

GIVENS PURSLEY LLP

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RETIRED
*Licensed in California

February 6, 2006

Mr. Ernest Carlsen
Adjudication Supervisor
Eastern Regional Office
Idaho Department of Water Resources
900 North Skyline Dr.
Idaho Falls, ID 83402-6105

Re: Notice of Change in Water Right Ownership—Water Rights 22-13429 & 22-13430

Dear Mr. Carlsen:

Enclosed for filing with the Department please find the original and one copy of a *Notice of Change in Water Right Ownership* for water rights 22-13429 (commercial) and a portion of 22-13430 (irrigation). Please stamp the copy as received by your office and return it to me in the enclosed self-addressed, stamped envelope. I have also enclosed a check in the amount of \$125.00 in payment of the filing fee associated with the *Notice*.

I expect that you will recall that in late 2005, Sun-Glo of Idaho conveyed the above referenced portions of the commercial and irrigation components of the underlying water right (license number 22-7097) to Northland Frozen Foods, Inc ("Northland"). Mr. Jerry Rigby previously has forwarded you the Notices of Change of Ownership reflecting those splits. The enclosed *Notice* and attached documentation document the sale of the entire Northland property with the appurtenant water rights, to Dickinson Frozen Foods, Inc. by Northland on December 1, 2005.

Thank you for your assistance with this matter. If you have any questions or require any additional information please call.

Sincerely,


Michael C. Creamer

Enclosures

cc: Jon Fabricius
Jerry Rigby

MCC:kdt S:\CLIENTS\7691\1\MCC Ltr to IDWR re Filing Change in Ownership.DOC

RECEIVED
FEB 08 2006

Department of Water Resources
Eastern Region

reversed.
It should
be
22-13429
& 13430
industrial

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-13429

WATER RIGHT NUMBER: 22-13429

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUN-GLO INDUSTRIES 378 S 7 W SUGAR CITY, ID 83448 (208)356-7346
~~Present Owner~~	~~NORTHLAND FROZEN FOODS INC 903 E 3000 N SUGAR CITY, ID 83448 (208)356-4149~~

Priority Date: 07/15/1974

Basis: License

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>
DOMESTIC	01/01 to 12/31	0.040 CFS	1.20 AF
INDUSTRIAL	01/01 to 12/31	0.300 CFS	62.03 AF
IRRIGATION	04/01 to 11/01	0.800 CFS <i>0.58</i>	217.00 AF <i>173.25 AF</i>
	<u>Total Diversion:</u>	1.140 CFS <i>0.84 CFS</i> <i>0.58 cfs</i>	280.23 AF <i>236.48 AF</i>

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 8, Twp 06N, Rge 40E, B.M.
MADISON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	8	33.0	12.0	8.0	9.0													62.0
			24.5	8															49.5

Total Acres: 62

DOMESTIC same as IRRIGATION
 INDUSTRIAL same as IRRIGATION

Conditions of Approval:

- 2 P/D IN NENE, S8, T6N, R40E.
- This right is a split from former right 22-7097 .
- E51 Right Nos. 22-13429 and 22-13430 are limited to a total combined diversion rate of 1.38 cfs.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-13430

WATER RIGHT NUMBER: 22-13430

Owner Type

Current Owner

Dickinson's Frozen Foods Inc.
*Original.*Name and AddressNORTHLAND FROZEN FOODS INC
903 E 3000 N
SUGAR CITY, ID 83448
(208)356-4149*Change to
Dickinson Frozen Foods Inc.*

Priority Date: 07/15/1974

Basis: License

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

INDUSTRIAL

IRRIGATION

From To

01/01 to 12/31

*04/01 to 11/01*Total Diversion:Diversion Rate

0.500 CFS

0.30 cfs

0.500 CFS

*0.80 cfs.*Annual Volume

103.38 AF

73.75 AF

103.38 AF

*147.**147.13 AF*Location of Point(s) of Diversion

GROUND WATER

MADISON County

NE1/4NE1/4

Sec. 8, Twp 06N, Rge 40E, B.M.

Place of Use

INDUSTRIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	8	X																
6N	40E	8	8.5	4															12.5

Conditions of Approval:

1. This right is a split from former right 22-7097 .
2. E51 Right Nos. 22-13429 and 22-13430 are limited to a total combined diversion rate of 1.38 cfs.
3. 2 P/D IN NENE, S8, T6N, R40E.

Remarks:

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.

