

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-2438A

WATER RIGHT NUMBER: 43-2438A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONFORT FINANCE CO INC 1770 PROMONTORY CIRCLE GREELEY, CO 80634 (970)506-8000
Original Owner	BENCHMARK RANCHES PO BOX 147 MALTA, ID
Directors Report Owner	INTERSTATE FEEDERS INC 1710 S 2450 E MALTA, ID 83342 (208)645-2221

Priority Date: 01/05/1957

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	2.020 CFS	78.30 AF
COMMERCIAL	01/01 to 12/31	2.020 CFS	0.55 AF
	<u>Total Diversion:</u>	2.020 CFS	78.85 AF

Location of Point(s) of Diversion

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

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

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-2438A

2. 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.

Remarks:

1. 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.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 43-2436A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.02 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 78.85 AF.

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 18 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 Swift Beef Company (f/k/a ConAgra Beef Company)
 Owner/Claimant(s) 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 _____ 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.

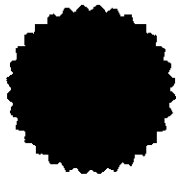
RECORDED AT THE REQUEST OF
LAND TITLE & ESCRROW

02 APR 23 PM 3 08

FEE 6.00 DEPUTY *[Signature]*

CASSIA COUNTY, IDAHO
DANIEL M. ROSKELLEY
RECORDER

281102



0705607 8100M

020251314

Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 1731974

DATE: 04-19-02

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 07/26/1993
502076204 - 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

1

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:

WONPORT, INC.

L.R. THOMAS, Secretary

By:

JOHN J. DILL, Vice President

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

454⁰⁰

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: A43-02438A
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: JAN 05, 1957

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL 375' DEEP, REDRILLED 1969, 75 HP PUMP, AUTO/VALVE TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	2.020		
COMMERCIAL	01/01	12/31	2.020		

7. Total Quantity Appropriated is:

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

C/ FEED MILL; S/ 50,000 FEEDLOT CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	17		SE		STOCK	
		20		NE		STOCK	

A43-02438A

Page

1

Date: 05/24/89

MICROFILMED

MAR 03 1993

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:
A43-02436A
14. Remarks:
WHEN THE PROPERTY COVERED BY THIS LICENSE WAS SOLD TO BENCHMARK RANCHES ONLY THE IRRIG. WATERS WERE TRANSFERRED TO THEM, AND THE ORIGINAL OWNERS RETAINED THE COMMERCIAL AND STOCKWATER PORTIONS SEE TRANSFER NO 1838. ALSO SEE ATTACHED LETTER FROM SHERL CHAPMAN CONCERNING THIS WATER RIGHT.
15. Basis of Claim: LICENSE
Water Right Number: 26227

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: 4

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Interstate Feeders Organization, that I have signed the foregoing

document in the space below as President of _____ Title

Interstate Feeders Organization and that the statements contained in the

foregoing document are true and correct.

Leo A. Quinn
Signature of Authorized Agent

President--Interstate Feeders
Title and Organization

May 30, 1989
Date

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

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

Kevin H. Hyman
Notary Public

Seal

Residing at Logan, Utah

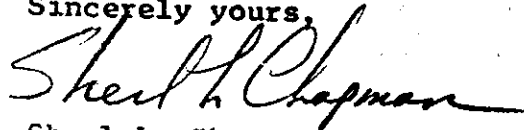
My Commission Expires April 1, 1990

Mr. John Clay
February 4, 1977
Page 3

Well #19, located in the NE, NE, Sec. 20, T13S., R27E., is for the feed lot and mill and irrigation of land in Section 9, T13S., R27E., and is covered under water right #43-2436 and #43-2438. As the rights are established, two points of diversion are utilized in #43-2436. Well #14 is used to irrigate 256 acres in the E/2, Sec. 9, T13S., R27E., and well #19 is utilized to provide water for the feed lot and mill. Under water right #43-2438, well #19 is used again for the feed lot and stock watering purposes, and well #14 is used to irrigate 256 acres in the W/2 of Sec. 9, T13S., R27E. Application for transfer of water right #1838 by Benchmark Ranches included both #43-2436 and #43-2438. Under that transfer, the request by Benchmark for transferring water from both of those rights included only that amount of water that was utilized for irrigation on the lands which had been purchased by Benchmark Ranches. The water utilized primarily from well #19 for the feed lot and mill under both rights were not considered to be a part of the transfer and, as such, remain whole with regard to quantity and priority for use at the feed lot and mill site. I am enclosing copies of transfer #1681, #1844, and #1838 for your review and use as you requested. I have also sent a copy of this letter and transfer applications to Mr. Elbert Davis of Ag-land Mortgage Company and Rodney Moore of Connecticut Mutual Life Insurance Co.

