

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 63-3362
Date Received: 9/8/1989
Receipt No: W005778
Received By:

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

1. Name of Claimant(s): IBP INC Phone: (208)345-6660
DEPT 30
ATTN: KIM DIRCKS
DAKOTA CITY NE USA 68731

2. Date of Priority: 07/11/1963

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	02E	31	SW SE	ADA	

5. Description of diverting works:

DRILLED WELL, VERTICAL TURBINE PUMP; MAINLINES & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	2.67	837

7. Total Quantity Appropriated is:
2.67 C.F.S. and/or 837 A.F.A.

8. Total consumptive use:

SCANNED
JAN 23 2008

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	02E	31	NE	SW	IRRIGATION	35
			NW	SW	IRRIGATION	38
			SW	SW	IRRIGATION	37
			SE	SW	IRRIGATION	38
			SW	SE	IRRIGATION	38
Section Acres						186
Total Acres						186

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DB 2/4/2002

AC. IRR.=185.5.

15. Basis of Claim: License



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

NOV 21 1995

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 8/30/94

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____.
 If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☒ Water Right Number(s) Assigned by IDWR: 63-11347; 63-3362; 63-2612; 63-0329; 63-0330; 63-0331
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Ida-U-Land and Livestock
- ☐ New Owner/Claimant (Purchaser): IB Pine
- ☐ New Mailing Address: Dept 30 Attn Kim Dircks
Dakota City Nebraska
68731
- ☐ New Telephone Number: (208) 345-6660
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): [Signature] Date 10/30/95
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
 Initial Review and Data-Entry
 Date: _____ By: _____
 Further Action Needed:
 Further Action Taken
 Date: _____ By: _____
 Final Review and Data-Entry
 Date: _____ By: _____
 Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

B U Y E R (S) F I N A L C L O S I N G S T A T E M E N T

Prepared by
Stewart Title of Idaho, Inc.
1412 West Idaho Street
Boise, Idaho 83702-5245
(208) 336-6515

Buyer(s).....: IBP, INC.
Seller(s).....: IDA-U LAND & BEEF
Lender.....:
Property.....: KUNA MORA ROAD ADA COUNTY, IDAHO
Closing date...: 08/30/1994 Proration date: 08/30/1994
✓ File Number...: 94050367

	DEBIT	CREDIT
SALES PRICE.....	625,000.00	
PRORATIONS:		
County Taxes.....		1,157.72
from 01/01/94 to 08/30/94 @ \$ 4.80384 per day		
MISCELLANEOUS ADJUSTMENTS:		
Earnest Money Paid to Seller.....		12,500.00
CROW CHARGES:		
Crow Fee - 1/2.....	275.00	
PAYEE....: STEWART TITLE OF IDAHO, INC.		
RECORDING FEES/TRANSFER CHARGES:		
Recording Fee 1/2 amount \$6.00.....	6.00	
PAYEE....: STEWART TITLE OF IDAHO, INC.		
.....SUBTOTALS:	625,281.00	13,657.72
.....BALANCE DUE FROM BUYER:		611,623.28
.....TOTALS:	625,281.00	625,281.00

WE APPROVE THE FOREGOING SETTLEMENT STATEMENT, IN ITS ENTIRETY, AUTHORIZE PAYMENTS IN ACCORDANCE THEREWITH AND ACKNOWLEDGE RECEIPT OF A COPY THEREOF.

DATED THIS 31st DAY OF Aug IN THE YEAR 1994.

IBP, INC.

By: IBP Inc

By: _____

Larry J Kucera

STEWART TITLE OF IDAHO, INC.

BY: _____

DATE: _____

✓ ORDER NO. 94050367 KS

EXHIBIT "A"

New Property

PARCEL I

Lots 3 and 4; the East 1/2 of the Southwest Quarter; and the Southwest Quarter of the Southeast Quarter, all in Section 31, Township 2 North, Range 2 East, Boise Meridian, Ada County, State of Idaho.

PARCEL II

The East 1/2 of the Northwest Quarter; and the Northeast Quarter, all in Section 6, Township 1 North, Range 2 East, Boise Meridian, Ada County, Idaho.

EXCEPTING Therefrom:

A parcel of land in the Northeast Quarter of Section 6, Township 1 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at the Northeast corner of Section 6, Township 1 North, Range 2 East, Boise Meridian; thence
West along the North section line of Section 6, 400.00
feet to a point; thence
South parallel to the East section line of Section 6, 545.00
feet to a point; thence
East parallel to the North Section line of Section 6, 400.00
feet to the intersection of the East Section line
of Section 6; thence
North along the East section line of Section 6, 545.00 feet
to the REAL POINT OF BEGINNING.

1.5.19 2N 2E

1.5.19

18.17.39.25

21.55 20 40

0.0.50

18.16

18.02

?

31

3.2

NW SW

18.51.20

18.58

18.44

21.10

20

40

18.24.57

(18.1.10)

(18.1.10)

18.19.12

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: A63-03362
Date Received: 9/ 8/1989
Receipt No: W005778
Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IDA-U LAND & BEEF 801-277-9303
Address: 4260 PARK TERRACE DRIVE
SALT LAKE CITY UT 84124

2. Date of Priority: JUL 11, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	02E	31		SW	SE		ADA

5. Description of diverting works:
DRILLED WELL, VERTICAL TURBINE PUMP; MAINLINES & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.670		837.00

7. Total Quantity Appropriated is:
2.670 C.F.S. (and/or) 837.00 A.F.A.

8. Total consumptive use is 651.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	02E	31	NE	SW ✓		IRR	35.0
			NW	SW		IRR	38.0
			SW	SW		IRR	37.0
			SE	SW ✓		IRR	38.0
			SW	SE ✓		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	186.0
					Total Acres	186.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

63-2615, 63-00329, 63-00330, 63-00331

14. Remarks:

AC. IRR.=185.5.

15. Basis of Claim: LICENSE

Water Right Number: 31242

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: _____

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: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 63-3362

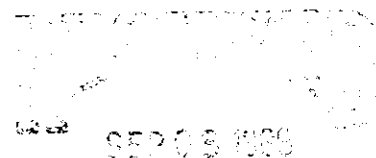
Date Received 9-8-89

Receipt Number 2005778

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW



Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Ida-U Land & Beef Phone (801) 277-9303

Mailing Address 4260 Park Terrace Drive, Salt Lake City, Utah Zip 84124

2. Date of Priority (Only one (1) per claim) 7/11/63

3. Source of water supply (a) Groundwater

which is tributary to (b) N/A

4. a. Location of existing point of diversion is: Township 2N Range 2E Section 31,
1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of Ada

Additional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is: N/A

Township Range Section , 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Drilled well, vertical turbine pump;
mainlines and ditches for distribution.

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AUG 19 1992

Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 2.67 or 837

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.67 (cfs) and/or (b) 837 (acre feet)

8. Total consumptive use claimed is 651 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	2E	31									35	38	37	38			38		186

Total number of acres irrigated 186

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
63-2615; 63-0329; 63-0330; 63-0331 or None ()

14. Remarks:

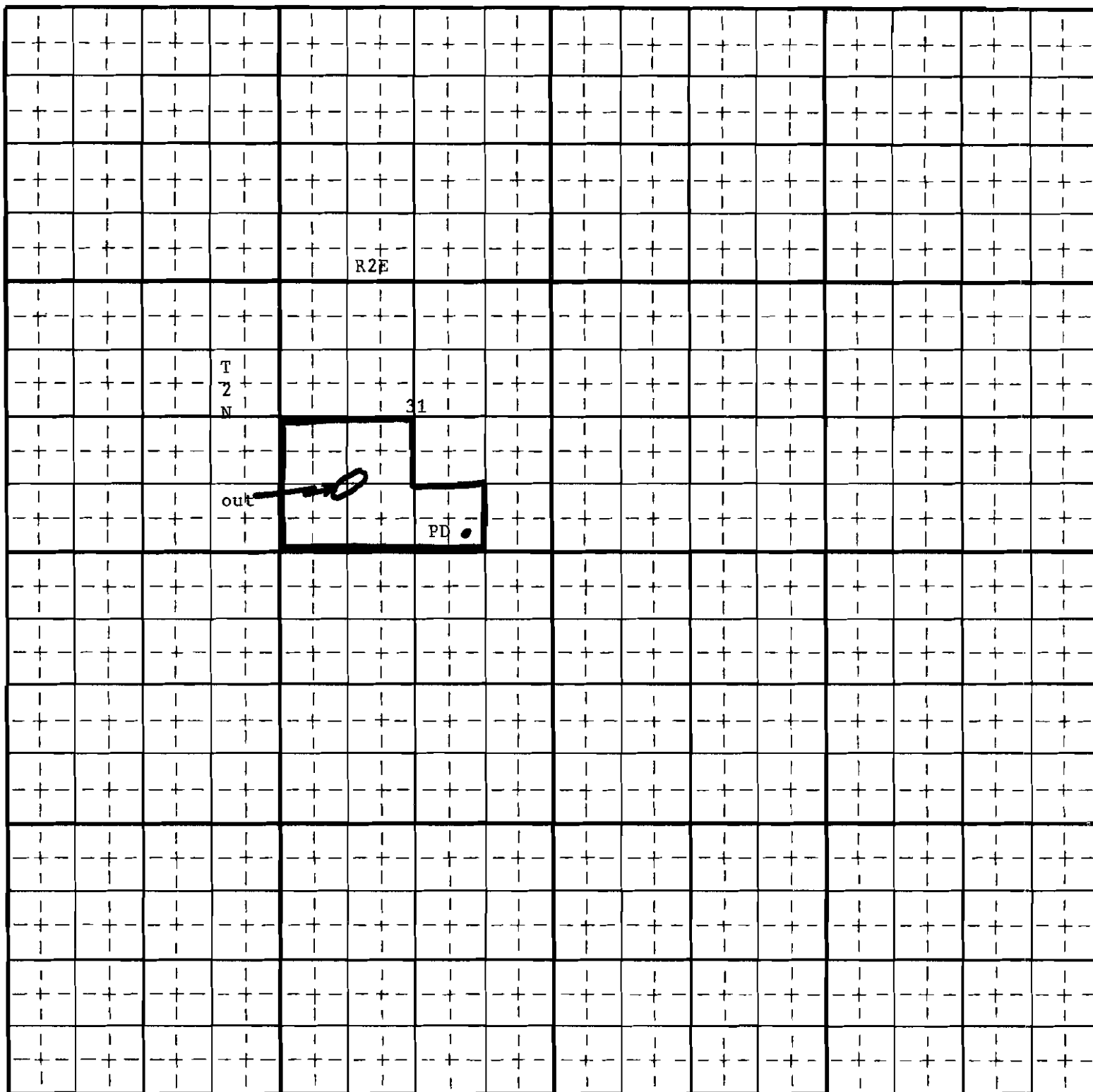
MICROFILMED

Last Name Ida-U Land & Beef Ident No. _____

Copies: Aug 19 1992 State of Oklahoma Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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AUG 19 1992

Last Name Ida-U Land & Beef

Ident No. _____

Copies: *White-State, Yellow-Claimant*

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 63-3362
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 0

For Individuals: I 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 Managing General Partner
Title

of Ida-U Land & Beef _____, that I have signed the foregoing
Organization

document in the space below as Managing General Partner of Ida-U Land & Beef
Title Organization

and that the statements contained in the foregoing document are true and correct.