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
22-13429					
22-13430		X			

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) Northland Frozen Foods, Inc.
903 East 3000 North, Sugar City, Idaho 83448
4. New Owner/Claimant(s) Dickinson Frozen Foods, Inc.
Name Connector (Check one): [] and, [] or, [] and/or
600 N.W. 21st Street
Fruitland, ID 83619
(208) 452-5200
5. Date you acquired the property December 1, 2005

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FEB 08 2006

Department of Water Resources
 Eastern Region

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		22-13430
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	0.3 cfs / 217 AF	12.5 Acres
Stock		
Domestic		
Other		
Total	0.3 cfs / 217 AF	

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) 
(include title if applicable) CEO President, Dickinson Frozen Foods, Inc.

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Instrument # 324276

REXBURG, MADISON, IDAHO

2005-11-30 12:12:00 No. of Pages: 1

Recorded for: FIRST AMERICAN TITLE

MARILYN R. RASMUSSEN

Ex-Officio Recorder Deputy

Fee: 3.00

QUITCLAIM DEED

FOR VALUE RECEIVED, SUN-GLO OF IDAHO, INC., f.k.a. CRAPO ENTERPRISES, INC., an Idaho corporation, with its principle place of business located at 2935 N. 1000 E., Rexburg, Idaho 83440, does hereby remise, release and forever quitclaim unto NORTHLAND FROZEN FOODS, INC., a Maine corporation, duly authorized to conduct business within the State of Idaho, whose Idaho address is 903 E. 3000 N., Sugar City, Idaho 83448, the following described water right in Madison County, State of Idaho, to wit:

0.3 cfs of the total 0.8 cfs and 43.75 acre-feet of the total 217 annual acre-feet volume of Irrigation Use water from water right license #22-13430 (formerly 22-7097), issued by the Idaho Department of Water Resources. Licensed Place of use: 8.5 acres within the NE 1/4 NE 1/4 and 4 acres within the NW1/4 NE1/4 of Section 8, Twp. 6 N., Rge. 40 E. B.M.

DATED this 29 day of November 2005

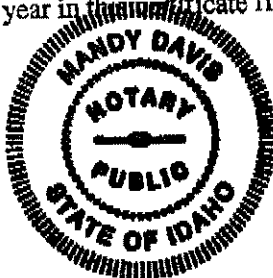
SUN-GLO OF IDAHO, INC.

By: George M. Crapo
George Crapo, (President)

STATE OF IDAHO)
) ss.
County of Madison)

On this 29 day of November 2005 before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE CRAPO, known to me to be the President of SUN-GLO OF IDAHO, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal the day and year in this certificate first above written.



Mandy Davis
Notary Public for Idaho

Residing at: Parker, Idaho

My Commission Expires: 6-24-11

QUITCLAIM DEED - 1

C:\Documents and Settings\Supervisor\Local Settings\Temporary Internet Files\OLK\Revised SunGlo to Northland H2O Quitclaim Deed (Irrig).DOC

QUITCLAIM DEED

FOR VALUE RECEIVED, **SUN-GLO OF IDAHO, INC., f.k.a. CRAPO ENTERPRISES, INC.**, an Idaho corporation, with its principal place of business located at 2935 N. 1000 E., Rexburg, Idaho 83440, does hereby remise, release and forever quitclaim unto **NORTHLAND FROZEN FOODS, INC.**, a Maine corporation, duly authorized to conduct business within the State of Idaho, whose Idaho address is 903 E. 3000 N., Sugar City, Idaho 83448, the following described water right in Madison County, State of Idaho, to wit:

.5 cfs of the total .8 cfs and 103.375 acre feet of the total 165.4 annual acre feet volume of Industrial Use water from water right license #22-7097, issued by the Idaho Department of Water Resources. Licensed Place of use: NE 1/4 NE 1/4 of Section 8, Twp. 6 N., Rge. 40 E. B.M.

DATED this 29th day of July, 2005

SUN GLO OF IDAHO, INC.

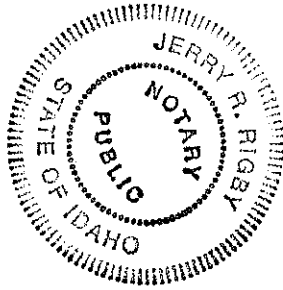
By George M. Crapo
George Crapo, Pres.

