

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-2437

WATER RIGHT NUMBER: 43-2437

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONFORT FINANCE CO INC 1770 PROMONTORY CIRCLE GREELEY, CO 80634 (970)506-8000
Directors Report Owner	INTERSTATE FEEDERS INC 1710 S 2450 E MALTA, ID 83342 (208)645-2221

Priority Date: 03/05/1956

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.900 CFS	135.00 AF
COMMERCIAL	01/01 to 12/31	0.050 CFS	8.10 AF
INDUSTRIAL	03/15 to 11/15	0.800 CFS	109.00 AF
DOMESTIC	01/01 to 12/31	0.050 CFS	1.30 AF
IRRIGATION	03/15 to 11/15	3.760 CFS	752.00 AF
	<u>Total Diversion:</u>	5.560 CFS	1,005.40 AF

Location of Point(s) of Diversion

GROUND WATER CASSIA County	NE1/4NE1/4SW1/4	Sec. 16, Twp 13S, Rge 27E, B.M.
GROUND WATER CASSIA County	NE1/4NE1/4NE1/4	Sec. 20, Twp 13S, Rge 27E, B.M.
GROUND WATER CASSIA County	SE1/4SE1/4NE1/4	Sec. 16, Twp 13S, Rge 27E, B.M.
GROUND WATER CASSIA County	NE1/4NE1/4SE1/4	Sec. 20, Twp 13S, Rge 27E, B.M.
GROUND WATER CASSIA County	NE1/4NE1/4SE1/4	Sec. 17, Twp 13S, Rge 27E, B.M.
GROUND WATER CASSIA County	SE1/4NE1/4SW1/4	Sec. 16, Twp 13S, Rge 27E, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 43-2437

Place of UseSTOCKWATER Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

COMMERCIAL Within CASSIA County

T13S R27E S20 NENE

INDUSTRIAL Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

DOMESTIC Within CASSIA County

T13S R27E S16 NESW

IRRIGATION Within CASSIA County

T13S R27E S16	NENE	40.0	T13S R27E S16	NWNE	40.0
T13S R27E S16	SWNE	38.0	T13S R27E S16	SENE	39.0
T13S R27E S16	NENW	40.0	T13S R27E S16	NWNW	38.0
T13S R27E S16	SWNW	38.0	T13S R27E S16	SENE	39.0
T13S R27E S16	NESW	35.0	T13S R27E S16	NWSW	37.0
T13S R27E S16	SWSW	36.0	T13S R27E S16	SESW	39.0
T13S R27E S16	NESE	40.0	T13S R27E S16	NWSE	38.0
T13S R27E S16	SWSE	38.0	T13S R27E S16	SESE	39.0
T13S R27E S17	NENE	40.0	T13S R27E S17	NWNE	39.0
T13S R27E S17	SWNE	38.0	T13S R27E S17	SENE	39.0
T13S R27E S20	NESE	40.0	T13S R27E S20	NWSE	36.0
T13S R27E S20	SWSE	36.0	T13S R27E S20	SESE	40.0
T13S R27E S21	SWSW	40.0	T13S R27E S21	SESW	40.0
T13S R27E S29	NENE	40.0	T13S R27E S29	SENE	20.0

Total Acres: 1062

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C10 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-2437

Remarks:

1. Explanatory STOCK WATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
2. Explanatory INDUSTRIAL USE IS FOR DUST CONTROL.
3. Explanatory COMMERCIAL USE IS FOR A FEED MILL OPERATION.
4. Place of Use THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A CO MBINED TOTAL
- Irrigation OF 864 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2437, 43-2442 and 43-4006
5. Explanatory RIGHT NUMBERS 43-2437, 43-2436A, 43-2438A, 43-2442 AND 43-4006 ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
6. Place of Use THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1 88 ACRES WITHIN THE PLACE OF USE
- Irrigation DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates and Other Information:

Decreed Date: 6/28/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 28, 2002

MONFORT FINANCE CO INC
1770 PROMONTORY CIRCLE
GREELEY CO 80634

RE: Decreed Water Rights 43-2436A, 43-2437, 43-2438A,
43-2442, 43-4006

Dear Water Right Holder:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
SEP 10 2002
 Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is not corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
43-2437	A43-2437				
43-2442	A43-2442				
43-4006	A43-4006				
	A43-2436A				
	A43-2438A				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify diversion of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claims(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Swift Beef Company (f/k/a ConAgra Beef Company)
1770 Promontory Circle, Greeley, CO 80634
4. New Owner/Claimant(s) Monfort Finance Company, Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 1770 Promontory Circle
 City, State and ZIP Code Greeley, CO 80634
 New Telephone Number (970) 506-8000
5. Date you acquired the property April 5, 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) amount multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for the larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Debra L. Keith
(include title if applicable) Debra L. Keith, Vice President—Tax