X Signature of Authorized Agent _____
Title and Organization Managing General Partner, Ida-U Land & Beef Date _____

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7th day of September 19 89

SEAL

Notary Public Gm CMT

Residing at Boise, Idaho

My Commission Expires August 28, 1992

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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AUG 19 1992

Last Name Ida-U Land & Beef Ident. Number _____

Copies White-State, Yellow-Claimant

Water Right Number - 63-03362

Prefix Translation: WATER RIGHT

Old (D) Number - 31242

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

*** C - CURRENT OWNER ***
STANDARD INSURANCE CO.

1 - 1100 SW 6TH AVE.

2 -

3 -

City- PORTLAND

State- OR Zip- 97207

Phone -

*** O - ORIGINAL OWNER ***
GREEN

RICHARD LEE

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
07/11/1963 14 WESTERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

02N 02E 31 SW SE (1) ADA

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

01 - IRRIGATION 04/01 10/31 2.670 837.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
2.670 837.00+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

02N 02E 31 NE SW 35.0 01 IRRIGATION (1) ADA

02N 02E 31 NW SW 38.0 01 IRRIGATION (1) ADA

02N 02E 31 SW SW 37.0 01 IRRIGATION (1) ADA

02N 02E 31 SE SW 38.0 01 IRRIGATION (1) ADA

02N 02E 31 SW SE 38.0 01 IRRIGATION (1) ADA

Total Acres: 186.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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Water right number - 63-03362 Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - -
AC. IRR.=185.5.

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

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments- - - - -
No Comments Found

+ - - Audit Fields - 06/03/85 05/01/88 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 - P
Exam to S.O. Date- 00/00/0000	Verified Date - 06/03/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 09/12/1979	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Presumption Flag -	

MICROFILMED
AUG 19 1992

CLAIMANT'S NAME Osa - U Land & BeeCLAIM IDENT. NO. 63-03362DATE RECEIVED 9-8-89 RECEIPT # W005748 AMOUNT \$ 7450/145

	YES	NO	Require Info
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required) N/A ☒	☐	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered? N/A ☐	☒	☐	
Is the consumptive use correct? N/A ☐	☐	☒	
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4 N/A ☒	☒	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated? (See Item No.'s 16 & 17 for checking other water rights)	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☒	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed? N/A ☐ (Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim)	☒	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim? N/A ☒ (If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☒	☐	
18. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ☒	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time, or was an extension granted?	☒	☐	*
22. Is the fee enclosed correct? Exempt	☒	☐	*

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AUG 19 1992

23. Should this claim be data entered?

YES

NO

☒

☐

Claim reviewed by:

JAD

Date

12-5-91

Claim data entered by:

JAD

Date

1-8-92

Claim is being returned to claimant:

☐ (Yes)

☒ (No)

Claimant is being notified of modifications:

☐ (Yes)

☒ (No)

Comments:

Prog report attached

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

AMENDED

TRANSFER NO. 5442

WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

Western
RECEIVED

MAY 03 2000

*AMENDED WATER RESOURCES
WESTERN REGION

This is to certify that: IBP INC
PO BOX 9346
BOISE ID 83707

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-07531 :			
Priority: 12/10/1971			
IRRIGATION	03/15 to 11/15	3.20 CFS	720.0 AF
STOCKWATER	01/01 to 12/31	0.20 CFS	13.4 AF
COMMERCIAL	01/01 to 12/31	3.20 CFS	720.0 AF
DOMESTIC	01/01 to 12/31	0.20 CFS	11.2 AF
		3.60 CFS	744.6 AF
Right No. 63-10383 :			
Priority: 09/23/1986			
IRRIGATION	03/15 to 11/15	3.02 CFS	679.5 AF
INDUSTRIAL	01/01 to 12/31	2.20 CFS	1593.0 AF
		5.22 CFS	2272.5 AF
SUBTOTAL:		* 5.87 CFS	
Right No. 63-03362 :			
Priority: 07/11/1963			
IRRIGATION	04/01 to 10/31	2.67 CFS	837.0 AF
Right No. 63-11347 :			
Priority: 07/08/1992			
IRRIGATION	03/15 to 11/15	2.23 CFS	549.0 AF
TOTAL:		** 10.77 CFS	** 4403.1 AF

SOURCE

GROUNDWATER

TRANSFER NO. 5442
WATER RIGHT NO(S) . 63-03362/63-07531/63-10383/63-11347

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNE), Sec. 6, Township 01N, Range 02E
 Lot 3(NENW), Sec. 6, Township 01N, Range 02E
 Lot 3(NWSW), Sec. 7, Township 01N, Range 02E
 SWSE, Sec. 7, Township 01N, Range 02E
 Lot 2(SWNW), Sec. 18, Township 01N, Range 02E
 SWSE, Sec. 31, Township 02N, Range 02E
 ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
01N	02E	6	Lot 1(NENE)	35	Lot 2(NWNE)	40	SWNE	40	
			SENE	40	Lot 3(NENW)	40	SENE	40	
			NESW	40	SESW	40	NWSE	40	
			SWSE	39					394
		7	NENW	40	Lot 1(NWNW)	40	Lot 2(SWNW)	40	
			NESW	40	Lot 4(SWSW)	36	SESW	32	
			SWSE	32					260
		18	NENE	32	NWNE	40	SENE	40	
			NENW	40	Lot 1(NWNW)	40	Lot 2(SWNW)	40	
			SENE	40	NESW	40	Lot 3(NWSW)	40	
			Lot 4(SWSW)	40	SESW	40			432
02N	02E	31	NESW	40	Lot 3(NWSW)	40	Lot 4(SWSW)	40	
			SESW	40	SWSE	40			200
			Total number of acres irrigated:						1286 ***

PLACE OF USE: STOCKWATER, INDUSTRIAL & COMMERCIAL same as IRRIGATION use

PLACE OF USE: DOMESTICTWN RGE SEC

01N 02E 7 Lot 3(NWSW)

CONDITIONS OF APPROVAL AND REMARKS

- ☒ 1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- ☒ 2. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2(SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
- ☒ 3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- ☒ 4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
- ☒ 5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5442
WATER RIGHT NO(S) . 63-03362/63-07531/63-10383/63-11347

CONDITIONS OF APPROVAL AND REMARKS

- ~~X~~ Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- Exp.*
- Q* ** 8. The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.
- * 9. Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
- Q*
- *** 10. Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.
- POU*
- *** ~~X~~ 11. Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.
- *** ~~X~~ 12. Right 63-10383 is limited to the irrigation of 151.0 acres in the place of use described above in a single irrigation season.
- *** ~~X~~ 13. Right 63-11347 is limited to the irrigation of 122.0 acres in the place of use described above in a single irrigation season.
- *** 14. Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.
- Exp.*
- Use*
AS ~~15~~ 15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right 63-03362 before 4/1 and after 10/31, and under Rights 63-07531, 63-10383 and 63-11347 before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
- 16. Use of water under Rights 63-07531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
- Exp.*

TRANSFER NO. 5442
WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

CONDITIONS OF APPROVAL AND REMARKS

17. The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-07531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes as authorized under these rights.
18. The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.
19. Three (3) points of diversion are located within Lot 3 (NWSW), S07, T01N, R02E B.M.
20. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 63-11347 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
21. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, Right 63-11347 to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
22. Approval of this transfer does not preclude the opportunity for review of the validity of Rights 63-03362 and 63-07531 in the ongoing Snake River Basin Adjudication.
23. Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E B.M.

Dated this 27th day of April, 2000


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5442
WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

Western
RECEIVED

MAR 14 2000

WATER RESOURCES
WESTERN REGION

This is to certify that: IBP INC
PO BOX 9346
BOISE ID 83707

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 63-07531 :			
Priority: 12/10/1971			
IRRIGATION	03/15 to 11/15	3.20 CFS	720.0 AF
STOCKWATER	01/01 to 12/31	0.20 CFS	13.4 AF
COMMERCIAL	01/01 to 12/31	3.20 CFS	720.0 AF
DOMESTIC	01/01 to 12/31	0.20 CFS	11.2 AF
		<u>3.60 CFS</u>	<u>744.6 AF</u>
Right No. 63-10383 :			
Priority: 09/23/1986			
IRRIGATION	03/15 to 11/15	3.02 CFS	679.5 AF
INDUSTRIAL	01/01 to 12/31	2.20 CFS	1593.0 AF
		<u>5.22 CFS</u>	<u>2272.5 AF</u>
SUBTOTAL:		* 5.87 CFS	
Right No. 63-03362 :			
Priority: 07/11/1963			
IRRIGATION	04/01 to 10/31	2.67 CFS	837.0 AF
Right No. 63-11347 :			
Priority: 07/08/1992			
IRRIGATION	03/15 to 11/15	2.23 CFS	549.0 AF
TOTAL:		** 10.77 CFS	** 4403.1 AF

SOURCE

GROUNDWATER

TRANSFER NO. 5442
WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

LOCATION OF POINT(S) OF DIVERSION: Lot 2 (NWNE), Sec. 6, Township 01N, Range 02E
 Lot 3 (NENW), Sec. 6, Township 01N, Range 02E
 Lot 3 (NWSW), Sec. 7, Township 01N, Range 02E
 SWSE, Sec. 7, Township 01N, Range 02E
 Lot 2 (SWNW), Sec. 18, Township 01N, Range 02E
 SWSE, Sec. 31, Township 02N, Range 02E
 ADA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
01N	02E	6	Lot 1 (NENE)	35	Lot 2 (NWNE)	40	SWNE	40	
			SENE	40	Lot 3 (NENW)	40	SENE	40	
			NESW	40	SESW	40	NWSE	40	
			SWSE	39					394
		7	NENW	40	Lot 1 (NWNW)	40	Lot 2 (SWNW)	40	
			NESW	40	Lot 4 (SWSW)	36	SESW	32	
			SWSE	32					260
		18	NENE	32	NWNE	40	SENE	40	
			NENW	40	Lot 1 (NWNW)	40	Lot 2 (SWNW)	40	
			SENE	40	NESW	40	Lot 3 (NWSW)	40	
			Lot 4 (SWSW)	40	SESW	40			432
02N	02E	31	NESW	40	Lot 3 (NWSW)	40	Lot 4 (SWSW)	40	
			SESW	40	SWSE	40			200
					Total number of acres irrigated:				1286 ***

PLACE OF USE: STOCKWATER, INDUSTRIAL & COMMERCIAL same as IRRIGATION use

PLACE OF USE: DOMESTIC

TWN RGE SEC
 01N 02E 7 Lot 3 (NWSW)

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2 (SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

TRANSFER NO. 5442
WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

CONDITIONS OF APPROVAL AND REMARKS

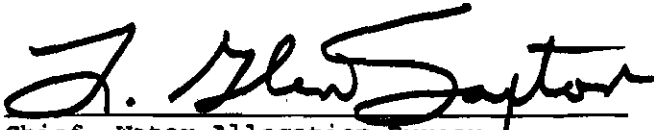
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- ** 8. The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.
- * 9. Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
- *** 10. Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.
- *** 11. Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.
- *** 12. Right 63-10383 is limited to the irrigation of 151.0 acres in the place of use described above in a single irrigation season.
- *** 13. Right 63-11347 is limited to the irrigation of 122.0 acres in the place of use described above in a single irrigation season.
- *** 14. Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres in the 1286.0 acre place of use described above in a single irrigation season.
15. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right 63-03362 before 4/1 and after 10/31, and under Rights 63-07531, 63-10383 and 63-11347 before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
16. Use of water under Rights 63-07531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
17. The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under Rights 63-07531 and 63-10383 shall not be used for irrigation unless the water is first used in the beef slaughterhouse operation as authorized under these rights.