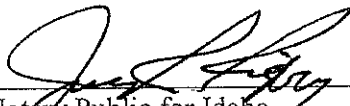
STATE OF IDAHO)
 ss.
County of Madison)

On this 29th day of July, 2005 appeared before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE CRAPO, known to me to be the President of

SUN GLO OF IDAHO, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: *Notburg*
Commission Expires: *11-09-05*

139578

When recorded return to:

Givens Pursley LLP
Attention: Michael C. Creamer
601 West Bannock Street
Boise, Idaho 83702

Instrument # 324569

REXBURG, MADISON, IDAHO
2005-12-12 04:39:00 No. of Pages: 5
Recorded for : FIRST AMERICAN TITLE
MARILYN R. RASMUSSEN
Ex-Officio Recorder Deputy Fee: 15.00

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, Northland Frozen Foods, Inc., a Maine corporation, ("Grantor"), whose address is 903 East 3000 North, Sugar City, Idaho 83448, does hereby grant, bargain, sell and convey unto Dickinson Frozen Foods, Inc., an Idaho corporation ("Grantee"), whose address is 600 N.W. 21st Street, Fruitland, Idaho 83619, the real property located in Madison County, Idaho, legally described on Exhibit A, which exhibit is attached hereto and incorporated herein by this reference (the "Premises");

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any way appertaining;

TO HAVE AND TO HOLD the Premises, with its appurtenances unto the Grantee, its successors and assigns, forever;

SUBJECT ONLY TO those liens, claims, and encumbrances of record and those easements of record or in existence ("Permitted Encumbrances");

AND the Grantor covenants and warrants that fee simple title of the Premises is hereby conveyed by the Grantor free from all encumbrances, except any placed thereon by Grantee and the Permitted Encumbrances.

[End of Text]

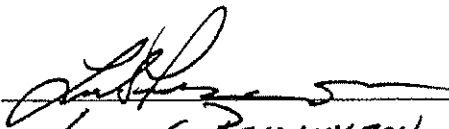
I CERTIFY THIS TO BE A
TRUE AND CORRECT COPY.
Kate Ball

SPECIAL WARRANTY DEED - 1

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed this ____ day of December, 2005.

GRANTOR:

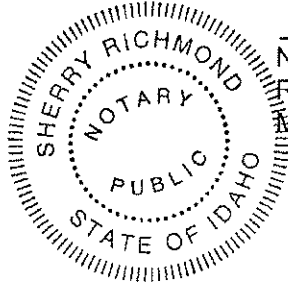
Northland Frozen Foods, Inc., a Maine corporation

By: 
Name: DAVID S. PENNINGTON
Title: PRESIDENT

STATE OF IDAHO)
) ss.
County of Madison

On this 1 day of December, 2005, before me, a Notary Public in and for the State of Idaho, personally appeared Linda Pennington, known or identified to me to be the President/CEO of Northland Frozen Foods, Inc., a Maine corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of such corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Sherry Richmond
Notary Public for _____
Residing at Shelley, Idaho
My Commission expires 12/14/07

Exhibit A Legal Description

Exhibit "A"

Real property in the County of Madison, State of Idaho, described as follows:

TRACT 1:

A PARCEL OF LAND IN TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SECTION 8: BEGINNING AT A POINT ON THE SECTION LINE THAT IS 396.30 FEET S.89°55'30"W. OF THE NORTHEAST CORNER OF SAID SECTION 8 AND CONTINUING S. 89°55'30" W. 750.55 FEET MEASURED (750.70 FEET RECORD) TO A POINT IN A LINE PARALLEL WITH AND 120.00 FEET SOUTHEASTERLY FROM THE CENTERLINE AND BEARS S. 56°29'39" E. FROM THE STATION 1714 + 82.18 OF US HIGHWAY 191 AND 20. PROJECT NUMBER ER-F-6471 (79 HIGHWAY SURVEY) THENCE SOUTHWESTERLY ALONG SAID PARALLEL LINE S. 33°30'21" W. 17.64 FEET TO A HIGHWAY RIGHT-OF-WAY MONUMENT AND THE BEGINNING OF A CURVE TO THE RIGHT WITH A RADIUS OF 4703.66 FEET, A CHORD BEARING OF S. 37°47'09" W. AND A LENGTH OF 702.75 FEET; THENCE ALONG SAID CURVE A DISTANCE OF 702.75 FEET; THENCE N. 89°55'30" E. 1191.21 FEET, SAID POINT IS 60 FEET EAST AND 21 FEET SOUTH OF THE SOUTHEAST CORNER OF THE PROCESS FACILITY BUILDING; THENCE PARALLEL WITH SAID PROCESS FACILITY N. 00°04'30" W. 569.00 FEET TO THE POINT OF BEGINNING.

TRACT 2A:

AN EIGHT FOOT WIDE POWER LINE EASEMENT, THE CENTER LINE BEING DESCRIBED AS: BEGINNING AT A POINT THAT IS 449.00 FEET S. 89°55'30"W AND 30.00 FEET S. 00°38'20" E. OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT IS ON THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD 3000 NORTH, AND RUNNING THENCE S. 00°38'20" E. 526.00 FEET; THENCE S. 90°00'00" W. 10.00 FEET, MORE OR LESS, TO THE ELECTRICAL TRANSFORMER PAD.