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only
Received by [Signature] Date _____ Fee 125.00
Receipted by [Signature] Date _____ Receipt No. 5025226
Processed by [Signature] AJ Date 10/10/02 WR _____ Date _____

★ 93710

Delaware

PAGE 1

281102

The First State

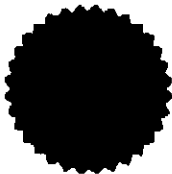
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"E.A. MILLER, INC.", A UTAH CORPORATION,

"INTERSTATE FEEDERS, INC.", A UTAH CORPORATION,

WITH AND INTO "MONFORT, INC." UNDER THE NAME OF "MONFORT,
INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF
THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE
TWENTY-SIXTH DAY OF JULY, A.D. 1993, AT 9 O'CLOCK A.M.

281102
CASSIA COUNTY, IDAHO
DANIEL M. RUSSELL
RECORDER
FEE \$600 DEPUTY *[Signature]*
'02 APR 23 PM 3 08
RECORDED & INDEXED
LAND TITLE & RECORDS



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

0705607 8100M

AUTHENTICATION: 1731974

020251314

DATE: 04-19-02

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 07/26/1993
932076304 - 708607

CERTIFICATE OF OWNERSHIP AND MERGER**OF****E.A. MILLER, INC.**
(A Utah Corporation)**and****INTERSTATE FEEDERS, INC.**
(A Utah Corporation)**INTO****MONFORT, INC.**
(A Delaware Corporation)**I.**

The names of the merging corporations are E.A. MILLER, INC., a Utah corporation, and INTERSTATE FEEDERS, INC., a Utah corporation. The name of the surviving corporation is MONFORT, INC., a Delaware corporation.

II.

MONFORT, INC., a Delaware corporation, in accordance with Section 253 of the Delaware Corporation Law, sets forth the following copy of the resolution of its Board of Directors to so merge, such resolution adopted on the 1st day of June, 1993:

WHEREAS, MONFORT, INC. owns 100% of the outstanding shares of E.A. MILLER, INC. and INTERSTATE FEEDERS, INC., hereinafter referred to as the "subsidiaries"; and

WHEREAS, it is in the best interest of MONFORT, INC. to merge the subsidiaries into itself; and

WHEREAS, it has been determined that the laws of each jurisdiction involved permit such merger;

BE IT RESOLVED, that the subsidiaries be merged into MONFORT, INC. immediately in accordance with Section 253 of the Delaware Corporation Law and other applicable state law and that the officers of the corporation do, and hereby are, authorized and directed to execute, acknowledge and file a Certificate of Ownership and Merger and such other

documents as may be necessary and proper to effect such merger in the appropriate jurisdictions.
For accounting purposes, such merger will be effective June 1, 1993."

DATED this 1st day of June, 1993.

ATTEST:

MONFORT, INC.

L.R. THOMAS, Secretary

By:

JOHN J. DILL, Vice President



RECEIVED

SEP 16 2002

Department of Water Resources
Southern Region

LAW OFFICES
277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Gary G. Allen
Christopher J. Beeson
William C. Cole
Michael C. Creamer
Jeffrey A. De Voe
Emily MacMaster Durkee
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen

Anne C. Kunkel
Franklin G. Lee
David R. Lombardi
D. David Lorello, Jr.
Kevin T. Maloney
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller

Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson
W. Hugh O'Riordan
Kenneth L. Pursley
Brad V. Sneed
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL

September 13, 2002

Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3033

Re: Notice of Change in Water Right Ownership
Our File No. 6538-1

To Whom It May Concern:

I am enclosing an original and one copy of Monfort Finance Company, Inc.'s completed Notice of Change in Water Right Ownership for Water Right Nos. 43-2437/A43-2437, 43-2442/A43-2442, 43-4006/A43-4006, A43-2436A, and A43-2438A, with the following supporting documents: Certificate of Amendment changing the name of Conagra Beef Company to Swift Beef Company, Special Warranty Deed, and Farm Service Agency aerial photos showing irrigated acres. Please conform the copy and return it to my office in the enclosed self-addressed, stamped envelope. Also enclosed is a check in the amount of \$125.00 to cover the filing fee associated with the Notice.

Please contact me if you have any questions about the Notice or if you need further documentation.