TRANSFER NO. 5442
WATER RIGHT NO(S). 63-03362/63-07531/63-10383/63-11347

CONDITIONS OF APPROVAL AND REMARKS

18. The right holder shall be required to utilize the cold water well located in the NENW, S06, T01N, R02E up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being provided by the cold water well.
19. Three (3) points of diversion are located within Lot 3 (NWSW), S07, T01N, R02E.
20. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 63-11347 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
21. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, Right 63-11347 to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
22. Approval of this transfer does not preclude the opportunity for review of the validity of Rights 63-03362 and 63-07531 in the ongoing Snake River Basin Adjudication.
23. Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E.

Dated this 13th day of March, 2000


Chief, Water Allocation Bureau

Total acres _____

PART 1**6. General Information:**

a. Description of diversion system System consists of a collection of ^{6 existing} wells with associated pumps and piping. An additional well is proposed.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The place of use and point of diversion changes will allow water from existing rights to be comingled and used throughout the farm. The total number of acres irrigated, the diversion rate, and the total amount of water used will not increase.

d. Remarks:

The purpose of these transfers is to make all points of diversion common to one another and to make all places of use common to each point of diversion.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-07531 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water groundwater tributary to _____

4. Date or priority 12/10/1971

5. Water is used for the following purpose:

amount 3.2 cfs for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft) amount 0.2 cfs for stockwater purposes from 1/01 to 12/31
(cfs/ac-ft) amount 3.2 cfs for commercial purposes from 1/01 to 12/31
(cfs/ac-ft) amount 0.2 cfs for domestic purposes from 1/01 to 12/31

6. Total amount of water under right 3.6 cfs cubic feet per second and/or 744.6 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
3		NW	SW	07	01N	02E	Ada	IBP - West
3		NW	SW	07	01N	02E	Ada	IBP - East

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
01N	02E	7									10	03-08	04-15	23		01	20		79.8
01N	02E	18					28	01-26	02-25										80.2
01N	02E	7									C	03-C	04-C	C					
01N	02E	7									D	03-D	04-D	D					

Stockwater same place as irrigation

Total acres 160.0

9. Describe any other water rights used for the same purpose as described above 63-00332, 63-02200

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-10383 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water groundwater tributary to _____

4. Date or priority 9/23/1986

5. Water is used for the following purpose:

amount 3.02cfs for irrigation purposes from 3/15 to 11/15
(cfs/ac-ft) amount 2.2 cfs for industrial purposes from 1/01 to 12/31
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ for _____ purposes from _____ to _____

6. Total amount of water under right 5.22cfs cubic feet per second and/or 2272.5 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>2</u>		<u>NE</u>	<u>SW</u>	<u>07</u>	<u>01N</u>	<u>02E</u>	<u>Ada</u>	<u>IW - 1S *</u>
<u>3</u>		<u>NW</u>	<u>SW</u>	<u>7</u>	<u>1N</u>	<u>26</u>	<u>"</u>	<u>2 wells: IBP - West & East</u>

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>01N</u>	<u>02E</u>	<u>18</u>								<u>27</u>	<u>31</u>	<u>03-31</u>	<u>04-31</u>	<u>31</u>					<u>151.0</u>

** This has been incorrectly recorded & will be corrected by transfer*

Total acres 151.0

9. Describe any other water rights used for the same purpose as described above 63-00332, 63-0220, 63-07531

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-03362 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water groundwater tributary to _____4. Date or priority 7/11/1963

5. Water is used for the following purpose:

amount 2.67 cfs for irrigation purposes from 4/01 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.67 cfs cubic feet per second and/or 837.0 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	31	02N	02E	Ada	IW - 2N

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
02N	02E	31									35	38	37	38			38		186.0

Total acres 186.09. Describe any other water rights used for the same purpose as described above 63-0332, 63-0220

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-11347

Priority: July 8, 1992

Maximum Diversion Rate:

2.23 CFS

This is to certify, that IDA U LAND & BEEF

PO BOX 9346

BOISE ID 83707-9346

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 18, 1990; and has submitted Proof of Beneficial Use on November 21, 1995. An examination indicates that the works have a diversion capacity of 2.230 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	2.23 CFS	

LOCATION OF POINT(S) OF DIVERSION: Lot 2 (NWNE), Sec. 6, Township 01N, Range 02E
NENW, Sec. 6, Township 01N, Range 02E
ADA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 02E 6	Lot 1 (NENE) 25	Lot 2 (NWNE) 34	SWNE 34	
	SENE 25	Lot 3 (NENW) 2	SENW 2	122

Total number of acres irrigated: 122

CONDITIONS OF APPROVAL AND REMARKS

1. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
2. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
3. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 544.5 af at the field headgate for the lands above.

Revised Pg 9 of 12

PAGE 2

State of Idaho
Department of Water Resources**Water Right License**

WATER RIGHT NO. 63-11347

CONDITIONS OF APPROVAL AND REMARKS

6. The right holder shall be required to utilize the cold water well located in the NENW, S6, T1N, R2E up to its capacity for irrigation of the place of use described above. The low temperature geothermal well in the NWNE, S6, T1N, R2E shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being provided by the cold water well.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 12th day of MARCH, 1999.


KARL J. DREHER, DirectorRevised 1/5 10 of 12

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

PLEASE SEE ATTACHMENT D

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Mary O'Donnell
(Signature of Applicant)

Subscribed and sworn to before me this 17th day of July, 19 98.

Cindy McMahon
(Notary Public)

My commission expires June 22, 2004**FOR DEPARTMENT USE ONLY**

Transfer contains 12 pages and 67 attachments A-G

Received by SL Date 7/17/98 Protest filed by _____

Prelim. check by SL Fee \$100

Received by SL Date 7/17/98 # W024151

Published in IO Antenna Copies of protest forwarded by _____

Pub. dates 4/15 & 22/99 - SL Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Attachment A

B.1. Description of Right(s) or Portion There of, After the Requested Change

Right Number	Priority	Amount		Nature of Use	Period of Use
		cfs	AFA		
63-07531	12/10/71	3.2	720	Irrigation	3/15 - 11/15
		0.2	13.4	Stockwater	1/01 - 12/31
		3.2	720	Commercial	1/01 - 12/31
		0.2	11.2	Domestic	1/01 - 12/31
63-10383	9/23/86	~~3.02~~ 2.0	679.5	Irrigation	3/15 - 11/15
		2.2	1593	Industrial	1/01 - 12/31
63-03362	7/11/63	~~2.67~~ 2.7	837	Irrigation	4/01-10/31
63-11347 ¹	7/8/92	~~2.23~~ 2.5	544.5	Irrigation	3/15 - 11/15

* 10.77 → ~~17.2~~

Notes:

¹ Right 63-11347 is considered a low-temp geothermal well and is under review by IDRW - *Licensed 3/12/99*

*
$$\begin{array}{r} 2.67 \\ 5.87 \text{ (combined total } 7531 + 10383) \\ 2.23 \\ \hline 10.77 \text{ cfs} \end{array}$$

7,5442

Attachment B

B.4. Points of Diversion, After the Requested Change

Lot	1/4	1/4	Sec.	Twp.	Rge.	County	Local Name
3	NW	SW	7 ✓	01N	02E	Ada	IBP - West
3	NW	SW	7 ✓	01N	02E	Ada	IBP - East
3	NW	SW	7 ✓	01N	02E	Ada	IW - 1S
	SW	SE	31 ✓	02N	02E	Ada	IW - 2N
2	NW	NE	6 ✓	01N	02E	Ada	IW - 1N
1	NW	NW	19	01N	02E	Ada	Wastewater Pond ¹
¹ Wastewater pond is point of re-diversion							

place in
Remarks

{

3	NE	NW	6 ✓	1N	2E	Ada	"ooty well"
	SW	SE	7 ✓	1N	2E	Ada	} 1 proposed well in either site
2	SW	NW	18 ✓	1N	2E	Ada	

-- geothermal well

Attachment C

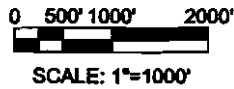
B.5. Land Irrigated or Place of Use, After the Requested Change																				
Twp	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals acres	
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4		
1N	2E	6	① 35	② 40	40	40	③ 40			40	40			40		40	39		394	
1N	2E	7					40	① 40	② 40		40	③ D	④ 36	32				32	260	
1N	2E	18	32	40		40	40	① 40	② 40	40	40	③ 40	④ 40	40					432	
2N	2E	31									40	③ 40	④ 40	40			40		200	
																			1286	

Notes: Acres shown indicate irrigation, industrial,* commercial and stock water uses
D indicates domestic use
Total Place of Use acreage before the requested changes was 619 ac

