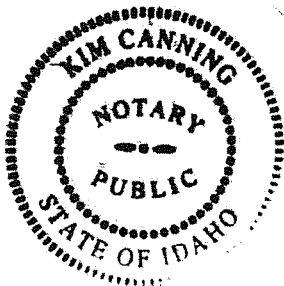
STATE OF IDAHO )

) ss.

COUNTY OF Ada )

On this 20 day of March, 2012, before me, the undersigned Notary Public in and for said State, personally appeared Michael B. Ihli known or proven to me to be the Managing Member of HFM CASTLEVIEW, LLC, and acknowledged to me that said Limited Liability Company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Notary Public for Idaho

Residence: huna ID

My Commission Expires: 1/28/15

# State of Idaho Department of Water Resources Relinquishment of Water Right

I, Michael B. Ihli C/O of HFM Castleview LLC, hereby relinquish to the State of Idaho all my right, title and interest in and to the Public Waters of the State of Idaho, pertaining to Water Right No. 57-11708 that receives water from Castle Creek. I am retaining all my rights, title and interests in 02-10395 and 02-10398 that receive water from the Snake River.

Signed this 20<sup>th</sup> day of March, 2012.

Michael B. Ihli

Water Right Holder(s)

Subscribed and sworn before me this 20<sup>th</sup> day of March, 2012.

Kim Canning  
(Notary Public)

My Commission expires 1/28/15