Sincerely,

Deborah E. Nelson

Enclosures

cc: Patrick R. McGill (w/o enclosures)

DEN:kdt S:\CLIENTS\6538\1\2002-09-13 DEN Ltr to IDWR re Notice.DOC

1330⁰⁰

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-02437

Date Received: 5/24/1989

Receipt No: 1003772

Received By: AB

RECEIVED
MAY 31 1989

Department of Water Resources

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: INTERSTATE FEEDERS, INC.
Address: HC 72 BOX 2086
MALTA, ID

208-645-2221

83342

2. Date of Priority: MAR 05, 1956

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	27E	16	SE	SE	NE		CASSIA
			SE	NE	SW		CASSIA
		17	NE	NE	SE		CASSIA
		20	NE	NE	SE		CASSIA

5. Description of diverting works:

4 WELLS, 6 PIVOTS, MAILINES, WHEELINES & HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.560		

7. Total Quantity Appropriated is:

5.560 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	16	NE	NE		IRR	40.0

A43-02437

Page

1

Date: 05/24/89

MICROFILMED

MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	27E	16	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	640.0
		17	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	320.0
		20	NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	160.0
		21	SW		SW		IRR	40.0
			SE		SW		IRR	40.0
							Section Acres	80.0
		29	NE		NE		IRR	40.0
			SE		NE		IRR	40.0
							Section Acres	80.0

10. Place of Use: Continued

Total Acres 1280.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A43-02442, A43-04006, A43-04079

14. Remarks:

THIS RIGHT WAS COMBINED UNDER TRANSFER 1681.

|
THE IRRIG. ACRES IN THE SE 1/4 OF SECTION 17 ARE NOW A FEEDLOT,
THE WATER IS CURRENTLY BEING APPLIED TO THOSE ACRES FOR DUST
CONTROL.

15. Basis of Claim: LICENSE

Water Right Number: 26225

MICROFILMED
MAR 03 1993

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

For Organizations:

I do solemnly swear or affirm that I am President of Interstate Feeders Organization, that I have signed the foregoing document in the space below as President of Interstate Feeders Organization and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

President--Interstate Feeders
Title and Organization

May 30, 1989
Date

State of ~~Utah~~ Utah)
County of Cache) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of May 19 89

[Signature]
Notary Public

Seal

Residing at Logan, Utah

My Commission Expires April 1, 1990

4505

Water Right Number - 43-02437

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 26225

*** C - CURRENT OWNER ***
VIOLA LAND CO.

1 -
2 -
3 -

City- MALTA
Phone -

State- ID Zip-

*** O - ORIGINAL OWNER ***
MONTGOMERY

CHARLES A.

1 -
2 -
3 -

State- Zip-

+ - Priority Date - +
03/05/1956

+ - Region - +
17

+ - Stage - +
L - LICENSE

+ - Status - +

Source -
GROUNDWATER

Tributary -

TwN Rng Sec Tract Lot RFlg County
13S 27E 16 SE NE (31) CASSIA
13S 27E 16 NE SW (31) CASSIA

→ 2 PDS

Code

Description

Period From Period To

Water Use

Diversion Rate

Diversion Volume

01 - IRRIGATION

03/15

11/15

5.560

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - +
5.560 1112.00

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	27E	16	NE NE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	16	NW NE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	16	SE NE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	16	SE NE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	16	NE NW		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	16	NW NW		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	16	SW NW		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	16	SE NW		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	16	NW SW		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	16	SW SW		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	16	SE SW		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	16	NE SE		40.0	01	IRRIGATION	(31) CASSIA	
13S	27E	16	NW SE		40.0	01	IRRIGATION	(31) CASSIA	

MICROFILMED
MAR 03 1993

Water right number - 43-02437

Adj. flag translation: Standard Water Right Number

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13S	27E	16	SW SE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	16	SE SE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	17	NE NE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	17	NW NE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	17	SW NE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	17	SE NE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	17	NE SE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	17	NW SE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	17	SW SE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	17	SE SE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	17	NE SE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	20	NW SE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	20	SW SE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	20	SE SE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	21	SW SW		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	21	SE SW		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	29	NE NE		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	29	SE NE		40.0	01	IRRIGATION	(31) CASSIA

Total Acres: 1280.0

+ - - Diversion Means -
+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 43-2442 & 43-4006.

P/D & P/V COMBINED /OTHER RTS.
TRANS. 1681.
SUBJECT TO THE CONDITION THAT THIS APPROVAL DOES NOT VALIDATE THE
WATER RIGHT AS CLAIMED UNDER 43-4006.

001 - A measuring device of a type approved by the Department shall be
- permanently installed and maintained as part of the diverting
- works.
016 - See remarks for additional conditions of approval.