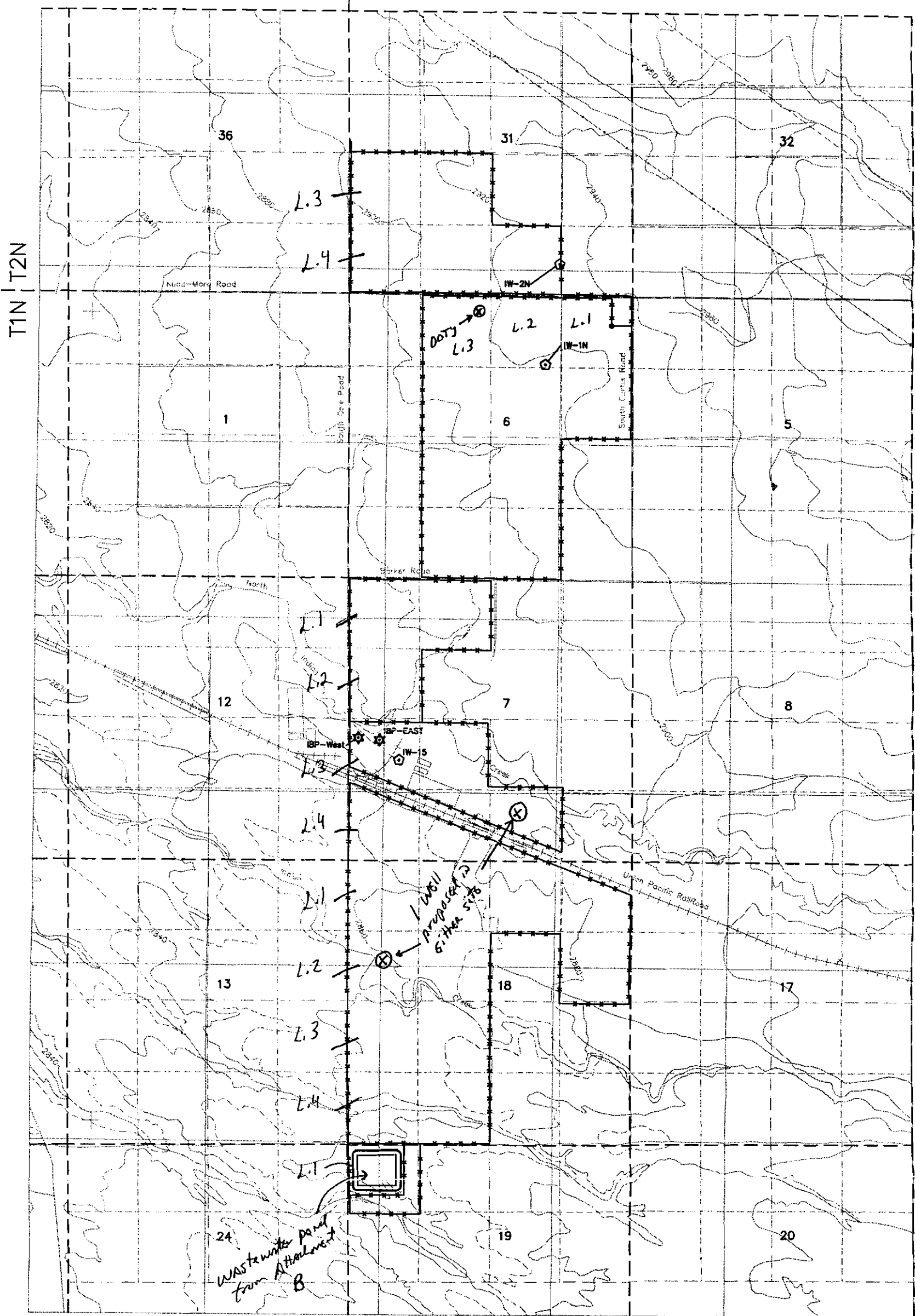
govt lot

* industrial & commercial to include land application of waste water on all tracts except nws 5.7.

T. 5442



R1E | R2E



LEGEND

-  Irrigation Well
 Production and Irrigation Well
 IBP Boundary Fence

5.19 tract is not part of Ppon
land list but does host the
storage pond

Well 1W-15 in
NWSW 5.7 is correct per
Applicant's 4/8/99 fax. License
is incorrect.

- notes SR 4/6/99

Project Title

IBP, INC.

Sheet Title

GROUNDWATER RIGHTS DIVERSION AND PLACE OF USE MAP

Figure No.

Figure No.
ATTACHMENT D

Date _____

7/9/98

Source

T. 5442

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED
FEB 21 1993

[] Water Right Number (s): A65-01446

A65-01445

A-65-03362

A-65-03364

Department of Water Resources
Western Regional Office

[] Old Mailing Address:

Omeleta G. Sullivan (L.W. Ashley deceased)
Lethe Idaho 83636

[] New Mailing Address:

Omeleta G. Sullivan
911 East Main
Emmett Ida 83617

New Telephone Number: ²⁰⁸~~(365)~~ 365-6271

[] Signature of Claimant:

Omeleta G. Sullivan

Date: Feb 1 1993

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

A65-01446

A65-03364

Further Action Needed:

A65-03362

Further Action Taken

Date: By:

A65-01445

Final Review and Data-Entry

OMELETA G. SULLIVAN

Date: By:

911 EAST MAIN

EMMETT

ID 83617

SEND TO YOUR NEAREST
REGION OFFICE:

Western Region Office
2735 Airport Way
Boise, ID 83705
(208) 334-2190

Southern Region Office
222 Shoshone St. East
Twin Falls ID 83301
(208) 734-3578

State Office
1301 N. Orchard St.
Boise, ID 83720
(208) 327-7900

Eastern Region Office
150 Shoup Ave. #15
Idaho Falls ID 83402
(208) 525-7161

Northern Region Office
1910 Northwest Blvd. #210
Coeur d'Alene ID 83814
(208) 756-4639

MICROFILMED

JUL 25 1994

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

07/13/95 00:07:06
Page 1

Water Right Number - 63-03362

Prefix Translation: WATER RIGHT

Old (D) Number - 31242

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

*** C - CURRENT OWNER ***
STANDARD INSURANCE CO.

1 - 1100 SW 6TH AVE.
2 -
3 -
City- PORTLAND State- OR Zip- 97207
Phone -

*** O - ORIGINAL OWNER ***
GREEN

RICHARD LEE

1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
07/11/1963 14 WESTERN L - LICENSE

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

TwN	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
02N	02E	31	SW SE		(1)	ADA				

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	2.670	837.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
2.670 837.00

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
02N	02E	31	NE SW		35.0	01	IRRIGATION	(1) ADA
02N	02E	31	NW SW		38.0	01	IRRIGATION	(1) ADA
02N	02E	31	SW SW		37.0	01	IRRIGATION	(1) ADA
02N	02E	31	SE SW		38.0	01	IRRIGATION	(1) ADA
02N	02E	31	SW SE		38.0	01	IRRIGATION	(1) ADA

Total Acres: 186.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Water right number - 63-03362

Prefix Translation: WATER RIGHT

+ - - - - - Remarks - - - - - +
AC. IRR.=185.5.

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

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

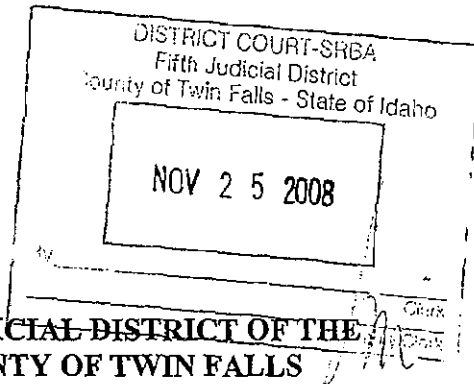
+ - - - - - Comments- - - - - +
No Comments Found

+ - - Audit Fields - 06/03/85 05/01/88

+ - - - - - 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 - P
Exam to S.O. Date- 00/00/0000	Verified Date - 06/03/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 09/12/1979	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag-
Presumption Flag -		

RECEIVED
NOV 26 2008
DEPARTMENT OF
WATER RESOURCES



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

In Re SRBA

Case No. 39576

ORDER OF AMENDED PARTIAL DECREE
TO CORRECT CLERICAL ERROR

For Water Right: 63-03362

A *Partial Decree* was issued for the above-captioned water right on February 16, 2007. On May 27, 2008, the Court received correspondence from the Idaho Department of Water Resources describing errors in the *Partial Decree*, and this error originated in the *Amended Director's Report* issued for this water right on May 14, 2008. The *Partial Decree* contains incorrect Purpose of Use and Place of Use description. The Place of Use description should read T01N R02E S18 SESW. In addition the *Partial Decree* contains a combined use remark under Quantity that should be deleted. The Court finds this to be the result of clerical error. A hearing was held on this matter on November 18, 2008 and no party appeared in opposition to the Court's proposed action in correcting the error.

Therefore, IT IS ORDERED that the above-captioned water right be amended and decreed as set forth in the attached *Amended Partial Decree Pursuant to I.R.C.P.54(b)*.

DATED

November 25, 2008

JOHN M. MELANSON

Presiding Judge

Snake River Basin Adjudication

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-03362

NAME AND ADDRESS: TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS PORT DR, STE 709
DAKOTA DUNES, SD 57049

SOURCE: GROUND WATER

QUANTITY: 2.67 CFS
837.00 AFY

PRIORITY DATE: 07/11/1963

POINT OF DIVERSION: T01N R02E S06 LOT 2 (NWNE) Within Ada County
LOT 3 (NENW)
S07 LOT 3 (NWSW)
SWSE
S18 LOT 2 (SWNW)
T02N R02E S31 SWSE

Three (3) points of diversion are located within Lot 3 (NWSW),
S07, T01N, R02E.
A single new point of diversion is authorized in either the SWSE,
S07 or Lot 2 (SWNW), S18, T01N, R02E to provide water that shall
not exceed a temperature greater than 85 degrees Fahrenheit.

