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OCT 16 2007

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Supply Bank No. _____

Water Right No. _____

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

Name of Seller/Lessor C M, LLC Phone 208-342-3563

Post office address 737 N 7th Street, Boise ID 83702

1. DESCRIPTION OF WATER RIGHT:

Right evidenced by: See Attached Decree

- a. Decree No. 63-5109 Decreed to C M, LLC
(Name)
in case of _____ vs _____
dated _____ 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: All cubic feet per second &/or
_____ acre-feet per annum
- b. Point of diversion: _____ 3 of _____ 3 of Section _____ Township _____ Range
_____, B.M. in _____ 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	

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 _____

3. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, 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.

- 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).

- 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.

Creek flows are usually adequate through June 15, then gradually diminish during the rest of the irrigation season.

- 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.

None

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

- f. If the right to the use of 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:

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 a period from 10/16/2007 to Indefinitely
(Day, month, year) (Day, month, 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 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 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.

Date 10/15/07

C-M LLC
By Barry Marcus
Signature managing member

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Case

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/15/2007

WATER RIGHT NO. 63-5109

Owner Type	Name and Address
Current Owner	C M LLC 737 N 7TH ST BOISE, ID 83702 (208)342-3563
Original Owner	EARL CHAPMAN
Original Owner	HORACE CHAPMAN 40 ADAMS RD BOISE, ID 83716 (208)343-0076
Original Owner	CRAIG MARCUS 737 N 7TH ST BOISE, ID 83702 (208)342-3563
Original Owner	DARRY MARCUS MARCUS MERRICK CHRISTIAN & HARDEE LLP 737 N 7TH ST BOISE, ID 83702 (208)342-3563

Priority Date: 04/26/1889

Basis: Decreed

Status: Active

Source	Tributary
THORN CREEK	MORES CREEK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.46 CFS	
STOCKWATER	04/01	11/30	0.02 CFS	
MINING	04/01	11/30	0.78 CFS	
Total Diversion			1.26 CFS	

Location of Point(s) of Diversion:

THORN CREEK	NENE	Sec. 30	Township 05N	Range 05E	BOISE County
THORN CREEK Injection	NWNE	Sec. 30	Township 05N	Range 05E	BOISE County
THORN CREEK Rediversion	NWNE	Sec. 30	Township 05N	Range 05E	BOISE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BOISE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	05E	30		NENE	14		NWNE	9						

Place of Use Legal Description: STOCKWATER BOISE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	05E	30		NENE			NWNE							

Place of Use Legal Description: MINING BOISE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
05N	05E	30		NENE										

Total Acres: 23

Conditions of Approval:

- The place of use does not include State public endowment lands.
- N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY
- N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE
- C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
- STOCKWATER, 20 RANGE CATTLE

Dates:

Licensed Date:
Decreed Date: 12/01/2003
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Close

W 3236

ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

To the Secretary of State of Idaho
Corporations Division
700 West Jefferson Room 203
P.O. Box 83720 • Boise, ID 83720-0080

DEC 12 4 22 PM '95
SECRETARY OF STATE
STATE OF IDAHO



1. The name of the limited liability company is: C-M L.L.C.
2. The address of the initial registered office is: 737 North 7th Street, Boise,
Idaho, 83702 (not a PO Box) and the name of the initial registered agent at that address is: Barry Marcus

Signature of registered agent: Barry Marcus

3. The latest date certain on which the limited liability company will dissolve: 12/31/2050

4. Is management of the limited liability company vested in a manager or managers?
☐ Yes ☒ No (check appropriate box)

5. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:	Address:
<u>Horace Chapman</u>	<u>HC 33, Box 1490, Boise, ID 83706</u>
<u>Earl Chapman</u>	<u>HC 33, Box 1490, Boise, ID 83706</u>
<u>Craig Marcus</u>	<u>737 N. 7th Street, Boise, ID 83702</u>
<u>Barry Marcus</u>	<u>737 N. 7th Street, Boise, ID 83702</u>

6. Signature of at least one person listed in #5 above:

Horace Chapman
Earl Chapman
Barry Marcus

#4

Secretary of State use only
IDaho SECRETARY OF STATE
DATE 12/12/1995 0900 46429
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CR #: 25832 CUST# 10153
ORGAN LLC
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