I must apologize for the length of time that it took to get this review completed for you, but I had not received any authorization from Vista Land Company to periodically review and update the water right conditions as they existed on Vista Land Company, and additionally, the owners of Benchmark Ranches did a good deal of work on their own after work that either Jack Barnett or I had done regarding transfer of water rights and modification of their claims. I hope this summary will provide you the information you need and if you have any questions, please feel free to contact me at any time.

Sincerely yours,

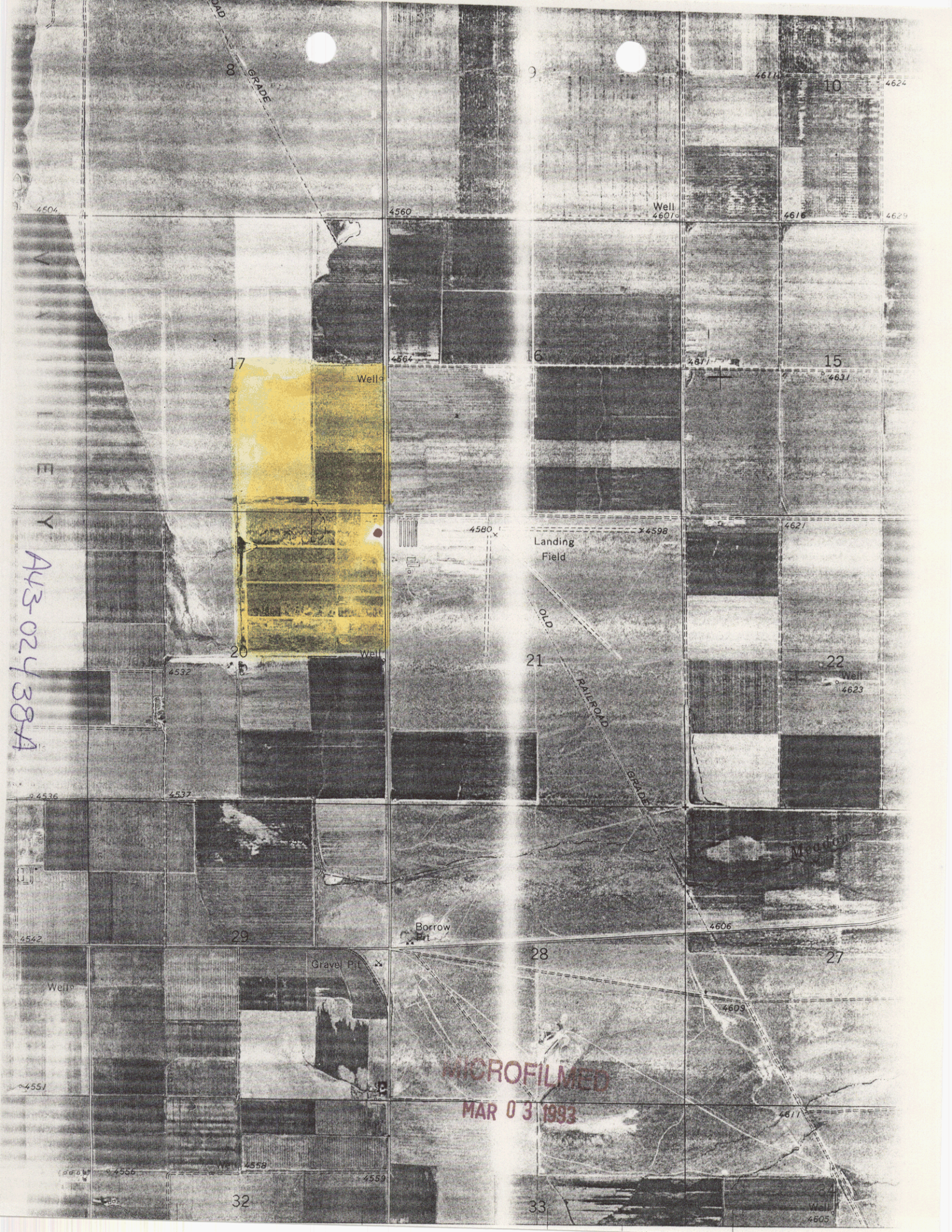


Sherl L. Chapman
Consultant

SLC:kje
enclosures

MICROFILMED
MAR 03 1993

443-024384



MICROFILMED
MAR 03 1993

Water Right Number - 43-02438

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 26227

*** C - CURRENT OWNER ***
BENCHMARK RANCHES

*** O - ORIGINAL OWNER ***
THOMPSON

LILLIAN

1 -
2 -
3 -
City- MALTA
Phone -
State- ID Zip-
MICROFILMED
MAR 03 1993

+ - - Priority Date - - + 17 + - - Region - - - +
01/05/1957 L - LICENSE

+ - - Source - - - +
GROUNDWATER

+ - - Twn Rng Sec Tract Lot Rflg County Point of Diversion - - - +

13S 27E 9 SE NW (31) CASSIA
13S 27E 20 NE NE (31) CASSIA

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 4.270 1008.00
04 - STOCKWATER 01/01 12/31 2.020 783.00
10 - COMMERCIAL 01/01 12/31 2.020 0.55

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - +
6.290 1008.00

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	27E	2	SW NE		36.0	01	IRRIGATION		(31) CASSIA
13S	27E	2	SW NW		37.0	01	IRRIGATION		(31) CASSIA
13S	27E	2	SE NW		37.0	01	IRRIGATION		(31) CASSIA
13S	27E	2	NE SW		37.0	01	IRRIGATION		(31) CASSIA
13S	27E	2	NW SW		37.0	01	IRRIGATION		(31) CASSIA
13S	27E	2	SW SW		36.0	01	IRRIGATION		(31) CASSIA
13S	27E	2	SE SW		37.0	01	IRRIGATION		(31) CASSIA
13S	27E	2	NW SE		36.0	01	IRRIGATION		(31) CASSIA
13S	27E	3	NE NE		36.0	01	IRRIGATION		(31) CASSIA
13S	27E	3	NW NE		37.0	01	IRRIGATION		(31) CASSIA
13S	27E	3	SW NE		37.0	01	IRRIGATION		(31) CASSIA
13S	27E	3	SE NE		36.0	01	IRRIGATION		(31) CASSIA

MAR 03 1993
MICROFILMED

Water right number - 43-02438										Adj. flag translation: Standard Water Right Number									
Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County										
13S	27E	3	NE NW		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	3	NW NW		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	3	SW NW		37.0		01	IRRIGATION	(31) CASSIA										