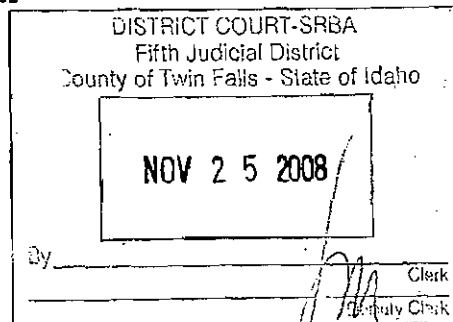
PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	2.67 CFS 837.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY
OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE
A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

Irrigation		Within Ada County	
T01N R02E S06 LOT 1	(NENE) 35.0	LOT 2	(NWNE) 40.0
	SWNE 40.0		SENE 40.0
LOT 3	(NENW) 40.0		SENE 40.0
	NESW 40.0		SESW 40.0
	NWSE 40.0		SWSE 39.0
S07	NENW 40.0	LOT 1	(NWNW) 40.0
LOT 2	(SWNW) 40.0		NESW 40.0
LOT 4	(SWSW) 36.0		SESW 32.0
	SWSE 32.0		
S18	NENE 32.0		NWNE 40.0
	SENE 40.0		NENW 40.0
LOT 1	(NWNW) 40.0	LOT 2	(SWNW) 40.0
	SENE 40.0		NESW 40.0
LOT 3	(NWSW) 40.0	LOT 4	(SWSW) 40.0
	SESW 40.0		
T02N R02E S31	NESW 40.0	LOT 3	(SWSW) 40.0
LOT 4	(SWSW) 40.0		SESW 40.0
	SWSE 40.0		
1286.0 Acres Total			



SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

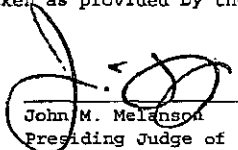
Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson

Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER OF AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR was mailed on November 25, 2008, with sufficient first-class postage to the following:

TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS PORT DR, STE 709
DAKOTA DUNES, SD 57049
Phone: 605-235-3865

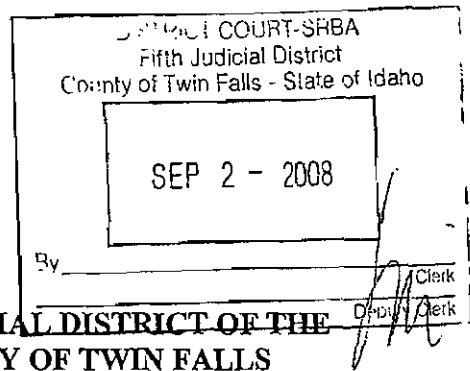
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 11/25/08

FILE COPY FOR 00200


Deputy Clerk



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

In Re SRBA

Case No. 39576

)
)
) NOTICE OF COURT'S INTENT TO ISSUE
) AMENDED PARTIAL DECREE TO
) CORRECT CLERICAL ERROR AND
) NOTICE OF HEARING THEREON

)
)
) For Water Right: 63-3362
)

A *Partial Decree* was issued for the above-captioned water right on February 16, 2007. On May 27, 2008, the Court received correspondence from the Idaho Department of Water Resources indicating an error in the *Partial Decree*, and this error originated in the *Amended Director's Report* issued for this water right on May 14, 2008. A copy of the correspondence was also sent to the claimant. The *Partial Decree* contains incorrect purposes of use in the Place of Use description. The Court finds this to be the result of a clerical error. Therefore, it is the intent of the Court to issue an *Amended Partial Decree* correcting the clerical error in accordance with the attached.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **Tuesday, November 18, 2008, at 1:30 p.m. (Mountain Time)** at the Snake River Basin Adjudication District Court, 253 3rd Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-918-583-3445 and entering 406128 when prompted.

DATED: Sept. 2, 2008


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

T02N R02E S18 S31	LOT 3	(NWSW)40.0	LOT 4	(SWSW)40.0
		SESW 40.0		
		NESW 40.0	LOT 3	(SWSW)40.0
	LOT 4	(SWSW)40.0		SESW 40.0
		SWSE 40.0		
1286.0 Acres Total				

Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DRAFT

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO ISSUE AMENDED PARTIAL DECREE TO CORRECT CLERICAL ERROR AND NOTICE HEARING THEREON was mailed on September 02, 2008, with sufficient first-class postage to the following:

TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS PORT DR, STE 709
DAKOTA DUNES, SD 57049
Phone: 605-235-3865

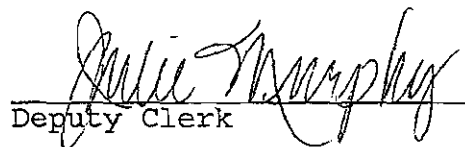
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

NOTICE

Page 1 9/02/08

FILE COPY FOR 00200

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line. The signature is in dark ink and is positioned to the right of the printed text "Deputy Clerk".



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 23, 2008

Hon. John Melanson
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 63-3362 (Tyson Fresh Meats, Inc.)

Dear Judge Melanson:

On May 14, 2008, I sent an Amended Director's Report for subcase no. 63-3362 ("ADR") to the Court. The ADR reflected error corrections concerning the Place of Use ("POU") and Point of Diversion elements as well as modified related comments. Please see the cover letter for the ADR for additional explanation of the error corrections. It has come to my attention, however, that the ADR inadvertently contained incorrect purposes of use in the POU description. That inclusion was in error. Thus, I am attaching a Second Amended Director's Report. In the Second Amended Director's Report, the Idaho Department of Water Resources ("IDWR") has deleted the purposes of use inadvertently added to the POU that were in error. IDWR presents this Second Amended Director's Report in underline/strikeout format without the POU error as the ADR should have done.

I respectfully request the Court issue an amended partial decree pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure, correcting the errors in the partial decree.

I am sending a copy of this letter to the claimant, so that it will be aware of this inadvertent error. If you should have any questions or comments, please feel free to contact me at (208) 287-4810. Apologies for any confusion this may have caused.

Sincerely,

A handwritten signature in black ink that reads "Andrea L. Courtney".

Andrea L. Courtney
Deputy Attorney General, IDWR

Enclosure

cc: Tyson Fresh Meats, Inc.
Sandy Egbert

Amended Directors Report – 63-3362IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3362

NAME AND ADDRESS:

TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS FORT DRIVE SUITE 709
DAKOTA DUNES SD 57049

SOURCE: Source: Tributary:
GROUND WATER

QUANTITY: 2.670 CFS
837.000 AFY

diversion rate Rights 63-07531 and 63-10383 when combined shall not exceed a total
of 5.87 cfs.

under Transfer The total instantaneous diversion of water from all points of diversion
5442 shall not exceed 10.77 cfs, nor a total combined annual volume of
4403.1 af.

PRIORITY DATE: 07/11/1963

POINT OF DIVERSION:

T01N R02E S6 Lot 2 NWNE
Within ADA County

T01N R02E S6 Lot 3 NENW
Within ADA County

T01N R02E S7 Lot 3 NWSW
Within ADA County

T01N R02E S7 SWSE
Within ADA County

T01N R02E S18 Lot 2 SWNW
Within ADA County

T02N R02E S31 SWSE
Within ADA County

Three (3) points of diversion are located within Lot 3 (NWSW), S07, T01N, R02E. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2 (SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	4/01 10/31	2.670 CFS 837.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Amended Directors Report - 63-3362

PLACE OF USE: IRRIGATION within ADA County

T01N R02E S06 Lot 1 NENE 35.0

T01N R02E S06 Lot 2 NWNE 40.0

T01N R02E S06 SWNE 40.0

T01N R02E S06 SENE 40.0

T01N R02E S06 Lot 3 NENW 40.0

T01N R02E S06 SENW 40.0

T01N R02E S06 NESW 40.0

T01N R02E S06 SESW 40.0

T01N R02E S06 NWSE 40.0

T01N R02E S06 SWSE 39.0

T01N R02E S07 NENW 40.0

T01N R02E S07 Lot 1 NWNW 40.0

T01N R02E S07 Lot 2 SWNW 40.0

T01N R02E S07 NESW 40.0

T01N R02E S07 Lot 4 SWSW 36.0

T01N R02E S07 SESW 32.0

T01N R02E S07 SWSE 32.0

T01N R02E S18 NENE 32.0

T01N R02E S18 NWNE 40.0

T01N R02E S18 SENE 40.0

T01N R02E S18 NENW 40.0

T01N R02E S18 Lot 1 NWNW 40.0

T01N R02E S18 Lot 2 SWNW 40.0

T01N R02E S18 SENW 40.0

T01N R02E S18 NESW 40.0

T01N R02E S18 Lot 3 NWSW 40.0

T01N R02E S18 Lot 4 SWSW 40.0

T01N R02E S18 SESW 40.0

T02N R02E S31 NESW 40.0

~~T02N R02E S31 NESW 35.0~~

T02N R02E S31 Lot 3 NWSW 40.0

~~T02N R02E S31 Lot 3 NWSW 38.0~~

T02N R02E S31 Lot 4 SWSW 40.0

~~T02N R02E S31 Lot 4 SWSW 37.0~~

T02N R02E S31 SESW 40.0

~~T02N R02E S31 SESW 38.0~~

T02N R02E S31 SWSE 40.0

~~T02N R02E S31 SWSE 38.0~~

1286 ACRES TOTAL

~~186 ACRES TOTAL~~

Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Amended Directors Report – 63-3362

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 63-11347 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.

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The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.

Failure of the right holder to comply with the conditions of Transfer 5442 is cause for the Director to rescind approval of the transfer.

If the surface water right (s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, Right 63-11347 to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

~~The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.~~

~~–Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.~~

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Amended Directors Report – 63-3362

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~~Right 63-11347 is limited to the irrigation of 122.0 acres in the place of use described above in a single irrigation season.~~

~~Three (3) points of diversion are located~~

~~The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.~~

Amended Directors Report – 63-3362

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3362

NAME AND ADDRESS:

TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS PORT DRIVE SUITE 709
DAKOTA DUNES SD 57049

SOURCE: Source: Tributary:
GROUND WATER

QUANTITY: 2.670 CFS
837.000 AFY
Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.
The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.

PRIORITY DATE: 07/11/1963

POINT OF DIVERSION:

T01N R02E S6 Lot 2 NWNE
Within ADA County

T01N R02E S6 Lot 3 NENW
Within ADA County

T01N R02E S7 Lot 3 NWSW
Within ADA County

T01N R02E S7 SWSE
Within ADA County

T01N R02E S18 Lot 2 SWNW
Within ADA County

T02N R02E S31 SWSE
Within ADA County

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Amended Directors Report – 63-3362

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T01N R02E S06 Lot 2 NWNE 40.0

T01N R02E S06 SWNE 40.0

T01N R02E S06 SENE 40.0

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T01N R02E S06 SENW 40.0

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T01N R02E S06 SESW 40.0

T01N R02E S06 NWSE 40.0

T01N R02E S06 SWSE 39.0

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T01N R02E S07 SWSE 32.0

T01N R02E S18 NENE 32.0

T01N R02E S18 NWNE 40.0

T01N R02E S18 SENE 40.0

T01N R02E S18 NENW 40.0

T01N R02E S18 Lot 1 NWNW 40.0

T01N R02E S18 Lot 2 SWNW 40.0

T01N R02E S18 SENW 40.0

T01N R02E S18 NESW 40.0

T01N R02E S18 Lot 3 NWSW 40.0

T01N R02E S18 Lot 4 SWSW 40.0

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~~T02N R02E S31 NESW 35.0~~

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~~T02N R02E S31 Lot 3 NWSW 38.0~~

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1286 ACRES TOTAL

~~186 ACRES TOTAL~~

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Amended Directors Report – 63-3362

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Amended Directors Report ~ 63-3362

~~Three (3) points of diversion are loc~~

~~The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.~~



RECEIVED

MAY 19 2008

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

May 19, 2008

Hon. John Melanson
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

RE: Subcase No. 63-3362 (Tyson Fresh Meats, Inc.)

Dear Judge Melanson:

An *Order of Partial Decree* was entered for this water right on February 16, 2007. It has recently come to the attention of the Idaho Department of Water Resources ("IDWR") that the partial decree contains clerical errors.

