

RECEIVED
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DEPARTMENT OF
WATER RESOURCES

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DEC 29 2008

BY: _____

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

Name of Seller/Lessor Mountain West Farms, LLC

Phone (208) 678-8481 Post office address 601 Carlson Parkway, Ste 400 Minnetonka, MN 55305

1. DESCRIPTION OF RIGHT:

Right as evidenced by:

a. Decree No. 43-12936 Decreed to Mountain West Farms, LLC
(Name)

in case of SRBA Case No. 39576 vs _____

dated 6/28/2002 in Twin Falls county of Twin Falls

(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: 0.35 cubic feet per second

& / or

68.25 acre-feet per annum

b. Point of diversion SW 1/4 of SW 1/4 of SW 1/4 of Section 24 Township 12S

Range 26E

B.M. in Cassia County

Additional points second point of diversion: T12S R26E S24 NESESW Cassia County

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	
12S	26E	24												19.5					19.5

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 19.5

NOTE: _____

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.

N/A

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.)

Alfalfa grown in the past 5 years, see attached affidavit by Lee Moyle

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.

N/A

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.

No other sources

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

N/A

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:

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF WATER USE
ON THE LAND OWNED BY THE MOUNTAIN
WEST FARMS AND WATER RIGHT 43-12936

) COMMENTS AND
) EVIDENCE OF
) LEE L. MOYLE

COMES NOW, LEE L. MOYLE, and provides the following comments and evidence in this matter:

1. The 40-acres of land (T12S, R26E, sec. 24, SWSW and SESW, B.M.) that belongs to Mountain West Farms produced alfalfa by the previous owners.
2. Once 20-acres of land (T12S, R26E, sec. 24, SWSW, B.M.) was occupied by mink installations, alfalfa was continued to be produced on the remaining 20-acres.
3. As I own 80-acres next door, I irrigated another 20-acres of my land up until three years ago with the same well.
4. The alfalfa was consumed in the production of mink. It serves as nesting during the winter months.

DATED this 1 day of April, 2008.

Lee L. Moyle
Lee L. Moyle

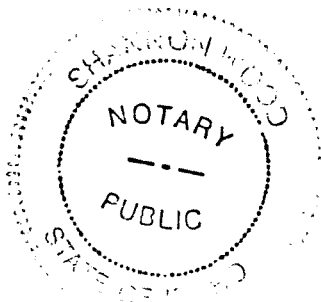
SUBSCRIBED and SWORN to before me this 1 day of April 2008.

Shannon Ward

NOTARY PUBLIC

Residing at : Cassia Co

My Commission Expires: 6-4-08





1 inch equals 750 feet

**MOUTAIN WEST FARM
APPLICATOIN TO LEASE WATER
NAIP 2006 AERIAL**

BROCKWAY ENGINEERING, PLLC.
ALR - DEC. 18, 2008

Legend

-  Area for Lease
-  Point of Diversion
-  Sections
-  t12s26e