+ - - Decree Plaintiff - - - +

+ - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields -

+ - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 00/00/0000 Field Exam Made - 00/00/0000 Field Exam Fee -
Approved/Denied - 00/00/0000 Protested Date - 00/00/0000 Swan Falls -

MICROFILMED
MAR 03 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

05/24/89 08:43:10
Page 3

Water right number - 43-02437

Adj. flag translation: Standard Water Right Number

Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 04/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 07/03/1979	Appl Received	- 00/00/0000	Transfer/Amended	- T
Decree Date	- 00/00/0000				

MICROFILMED
MAR 03 1993



**DO
NOT
FILM**

Water Right Number - 43-02437 Prefix Translation: WATER RIGHT Old (D) Number - 26225
+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
VIOLA LAND CO.

1 -
2 -
3 -

State- ID Zip-

City- MALTA
Phone -

*** O - ORIGINAL OWNER ***
MONTGOMERY

CHARLES A.

1 -
2 -
3 -

State- Zip-

City-
Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/05/1956 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
TwN Rng Sec Tract Lot RFlg County

13S 27E 16 SE NE (31) CASSIA
13S 27E 16 NE SW (31) CASSIA

+ - - - - - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
Code Description Period From Period To 5.560

01 - IRRIGATION

+ - Total Div. Rate - - + + - Total Div. Volume - - + + - Total Div. Capacity - +
5.560 1112.00

| TwN | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County |
|-----|-----|-----|-------|------|-------|--------------|------|-------------|--------|
| 13S | 27E | 16 | NE NE | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | NW NE | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | SW NE | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | SE NE | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | NE NW | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | NW NW | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | SW NW | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | SE NW | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | NE SW | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | NW SW | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | SW SW | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | SE SW | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | NE SE | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | NW SE | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |
| 13S | 27E | 16 | SW SE | 40.0 | 01 | IRRIGATION | (31) | CASSIA | (31) |

+ - - Audit Fields - 09/05/86 05/28/88 CONVERT

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

09/07/2001

NAME AND ADDRESS: INTERSTATE FEEDERS INC
HC 72 BOX 2086
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 5.56 CFS
1,005.4 AFY

PRIORITY DATE: 03/05/1956

POINT OF DIVERSION:

T13S R27E S16 SESENE Within CASSIA County
T13S R27E S16 NENESW Within CASSIA County
T13S R27E S16 SENESW Within CASSIA County
T13S R27E S17 NENESE Within CASSIA County
T13S R27E S20 NENENE Within CASSIA County
T13S R27E S20 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|---------------|------------|
| STOCKWATER | 01/01 12/31 | 0.900 CFS |
| COMMERCIAL | 01/01 12/31 | 135.00 AFY |
| INDUSTRIAL | 03/15 11/15 | 0.050 CFS |
| DOMESTIC | 01/01 12/31 | 8.10 AFY |
| IRRIGATION | 03/15 11/15 | 0.800 CFS |
| | | 109.00 AFY |
| | | 0.050 CFS |
| | | 1.30 AFY |
| | | 3.760 CFS |
| | | 752.00 AFY |

PLACE OF USE:

STOCKWATER Within CASSIA County

| | | | |
|---------------|------|---------------|------|
| T13S R27E S17 | NESE | T13S R27E S17 | NWSE |
| T13S R27E S17 | SWSE | T13S R27E S17 | SESE |
| T13S R27E S20 | NENE | T13S R27E S20 | NWNE |
| T13S R27E S20 | SWNE | T13S R27E S20 | SENE |

COMMERCIAL Within CASSIA County

| | |
|---------------|------|
| T13S R27E S20 | NENE |
|---------------|------|

INDUSTRIAL Within CASSIA County

| | | | |
|---------------|------|---------------|------|
| T13S R27E S17 | NESE | T13S R27E S17 | NWSE |
| T13S R27E S17 | SWSE | T13S R27E S17 | SESE |
| T13S R27E S20 | NENE | T13S R27E S20 | NWNE |
| T13S R27E S20 | SWNE | T13S R27E S20 | SENE |