13S	27E	3	SE NW		37.0		01	IRRIGATION	(31) CASSIA										
13S	27E	3	NE SW		37.0		01	IRRIGATION	(31) CASSIA										
13S	27E	3	NW SW		18.0		01	IRRIGATION	(31) CASSIA										
13S	27E	3	SW SW		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	3	SE SW		37.0		01	IRRIGATION	(31) CASSIA										
13S	27E	3	NE SE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	3	NW SE		37.0		01	IRRIGATION	(31) CASSIA										
13S	27E	3	SW SE		37.0		01	IRRIGATION	(31) CASSIA										
13S	27E	3	SE SE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	4	NE NE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	4	NW NE		35.0		01	IRRIGATION	(31) CASSIA										
13S	27E	4	SW NE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	4	SE NE		37.0		01	IRRIGATION	(31) CASSIA										
13S	27E	4	NW SE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	4	SW SE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	4	SE SE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	NW NE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	SW NE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	SE NE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	NW NW		35.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	SW NW		35.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	SE NW		29.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	NW SW		35.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	SW SW		34.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	SE SW		35.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	NE SE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	SW SE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	NE SE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	SW SE		35.0		01	IRRIGATION	(31) CASSIA										
13S	27E	9	SE SE		35.0		01	IRRIGATION	(31) CASSIA										
13S	27E	10	NE NE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	10	NW NE		37.0		01	IRRIGATION	(31) CASSIA										
13S	27E	10	SE NE		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	10	NE NW		37.0		01	IRRIGATION	(31) CASSIA										
13S	27E	10	NW NW		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	10	SW NW		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	10	SE NW		37.0		01	IRRIGATION	(31) CASSIA										
13S	27E	10	NE SW		37.0		01	IRRIGATION	(31) CASSIA										
13S	27E	10	SW SW		36.0		01	IRRIGATION	(31) CASSIA										
13S	27E	10	SE SW		35.0		01	IRRIGATION	(31) CASSIA										
13S	27E	10	NE SE		36.0		01	IRRIGATION	(31) CASSIA										

