

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: **A45-10274**
Date Received: 5/31/1989
Receipt No: S007412
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: CUMMINS FARMS INC
Address: 4418 E 3300 N
MURTAUGH ID

208-432-6675

83344

2. Date of Priority: JUN 19, 1959

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	21E	9	NW	NW	NE		CASSIA
			SE	SE	SE		CASSIA
		10	SW	SW	SW		CASSIA
		15	NW	NW	NW		CASSIA

5. Description of diverting works:

WELLS, PUMPS, DITCHES, PIPELINES & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.280		

7. Total Quantity Appropriated is:

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

A.F.A.

8. Total consumptive use is

42.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11S	21E	9	NE	SW		IRR	14.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	14.0
					Total Acres	14.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

THESE LANDS HAVE BEEN WATERED FROM MY IRRIG. SYSTEM AND FARMED
BY ME FOR MANY YEARS; HOWEVER I DO NOT OWN THE LAND AND NO
WATER RIGHT HAS EVER BEEN RECORDED FOR THIS USE.

10/21/99, CHANGED OWNERSHIP AS PER FORM 1409 AND DEED REC'D
2/11/99: CONRAD TO CUMMINS. C.T.

15. Basis of Claim: BENEFICIAL USE

Form 42-100/43-100X (6-1-79)
RECEIVED

FEB 11 1999

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

Department of Water Resources
 Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

RECEIVED
 JAN 27 2000

Department of Water Resources
 Southern Region

1. Water Right Number(s) See Attachment

Adjudication Claim Number(s) _____

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Conrad Land and Livestock, Inc.
325 South 1200 East
Murtaugh, Idaho 83344

4. New Owner/Claimant(s) Cummins Farms, Inc.
 Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR
 New Mailing Address 4418 East 3300 North

City, State and ZIP Code Murtaugh, Idaho 83344New Telephone Number (208) 4132-66755. Date you acquired the property January 8, 1999

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

CUMMINS FARMS, INC.

7. Signature of New Owner/Claimant(s) By: Mark S. Cummins Date 1-7-99
Mark S. Cummins, President

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Cummins Farms, Inc.

4418 E 3300 N
Murtaugh, Idaho 83344

432-6675
Fax # 432-5421

To Whomever it May Concern:

Jan 25, 2000

It is the wish of the three (3) Officers of Cummins Farms, Inc., to inform you, that it has been agreed upon that, any one of, or all three, of the officers can sign any/and all documents, pertaining to the business and legal operation of Cummins Farms, Inc.

Listed below are the 3 Members and their signatures giving permission to each other to sign in behalf of the Corporation known as Cummins Farms, Inc.

Mark Cummins *Mark Cummins* President

Allen Cummins *Allen Cummins* Vice President

Daniel Cummins *Daniel Cummins* Secretary

I Cindy L. Perkins, being a Notary Public for and on behalf of the State of Idaho, do acknowledge that Mark Cummins, Allen Cummins, and Daniel Cummins did appear before me on Jan. 25, 2000. I do know them By personal association, to be who they say they are.

Cindy L Perkins *Cindy Perkins* Date *Jan 25, 2000*

My Commission ends on 2/02/04
State of Idaho County of Twin Falls

I reside in Murtaugh, Idaho 83344

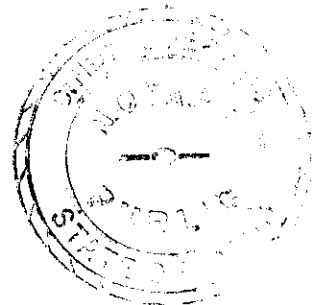


EXHIBIT B

Water Rights and Palisades Water Shares

<u>Water Right #</u>	<u>Acres Attached</u>	<u>Diversion Flow</u>	<u>Consumptive Use</u>	<u>Priority Date</u>	<u>Stage</u>
A45-02583	96.00	1.82 CFS	288.00AFA	06/19/59	License
A45-07020	188.00	3.76 CFS	564.00AFA	04/06/67	License
A45-07034	148.00	2.94 CFS	444.00AFA	03/03/69	License
A45-02689	494.00	5.82 CFS	1,482.00AFA	11/09/62	License
A45-07374	155.00	3.10 CFS	465.00AFA	04/11/79	License
A45-07110	310.00	3.98 CFS	930.00AFA	09/18/72	License
A45-07238	634.00	6.40 CFS	1,902.00AFA	05/02/75	License
A45-07035	320.00	5.79 CFS	960.00AFA	02/28/69	Licesne
45-07578	2,205.00	13.43 CFS	N/A	06/06/85	Application
A45-10274 *	14.00	.28 CFS	42.00 AFA	06/19/89	Beneficial Use

Palisades Water Users, Inc.

<u>Certificate #</u>	<u>#of Shares</u>
658	1000.00
660	140.00

CUMMINS FARMS MAP 4 1999

RANGE 21

TOWNSHIP 10

TOWNSHIP 11



US HIGHWAY 30

10

FKD 110
154 AC

15

FKD 109
134 AC

FKD 108
129 AC

16

FKD 106
129 AC

FKD 107
137 AC

9

FLD 113
149 AC

FLD 114
110 AC

8

FIELD 115
144 ACRES

7

17

FKD 104
128 AC

FKD 103
153 AC

18

FLD 102
335 AC

7

19

Property bought from
Haned Conrad
Conrad and Conrad

Highway 30
headed east to Burley

Fire



POLICY OF TITLE INSURANCE



First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Insurance Company

BY

Parker S. Kennedy

PRESIDENT

ATTEST

Mark R. Arnesen

SECRETARY

J

989970

CONTINUATION

SCHEDULE A

Policy Number: J 989970

PARCEL NO. 1:

TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 7: That part of the SE $\frac{1}{4}$ that lies South of U.S. Highway 30 Right of Way
- Section 8: That part of the NE $\frac{1}{4}$ and the W $\frac{1}{2}$ that lies South of U.S. Highway 30 Right of Way
- Section 9: SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$
- Section 15: W $\frac{1}{2}$
- Section 16: E $\frac{1}{2}$