DOMESTIC Within CASSIA County

| | |
|---------------|------|
| T13S R27E S16 | NESW |
|---------------|------|

IRRIGATION Within CASSIA County

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

09/07/2001

| | | | | | |
|---------------|------|------|---------------|------|------|
| T13S R27E S16 | NENE | 40.0 | T13S R27E S16 | NWNE | 40.0 |
| T13S R27E S16 | SWNE | 38.0 | T13S R27E S16 | SENE | 39.0 |
| T13S R27E S16 | NENW | 40.0 | T13S R27E S16 | NWNW | 38.0 |
| T13S R27E S16 | SWNW | 38.0 | T13S R27E S16 | SENE | 39.0 |
| T13S R27E S16 | NESW | 35.0 | T13S R27E S16 | NWSW | 37.0 |
| T13S R27E S16 | SWSW | 36.0 | T13S R27E S16 | SESW | 39.0 |
| T13S R27E S16 | NESE | 40.0 | T13S R27E S16 | NWSE | 38.0 |
| T13S R27E S16 | SWSE | 38.0 | T13S R27E S16 | SESE | 39.0 |
| T13S R27E S17 | NENE | 40.0 | T13S R27E S17 | NWNE | 39.0 |
| T13S R27E S17 | SWNE | 38.0 | T13S R27E S17 | SENE | 39.0 |
| T13S R27E S20 | NESE | 40.0 | T13S R27E S20 | NWSE | 36.0 |
| T13S R27E S20 | SWSE | 36.0 | T13S R27E S20 | SESE | 40.0 |
| T13S R27E S21 | SWSW | 40.0 | T13S R27E S21 | SESW | 40.0 |
| T13S R27E S29 | NENE | 40.0 | T13S R27E S29 | SENE | 20.0 |

1062 ACRES TOTAL

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 864 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2437, 43-2442 and 43-4006

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 188 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
STOCK WATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
RIGHT NUMBERS 43-2437, 43-2436A, 43-2438A, 43-2442 AND 43-4006 ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
INDUSTRIAL USE IS FOR DUST CONTROL.
COMMERCIAL USE IS FOR A FEED MILL OPERATION.

WATER RIGHT NUMBER: 43-2437 V1

DRAFT

Status: Active

| | | |
|-------------------------------|-----------------|---------------------------------|
| GROUND WATER
CASSIA County | SE1/4SE1/4NE1/4 | Sec. 16, Twp 13S, Rge 27E, B.M. |
| GROUND WATER
CASSIA County | NE1/4NE1/4SE1/4 | Sec. 20, Twp 13S, Rge 27E, B.M. |
| GROUND WATER
CASSIA County | NE1/4NE1/4NE1/4 | Sec. 20, Twp 13S, Rge 27E, B.M. |
| GROUND WATER
CASSIA County | NE1/4NE1/4SE1/4 | Sec. 17, Twp 13S, Rge 27E, B.M. |
| GROUND WATER
CASSIA County | SE1/4NE1/4SW1/4 | Sec. 16, Twp 13S, Rge 27E, B.M. |

STOCKWATER

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 43-2437 V1

INDUSTRIAL

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 13S | 27E | 17 | | | | | | | | | | | | | X | X | X | X | |
| 13S | 27E | 20 | X | X | X | X | | | | | | | | | | | | | |

DOMESTIC

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 13S | 27E | 16 | | | | | | | | | | | | | X | | | | |

COMMERCIAL

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 13S | 27E | 20 | X | | | | | | | | | | | | | | | | |

IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 13S | 27E | 16 | 40.0 | 40.0 | 38.0 | 39.0 | 40.0 | 38.0 | 38.0 | 39.0 | 35.0 | 37.0 | 36.0 | 39.0 | 40.0 | 38.0 | 38.0 | 39.0 | 614.0 |
| 13S | 27E | 17 | 40.0 | 39.0 | 38.0 | 39.0 | | | | | | | | | | | | | 156.0 |
| 13S | 27E | 20 | | | | | | | | | | | | | 40.0 | 36.0 | 36.0 | 40.0 | 152.0 |
| 13S | 27E | 21 | | | | | | | | | 40.0 | 40.0 | | | | | | | 80.0 |
| 13S | 27E | 29 | 40.0 | | | 20.0 | | | | | | | | | | | | | 60.0 |

Total Acres: 1062

Conditions of Approval:

1. 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.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-2437 V1

Remarks:

1. Explanatory RIGHT NUMBERS 43-2442, 43-2346A, 43-2438A AND 43-4006 ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 188 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 864 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-2442 and 43-4006
4. Explanatory STOCKWATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
5. Explanatory INDUSTRIAL USE IS FOR DUST CONTROL.
6. Explanatory COMMERCIAL USE IS FOR A FEED MILL OPERATION.
7. Quantity THE TOTAL COMBINED USE OF ALL RIGHTS FOR STOCKWATER AND COMMERCIAL USE FOR THE WELL IN T13S R27E S20 NENENE IS LIMITED TO 2.45 CFS.
8. Quantity THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED FLOW RATE OF 10.72 CFS AND 3308 AFA FOR IRRIGATION USES IN A SINGLE IRRIGATION SEASON.
- 9.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

December 18, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Mike Telford
Interstate Feeders, Inc.
HC 72 Box 2086
Malta, ID 83342

Dear Mike:

Our meeting November 13th was beneficial to discuss some of the issues with Interstate Feeders, Inc claims. As you recall, the original water right licenses, 43-2436 and 43-2438, had some limiting language for the stock water diversion volume. That limiting language created a deficiency in the stock water volume. One way to acquire the volume is to cease irrigating an appropriate number of acres and change the nature of use of the rights from irrigation to stock water. Two hundred and six (206) acres are requested to provide the stock water consumptive use volume. The change in nature of use effects claims 43-2442, 43-2437 and 43-4006. The diversion volume was proportionally distributed between the effected irrigation rights. I've enclosed copies of the recommendations and a map outlining the place of use. The place of use includes the stock water and irrigation uses.