MICROFILMED
MAR 03 1993

Water right number - 43-02438 Adj. flag translation: standard Water Right Number

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	27E	10	NW SE		37.0		01	IRRIGATION	(31) CASSIA
13S	27E	10	SW SE		36.0		01	IRRIGATION	(31) CASSIA
13S	27E	10	SE SE		35.0		01	IRRIGATION	(31) CASSIA
13S	27E	11	NW NE		35.0		01	IRRIGATION	(31) CASSIA
13S	27E	11	SW NE		35.0		01	IRRIGATION	(31) CASSIA
13S	27E	11	NE NW		37.0		01	IRRIGATION	(31) CASSIA
13S	27E	11	NW NW		36.0		01	IRRIGATION	(31) CASSIA
13S	27E	11	SE NW		37.0		01	IRRIGATION	(31) CASSIA
13S	27E	11	NW SW		36.0		01	IRRIGATION	(31) CASSIA
13S	27E	11	SW SW		35.0		01	IRRIGATION	(31) CASSIA
13S	27E	11	SE SW		35.0		01	IRRIGATION	(31) CASSIA
13S	27E	11	NW SE		34.0		01	IRRIGATION	(31) CASSIA
13S	27E	11	SW SE						

Total Acres: 2716.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 43-4029/43-4030/43-4031/43-4032/43-2368 & 43-2436.

P/D & P/U COMBINED W/RTS. 43-4029, 43-4030, 43-4031, 43-4032, 43-2368, 43-2436, 43-2438 BY TRANS. 1839.
THAT TOTALIZING MEASURING DEVICES OF A TYPE APPROVED BY THE DEPT. OF WATER RESOURCES BE INSTALLED AT THE POINTS OF DIVERSION.
THAT IF WATER IS CONTINUED TO BE DIVERTED FROM THE SURFACE WATER SOURCE, THE RATE OF DIVERSION FROM THE WELLS MUST BE DECREASED BY THE AMOUNT AT WHICH WATER IS DIVERTED FROM THE SURFACE WATER SOURCE.
THAT THE APPROVAL OF THIS TRANSFER DOES NOT VALIDATE THE WATER RIGHTS AS CLAIMED UNDER CLAIM NOS. 43-4029, 43-4030, 43-4031 AND 43-4032. SEE MEMORANDUM DECISION AND ORDER DATED 12/16/1974 FOR FURTHER CONDITIONS.

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 -

MICROFILMED
MAR 03 1993

Water right number - 43-02438

Adj. flag translation: Standard Water Right Number

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	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 06/03/1985	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

From: DWR03::FRITSCHLE 24-MAY-1989 11:10
To: DWR10::BAUMHOFF, FRITSCHLE
Subj: TRANSFER OF PORTION OF 43-2436 AND 43-2438

HI ANNA;

THERE IS AN ATTACHMENT TO THE TRANSFER APPLICATION IN THE FILE FOR 43-2436 THAT STATES THAT EACH LICENSE (43-2436 AND 43-2438) ALLOWS 4.27 CFS FOR IRRIGATION, AND THE DIVERSION RATE ABOVE THIS 8.54 CFS IS TO BE RETAINED BY THE FEEDLOT. HOWEVER, THE TRANSFER ORDER IS QUITE LENGTHY AND DOES NOT MENTION ANY WATER FOR THE FEEDLOT. IT DOES HOWEVER, SHOW ONLY THE 4.27 CFS FROM EACH RIGHT AS BEING TRANSFERRED. THE FIELD EXAM FOR 43-2436 RECOMMENDED 4.27 CFS FOR IRRIGATION AND 2.13 CFS FOR THE FEEDMILL. THIS AMOUNT APPEARS TO HAVE BEEN "LOST" IN THE TRANSFER PROCESS, IT WAS NOT ASSIGNED A WATER RIGHT NUMBER AND IT IS NOT MENTIONED IN THE TRANSFER. HOWEVER, 2.02 CFS FOR STOCKWATER, AND 2.02 CFS FOR THE FEEDMILL APPEARS ON LICENSE 43-2436 WITH THE CONDITION THAT THEY DO NOT EXCEED THE VOLUMES SPECIFIED IN THIS LICENSE (78.3 AF STOCKWATER, .55 AF FEEDMILL) WHEN COMBINED WITH 43-2438 FOR THE SAME USE. THE AMOUNTS AND CONDITIONS ARE IDENTICAL ON LICENSE 43-2438. THE TOTAL DIVERSION RATE OF BOTH WATER RIGHTS MAY BE LIMITED TO 2.02 CFS SINCE IT APPEARS THAT THE SAME WELL WAS EXAMINED FOR BOTH RIGHTS. THIS ONE LOOKS LIKE IT WILL NEED SOME EXTENSIVE REVIEWING TO GET IT ALL SORTED OUT. I WILL KEEP THE FILES AT MY DESK FOR A WHILE IN CASE YOU NEED TO CALL FOR MORE INFORMATION.