PARCEL NO. 2:

TOWNSHIP 11 SOUTH, RANGE 21 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

- Section 10: SW $\frac{1}{4}$
- Section 18: All
- Section 19: SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2)
- Section 21: NE $\frac{1}{4}$

FIRST AMERICAN TITLE INSURANCE COMPANY

STANDARD OWNERS POLICY

SCHEDULE A

FILE NO.	POLICY NO.	DATE OF POLICY	AMOUNT	PREMIUM
30995	J 989970	January 8, 1999 at 1:10 P.M.	\$4,025,000.00	\$8,800.00

1. Name of Insured:

CUMMINS FARMS, INC., an Idaho Corporation

2. The estate or interest in the land which is covered by this Policy is:

FEE SIMPLE

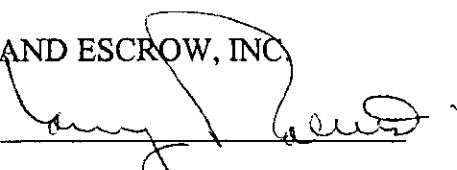
3. Title to the estate or interest in the land is vested in:

CUMMINS FARMS, INC., an Idaho Corporation

4. The land referred to in this Policy is described as follows:

SEE SCHEDULE A, PAGE 2

LAND TITLE AND ESCROW, INC.

Countersigned: 

Agent

This Policy is valid only if Schedule B is attached.

SCHEDULE B

EXCEPTIONS FROM COVERAGE

Policy Number: J 989970

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

SECTION I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Any lien or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
6. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

SECTION II

7. Taxes for 1999 and subsequent years, a lien, but not yet due or payable.
8. Assessments, if any, of the Milner Low Lift Irrigation District and the rights and powers of said District as by law provided.
9. Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.
10. Right-of-Way Deed executed by James H. Brady, Governor of the State of Idaho, and Ex-Officio President of the State Board of Land Commissioners, to Milner and North Side Railroad Company, a corporation, dated November 12, 1910 and recorded November 15, 1912 as Instrument No. 12900 in Book 14 of Deeds, Page 609, records of Cassia County, Idaho, over and across NE¼ of Section 16, Township 11 South, Range 21, East of the Boise Meridian.

-Continued-

SCHEDULE B

Policy Number: J 989970

11. Rights for transmission line purposes as the Idaho power Company may have under the Act of march 4, 1911 (36 Stat.1253) as amended (43 U.S.C. sec. 961) and rights for pipeline purposes as the Salt Lake Pipeline Company may have under Section 28 of the Act of February 25, 1920 (41 Stat. 437) and reservation of a right-of-way for a Federal Aid Highway under the Act of November 9, 1921 (42 Stat. 212), notice of such given by Patent recorded February 11, 1955 as Instrument No. 185048 in Book 2 of Patents, Page 378, records of Cassia County, Idaho. (NW¼ and NW¼SW¼ of Section 8, Township 11 South, Range 21 East of the Boise Meridian.)
12. Right of Way Contract from May A. Hale to pacific Northwest Pipeline Corporation, a Delaware corporation, dated September 7, 1955, and recorded September 29, 1955 as Instrument No. 187508, in Book 9 of Bills of Sales and Agreements, Page 230, records of Cassia County, Idaho, granting a right of way and easement to said corporation, over and across the NW¼SW¼ and SW¼NW¼ of Section 8, Township 11 South, Range 21 East of the Boise Meridian.
AMENDMENT TO RIGHT OF WAY CONTRACT dated August 25, 1980 and recorded September 8, 1980 as Instrument No. 128901 on Film No. 137, records of Cassia County, Idaho.
13. Right of Way Contract from Zelma Anderson, a widow of L.W. Anderson, deceased, to Pacific Northwest Pipeline Corporation, dated September 23, 1955, and recorded December 5, 1955 as Instrument No. 188241, in Book 9 of Bills of Sales and Agreements, Page 328, records of Cassia County, Idaho, granting a right of way and easement to said corporation, over and across the NE¼ of Section 8, Township 11 South, Range 21 East of the Boise Meridian.
14. Excepting and excluding all that tract of land described and included in power site reserve No. 498, created by Executive Order of July 19, 1915, under the Act of Congress approved June 25, 1910 (36 Stat. 847), more specifically described as follows: one and twelve hundredths acres in the Northeast quarter of Section eight, Township 11 South, Range 21, notice of such given by Patent recorded September 22, 1958 as Instrument No. 198623 in Book 2 of Patents, records of Cassia County, Idaho.
15. Power Line Easement from Leland J. Garner and Maxine Call Garner, husband and wife, to Idaho Power Company, dated April 17, 1961 and recorded March 27, 1962 as Instrument No. 5977 on Film No. 12 in the office of the Recorder of Cassia County, Idaho, over and across the SE¼SE¼ of Section 9, Township 11 South, Range 21 East, Boise Meridian.
16. Power Line Easement executed by Arthur T. Hull and Juanita A. Hull, his wife, to Idaho Power Company, a corporation, its licensees, successors and assigns, dated May 15, 1961 and recorded March 27, 1962 as Instrument No. 5980 on Film No. 12, records of Cassia County, Idaho, over and across SW¼SW¼ Section 10, Township 11 South, Range 21 East of the Boise Meridian.