Statutory Claim 43-4079 was filed on 7 collection ponds off the feedlots and used for irrigation. It's my understanding that this was only used for about a year before you determined it wasn't effective and discontinued it. Therefore, I'm not recommending it to the court. I've enclosed a Relinquishment Form on this claim for you to sign and return to me as soon as possible.

The change in nature of use for 43-2437, 43-2442 & 43-4006 requires amending the claims. Normally there is a fee associated with amending claims but the department will waver that fee. Please return the signed Relinquishment form on claim 43-4079. This will reduce the paperwork for both of us. Your cooperation in this matter is greatly appreciated.

If you have any questions, please don't hesitate to call me at (208) 327-5450 or toll free at 1-800-451-4129 extension 5450.

Sincerely,

Cindy E. Bird
Enclosure

Identification No.

Transfer No. 43-2442, 43-4006, **43-2437**STATE OF IDAHO
DEPARTMENT OF RECLAMATIONShould be read in connection with
the provisions of this
act, and the provisions of theJAMES F. WENNETT
120 E. 2nd St.
Boise, Idaho 83702
544-1441APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use**APPROVED**

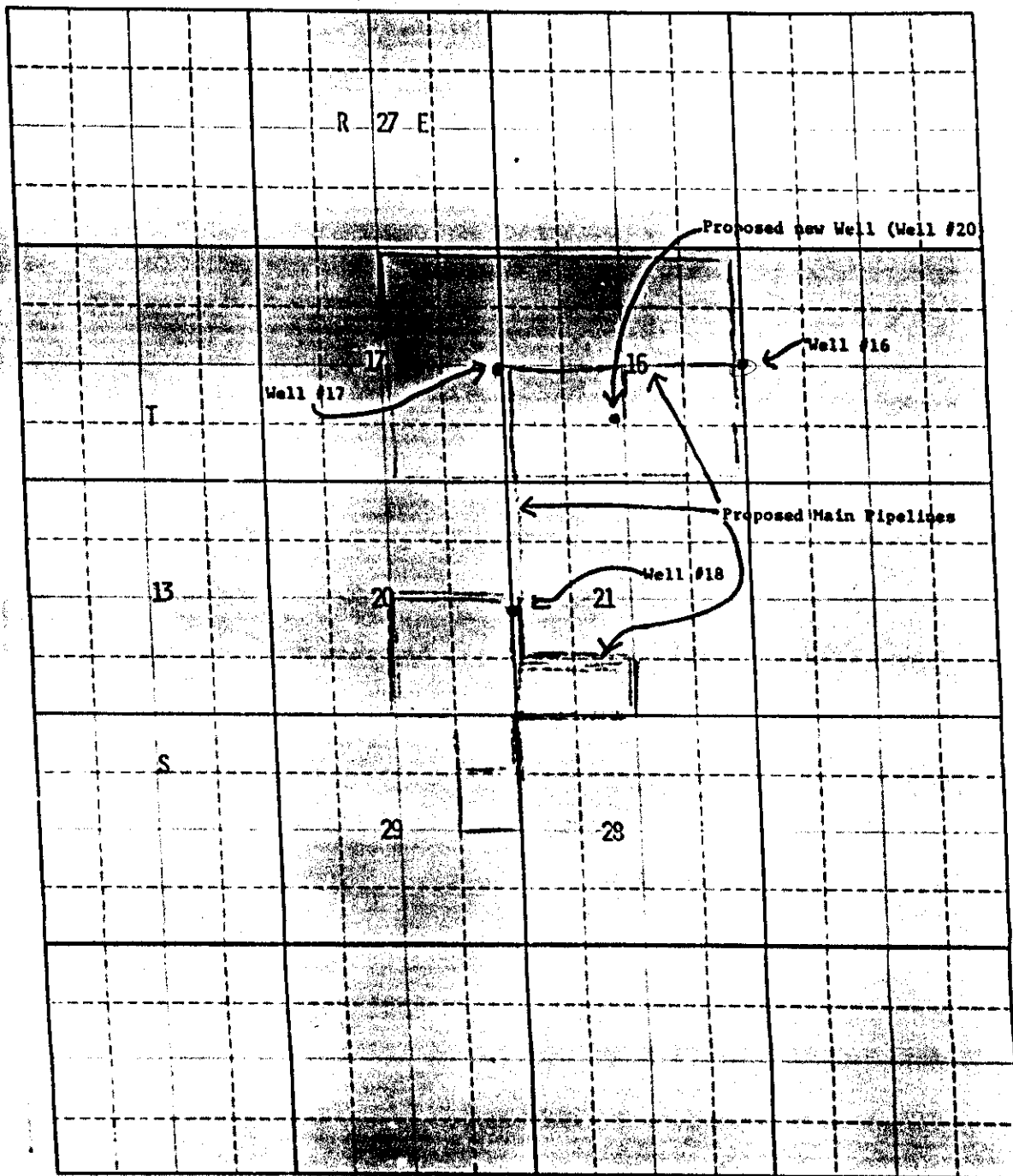
1. Name of Right Holder Vista Land Company
Post office address Malta, Idaho
2. Right obtained by: Two licensed and one constitutional use right.
a. Decree to N/A (Name) in Case of _____
vs. _____, Dated _____ in _____
(Name of Court) (Name of Court)
- b. Wells #16-43-2442, #17-43-4006 (#1700); and Well #18-43-2437
issued by the State of Idaho, Department of Reclamation.
3. Source of water Underground water (Name of stream or source) Widened to
4. Date of Priority Well #16-3-5-56; Well #17-4-29-52; and Well #18-3-5-56
5. Amount of water a. 15.77 c.f.s. and/or Well #16=7.21 cfs; Well #17=3 cfs;
and Well #18=5.56 cfs
b. _____ acre feet/annum
6. Water is used for _____ from _____ to _____
7. Original location of point of diversion is (Well #16) (Month, Day) (Month, Day)
SE NE 16
Township 13S, Range 27E, B.M. in Cassia County;
Additional points of diversion, if any: Well #17, NE 1/4, Section 17, T13S, R 27E;
Well #18, NE 1/4, Section 20, T 13S, R 27E.