HAVE FUN WITH THIS ONE,

CARTER

MICROFILMED

MAR 03 1993



**DO
NOT
FILM**

Water Right Number - 43-02438A		Prefix Translation: WATER RIGHT		Old (D) Number -	
+ - - - - Last Name - - - +		+ - - - - First Name - - +		+ - - - - Address - - - - - +	
+ - - - - Priority Date - - +		+ - - - - Region - - - +		+ - - - - Stage - - - +	
00/00/0000		ERROR IN REGION		+ - - - - Status - - - +	
+ - - - - Source - - - - - +		+ - - - - Point of Diversion -		+ - - - - Tributary - - - - - +	
+ - - - - TwN Rng Sec Tract Lot RFlg County		Stream Index (Blank if no Index Code)		+ - - - -	
+ - - - - Code		Description		Period From	
		Water Use		Period To	
		Diversion Rate		Diversion Volume	
+ - - - - Total Div. Rate - +		+ - - - - Total Div. Volume - +		+ - - - - Total Div. Capacity - +	
+ - - - - TwN Rng Sec Tract Lot Acres		Place of Use		Description	
		County		+ - - - -	
+ - - - - Diversion Means -					
+ - - - - Non-Irrigation Use -					
+ - - - - Other Rights for Same Use -					
+ - - - -		Remarks -		+ - - - -	
		No Remarks found.			
+ - - - -		Old Water Right Numbers -		+ - - - -	
		No Old Water Right Numbers found.			
+ - - - -		Conditions of Approval -		+ - - - -	
		No Conditions of Approval found.			
+ - - - - Decree Plaintiff - - - +		+ - - - - Decree Defendant - - - +		+ - - - - Decree Date - +	
				00/00/0000	
+ - - - -		Comments -		+ - - - -	
		No Comments Found			
+ - - - -		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 -	
Proof Made Date - 00/00/0000		Hearing Date - 00/00/0000		Temporary Right -	
Exam to S.O. Date - 00/00/0000		Verified Date - 00/00/0000		DLE/Carey Act -	
Order Show Cause - 00/00/0000		Receipt Number -		Water District -	
Licensed Date - 00/00/0000		Appl Received - 00/00/0000		Transfer/Amended -	
Decree Date - 00/00/0000		Presumption Flag -			

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

01/18/2001

RIGHT NUMBER: 43-2438A

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

SOURCE: GROUND WATER

QUANTITY: 2.02 CFS
78.85 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-2436A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.02 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 78.85 AF.

PRIORITY DATE: 01/05/1957

POINT OF DIVERSION: T13S R27E S20 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	2.02 CFS
		78.30 AFY
COMMERCIAL	01-01 12-31	2.02 CFS
		0.55 AFY

PLACE OF USE:

STOCKWATER Within CASSIA County

T13S R27E S17	NESE	40	T13S R27E S17	NWSE	40
T13S R27E S17	SWSE	40	T13S R27E S17	SESE	40
T13S R27E S20	NENE	40	T13S R27E S20	NWNE	40
T13S R27E S20	SWNE	40	T13S R27E S20	SENE	40

COMMERCIAL Within CASSIA County

T13S R27E S20 NENE

320 ACRES TOTAL

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: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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.