-Continued-

SCHEDULE B

Policy Number: J 989970

17. Power Line Easement executed by Nellie Hull Stoddard, Widow, to Idaho Power Company, a corporation, its licensees, successors and or assigns, dated May 29, 1961 and recorded March 27, 1962 as Instrument No. 5983 on Film No. 12, records of Cassia County, Idaho, over and across SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 11, Range 21 East of the Boise Meridian.
18. Power Line Easement from C. LeRoy Garner and Gladys Garner, husband and wife, to Idaho Power Company, a corporation, dated April 25, 1963, and recorded July 10, 1963 as Instrument No. 20582 on Film No. 30, in the office of the Recorder of Cassia County, Idaho, over and across the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 11 South, Range 21 East of the Boise Meridian.
19. Power Line Easement from C. LeRoy Garner and Gladys Garner, husband and wife, to Idaho Power Company, dated May 6, 1964, and recorded March 11, 1965 as Instrument No. 23042 on Film No. 33 in the office of the Recorder of Cassia County, over and across the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 11 South, Range 21 East of the Boise Meridian.
20. Right of Way from Bureau of Land Management to Department of Highways, State of Idaho, dated September 13, 1966 and recorded January 31, 1967 as Instrument No. 33397 on Film No. 47, records of Cassia County, Idaho, over and across N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 18, Township 11 South, Range 21, East of the Boise Meridian.
PARTIAL RELINQUISHMENT recorded January 29, 1979 as Instrument No. 113850 on Film No. 123, records of Cassia County, Idaho.
21. Power Line Easement from Howard Conrad and Mary J. Conrad, his wife, to Idaho Power Company, a corporation, dated December 23, 1966, and recorded May 2, 1967 as Instrument No. 34780 on Film No. 49, records of Cassia County, Idaho, granting a right of way and easement to said corporation over and across the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 11 South, Range 21 East of the Boise Meridian.
22. Reservation unto the United States, its permittee or licensee, the right to enter upon, occupy and use, any part or all of that portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ said Section 9, lying within 50 feet of the center line of the transmission line right of way of the Great Shoshone and Twin Falls Water Power Company, Power Site Reserve No. 498 and 25 feet of the center line of the transmission line right of way of the Idaho Power Company, project No. 406, for the purposes provided in the Act of June 10, 1920 (41 Stat. 1063), and subject to the conditions and limitations of Section 24 of said Act, as amended by the Act of August 26, 1935 (49 Stat. 846) and such rights for pipe line purposes as the Minidoka and Northside Railway Company and Pacific Northwest Pipeline Corporation may have under Section 28 of the Act of February 25, 1920 (41 Stat. 437), as amended by the Act of August 21, 1935 (49 Stat. 674), notice of such given by Patent recorded June 4, 1971 as Instrument No. 56843 on Film No. 70, records of Cassia County, Idaho. (S $\frac{1}{2}$ N $\frac{1}{2}$ and SE $\frac{1}{4}$ of Section 9, Township 11 South, Range 21, East of the Boise Meridian)

-Continued-

SCHEDULE B

Policy Number: J 989970

23. Grant of Easement executed by Arther T. Hull and Juanita A. Hull, husband and wife, parties of the first part, to C. LeRoy Garner, party of the second part, dated February 21, 1963 and recorded February 3, 1972 as Instrument No. 60531 on Film No. 74, records of Cassia County, Idaho, over and across SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 Township 11 South, Range 21 East of the Boise Meridian.
24. Assignment of Water Rights executed by Arthur T. Hull and Juanita A. Hull, husband and wife, to C. LeRoy Garner, dated February 2, 1965 and recorded February 4, 1972 as Instrument No. 60532 on Film No. 74, records of Cassia County, Idaho, assigning all right, title and interest, if any, in and to the Waters produced from a certain irrigation well located on the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 11 South, Range 21 East of the Boise Meridian.
25. Easement from Howard E. Conrad and Mary J. Conrad, husband and wife, to Conrad Land & Livestock, Inc., dated September 6, 1972 and recorded September 7, 1972 as Instrument No. 65050 on Film No. 78, records of Cassia County, Idaho, for the purpose of maintaining and operating a storage pond for the collection and storage of water for irrigation purposes in the Northeast corner of Section 16, Township 11 South, Range 21, East of the Boise Meridian.
26. Power Line Easement from Conrad Land & Livestock, Inc., to Idaho Power Company, a corporation, dated January 7, 1974, and recorded May 19, 1976 as Instrument No. 90769 on Film No. 101, records of Cassia County, Idaho, granting a right of way and easement to said corporation over and across the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 11 South, Range 21, East of the Boise Meridian.
27. Power Line Easement from Howard Conrad and Mary J. Conrad, his wife, to Idaho Power Company, a corporation, dated March 4, 1975 and recorded May 19, 1976 as Instrument No. 90774 on Film No. 101, records of Cassia County, Idaho, granting a right of way and easement to said corporation over and across the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 11 South, Range 21, East of the Boise Meridian.
28. Power Line Easement executed by Conrad Land & Livestock Co., Inc. to Idaho Power Company, a corporation, dated July 28, 1976 and recorded February 16, 1977 as Instrument No. 96305 on Film No. 106, records of Cassia County, Idaho, over and across the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, Township 11 South, Range 21 East of the Boise Meridian.
29. Rights for highway purposes granted to the Idaho Department of Transportation, its successors or assigns, by right-of-way No. I-143, pursuant to the Act of August 27, 1958, as amended (23 U.S.C. 317) as to Lot 1 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, Township 11 South, Range 21 East of the Boise Meridian, notice of such given by Patent recorded May 4, 1978 as Instrument No. 107221, records of Cassia County, Idaho.