TRACT 2B:

AN EIGHT FOOT WIDE TELEPHONE LINE EASEMENT, THE CENTER LINE BEING DESCRIBED AS: BEGINNING AT A POINT THAT IS 297.60 FEET S. 89°55'30" W. AND 315.80 FEET S. 00°04'30" W. OF NORTHEAST CORNER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT IS LOCATED AT THE NORTHWEST CORNER OF THE OLD PROCESS BUILDING, AND RUNNING THENCE N. 75°57'00" W. 228.80 FEET, MORE OR LESS, TO THE NEW BUILDING.

TRACT 2C:

RAILROAD SIDING EASEMENT: BEGINNING AT A POINT THAT IS 292.00 FEET S00°12'00"E AND 30.00 FEET N.90°00'00" W. FROM THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, SAID POINT IS ON THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 1000 EAST, AND RUNNING THENCE N.90°00'00" W. 74.00 FEET; THENCE S. 00°12'00" E. 82.00 FEET; THENCE N. 90°00'00" W. 75.00 FEET, MORE OR LESS, TO THE EAST SIDE OF THE PROCESS BUILDING AT THE RETAINING WALL; THENCE S00°12'00"W 140.00 FEET ALONG SAID BUILDING LINE TO THE SOUTH SIDE OF LOADING DOOR NO.4, THENCE S. 90°00'00" E. 75.00 FEET; THENCE N. 00°12'00" W. 90.00 FEET; THENCE S. 90°00'00" E. 55.00 FEET; THENCE N. 00°12'00" W. 82.00 FEET; THENCE S. 90°00'00" E. 19.00 FEET TO THE COUNTY ROAD RIGHT-OF-WAY; THENCE N. 00°12'00" W. 50.00 FEET TO THE POINT OF BEGINNING.

TRACT 2D:

A STORM WATER DRAINAGE EASEMENT, BEING DESCRIBED AS BEGINNING AT A POINT THAT IS 396.30 FEET S.89°55'30" W. AND 60.00 FEET S. 00°04'30" E. OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, AND RUNNING THENCE S. 89°55'30" W. 150.00 FEET; THENCE S.00°04'30" E. 80.00 FEET; THENCE N. 89°65'30" E. 180.00 FEET; THENCE N. 00°04'30" W. 80.00 FEET; THENCE S. 89°55'30" W. 30.00 FEET TO THE POINT OF BEGINNING.

11/30/2005 LSP

TRACT 2E:

WELL EASEMENT BEGINNING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 6 NORTH, RANGE 40 EAST, BOISE MERIDIAN, MADISON COUNTY, IDAHO, THENCE 396.30 FEET S. 89°55'30" W. TO THE EAST PROPERTY LINE; THENCE 569.00 FEET S. 00°04'30" E. TO THE SOUTH PROPERTY LINE; THENCE 355.57 FEET S. 89°55'30" W. ALONG SAID SOUTH LINE TO THE TRUE POINT OF BEGINNING, SAID POINT INTERSECTS A POINT 25.00 FEET SOUTHEAST OF THE WELL; THENCE AROUND A CURVE TO THE LEFT, THAT HAS A CHORD DISTANCE OF 33.95 FEET, A CHORD BEARING OF S. 89°55'30" W. AND A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE 37.32 FEET; THENCE N. 89°55'30" E. 33.95 FEET TO THE TRUE POINT OF BEGINNING.

Commonly known as: 903 East 3000 North, Sugar City, ID 83448

11/30/2005 CSP



MADISON COUNTY
CITY OF REXBURG
GEOGRAPHIC INFORMATION SYSTEMS



Load Layers

- Madison County / City of Rexburg GIS
 - Administrative Boundaries
 - Aerial Photos
 - ☒ Madison 2004 Color
 - ☐ Madison 2002 B&W
 - ☐ Madison 1992 B&W
 - ☐ Rexburg 2004 Color
 - ☐ Rexburg 2002 Color
 - ☐ Rexburg 2002 B&W
 - ☐ Rexburg 1995 B&W
 - ☐ Sugar City 2002 B&W
 - Land References

Parcels

[View Results in Excel](#)

Identify Results

PIN: RPSUGCA0080005

Secondary: DBA SUNGLO

Primary: CRAPO GEORGE ETAL

Physical: 378 S 7th W Ave

Mailing: 1908 E 500 N
ST ANTHONY, ID 83445

Zoned: Heavy Industrial

Deed #: 281330
281329
281328
281327