8. Lands presently irrigated or place of use:

| TWP | RANGE | SEC. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTALS |
|----------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| Well #16 | | | | | | | | | | | | | | | | | | | |
| 13S | 27E | 16 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| Well #17 | | | | | | | | | | | | | | | | | | | |
| 13S | 27E | 20 | 40 | 40 | | | | | | | | | | | | | | | 80 |
| 13S | 27E | 17 | 40 | 40 | | 40 | 40 | | | | | | | | | | | | 320 |
| Well #18 | | | | | | | | | | | | | | | 40 | 40 | 40 | 40 | |
| 13S | 27E | 20 | | | | | | | | | | | | | | | | | |
| 13S | 27E | 21 | | | | | | | | | | | | | 40 | 40 | 40 | 40 | 160 |
| 13S | 27E | 29 | 39 | | | | | | | | | | 40 | 39 | | | | | 79 |
| | | | | | | | | | | | | | | | | | | | 39 |

Total number of acres presently irrigated 1318

43 2437



SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

43-4006 - Lands to be irrigated as right is presently on file. (Well #17)

43-2442 - Lands to be irrigated as right is presently on file. (Well #16)

43-24 - Lands to be irrigated as right is presently on file. (Well #18)

Location of lands to be irrigated in the future by all three rights.

43-2437

9. "If applicant was not the original holder of this right explain how it was acquired: All lands and rights have been acquired by purchase.

10. CHANGE IN POINT OF DIVERSION

a. Quantity to be diverted at new point: 15.77 c.f.s. and/or _____ acre feet
 b. New point of diversion: NE 1/4 SW 1/4 Sec 16, Township 13S, Range 27E, S.M. and the three existing wells described in Paragraph 7.
 c. Description of method of diversion and conveyance from new points of diversion: Deep well, vertical turbine pump and pipelines.

d. Is water to be conveyed to the lands previously irrigated? Yes X No _____
 If not, the place of use should be changed below. (For the most part)

e. Describe the reasons for applying for a change in the point of diversion:
This land was first developed by PEWITT-THOMPSON, INC. as a part of a much larger farm. There were many wells on the larger farm that could be diverted to most of the land that are the subject of this transfer. Several years ago, VISTA LAND CO. bought most of the PEWITT-THOMPSON holdings in the immediate area, but not all of the holdings. Some ability to move (Con't on Appendix A)

f. Do you intend to make the transfer permanent? Yes _____
 g. Do you intend to abandon completely the old point of diversion? No _____