-Continued-

SCHEDULE B

Policy Number: J 989970

30. Right of Way and Easement between Howard E. Conrad and Mary J. Conrad, and Northwest Pipeline Corporation, a corporation, dated August 25, 1980, and recorded September 8, 1980 as Instrument No. 128904 on Film No. 137, records of Cassia County Idaho, over and across the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8 and the S $\frac{1}{2}$ N $\frac{1}{2}$ of Section 9, Township 11 South, Range 21 East of the Boise Meridian, Cassia County, Idaho.
31. Road Easement and Right-of-Way Deed executed by Howard E. Conrad and Mary J. Conrad, husband and wife, to Burley Highway District, a political subdivision of the State of Idaho, dated November 3, 1980 and recorded November 4, 1980 as Instrument No. 130300 on Film No. 138, records of Cassia County, Idaho, over and across a portion of Sections 7 and 18 in Township 11 South, Range 21, East of the Boise Meridian.
32. State of Idaho Lease No. 0G-0335, notice given by document recorded March 11, 1982 as Instrument No. 141700, records of Cassia County, Idaho.
ASSIGNMENT OF MINERAL, OIL, AND GAS, AND/OR GEOTHERMAL RESOURCE LEASE(S) from Steven W. Davis and Karen M. Davis, Spouse, to Bridger Energy Associates, dated November 24, 1981 and recorded March 11, 1982 as Instrument No. 141700 on Film No. 148, records of Cassia County, Idaho.
33. Exception contained in Warranty Deed executed by Clarence Barkes and Bessie I. Barkes, husband and wife, and Stan Barkes and Dixie Ann Barkes, husband and wife, to Conrad Land & Livestock, Inc., an Idaho corporation, dated May 10, 1976 and recorded September 5, 1997 as Instrument No. 251043 on Film No. 291, records of Cassia County, Idaho, which reads as follows: "EXCEPTING the deep well, irrigation equipment and water rights owned by C. LeRoy Garner, his heirs, successors and assigns." (SW $\frac{1}{4}$ Section 10, Township 11 South, Range 21, East of the Boise Meridian.)
34. Rights for pipeline purposes as have been granted to El Paso Natural Gas Company, its successors or assigns, by Right of Way Idaho 06421 under 50 C.28 of the Mineral Leasing Act, 30 U.S.C. 185, notice of such given by United States patent No. 11-72-0171 dated March 3, 1972 and recorded December 22, 1998 as Instrument No. 259794 on Film No. 306, records of Cassia County, Idaho. (S $\frac{1}{2}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 11 South, Range 21, East of the Boise Meridian)
35. A First Mortgage, Security Agreement and Assignment of Rents to secure an indebtedness in the principal sum of \$3,013,000.00.

Recorded:	January 8, 1999 as Instrument No. 260101 on Film No. 307, records of Cassia County, Idaho.
Dated:	January 7, 1999
Mortgagor:	Cummins Farms, Inc., an Idaho corporation
Mortgagee:	Metropolitan Life Insurance Company

-Continued-

SCHEDULE B

Policy Number: J 989970

36. Assignment of Bonuses, Rentals and Royalties executed by Cummins Farms, Inc., an Idaho corporation to Metropolitan Life Insurance Company, dated January 7, 1999 and recorded January 8, 1999 as Instrument No. 260102 on Film No. 307, records of Cassia County Idaho.
37. Financing Statement between Cummins Farms, Inc. as Debtor #1 and Metropolitan Life Insurance Company as Secured Party, recorded January 8, 1999 as Instrument No. 260103 on Film No. 307, records of Cassia County, Idaho.

END OF SCHEDULE B

Schedule B (Owners Policy)

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: A45-10274
Date Received: 3/17/1989
Receipt No: 5007412
Received By: Bo

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWARD CONRAD 208-432-5444
Address: RT. 1
MURTAUGH, ID 83344

AND/OR

Name: CONRAD LAND & LIVESTOCK, INC. 208-432-5444
Address: RT. 1
MURTAUGH, ID 83344

2. Date of Priority: JUN 19, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	21E	9	NW	NW	NE		CASSIA
			SE	SE	SE		CASSIA
		10	SW	SW	SW		CASSIA
		15	NW	NW	NW		CASSIA

5. Description of diverting works:
WELLS, PUMPS, DITCHES, PIPELINES & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.280		

7. Total Quantity Appropriated is:
0.280 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 42.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A45-10274

Page 1

Date: 03/20/89

MICROFILMED

MAR 10 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11S	21E	9	NE SW		IRR	14.0
Section Acres						14.0
Total Acres						14.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:
THESE LANDS HAVE BEEN WATERED FROM MY IRRIG. SYSTEM AND FARMED
BY ME FOR MANY YEARS; HOWEVER I DO NOT OWN THE LAND AND NO
WATER RIGHT HAS EVER BEEN RECORDED FOR THIS USE.

15. Basis of Claim: BENEFICIAL USE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: See Map A45-07020

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

For Organizations:

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

[Signature]
Signature of Authorized Agent

Carbondale
Title and Organization

4-2-89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of April 19 89

[Signature]
Notary Public

Seal

Residing at Kinsley, ID

My Commission Expires 6/30/94
3 Date: 03/20/89

A45-10274

Page

MICROFILMED

MAR 1 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

25-Jan-1993

R. KEITH HIGGINSON
Director

A45-10274
HOWARD CONRAD
CONRAD LAND & LIVESTOCK, INC.
RT. 1
MURTAUGH ID 83344

RE: Evidence of Priority

RESPONSE DEADLINE

APRIL 1, 1993

Dear Claimant:

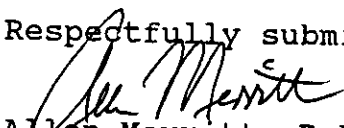
The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will at a later date conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

Please find enclosed a computer printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by April 1, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 10 1993

03/10/2004

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

RIGHT NUMBER: 45-10274
NAME AND ADDRESS: CUMMINS FARMS INC
4418 E 3300 N
MURTAUGH ID 83344-5204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
34.000 AFY

USE OF THIS RIGHT WITH RIGHT NO. 45-2583 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.82 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 888 AF.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.64 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1976 AF. COMBINED RIGHT NOS.: 45-2583, 45-2689 & 45-10274.