Subcase no. 63-3362 was an uncontested water right based on a license (attached hereto). IDWR recommended the water right as licensed; however, a transfer was approved on April 27, 2000, subsequent to the October, 21, 1970 license. As a result of the transfer, the point of diversion and place of use elements of the water right were changed, along with several comments. IDWR's recommendation of this water right mistakenly did not include the changes resulting from the transfer. As a result of this error, subcase no. 63-3362 was partially decreed as licensed and did not include the proper description of the water right pursuant to the later transfer. I am attaching an Amended Director's Report in underline/strikeout format to illustrate the inadvertent errors described above.

I respectfully request the Court issue an amended partial decree pursuant to Rule 60(a) of the Idaho Rules of Civil Procedure, correcting the errors in the partial decree.

I am copying this letter to the claimant so that it will be aware of this error.

If you should have any questions or comments, please feel free to contact me at (208) 287-4810.

Sincerely,

A handwritten signature in black ink that reads "Andrea L. Courtney".

Andrea L. Courtney
Deputy Attorney General, IDWR

Enclosures

cc: Tyson Fresh Meats, Inc.
Sandy Egbert

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 63-3362 Priority July 11, 1963 Amount 2.67 c.f.s.

THIS IS TO CERTIFY, that STANDARD INSURANCE COMPANY
of Portland, Oregon has complied with the terms and conditions of Permit
No. 63-3362 issued pursuant to Application for Permit dated 7-11-63,
and has submitted proof to the Department of Water Administration on 3-12-68,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.67 c.f.s., and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground-water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 2.67 c.f.s. for Irrigation from April 1 to Oct. 31 (both dates inclusive)

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

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

Subject, however, to the condition that no more than 2.67 c.f.s. of water be diverted at
any one time, said waters to be diverted within the _____

SW¹/₄ SE¹/₄ Sec. 31, T. 2 N., R. 2 E., B.M.

in the county of Ada, and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 837 _____ acre feet per year or
4.5 _____ acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTALS
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
<u>2 N</u>	<u>3 E</u>	<u>31</u>									<u>36</u>	<u>37.5</u>	<u>37</u>	<u>38</u>			<u>38</u>		<u>185.5</u>

Total number of acres irrigated 186

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21st day of
October, 19 70.


Director

63-3362
31242

Amended Directors Report – 63-3362

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3362

NAME AND ADDRESS:

TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS PORT DRIVE SUITE 709
DAKOTA DUNES SD 57049

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

2.670 CFS

837.000 AFY

Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.

The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.

PRIORITY DATE:

07/11/1963

POINT OF DIVERSION:

T01N R02E S6 Lot 2 NWNE
Within ADA County

T01N R02E S6 Lot 3 NENW
Within ADA County

T01N R02E S7 Lot 3 NWSW
Within ADA County

T01N R02E S7 SWSE
Within ADA County

T01N R02E S18 Lot 2 SWNW
Within ADA County

T02N R02E S31 SWSE
Within ADA County

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PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

4/01 10/31

2.670 CFS

837.00 AFY

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Amended Directors Report – 63-3362

PLACE OF USE: IRRIGATION within ADA County

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DOMESTIC within ADA County

T01N R02E S07 Lot 3 NWSW

COMMERCIAL Same as IRRIGATION

1286 ACRES TOTAL

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Amended Directors Report – 63-3362

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Amended Directors Report – 63-3362

~~Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.~~

~~Right 63-10383 is limited to the irrigation of 151.0 acres in the place of use described above in a single irrigation season.~~

~~Right 63-11347 is limited to the irrigation of 122.0 acres in the place of use described above in a single irrigation season.~~

~~Three (3) points of diversion are located~~

~~The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.~~

Amended Directors Report – 63-3362

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3362

NAME AND ADDRESS:

TYSON FRESH MEATS, INC
ATTN: JOHN MEYER
800 STEVENS PORT DRIVE SUITE 709
DAKOTA DUNES SD 57049

SOURCE: Source:
GROUND WATER

Tributary:

QUANTITY: 2.670 CFS
837.000 AFY

Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.

The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.

PRIORITY DATE: 07/11/1963

POINT OF DIVERSION:

T01N R02E S6 Lot 2 NWNE
Within ADA County

T01N R02E S6 Lot 3 NENW
Within ADA County

T01N R02E S7 Lot 3 NWSW
Within ADA County

T01N R02E S7 SWSE
Within ADA County

T01N R02E S18 Lot 2 SWNW
Within ADA County

T02N R02E S31 SWSE
Within ADA County

Three (3) points of diversion are located within Lot 3 (NWSW), S07, T01N, R02E

A single new point of diversion is authorized in either the SWSE, S07 or Lot 2 (SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

4/01 10/31

2.670 CFS

837.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Amended Directors Report – 63-3362

PLACE OF USE: IRRIGATION within ADA County

T01N R02E S06 Lot 1 NENE 35.0

T01N R02E S06 Lot 2 NWNE 40.0

T01N R02E S06 SWNE 40.0

T01N R02E S06 SENE 40.0

T01N R02E S06 Lot 3 NENW 40.0

T01N R02E S06 SENW 40.0

T01N R02E S06 NESW 40.0

T01N R02E S06 SESW 40.0

T01N R02E S06 NWSE 40.0

T01N R02E S06 SWSE 39.0

T01N R02E S07 NENW 40.0

T01N R02E S07 Lot 1 NWNW 40.0

T01N R02E S07 Lot 2 SWNW 40.0

T01N R02E S07 NESW 40.0

T01N R02E S07 Lot 4 SWSW 36.0

T01N R02E S07 SESW 32.0

T01N R02E S07 SWSE 32.0

T01N R02E S18 NENE 32.0

T01N R02E S18 NWNE 40.0

T01N R02E S18 SENE 40.0

T01N R02E S18 NENW 40.0

T01N R02E S18 Lot 1 NWNW 40.0

T01N R02E S18 Lot 2 SWNW 40.0

T01N R02E S18 SENW 40.0

T01N R02E S18 NESW 40.0

T01N R02E S18 Lot 3 NWSW 40.0

T01N R02E S18 Lot 4 SWSW 40.0

T01N R02E S18 SESW 40.0

T02N R02E S31 NESW 40.0

T02N R02E S31 Lot 3 NWSW 40.0

T02N R02E S31 Lot 4 SWSW 40.0

T02N R02E S31 SESW 40.0

T02N R02E S31 SWSE 40.0

~~T02N R02E S31 NESW 35.0~~

~~T02N R02E S31 Lot 3 NWSW 38.0~~

~~T02N R02E S31 Lot 4 SWSW 37.0~~

~~T02N R02E S31 SESW 38.0~~

~~T02N R02E S31 SWSE 38.0~~

DOMESTIC within ADA County

T01N R02E S07 Lot 3 NWSW

COMMERCIAL Same as IRRIGATION

1286 ACRES TOTAL

~~186 ACRES TOTAL~~

Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Prior to diversion of water under this approval, the right holder shall provide a means measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Wastewater pond is located within Lot 1 (NWNW), S19, T01N, R02E

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 63-11347 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.

Use of water under Rights 63-07531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-07531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes as authorized under these rights. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2 (SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.

The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.

Failure of the right holder to comply with the conditions of Transfer 5442 is cause for Director to rescind approval of the transfer.

If the surface water right (s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, Right 63-11347 to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

~~The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.~~

~~Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.~~

~~Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.~~

~~Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.~~

~~Right 63-10383 is limited to the irrigation of 151.0 acres in the place of use described above in a single irrigation season.~~

Amended Directors Report – 63-3362

~~Right 63-11247 is limited to the irrigation of 122.0 acres in the place of use described above in a single irrigation season.~~

~~Three (3) points of diversion are lee~~

~~The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.~~

RECEIVED
09/11/2005

JUL 15 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-3362

~~IBF INC~~
~~DEPT 90~~
~~ATTN: KIM DIRCKS~~

~~DAKOTA CITY NE 68731~~
Telephone Number: ~~(208) 345-6660~~

Tyson Fresh Meats, Inc.

800 Stevens Port Drive, Suite 709
Attn: John Meyer
Dakota Dunes, SD 57049
phone (605) 235-3865

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

N/A

2. Describe the changes you wish to make in the proposed recommendation:

N/A

3. Give a brief explanation as to why you disagree with these portions:

N/A

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 7/12/05 SIGNATURE: John W. Meyer

Please print your name: John W. Meyer

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

PD issued
2-16-07
without transfer
info.

03/23/2005

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

RIGHT NUMBER: 63-3362

NAME AND ADDRESS: IBP INC
DEPT 30
ATTN: KIM DIRCKS

DAKOTA CITY NE 68731

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.670 CFS
837.000 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 07/11/1963

POINT OF DIVERSION:

T02N R02E ~~S31~~ *see transfer* SWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	2.670 CFS 837.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within ADA County *see transfer*

T02N R02E ~~S31~~	NESW	35.0	T02N R02E ~~S31~~ Lot 3 NWSW	38.0
T02N R02E ~~S31~~ Lot 4	SWSW	37.0	T02N R02E ~~S31~~ SESW	38.0
T02N R02E ~~S31~~	SWSE	38.0		

1286.
~~186~~ ACRES TOTAL

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

Ownership changed by DB 2/4/2002

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

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

The total instantaneous diversion of water from all points of diversion under Transfer 5442 shall not exceed 10.77 cfs, nor a total combined annual volume of 4403.1 af.

Rights 63-07531 and 63-10383 when combined shall not exceed a total diversion rate of 5.87 cfs.

Right 63-03362 is limited to the irrigation of 186.0 acres in the place of use described above in a single irrigation season.

Right 63-07531 is limited to the irrigation of 160.0 acres in the place of use described above in a single irrigation season.

Right 63-10383 is limited to the irrigation of 151.0 acres in the place of use described above in a single irrigation season.

Right 63-11347 is limited to the irrigation of 122.0 acres in the place of use described above in a single irrigation season.

Rights 63-03362, 63-07531, 63-10383 and 63-11347 when combined are limited to the irrigation of 619.0 total acres under the irrigation components of the rights in the 1286.0 acre place of use described above in a single irrigation season. This condition does not limit the acreage upon which wastewater from the industrial and commercial uses under the rights may be land applied for wastewater treatment purposes to satisfy water quality requirements.

Reserve The period of use for the irrigation described in this approval may be extended to a beginning date of 3/01 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water under Right 63-03362 before 4/1 and after 10/31, and under Rights 63-07531, 63-10383 and 63-11347 before 3/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.