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

| TWP | RANGE | SEC. | NE 1/4 | | | | NW 1/4 | | | | SW 1/4 | | | | SE 1/4 | | | | TOTALS |
|-----|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | |
| 13S | 27E | 16 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 17 | 40 | 40 | 40 | 40 | | | | | | | | | 40 | 40 | 40 | 40 | 320 |
| | | 20 | | | | | | | | | | | | | 40 | 40 | 40 | 40 | 160 |
| | | 21 | | | | | | | | | | | | | 40 | 40 | 40 | 40 | 80 |
| | | 29 | 40 | | | | | | | | | | 40 | 40 | | | | | 80 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres to be irrigated 1280

b. Do you intend to make the transfer permanent? Yes

c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans.
No. Only the NE 1/4, NE 1/4, Section 17, which has been traded for the SW 1/4, NE 1/4, Section 17 with the BLM and the N 1/4, NE 1/4, Section 20, which has been converted to a feed lot.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: None

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 18th day of November, 19 73.

My commission expires July 1, 1974.
Residing at Hyrum, Cache County, Utah.

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2142, 43-1006 & 43-2437 and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
Subject to the condition that this approval does not validate the water right as claimed under 43-1006. Measuring devices of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
2. Denial of said application is for the following reasons:

Witness my hand this 3 day of January, 19 74.

R. Keith H. [Signature]
Director
Idaho Dept. of Water Administration

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 1-21-74 Protest Filed by: _____ Date: _____
Protein check by [Signature] Date 1-21-74
Fee received by [Signature] Date 1-21-74 \$ 1.50
Approved for publication by [Signature]
Published in South Idaho Press Date 1-11 & 12-18-73
Hearing held _____
Watermaster Recommendation sent _____

43-2437

TH 1681

Appendix A

water from various wells to various lands at the time of purchase. Within the last few weeks, Vista Land Co. has sold all of the company's irrigated land holdings (more than 3,000 acres) except the land listed in this transfer application. This means an additional loss of ability to move water from various wells to various lands.

In addition, Vista Land Company recognizes that, in the past, there has been an important amount of water lost in long dirt ditch and long irrigation runs in flood irrigation practices.

With the remaining irrigated land owned by Vista Land Co., and described herein, it is proposed to significantly improve the irrigation efficiencies. This will be done in part with the purchase of sprinkler systems and the use of gated pipe and shorter irrigation runs. It will also be done, in part, with the advantages of tying 4 wells together in a pipe-system, so that water can be diverted quickly and without loss to any of the lands from any of the wells when the crops demand water. To accomplish this, it will be necessary to drill the new, 4th well, which is proposed herein.

It is proposed by this transfer to me as, so to speak, all of the rights so that water from 1, 2, 3, or 4 wells can be used on any of the land as water is required.

This is not intended to be an enlargement over existing rights. There will not be more acres irrigated than present rights allow. We expect that less water will be needed, or water diverted will be placed to a more productive or efficient use. (The application calls for the irrigation of 1,280 acres, and existing right

Appendix A

Page 2

are to irrigate 1,318 acres. Vista Land Co. is not intending to loose the right to irrigate the additional 38 acres by this transfer application and may in the future, make addition transfer applications that will include the use of this additional 38 acres of water right).

43 2437

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 26225/43-2437 Priority March 5, 1956 Amount 5.56 cfs

THIS IS TO CERTIFY, that RONALD G. HOLTMAN

of Malta, Idaho has complied with the terms and conditions of Permit
No. 26225/43-2437 issued pursuant to Application for Permit dated March 5, 1956
and has submitted proof to the Department of Water Administration on June 11, 1969

that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 7.10 cfs and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 5.56 cfs for Irrigation from March 15 to Nov. 15 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 5.56 cfs of water be diverted at
any one time, and waters to be diverted within the _____

NE1/4 Sec. 20, Twp. 13 S, Rge. 27 E, B.M.

in the county of Cassia; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,112 acre feet per year or _____
4.0 acre feet per acre.

Description and location of place of use:

| TWP | RANGE | SEC | 20% | | | | 30% | | | | 50% | | | | 75% | | | | TOTALS |
|------|-------|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | | NE 1/4 | NW 1/4 | SE 1/4 | SW 1/4 | NE 1/4 | NW 1/4 | SE 1/4 | SW 1/4 | NE 1/4 | NW 1/4 | SE 1/4 | SW 1/4 | NE 1/4 | NW 1/4 | SE 1/4 | SW 1/4 | |
| 13 S | 27 E | 20 | | | | | | | | | | | | | 40 | 40 | 40 | 40 | 160 |
| | | 21 | | | | | | | | | | | | 40 | 39 | | | | 79 |
| | | 29 | | | | | | | | | | | | | | | | | 39 |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 278

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7 day of
September 19 72.

Director

43 2437

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—