PRIORITY DATE: 03/15/1962

POINT OF DIVERSION:

T11S R21E S9 NENENW Within CASSIA County
T11S R21E S9 SESESE Within CASSIA County
T11S R21E S10 SWSWSW Within CASSIA County
T11S R21E S15 NWNWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.070 CFS 34.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T11S R21E S08	NENE	25.0	T11S R21E S09	NENE	39.0
T11S R21E S09	NWNE	32.0	T11S R21E S09	SWNE	40.0
T11S R21E S09	SENE	40.0	T11S R21E S09	NENW	32.0
T11S R21E S09	NWNW	38.0	T11S R21E S09	SWNW	40.0
T11S R21E S09	SENW	40.0	T11S R21E S09	NESW	10.0
T11S R21E S09	NESE	40.0	T11S R21E S09	NWSE	40.0
T11S R21E S09	SWSE	39.0	T11S R21E S09	SESE	39.0

494 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 494 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2583, 45-2689 & 45-10274.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 10 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

03/10/2004

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

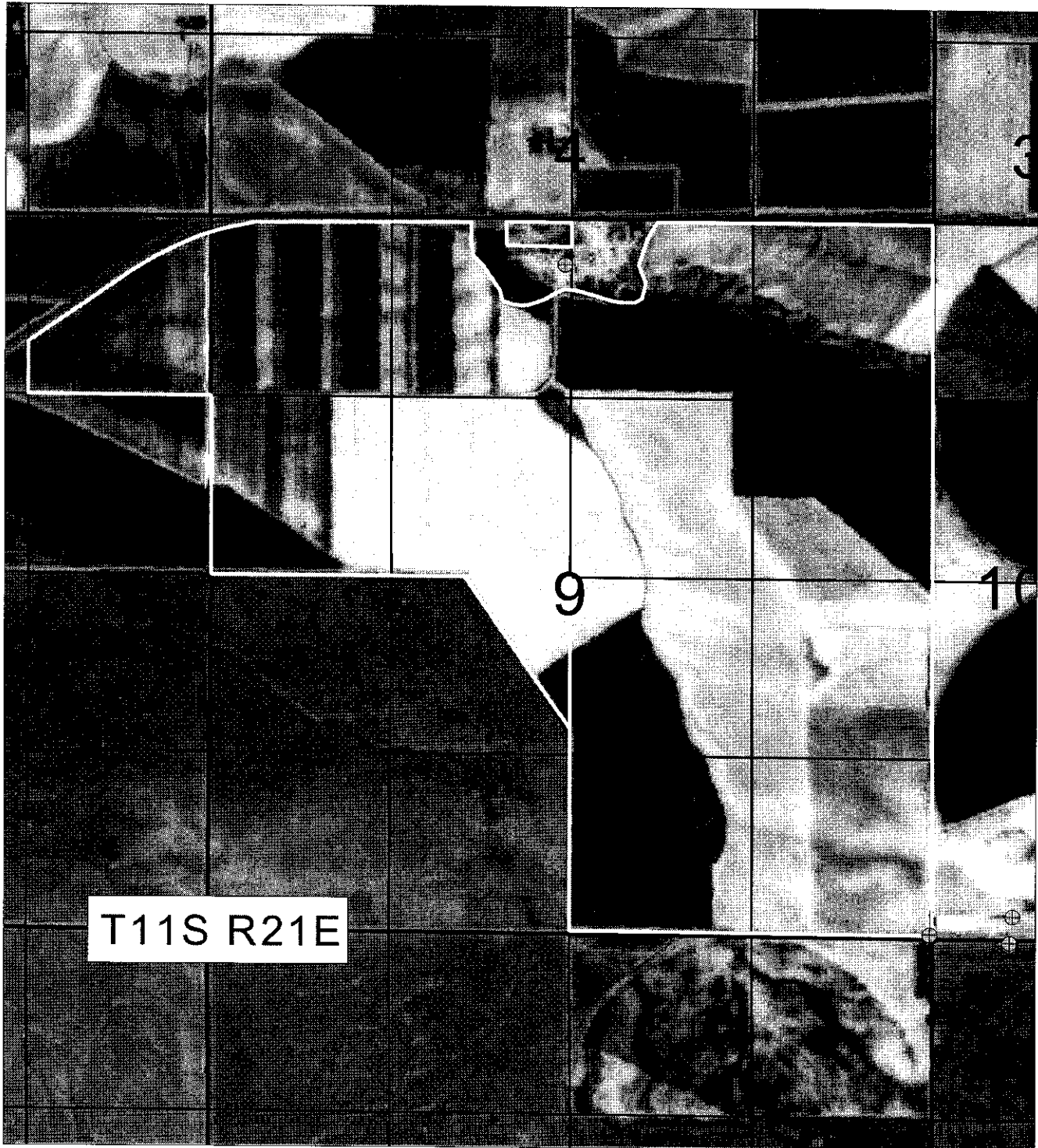
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

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.