Use of water under Rights 63-07531 and 63-10383 shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

The place of industrial and commercial use authorized by this approval includes land upon which wastewater may be applied for wastewater treatment purposes to satisfy water quality requirements. Water diverted under the industrial and commercial components of Rights 63-07531 and 63-10383 shall not be land applied unless the water is first used for the commercial/industrial purposes as authorized under these rights. A single new point of diversion is authorized in either the SWSE, S07 or Lot 2(SWNW), S18, T01N, R02E to provide water that shall not exceed a temperature greater than 85 degrees Fahrenheit.

The right holder shall be required to utilize any cold water from the well located in the NENW, S06, T01N, R02E B.M. up to its capacity for irrigation of the place of use under Right 63-11347. The low temperature geothermal well in the NWNE, S06, T01N, R02E B.M. shall only be diverted at the rate equal to the remaining portion of 2.23 cfs not capable of being satisfied by cold water from the well.

Part in poD Three (3) points of diversion are located within Lot 3(NWSW), S07, T01N, R02E B.M.

The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under Right 63-11347 and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, Right 63-11347 to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is

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

to Section 42-222, Idaho Code, or approval of the Department if a transfer is ~~not~~ required.

Approval of this transfer does not preclude the opportunity for review of the validity of Rights 63-03362 and 63-07531 in the ongoing Snake River Basin Adjudication.

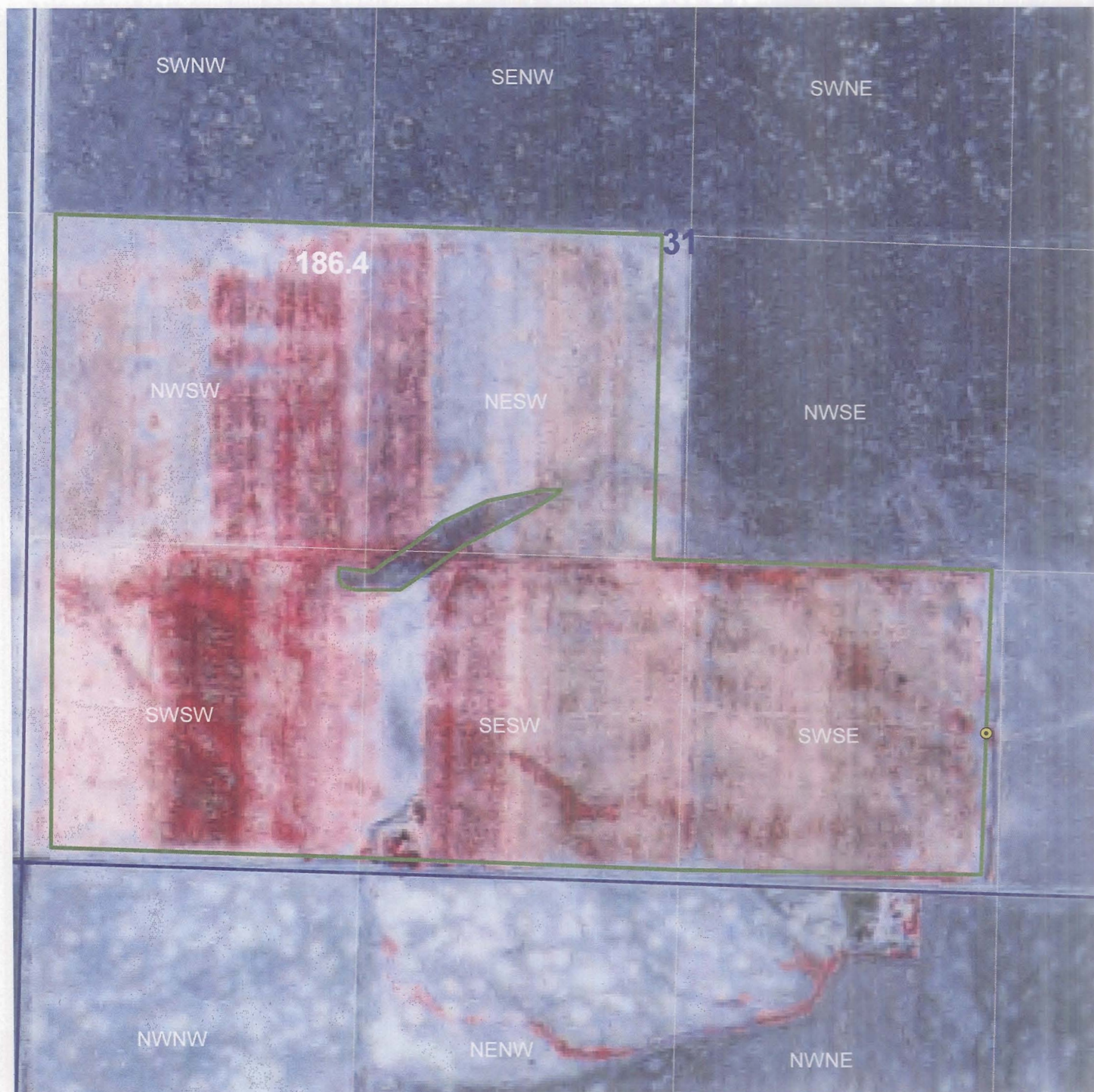
Wastewater pond is located within Lot 1(NWNW), S19, T01N, R02E B.M.

- 2 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- 4 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 5 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 6 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Idaho Department of Water Resources

63-3362

T02N R02E S31



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



IDWR
Prepared by: Sandy Egbert
Date: 3-23-05
1987 NAPP Photography

500 0 500 1000 1500 Feet

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid 145.00
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-3362

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES☒ No change☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 2615A - disallowed 7531, 10383 & 11347

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative:

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

transfer # 5442

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE ^{Review} EXAM CONDUCTED: 3-23-05

FIELD EXAMINER: Sandy Ezybit

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3362

03/16/2005

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Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
329B	Claim	02N	02E	31	NE	SW		IRRIGATION	35/1148	PLEASANT VALLEY IRR CO
330B	Claim	02N	02E	31	NE	SW		IRRIGATION	35/1148	PLEASANT VALLEY IRR CO
331B	Claim	02N	02E	31	NE	SW		IRRIGATION	35/1148	PLEASANT VALLEY IRR CO
-332	Claim	02N	02E	31	NE	SW		IRRIGATION	35/1148	PLEASANT VALLEY IRR CO
-379	Claim	02N	02E	31	NE	SW		IRRIGATION	35/1148	PLEASANT VALLEY IRR CO
2200	Claim	02N	02E	31	NE	SW		IRRIGATION	35/1148	PLEASANT VALLEY IRR CO
2615A	Claim	02N	02E	31	NE	SW		IRRIGATION	40/445	IBP INC
3362	Claim	02N	02E	31	NE	SW		IRRIGATION	35/186	IBP INC
7531	Claim	02N	02E	31	NE	SW		IRRIGATION	40/1286	IBP INC
2615	Water Right	02N	02E	31	NE	SW		IRRIGATION	40/1959	PLEASANT VALLEY IRRIGATION CO
3362	Water Right	02N	02E	31	NE	SW		IRRIGATION	40/1286	IBP INC
7531	Water Right	02N	02E	31	NE	SW		IRRIGATION	40/1286	IBP INC
10383	Water Right	02N	02E	31	NE	SW		IRRIGATION	40/1286	IBP INC
11347	Water Right	02N	02E	31	NE	SW		IRRIGATION	40/1286	IBP INC
329A	Claim	02N	02E	31	NW	SW		IRRIGATION	40/38.3	IBP INC
329B	Claim	02N	02E	31	NW	SW		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
330A	Claim	02N	02E	31	NW	SW		IRRIGATION	40/38.3	IBP INC
330B	Claim	02N	02E	31	NW	SW		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
331A	Claim	02N	02E	31	NW	SW		IRRIGATION	40/38.3	IBP INC
331B	Claim	02N	02E	31	NW	SW		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
-332	Claim	02N	02E	31	NW	SW		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
-379	Claim	02N	02E	31	NW	SW		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
2200	Claim	02N	02E	31	NW	SW		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
2615A	Claim	02N	02E	31	NW	SW		IRRIGATION	43/445	IBP INC
3362	Claim	02N	02E	31	NW	SW		IRRIGATION	38/186	IBP INC
-332	Water Right	02N	02E	31	NW	SW		IRRIGATION		PLEASANT VALLEY IRRIGATION CO
7531	Claim	02N	02E	31	NW	SW	3	IRRIGATION	40/1286	IBP INC
2615	Water Right	02N	02E	31	NW	SW	3	IRRIGATION	43/1959	PLEASANT VALLEY IRRIGATION CO

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3362

03/16/2005

2

Right #	Type	Tw	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
3362	Water Right	02N	02E	31	NW	SW	3	IRRIGATION	40/1286	IBP INC
7531	Water Right	02N	02E	31	NW	SW	3	IRRIGATION	40/1286	IBP INC
10383	Water Right	02N	02E	31	NW	SW	3	IRRIGATION	40/1286	IBP INC
11347	Water Right	02N	02E	31	NW	SW	3	IRRIGATION	40/1286	IBP INC
329A	Claim	02N	02E	31	SW	SW		IRRIGATION	39/38.3	IBP INC
329B	Claim	02N	02E	31	SW	SW		IRRIGATION	37/1148	PLEASANT VALLEY IRR CO
330A	Claim	02N	02E	31	SW	SW		IRRIGATION	39/38.3	IBP INC
330B	Claim	02N	02E	31	SW	SW		IRRIGATION	37/1148	PLEASANT VALLEY IRR CO
331A	Claim	02N	02E	31	SW	SW		IRRIGATION	39/38.3	IBP INC
331B	Claim	02N	02E	31	SW	SW		IRRIGATION	37/1148	PLEASANT VALLEY IRR CO
-332	Claim	02N	02E	31	SW	SW		IRRIGATION	37/1148	PLEASANT VALLEY IRR CO
-379	Claim	02N	02E	31	SW	SW		IRRIGATION	37/1148	PLEASANT VALLEY IRR CO
2200	Claim	02N	02E	31	SW	SW		IRRIGATION	37/1148	PLEASANT VALLEY IRR CO
2615A	Claim	02N	02E	31	SW	SW		IRRIGATION	42/445	IBP INC
3362	Claim	02N	02E	31	SW	SW		IRRIGATION	37/186	IBP INC
-332	Water Right	02N	02E	31	SW	SW		IRRIGATION		PLEASANT VALLEY IRRIGATION CO
7531	Claim	02N	02E	31	SW	SW	4	IRRIGATION	40/1286	IBP INC
2615	Water Right	02N	02E	31	SW	SW	4	IRRIGATION	42/1959	PLEASANT VALLEY IRRIGATION CO
3362	Water Right	02N	02E	31	SW	SW	4	IRRIGATION	40/1286	IBP INC
7531	Water Right	02N	02E	31	SW	SW	4	IRRIGATION	40/1286	IBP INC
10383	Water Right	02N	02E	31	SW	SW	4	IRRIGATION	40/1286	IBP INC
11347	Water Right	02N	02E	31	SW	SW	4	IRRIGATION	40/1286	IBP INC
329A	Claim	02N	02E	31	SE	SW		IRRIGATION	37/38.3	IBP INC
329B	Claim	02N	02E	31	SE	SW		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
330A	Claim	02N	02E	31	SE	SW		IRRIGATION	37/38.3	IBP INC
330B	Claim	02N	02E	31	SE	SW		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
331A	Claim	02N	02E	31	SE	SW		IRRIGATION	37/38.3	IBP INC
331B	Claim	02N	02E	31	SE	SW		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-3362

