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MAY 22 2009

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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

Water Supply Bank No. _____

Water Right No. _____

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

Name of Seller/Lessor Notch Butte Farms LLC

Phone 208-644-1730 Post office address PO Box 486 Jerome, ID 83338

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. 37-20810 Decreed to _____
(Name)

in case of SRBA vs _____

dated 12/5/2003 in _____ county of _____

(Name of Court)

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Permit No. _____ issued by the Idaho Department of Water Resources.

2. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease, show "all" on line

a. below and skip the remainder of part 2.)

a. Amount of water under right: 0.01 cubic feet per second

& / or

_____ acre-feet per annum

b. Point of diversion SW ¼ of SE ¼ of Section 31 Township 06S Range 17E

B.M. in Lincoln County

Additional points _____

c. Place of use: _____

TWP	RGE	SEC	N.E.				N.W.				S.W.				S.E.				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	17E	31											24.4						24.4

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank.

Total number of acres 24.4

NOTE: 0.4 acres will be dried up under 37-20810, 37-20812 and 37-20814. 24 acres will be dried up under 37-20816.

A total of 24.4 will be dried up under this PPU.

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEROF, FOR SALE OR LEASE

a. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation.

see partial decree

See attached 2004 aerial photograph of acres to be dried up

b. Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years.)

Water is used as irrigation water from 3/15 to 11/15 annually.

c. If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

NA

d. Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe.

This water right combined for a total of 195.4 acre PPU with water rights 37-20810, 37-20812, 37-20814 and 37-20816.

e. If the water right is a permit, describe the work accomplished toward developing the right.

NA

f. If the right to use the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

4. Remarks: None

5. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For Sale;
 X For Lease for period from Indefinite to _____
(Month, Day, Year) (Month, Day, Year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the State of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as 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 the sale or lease of this right 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 of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water 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.

5/20/09
Date

[Signature] Managing Member
Signature to John Butk

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____