45-2583, 45-2689 & 45-10274



T11S R21E

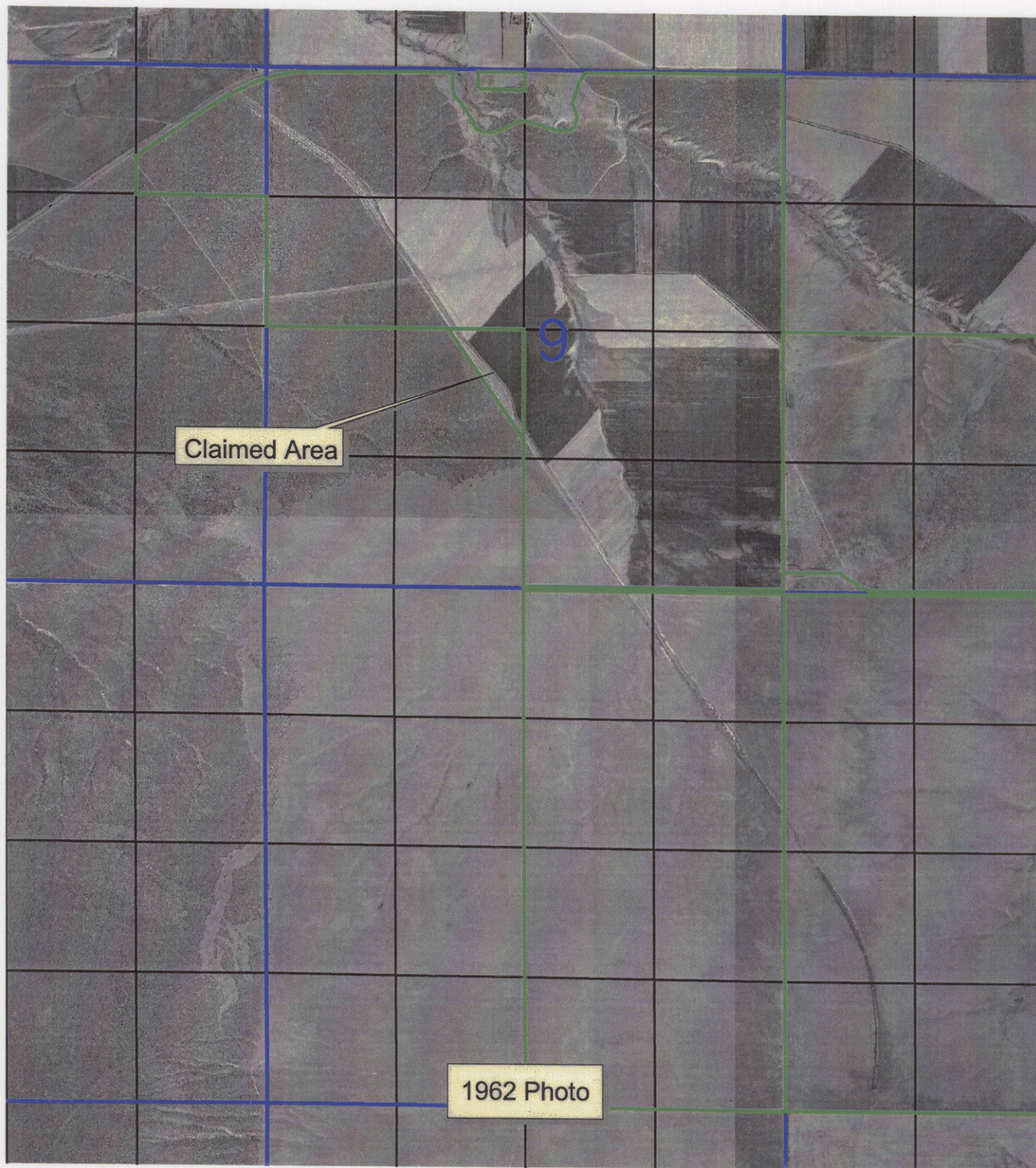
2640 0 2640 Feet

-  Section Lines
-  Quarter/Quarter Lines
-  Place of Use
-  Point(s) of Diversion



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 1987 and/or 1988 NAPP
DATA ENTRY: 3/2004
DOUGLAS JONES

45-10274



-  Section Lines
-  Quarter/Quarter Lines
-  Place of Use
-  Point(s) of Diversion



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY:
DATA ENTRY: 3/2004
DOUGLAS JONES

COMBINED LIMITS DATA WORKSHEET					
Individual Rights:					
	WR #	Rate	Volume	Tot. Acres	Acre Limit
✓ 1	45-7238	6.4	2536	634	
✓ 2	45-7035	5.79	1280	320	
✓ 3	45-7110	4.00	1248	310	
✓ 4	45-7374	3.10	620	155	
✓ 5	45-7020	3.76	703.2	175.8	
✓ 6	45-2689	5.82	1976	494	
✓ 7	45-2583	1.82	888	494	245
✓ 8	45-7034	2.89	572.2	144.3	
✓ 9	45-10274	0.07	34	494	10
10					
Combinations:					
	WR #	Combined Rate	Combined Volume	Combined Acres	
	1-7	20.23	7391		
	6,7,9	7.64	1976	494	
	2-5	5.90	2879		
	7,9	1.82	888		
Other Conditions, Remarks:					
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

CUMMINS FARMS:		MILNER BUTTE PROPERTY ANALYSIS					
License data							
NWNW Sec 15							
		FE Date	FE Q(cfs)	Lic Q(cfs)	Limit Q(cfs)		
	45-7020	7/20/1973	5.9	3.76			
	45-7035	5/21/1974	5.79	5.79			
	45-7110	5/24/1978	5.48	4.00			
	45-7374	8/9/1979	5.47	3.10	5.47 w/ 7110		
		Assuming open discharge, 450 hp motor, 481 WL (1972 data)					
		Theoretical Q = 5.76 cfs					
NENW Sec 9							
		FE Date	FE Q(cfs)	Lic Q(cfs)	Limit Q(cfs)		
	45-7238	7/22/1980	6.69	6.4			
SWSW Sec 10							
		FE Date	FE Q(cfs)	Lic Q(cfs)	Limit Q(cfs)		
	45-2689	7/13/1965	5.82	5.82			
SESE Sec 9							
		FE Date	FE Q(cfs)	Lic Q(cfs)	Limit Q(cfs)		
	45-2583	8/10/1962	1.82	1.82			
Sum Max. Capacity =			20.23	cfs			

Comod

EXHIBIT B

Water Rights and Palisades Water Shares

Water Right #	Acres Attached	Diversion Flow	Consumptive Use	Priority Date	Stage
A45-02583	96.00	1.82 CFS	288.00AFA	06/19/59	License
A45-07020	188.00	3.76 CFS	564.00AFA	04/06/67	License
A45-07034	148.00	2.94 CFS	444.00AFA	03/03/69	License
A45-02689	494.00	5.82 CFS	1,482.00AFA	11/09/62	License
A45-07374	155.00	3.10 CFS	465.00AFA	04/11/79	License
A45-07110	310.00	3.98 CFS	930.00AFA	09/18/72	License
A45-07238	634.00	6.40 CFS	1,902.00AFA	05/02/75	License
A45-07035	320.00	5.79 CFS	960.00AFA	02/28/69	License
A45-07578	2,205.00	13.43 CFS	N/A	06/06/85	Application denied
A45-10274 *	14.00	.28 CFS	42.00 AFA	06/19/89	Beneficial Use

Palisades Water Users, Inc.

