

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-2442

WATER RIGHT NUMBER: 43-2442

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

Priority Date: 03/05/1956

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
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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	1.140 CFS	311.00 AF
DOMESTIC	01/01 to 12/31	0.070 CFS	3.00 AF
COMMERCIAL	01/01 to 11/15	0.070 CFS	19.20 AF
INDUSTRIAL	03/15 to 11/15	1.020 CFS	250.00 AF
IRRIGATION	03/15 to 11/15	4.910 CFS	1,728.00 AF
	<u>Total Diversion:</u>	7.210 CFS	2,311.20 AF

Location of Point(s) of Diversion

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

Place of UseSTOCKWATER Within CASSIA County

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-2442

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

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

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	40.0
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: 1063

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.

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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-2442

2. Place of Use - Irrigation 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.
3. Explanatory RIGHT NUMBERS 43-2437, 43-2442 AND 43-4006 ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
4. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 432 ACRES WITHIN THE PLACE OF USE 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: C
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 16 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 _____ 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,

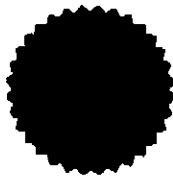
WITH AND INTO "MONTFORT, INC." UNDER THE NAME OF "MONTFORT, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-SIXTH DAY OF JULY, A.D. 1993, AT 9 O'CLOCK A.M.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

02 APR 23 PM 3 08

CASSIA COUNTY, IDAHO
DANIEL M. ROSKELLEY
RECORDER
FEE \$600 DEPUTY *[Signature]*

281102



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

0705607 0100M

AUTHENTICATION: 1731974

020251314

DATE: 04-19-02

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 07/26/1993
332076204 - 708697

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

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

5000

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

RECEIVED
MAY 31 1989

Ident. Number: A43-02442
Date Received: 5/24/1989
Receipt No: 1003772
Received By: HP

Department of Water Resources **NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: INTERSTATE FEEDERS, INC. 208-645-2221
Address: HC 72 BOX 2086
MALTA, ID 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 of	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, MAINLINES, 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	7.210		

7. Total Quantity Appropriated is:
7.210 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 of	Lot	Use	Acres
13S	27E	16	NE	NE		IRR	40.0

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:

A43-02437, A43-04006, A43-04079

14. Remarks:

THIS RIGHT WAS COMBINED UNDER TRANSFER 1681.