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY PLACE OF USE

43-2438A



0.3 0 0.3 0.6 Miles

T13S, R27E Sections 17 & 20

Map prepared by: Cbird
December 11, 2000
1987-1988 NAPP Photography

-  POINT OF DIVERSION
-  PLACE OF USE
-  SECTION LINES
-  QUARTER/QUATER LINES



State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 43-2436 1-1-71 Amount 6.29 c.f.s.
Yakima River

THIS IS TO CERTIFY that LESTER THOMPSON

of Malta, Idaho

has submitted pursuant to Application No. 43-2436 and has submitted proof to the Department of Water Administration on 12-26-70 that he has applied water to a beneficial use, the examination by the Department indicates that the works have a capacity of 8.31 c.f.s. 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 details:

Amount 1.27 c.f.s. for Irrigation from April 1 to Oct. 31 (both dates inclusive)

Amount 2.02 c.f.s. for Stockwater from Jan. 1 to Dec. 31 (both dates inclusive)

Amount 2.02 c.f.s. for Feed Mill from Jan. 1 to Dec. 31 (both dates inclusive)

Subject, however, to the condition that no more than 6.29 c.f.s. of water be diverted at any one time, said waters to be diverted within the _____

SE 1/4 Sec. 9, NE 1/4 Sec. 29, Twp. 14 S., Rge. 2 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 purpose aforesaid and is limited to the amount which can actually be beneficially used and shall not exceed 1068 acre feet per year or 1.0 acre feet per acre for irrigation purposes, 78.3 acre feet per year for stockwatering purposes, and 0.55 acre feet per year for use at feed mill.

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	
13 S	27 E	9	11.5	11.5	11.5	11.5									11.5	11.5	11.5	11.5	252

The stockwater and feed mill volume shall not exceed the above figures when combined with Permit No. 43-2436 for the same use.

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 21st day of January, 1971.

[Signature]

43-2436

January 12, 1971

Re: Permit Nos. 43-2436 and 43-2438

C
Lester and Lillian Thompson
Malta,
Idaho 83342

C
Dear Mr. & Mrs. Thompson:

Enclosed herewith are the Water Licenses which we have issued for your above numbered permits.

P
We wish to call your attention to the requirement placed on your permits by a Memorandum Decision dated January 19, 1970, wherein, under item 3, you were required to submit periodic reports as required by this Department. We, therefore, require at this time, your discharge data for your 1970 operations. We also require that monthly reports be submitted starting February 1, 1971, and continuing until further official notification in writing by this department. We are enclosing a copy of that Memorandum Decision for your information.

Y
Your prompt attention to this matter will be appreciated.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosures

cc. Vista Land Company
Intermountain Water Supply



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

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

KARL J. DREHER
DIRECTOR

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

CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird

FILE: A43-2436A/2438A.

RE: Response to Jeanie's letter on duplicate claims.

DATE 11/6/00 4:03pm per phon call.

NAME OF PARTY

Mike Telford

March 10, 2000, Mike Telford responded to Jeanie Robertson's letter about Harris Ag & Interstate Feeders both claiming the stock water and commercial uses under licenses 43-2436 & 2438.

Mike's documentation about the system was attached to his letter. The documentation placed the POD IN NENESE OF Section 20. Mike said that was an error. IT is located in the NENENE OF section 20 in one of the buildings.

Second item, system supplies drinking water for 52,00 head of cattle. Mike state it is 50,000 to 52,000 head of cattle.

The system operates at design capacity 1100 gpm, it pressure regulated, so the pump runs constantly.

I also asked Mike Telford if Harris Ag has any interest in the feed lots in Section 20. He said NO, they do not.



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

March 6, 2000

INTERSTATE FEEDERS

HC 72 BOX 2086

MALTA ID 83342

RE: A43-02436A and ~~A43-02438A~~

Dear Claimants,

In May of 1989 you filed claims A43-02436A and A43-02438A in the Snake River Basin Adjudication. These claims were for the Stockwater and Commercial portions of the licenses. The "Remarks" stated that when the licenses were sold to Benchmark Ranches, only the irrigation portions were sold and the original owners retained the stockwater and commercial portions.

Please be advised that Harris Ag has also filed claims for the Stockwater and Commercial portions of these two rights. This issue must be resolved before a recommendation can be made for these rights. Please submit proof that either you or the former owners did retain ownership of the stockwater and commercial portions of the rights. I will also be requesting evidence from Harris Ag to try to resolve this matter.

I have also enclosed a change of address form, in case your address needs to be updated. Just complete the form, sign and return to me, if this is the case.

If you have any questions, please feel free to give me a call at the office.

Sincerely,

Jeanie Robertson
Senior Water Resource Agent

R PROOF

CVR

MAPS

PHOTOS

MISC