Certificate # #of Shares

658	1000.00
660	140.00

• 7.64 cfs for 494 acres (1976 af)

• 5.9 cfs

• 6.4

19.76 (19.9483)

+ 0.29 cfs Excess Capacity on 45-2288 credited to system

20.23

HP Fax Series 1020

Last Transaction Report

Name :
Fax Number :
Date&Time : Jul 15 2004 12:26pm

Last Fax

Date	Time	Type	Identification	Duration	Pages	Result
Jul 15 2004	12:26:22pm	Received	2087383837	00:00:23	00	Receive Error

Log for claim A45-10274

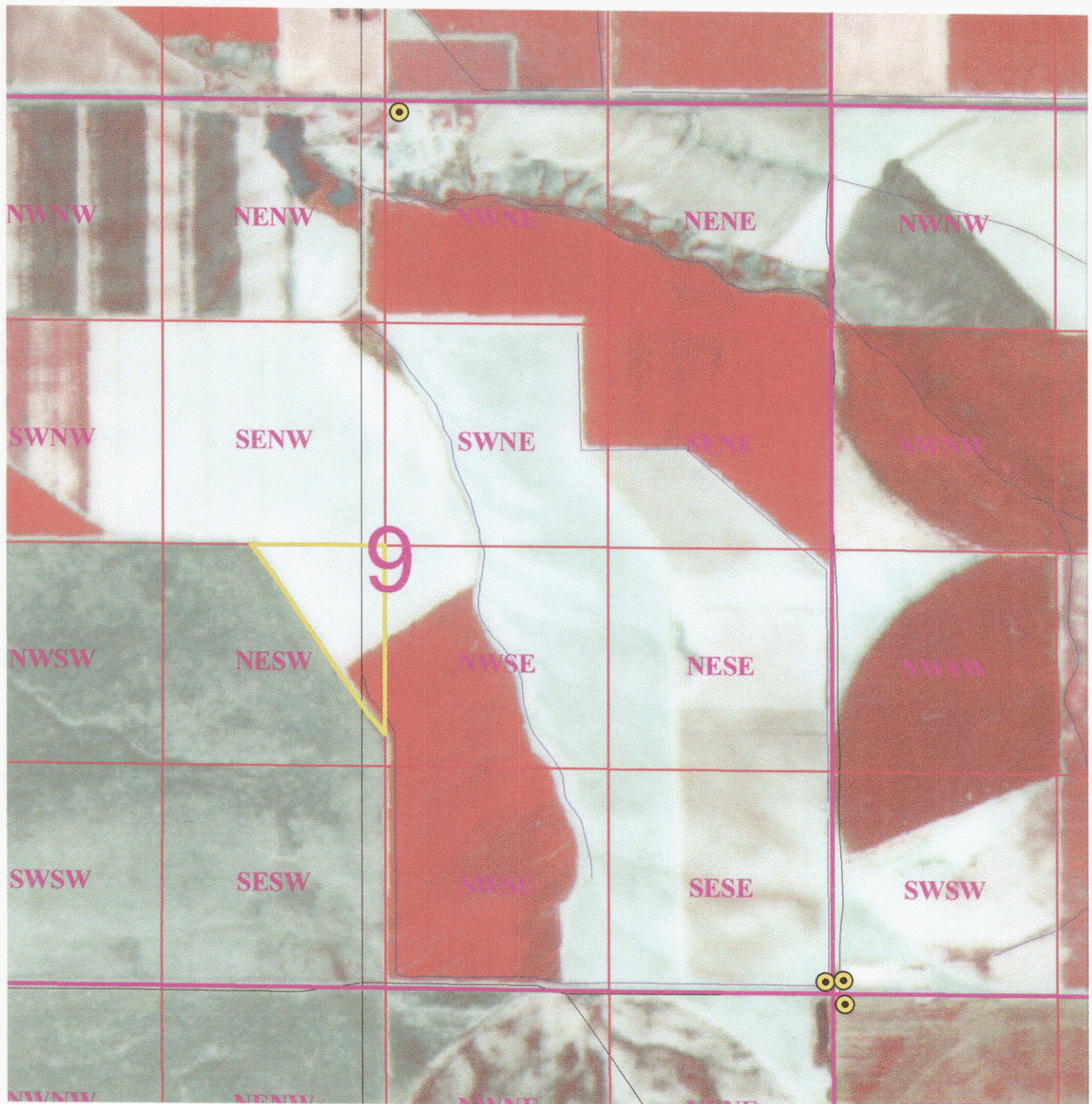
Spatial Dynamics BTD

8/15/00

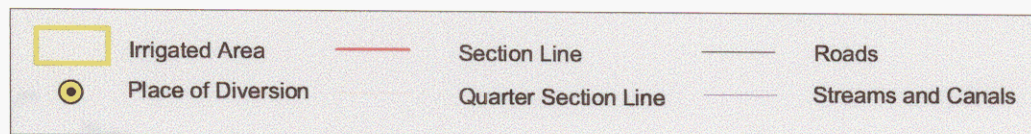
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s21e	9	NESW	14	10	Indiscernible
Totals:			14	10	