03/16/2005

3

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
-332	Claim	02N	02E	31	SE	SW		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
-379	Claim	02N	02E	31	SE	SW		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
2200	Claim	02N	02E	31	SE	SW		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
2615A	Claim	02N	02E	31	SE	SW		IRRIGATION	40/445	IBP INC
3362	Claim	02N	02E	31	SE	SW		IRRIGATION	38/186	IBP INC
7531	Claim	02N	02E	31	SE	SW		IRRIGATION	40/1286	IBP INC
-332	Water Right	02N	02E	31	SE	SW		IRRIGATION		PLEASANT VALLEY IRRIGATION CO
2615	Water Right	02N	02E	31	SE	SW		IRRIGATION	40/1959	PLEASANT VALLEY IRRIGATION CO
3362	Water Right	02N	02E	31	SE	SW		IRRIGATION	40/1286	IBP INC
7531	Water Right	02N	02E	31	SE	SW		IRRIGATION	40/1286	IBP INC
10383	Water Right	02N	02E	31	SE	SW		IRRIGATION	40/1286	IBP INC
11347	Water Right	02N	02E	31	SE	SW		IRRIGATION	40/1286	IBP INC
329B	Claim	02N	02E	31	SW	SE		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
330B	Claim	02N	02E	31	SW	SE		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
331B	Claim	02N	02E	31	SW	SE		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
-332	Claim	02N	02E	31	SW	SE		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
-379	Claim	02N	02E	31	SW	SE		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
2200	Claim	02N	02E	31	SW	SE		IRRIGATION	38/1148	PLEASANT VALLEY IRR CO
2615A	Claim	02N	02E	31	SW	SE		IRRIGATION	40/445	IBP INC
3362	Claim	02N	02E	31	SW	SE		IRRIGATION	38/186	IBP INC
7531	Claim	02N	02E	31	SW	SE		IRRIGATION	40/1286	IBP INC
2615	Water Right	02N	02E	31	SW	SE		IRRIGATION	40/1959	PLEASANT VALLEY IRRIGATION CO
3362	Water Right	02N	02E	31	SW	SE		IRRIGATION	40/1286	IBP INC
7531	Water Right	02N	02E	31	SW	SE		IRRIGATION	40/1286	IBP INC
10383	Water Right	02N	02E	31	SW	SE		IRRIGATION	40/1286	IBP INC
11347	Water Right	02N	02E	31	SW	SE		IRRIGATION	40/1286	IBP INC

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 63-3362 Priority July 11, 1963 Amount 2.67 c.f.s.

THIS IS TO CERTIFY, that STANDARD INSURANCE COMPANY
of Portland, Oregon, has complied with the terms and conditions of Permit
No. 63-3362 issued pursuant to Application for Permit dated 7-11-63,
and has submitted proof to the Department of Water Administration on 3-12-68,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.67 c.f.s., and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground-water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 2.67 c.f.s. for Irrigation from April 1 to Oct. 31 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 2.67 c.f.s. of water be diverted at
any one time, said waters to be diverted within the _____

SW¹/₄ SE¹/₄ Sec. 31, T. 2 N., R. 2 E., B. M.

in the county of Ada and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 837 acre feet per year or
4.5 acre feet per acre.

Description and location of place of use:

TWP	RANGE	SEC.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTALS
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
<u>2 N</u>	<u>2 E</u>	<u>31</u>									<u>36</u>	<u>37</u>	<u>53</u>	<u>7</u>	<u>38</u>				<u>186.5</u>

Total number of acres irrigated 186

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21st day of
October, 19 70.


Director

63-3362
31242

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Bv

Agent.

Returned to applicant for correction:

Corrected application received:

The number of this permit is G— 31242

Recorded in Book 109 Page 31242 Approved July 12, 1963

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before

and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before **January 12, 1966**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before July 12, 1968

Witness my hand this 12th day of July, 1963

s/ CARL E. TAPPAN, Acting
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SHYLER, Governor of the State of Idaho,
and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 12th
day of July, 1963.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLER

GOVERNOR

Secretary of State.

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$
2 N.	2 E.	31			40	40	205

Lot 3
Lot 4

LICENSE ISSUED FOR 2.67 SEC. FL.
LICENSE PAGE NO. _____

LICENSE ISSUED FOR 2.67 SEC. FI.
 LICENSE PAGE NO.

NAME OF APPLICANT Richard Lee Green

Form No. 0

Rge. 2 E.B.M.

T.
2.
N.

Lot 3 31
43 40
Lot 4
42 41 40

Well

Permit Map No. 31242

As Approved 11 12 1966

Carl E. Tappan
State Reclamation Engineer

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

31242



Tyson Foods, Inc.

RECEIVED

JUL 15 2005

WATER RESOURCES
WESTERN REGION

July 14, 2005

Idaho Department of Water Resources Western Region
2735 Airport Way
Boise, ID 83705-5082

RE: Tyson Fresh Meats, Inc. – Boise, ID
Notice of Change in Water Right Ownership

Dear Sir or Madam:

Attached is a Notice of Change in Water Right Ownership for the following water rights:

- 63-03362
- 63-07531
- 63-10383
- 63-11347
- 63-329A
- 63-330A
- 63-331A
- 63-2615A

IBP, inc. was purchased by Tyson Foods, Inc. and the name of IBP operating facilities changed to Tyson Fresh Meats on April 28, 2003.

Also attached are Notice of Error Reply forms for the following water rights:

- 63-03362
- 63-329A
- 63-330A
- 63-331A
- 63-2615A

Please utilize these forms for your records.

Sincerely,

John W. Meyer, P.E.
Area Environmental Manager

Enclosure

c: Gary O'Donnell

Environmental Compliance Group
800 Stevens Port Drive, Suite DD709, Dakota Dunes, SD 57049-8709
Telephone: 605-235-2061

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUL 15 2005

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

WATER RESOURCES
WESTERN REGION

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 no 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
63-03362			63-329A		
63-07531			63-330A		
63-10383			63-331A		
63-11347			63-2615A		

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 division 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 claim(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) IBP, inc.
800 Stevens Port Dr., Dakota Dunes, SD 57049
4. New Owner/Claimant(s) Tyson Fresh Meats, Inc.
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
800 Stevens Port Dr.
- New Mailing Address Dakota Dunes, SD 57049
- City, State and ZIP Code Dakota Dunes, SD 57049
- New Telephone Number (605) 235-2061
5. Date you acquired the property April 28, 2003

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) among 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 a 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) _____
(include title if applicable)

Keith Tamm
VP Operations

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 _____

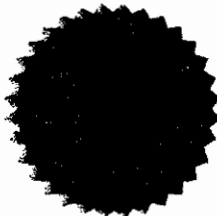
Delaware

PAGE 1

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 AMENDMENT OF "IBP, INC.", CHANGING ITS NAME FROM "IBP, INC." TO "TYSON FRESH MEATS, INC.", FILED IN THIS OFFICE ON THE TWENTY-EIGHTH DAY OF APRIL, A.D. 2003, AT 6:49 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

3327200 8100

030274968

AUTHENTICATION: 2389618

DATE: 04-29-03

**CERTIFICATE OF AMENDMENT
TO THE
CERTIFICATE OF INCORPORATION
OF
IBP, inc.**

The undersigned corporation hereby executes this Certificate of Amendment for the purpose of amending its Certificate of Incorporation:

1. The name of the corporation is IBP, inc.
2. The following amendment to the charter of the corporation was adopted by its sole stockholder on the 18th day of April, 2003, in the manner prescribed by law.

Paragraph 1 of the Certificate of Incorporation is deleted in its entirety and the following is substituted therefore:

"The name of the corporation is Tyson Fresh Meats, Inc."

3. The number of shares of the corporation outstanding at the time of such adoption was 100 shares; and the number of shares entitled to vote thereon was 100.
4. The number of shares voted for such amendment was 100; and the number of shares voted against such amendment was 0.
5. The amendment herein effected does not give rise to dissenter's rights to payment for the reason that the only effect of such amendment is to change the name of the corporation.
6. The amendment shall become effective on the 1st day of May, 2003 at 12:01 a.m unless the Secretary of State of the State of Delaware or the applicable provisions of the General Corporation Law of the State of Delaware dictate otherwise.

L:\A\Board\by name change.wpd

State of Delaware
Secretary of State
Division of Corporations
Delivered 07:11 PM 04/28/2003
FILED 06:49 PM 04/28/2003
SRV 030274968 - 3327200 FILE

IN WITNESS WHEREOF, this Certificate of Amendment is signed by the Executive Vice President and Secretary of the corporation this 22nd day of April, 2003.

IBP, inc.

By: [Signature]
Steve Hankins, Executive Vice President
and Chief Financial Officer

ATTEST:

By: [Signature]
R. Read Hudson, Secretary

STATE OF ARKANSAS
COUNTY OF Washington

I, Janey Kesner, a notary public, hereby certify that on this 22nd day of April, 2003, personally appeared before me Steve Hankins and R. Read Hudson, each of whom being by me first duly sworn, declared that they signed the foregoing document in the capacity indicated, that they were authorized so to sign, and that the statements therein contained are true.

[Signature]
Notary Public

My Commission Expires:

5-1-2004



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

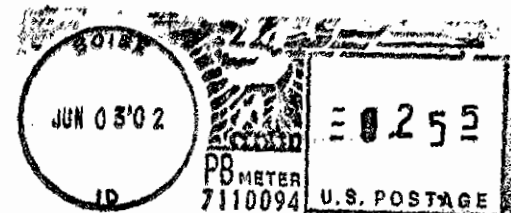
63-329A
330A
331A
2615A
3362
7531

494

IBP INC
DEPT 30
ATTN: KIM E
DAKOTA CITY

IBP-494 687312030 1202 04 06/07/02
RETURN TO SENDER
IBP INC
PO BOX 515
DAKOTA CITY NE 68731-0515
RETURN TO SENDER

PRESORTED
FIRST CLASS



RECEIVED
JUN 12 2002
WATER RESOURCES
WESTERN REGION

Sent again 6/13/02

687312030



DATE: 05/09/00
PAGE: 77

Audit: 01/08/92 HARRIS 03/30/95 POST-STD