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

15. Basis of Claim: LICENSE

Water Right Number: 26235

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

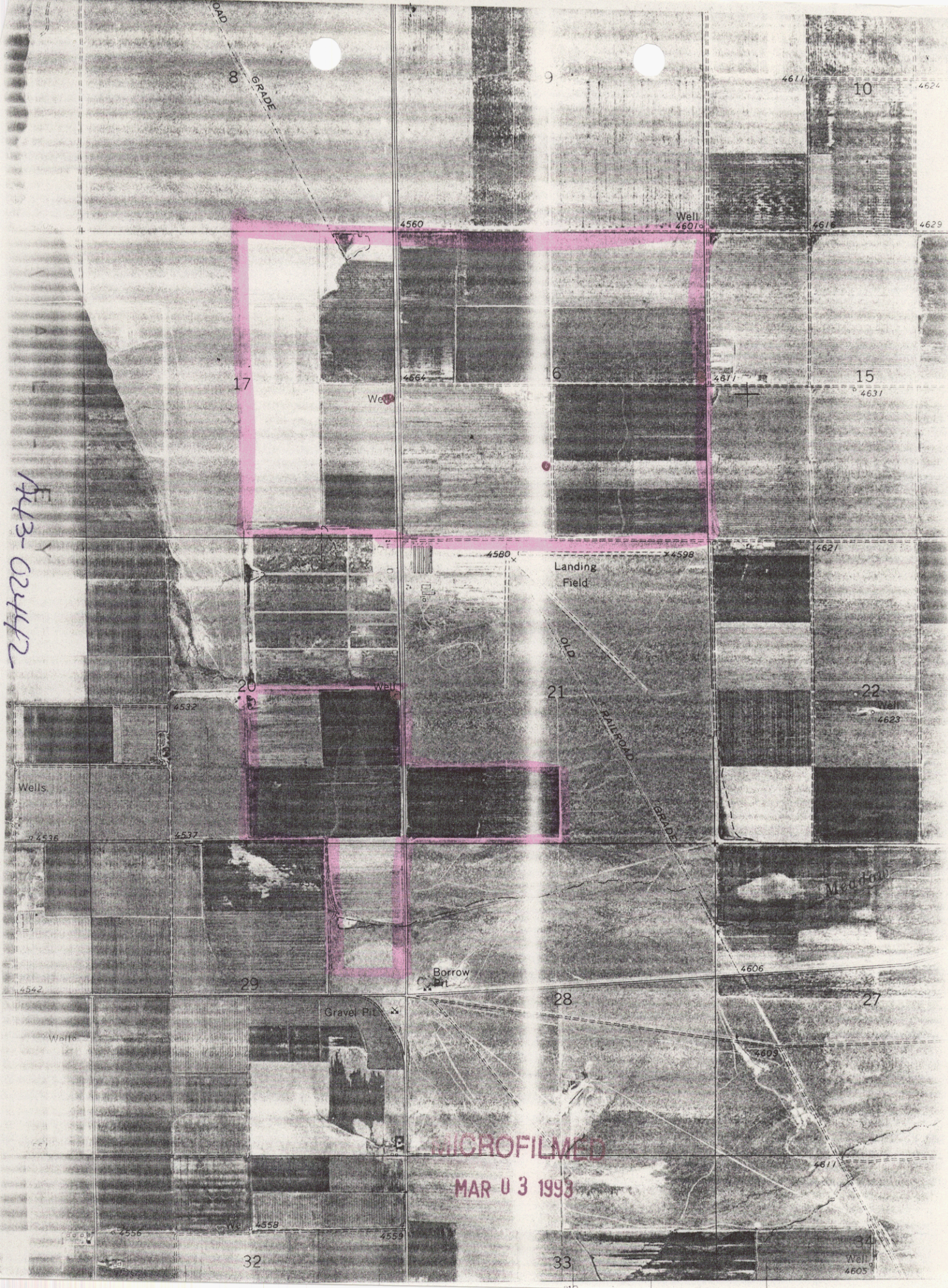
[Signature]
Notary Public

Seal

Residing at Logan, Utah

My Commission Expires April 1, 1990

143-02442



MICROFILMED
MAR 03 1993

Water Right Number - 43-02442

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 26235

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

Address -

*** O - ORIGINAL OWNER ***
THOMPSON

LESTER

1 -
2 -
3 -
City- MALTA
Phone -

State- ID Zip-

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - Priority Date - +
03/05/1956 17

+ - Stage - +
L - LICENSE

Status - +

Source - +
GROUNDWATER

Tributary -

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
13S	27E	16	SE NE			(31)	CASSIA
13S	27E	16	NE SW			(31)	CASSIA
13S	27E	17	NE SE			(31)	CASSIA
13S	27E	20	NE SE			(31)	CASSIA

Code Description
01 - IRRIGATION
43 - DOMESTIC

Period From Water Use
Period To

Diversion Rate

Diversion Volume

7.210

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
7.210

Tw	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	SW 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	

MICROFILMED
MAR 03 1993

Water right number - 43-02442

Adj. flag translation: Standard Water Right Number

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
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
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	20	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	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 & 43-2437.

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

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 - 43-02442

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	- 05/20/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 06/28/1979	Appl Received	- 00/00/0000	Transfer/Amended	- T
Decree Date	- 00/00/0000				

MICROFILMED
MAR 03 1993



**DO
NOT
FILM**

Water Right Number - 43-02442

Prefix Translation: WATER RIGHT

Old (D) Number - 26235

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
VESTA LAND CO.1 -
2 -
3 -

State- ID Zip-

City- MALTA
Phone -*** O - ORIGINAL OWNER ***
THOMPSON

LESTER

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 County13S 27E 16 SE NE (31) CASSIA
13S 27E 16 NE SW (31) CASSIA
13S 27E 17 NE SE (31) CASSIA
13S 27E 20 NE SE (31) CASSIA+ - - - - - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume
Code Description Period From Period To
01 - IRRIGATION
43 - DOMESTIC
7.210+ - - - - Total Div. Rate - - + + - - - - Total Div. Volume - + + - - - - Total Div. Capacity - +
7.210+ - - - - - - - - - - - - - - - Place of Use - - - - - Description County
TwN Rng Sec Tract Lot Acres Code
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 SW 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 SE NW 40.0 01 IRRIGATION (31) CASSIA
13S 27E 16 NW SW 40.0 01 IRRIGATION (31) CASSIA
13S 27E 16 NE SW 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

Water right number - 43-02442

Prefix Translation: WATER RIGHT

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	27E	16	NE SE		40.0		01	IRRIGATION	(31) CASSIA
13S	27E	16	NW SE		40.0		01	IRRIGATION	(31) CASSIA
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	20	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 & 43-2437.

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

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -
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

WATER RIGHT

No Comments Found

CONVERT

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	-	05/20/1985	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	06/28/1979	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

09/10/2001

NAME AND ADDRESS: INTERSTATE FEEDERS INC
1710 S 2450 E
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 7.21 CFS
2,311.2 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	1.140 CFS
DOMESTIC	01/01 12/31	311.00 AFY
COMMERCIAL	01/01 11/15	0.070 CFS
INDUSTRIAL	03/15 11/15	3.00 AFY
IRRIGATION	03/15 11/15	0.070 CFS
		19.20 AFY
		1.020 CFS
		250.00 AFY
		4.910 CFS
		1,728.00 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

DOMESTIC Within CASSIA County
T13S R27E S16 NESW

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

IRRIGATION Within CASSIA County

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

09/10/2001

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	40.0
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

1063 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 432 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

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 POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
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 SEASON OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT NUMBERS 43-2437, 43-2442 AND 43-4006 ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
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.



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

State of Idaho License and Certificate of Water Right

Water License No. G-26235

Water District No. _____

Amount 7.21 c.f.s.

Priority March 5, 1956

THIS IS TO CERTIFY that

LESTER THOMPSON

of Malta, Idaho

made application for a permit to appropriate the public waters of the State of Idaho, dated March 5, 1956; that Permit No. G-26235 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 7.21 second feet, was issued thereunder on August 12, 1963, showing that said works were completed on the 20th day of December, 1963; and that on the 20th day of December, 1963

LESTER THOMPSON

of Malta

State of Idaho

State Reclamation Engineer

made proof to the satisfaction of the of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation & domestic use, under Use Permit No. G-26235 of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 12 of licenses at page 7654, on the 12 day of August, 1963

The right hereby confirmed dates from

March 5

1956

The Point of Diversion is located

in the SE 1/4 NE 1/4, Sec. 16, Tp. 13 S., R. 27 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 7.21 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>13 S.</u>	<u>27 E.</u>	<u>16</u>	<u>All</u>	<u>640</u>	<u>640</u>

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 12th day of August, 1963

(SEAL)

RALPH W. THOMAS

Deputy State Reclamation Engineer

43 2442