Water Right Claim Number A45-10274
Township , 11S21E

08/15/2000

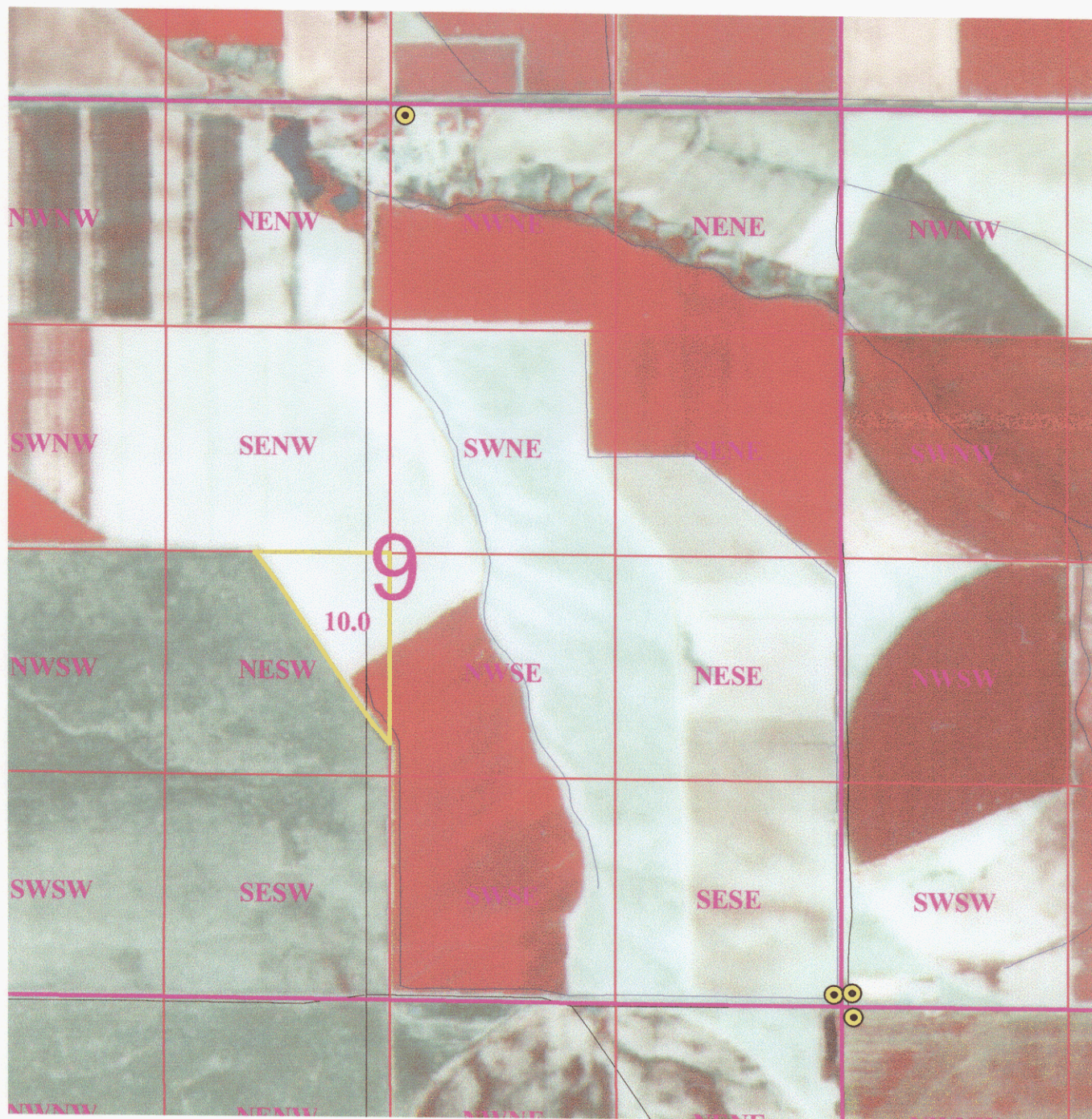


Legend

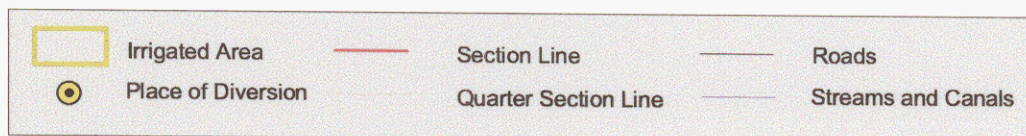


Water Right Claim Number A45-10274
Township , 11S21E

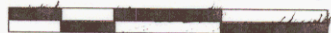
08/15/2000



Legend



500 0 500 1000 Feet



Stage: BENEFICIAL USE

75Y

14.0

Audit:	03/17/89	MERRITT	03/30/95	POST-STD	10/21/99	CTIMM
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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

April 4, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN CINDY
CUMMINS FARMS INC
4418 E 3300 N
MURTAUGH ID 83344

RE: SRBA Claim(s) A45-02583, A45-02689, A45-07020,
A45-07034, A45-07035, A45-07110,
A45-07238, A45-07374, A45-10274,
A47-02538
Decreed Water Rights 45-10269, 45-10270, 45-10271
45-10272, 45-10273
Application for Permit 45-07578

Dear Cindy:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership on all the above listed claims and water rights except 45-07578 to Cummins Farms Inc. Enclosed please find printouts of these records showing the change in ownership.

Changing 45-07578 requires Howard Conrad to complete an Assignment of Application for Permit form. I have enclosed one of these forms for your use. The next time you see Mr. Conrad, have him complete and sign the form, have it notarized then return it to this office.

There is a notation by Howard Conrad on claim A45-10274 that states "These lands have been watered from my irrigation system and farmed by me for many years; however, I do not own the land and no water right has ever been recorded for this use." This property was not included in the conveyance documents supplied with the owner change form. Even though this claim was changed into Cummins Farms Inc., we need for our files documentation that Cummins Farms Inc. does indeed own the property or a copy of the agreement Cummins has with the owner of the property. Having this information in our files will help to protect your claim against any counter claims. Give me a call, Cindy, if you have any questions or I can assist you in any way.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

COMMUNICATION DOCUMENTATION

Claim No. see below

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jeanie Robertson Date 3/23/95Contact Person(s) Zola McFarland - Carey & Adams Realty
1570 Overland, Burley FAX 678-1151Nature of Contact phone callSubstance of Communication sent profile reports on the

following claims: A45-02583 A45-02674
(Conrad Land & A45-02683 A45-02689
Livestock) A45-07013 A45-07020
A45-07034 A45-07035
A45-07006 A45-07009
A45-07110 A45-07238
A45-07374 A45-07481
A45-07482A A45-07482B
A45-10263 A45-10264
A45-10265 A45-10266
A45-10267 A45-10268
A45-10269 A45-10270
A45-10271 A45-10272
A45-10273 ~~A45-10274~~
A45-12452 DEC 03 1996